

## CHAPTER XVI.—MISCELLANEOUS.

### SEAT OF GOVERNMENT; TO PROVIDE FOR ELECTION OF.

AN ACT to provide for submitting the question of the permanent location of the seat of government to a vote of the people.

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

SECTION 1. At the general election to be holden on the first Tuesday after the first Monday in November, 1890, the qualified electors of the state shall vote for the location of the permanent seat of government, in accordance with article XIV of the constitution, and, at said election, each elector shall be restricted in his choice of location to one of the three following named places, viz.: Olympia, North Yakima and Ellensburg, and no vote cast for any other than one of said places shall be counted or returned on said subject. Choice restricted.

SEC. 2. The votes cast at the several polling places of the state shall be canvassed and returned, and the result determined in all respects substantially as is or may be required by law for the election of state officers.

SEC. 3. In case neither of the three places herein named shall receive a majority of all the legal votes cast in the state at said election, the question shall be re-submitted to the qualified electors of the state at the next succeeding general election, to be holden on the first Tuesday after the first Monday in November, 1892; but at said last mentioned election each elector shall be restricted in his choice of location to one of the two places receiving the highest number of votes at the said election in the year 1890, and the place receiving the majority of all the votes cast on said question at the election in 1892 shall be the perma- When re-submitted.

Permanent seat  
of government.

nent location of the seat of government, until changed by the people in accordance with the provisions of the constitution: *Provided*, That the session of the legislature commencing on the first Wednesday after the first Monday in January, 1891, shall be held at Olympia.

Approved March 14, 1890.

### RELATING TO AUCTIONEERS.

AN ACT regulating the sale of property by auctioneers in all cases where there is any doubt as to ownership.

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

SECTION 1. That auctioneers are hereby required in all cases where property is offered them to be sold at auction, and when there is doubt or uncertainty on the part of the auctioneer as to the rightful ownership of such property, to keep in a book provided for the same, a record or inventory of the property so offered for sale, together with any marks or brands found on such property; also a minute description and record of the person or persons offering such property for sale.

SEC. 2. The records required to be kept in section one of this act shall be open at all times to inspection by any one who may be interested in property which may have been stolen or unlawfully acquired, and auctioneers are hereby required in any case to give all information they may have of property received and sold, or offered for sale by them.

SEC. 3. Any person or persons violating any of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars, or be imprisoned

in the county jail not to exceed one year, or both fine and imprisonment, at the discretion of the court.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 28, 1890.

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## CONSENTING TO THE PURCHASE OF LANDS BY THE UNITED STATES.

AN ACT giving the consent of the Legislature of the State of Washington to the purchase and reservation by the United States of land within this State for public purposes, and expressing an emergency.

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

SECTION 1. That the consent of the legislature of the State of Washington be and the same is hereby given to the purchase, by the government of the United States or under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate, within the boundaries of this state, for the purpose of erecting and maintaining thereon armories, arsenals, fortifications, magazines, navy-yards, dock-yards, custom-houses, light-houses and other needful public buildings or establishments whatsoever; the consent herein and hereby given being in accordance with the provisions of the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided. And like consent of the legislature of the State of Washington is hereby given in the cases of all such tracts or parcels of land as have been heretofore purchased by the government of the United States, or which have been or may hereafter be reserved by the said government, out of any public land

Tracts heretofore purchased.

Description of  
lands.

belonging to the United States, for any of the purposes before mentioned: *Provided*, That a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated; together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: *And provided further*, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state against any person charged with crime, in cases arising outside of such purchases or reservations, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made.

Process may be  
served.

SEC. 2. In order to facilitate the operations of the government of the United States in the defense and proper lighting of the coasts of this state, and in continuing works of public improvement undertaken by the government of the United States, this act shall take effect immediately upon its passage.

Approved January 23, 1890.

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## TO PREVENT THE UNAUTHORIZED MAILING OF NEWSPAPERS.

AN ACT to regulate the voluntary sending of newspapers and other publications.

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

SECTION 1. That whenever any person, company or corporation owning or controlling any newspaper or periodical of any kind, or whenever any editor or proprietor of any such newspaper or periodical shall mail or send any

such newspaper or periodical to any person or persons in this state without first receiving an order for said newspaper or periodical from such person or persons to whom said newspaper or periodical is mailed or sent, shall be deemed to be a gift, and no debt or obligation shall accrue against such person or persons, whether said newspaper or periodical is received by the person or persons to whom it is sent or not.

Approved January 23, 1890.

#### AUDITOR OF LEWIS COUNTY.

AN ACT repealing sections 1, 2, 3 and 4 of an act fixing compensation of auditor of Lewis county, as contained in the laws of 1883 of Washington Territory, and declaring an emergency to exist.

SECTION 1. *Be it enacted by the Legislature of the State of Washington:* That sections one (1), two (2), three (3) and four (4) of an act fixing the compensation of auditor of Lewis county, as contained in the laws of 1883 of Washington Territory, be and the same are hereby repealed.

SEC. 2. Inasmuch as there is no adequate mode of compensating the auditor of the county of Lewis under the existing laws of this state, and inasmuch as the present legislature of the state of Washington is unlimited and liable to be a long and continued one, and inasmuch furthermore, as the time set by the constitution for this law to go into effect would render it inoperative for many months hence, whereby great inconvenience might be occasioned to the said county of Lewis; therefore, an emergency is declared to exist, such as is contemplated by section 31 of article 2 of the constitution: therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 23, 1890.

## STATE PRINTING.

AN ACT to provide for the State printing and binding, fixing the compensation of the State Printer, prescribing his duties, and to provide for the purchase of printing and binding materials, and declaring an emergency.

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

Secretary of state must superintend work and audit.

SECTION 1. All printing and binding shall be done under the general superintendence of the secretary of state, and all such matters when completed, except such printing as shall be done in a newspaper and such books as are required by law to be delivered to some other public officer, shall be delivered to the secretary of state. Said secretary shall carefully examine all such work so delivered to him, and every bill presented for such work, and shall see that the work charged for has been done according to law. No bill or claim shall at any time be audited or allowed for or on account of any uncompleted job or work, nor until the entire job or work charged for shall be finished and delivered in all respects as required by law. When any book, pamphlet, blank, report, or job of any kind shall be completed and delivered, the state printer shall make out and deliver to the secretary of state, in duplicate, a bill therefor, stating what the book, work or job is, when the copy therefor was received by him, and when the same was finished and delivered, and specifying particularly by items everything charged for in such bill, grouping the items by classes, as hereinafter designated, and giving the prices and amount charged for each item, and the aggregate amount charged for such job or work, and the number of copies or quires thereof printed and delivered. One copy of such bill shall be attached to a copy of the book, job or work therein mentioned, and the same shall remain on file and of record in the office of the secretary of state. No bill shall cover more than one book, report, blank, or job of any kind. All bills shall be numbered, and the secretary of state shall record all bills in numerical order in a book prepared and ruled

Duplicate bills.

Bills must be numbered and recorded.

for such purpose, and so ruled that he can enter in red ink opposite the amount charged by the state printer for any item, the amount allowed by the secretary of state as auditor for such item; and the amount so audited and allowed, if less than the amount claimed in said bill, shall, in all cases, be so entered by such secretary. Immediately after the record of any bill, the secretary of state shall enter in such book the date of the filing of the bill, and the amount by him audited and allowed thereon, and he shall designate on the duplicate of said bill such item or items as he shall disallow in whole or in part, and shall certify thereon, to the auditor of state, the amount by him allowed on such bill, and re-deliver said duplicate to the state printer. On presentation of such certified duplicate to the auditor of state, such officer shall issue a Duty of auditor. warrant therefor on the state treasury, payable out of any funds appropriated for that purpose. The auditor of state, if requested so to do, may include in one warrant the aggregate of any number of bills as audited and certified by the secretary of state, when such bills are payable out of the same funds. Separate bills for all printing or advertising mentioned in section three of this act shall be made out in duplicate, designating the printing or advertising charged for, the rate and the number of insertions, and date or dates thereof; and a copy of such publication or advertisement, cut from such newspaper, shall be attached to each copy of the bill therefor. Such duplicate bills shall be verified by the affidavit of the publisher, or foreman of the publisher, of the newspaper in which printing was done or advertisement was published, and one copy of such duplicate bill shall be filed and recorded and audited by the secretary of state in the manner hereinbefore provided for other bills for public printing and binding: Bills for advertising. *Provided*, That in recording such bills the copy of the advertisement or publication cut from such newspaper and attached to the bill shall not be transcribed or recorded. The secretary of state shall make similar endorsements and certificates on the duplicates of such bills as hereinbefore required for other duplicate bills, and the auditor

of state shall issue warrants for the amounts due thereon, as in other cases.

SEC. 2. All the public printing shall be done in a neat, substantial and workmanlike manner; and shall be promptly performed and delivered, so that the public business shall not be delayed nor the public interests permitted to suffer from any failure to have the work done in proper time.

Classification of  
printing

SEC. 3. For the purpose of establishing and providing for the payment of the state printer for his services, the public printing shall be divided into the following classes, and be paid for as herein stated. *First Class:* Bills, resolutions and other matters that may be ordered to be printed by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed on half sheet flat cap paper, weighing not less than twelve pounds to the ream, in small pica type, each page to contain not less than forty-four lines of solid matter of the usual length, and the lines shall be successively numbered, with a nonpareil slug between the lines; and in measuring the composition upon bills the same shall be measured as solid matter, and every necessary fraction of a page shall be measured as a full page, but no blank page shall be counted or paid for. The price to be paid for composition in this class of printing shall be sixty cents per one thousand ems; for press work, per token, fifty cents. *Second Class:* The second class shall consist of the journals of the senate and house of representatives, and shall be printed and paid for as follows, to-wit: They shall be printed on what is known as book paper, weighing not less than forty pounds to the ream, and they shall be printed in "super-royal octavo" form, on long primer type, with a six-to-pica lead between the lines, without unnecessary blanks, broken pages or paragraphs; the blanks between the proceedings of each day and between the different sessions of the same day, not to exceed four pica lines, the pages to be four by seven inches in size, and the printer shall be paid seventy-five cents per one thousand ems for the composition in said journals, and shall be paid for press-work forty-five cents per token, a token to consist of two hundred and fifty impressions of eight pages each; and in measur-

Rates to be  
paid.



ing, each fraction of a token less than one-half shall be counted as one-half a token, and each fraction of a token exceeding one-half shall be counted as a full token. The general style and arrangement of the legislative journals of 1887, as modified by this act, shall be followed in the printing of the journals hereafter; but in the house and senate messages, so much as relates to any one bill or resolution shall constitute and be made a separate paragraph. In all cases, whether under this or any other class of printing, where the edition or run of any book or work shall exceed three thousand copies, the price for press-work shall be forty-five cents per token of eight pages each, and no more. *Third Class:* The printing of all reports, communications, and all other documents that may be ordered to be printed in book form by the legislature, or either branch thereof (except such as enter into and make a part of either journal), together with the volume of public documents, and all reports and other things specified in this class, shall be printed in the same kind of type and on the same kind of paper, and the pages to be of the same size, and printed and leaded as specified in the second class, and shall be paid for the same as in the second class. *Fourth Class:* The printing of the session laws shall constitute the fourth class, and shall be printed in royal octavo form, on good small pica type, the pages to be of the same size and form as the session laws published by the state of Kansas in 1887, with similar marginal notes, and shall be on book paper weighing not less than fifty pounds to the ream. Press-work shall be paid for at the rate fixed for the second class, composition at the rate of eighty cents per one thousand ems, and marginal notes shall be measured in the type in which notes are set, separate from the body of the page. Reprints of session laws, when authorized by law, shall be done and paid for as of this class of printing. The laws and joint resolutions of each session shall be substantially full bound in sheep in one volume and lettered. *Fifth Class:* The printing of the reports of the supreme court shall constitute the fifth class; and the report shall be printed in all respects in style and workman-

Legislative printing.

Session laws.

Reports of supreme court.

ship like the Kansas supreme court reports, on paper weighing not less than sixty pounds to the ream, and the state printer shall be paid for composition eighty cents per thousand ems, and for each indented note, twenty cents; and press-work as is provided for payment for press-work in the second class. The supreme court reports shall be bound in good law sheep, with double backs, and in a substantial and workmanlike manner. *Sixth Class:* The sixth class of printing shall consist in the printing of all blanks and circulars necessary for the use of the respective state officers, and the state printer shall be paid for the same — for press-work per token, fifty cents; for composition, sixty cents per thousand ems: *Provided,* That all job work set in type not larger than pica shall be measured in the type in which the job is set, and all job work set in type larger than pica shall be charged for as time work. *Seventh Class:* All printing ordered to be done in a newspaper shall constitute the seventh class, and shall be printed in nonpareil type, and shall be set up solid, and shall be paid for at the rate of fifty cents per square of two hundred and fifty ems for the first insertion, and twenty-five cents per square for each subsequent insertion. For folding, stitching, sewing, trimming, covering, binding and finishing of all books and pamphlets that now are or by law shall hereafter be ordered to be folded and stitched, or folded, stitched, covered and trimmed, or folded, stitched, trimmed, bound and finished, the state printer shall be paid as follows: For folding one hundred copies of any pamphlet or book, for every sixteen pages or fractional part thereof, per hundred, twenty cents; for stitching, covering and trimming, per one hundred copies, for pamphlets containing from sixteen to one hundred pages, seventy-five cents per hundred; for pamphlets containing from one hundred to two hundred pages, ninety-five cents per hundred; for pamphlets containing from two hundred to five hundred pages, one dollar and fifteen cents per hundred, and for pamphlets containing from five hundred to one thousand pages, one dollar and thirty-five cents per hundred. For sewing and trimming books per one hundred copies: For books containing one hundred

Blanks and  
circulars.

Books and  
pamphlets.

pages or less, two dollars and fifty cents; for books containing from one hundred to two hundred pages, five dollars; for books containing from two hundred to five hundred pages, seven dollars and fifty cents; for books containing from five hundred to one thousand pages, ten dollars. He shall be paid for binding and finishing in half sheep and full muslin per book of one hundred pages or less, fifteen cents; from one hundred to two hundred pages, twenty cents; from two hundred to five hundred pages, twenty-five cents; from five hundred to one thousand pages, thirty cents; for binding and finishing in full sheep, he shall be paid per book as follows: Two hundred pages or less, twenty-five cents; from two hundred to five hundred pages, thirty cents; from five hundred to one thousand pages, thirty-five cents. And all work executed under this section shall be executed in a good, substantial and workmanlike manner.

Binding.

SEC. 4. For all rule and figure work of more than one and less than three columns to the page, with or without rules, the state printer shall receive fifty per cent. more for composition than the prices allowed under this act for plain work; and for all such work embracing three or more columns to the page, with or without rules, he shall be allowed one hundred per cent. more than for plain work, but no table shall be unnecessarily set open or "fatted," nor shall there be any unnecessary pages in imposing tables or schedules.

Rule and figure work.

SEC. 5. The state printer shall, on the first day of April of each year, make estimates for paper and binding materials to be used in the public printing, and shall advertise in two of the most widely circulated papers in the cities of St. Louis, Missouri; Chicago, Illinois; Portland, Oregon, and San Francisco, California, and in this state, for sealed bids for furnishing such paper and binding material at the state printing house; and at the time and place named in such advertisement such sealed bids shall be opened by the secretary of state in the presence of the state printer and the auditor of state, and the contract to furnish such paper and binding materials shall be awarded by the secretary of state to the lowest responsible bidder or bid-

Annual estimate and advertising for supplies.

Awarding contracts.

ders at such bidding: *Provided*, That before such state printer shall receive such paper and binding materials he shall be satisfied that such paper and binding materials are in all respects up to the standard required by law, and such paper and binding materials shall be paid for out of the state treasury upon vouchers sworn to by the person furnishing such material, or by persons in their behalf having a knowledge of the facts and certified by the state printer to be correct, each voucher being filed, as in other cases, with the auditor of state and warrants drawn by that officer on the state treasury. Upon receipt of such paper and binding material by the state printer as herein contemplated, he shall certify the fact to the secretary of state with an invoice of the items in detail corresponding with the contract to furnish such paper and binding material, and the secretary of state shall thereupon charge the state printer with such material and their contract value. When the state printer presents bills for payment to the secretary of state under section three of this act, he is hereby authorized to add to such bills ten per centum of the paper and binding materials used in the work for which pay is demanded in said bills to cover waste and losses, and the secretary of state shall allow the same if found by him to be correct, and the secretary of state shall thereupon credit the state printer with the quantity of paper and binding materials found in said bill.

Vouchers.

Invoice.

To cover waste and loss.

Duty of secretary of state.

SEC. 6. The secretary of state shall furnish to the state printer, within twenty days after the adjournment of the legislature at each session, a copy of all acts and joint resolutions and memorials to congress, or any officer or department of the government of the United States, passed at such session, and the state printer shall within forty days after such copy shall be furnished him as aforesaid print all the copies thereof that may be by law required, and the secretary of state shall within ten days after the same are printed make out and deliver to the state printer an index to the same, and he shall within twenty days print the same and deliver to the secretary of state such number of copies of such laws bound in such manner as by law required.

SEC. 7. Within five months after the adjournment of each session of the legislature the state printer shall print and deliver to the secretary of state such number of copies of the journals of each house of the legislature as may be directed by law, substantially half bound with leather backs and corners, also such number of copies of public documents as may be ordered, which shall be folded, stitched, pressed and covered with strong paper covers.

Printing and  
delivering  
journals.

SEC. 8. Whereas, there is no provision made for doing the state printing, and there being an immediate necessity therefor, therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 19, 1890.

## LOBSTERS; PROTECTION OF.

AN ACT to protect lobsters.

WHEREAS, The United States fish commissioner has placed young lobsters and the spawn thereof into the waters of this state for the purpose of creating a new food fish in these waters, and it is necessary that they be protected: therefore,

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

SECTION 1. That it shall be unlawful to fish for, catch, buy, sell or possess any lobsters within three years from the first of April, 1890, and any lobsters caught whilst fishing for other fish shall forthwith be liberated alive. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than five dollars or more than twenty-five dollars.

Approved March 14, 1890.

CORPORATIONS ORGANIZED TO BUILD  
BOOMS; POWERS AND DUTIES DEFINED.

AN ACT to declare and regulate the powers, rights and duties of corporations organized to build booms and to catch logs and timber products therein.

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

SECTION 1. Any corporation heretofore or hereafter organized in the State of Washington for the purpose of catching, booming, sorting, rafting and holding logs, lumber or other timber products, shall have power to acquire, hold, use and transfer all such real and personal property or estate, by lease or purchase, as shall be necessary for carrying on the business of said corporation. If such corporation shall not be able to agree with persons owning land, shore rights, or other property sought to be appropriated, as to the amount of compensation to be paid therefor, the compensation therefor may be assessed and determined and the appropriation made in the manner provided by law for the appropriation of private property by railways: *Provided*, That any property acquired under the provisions of this act by the exercise of the right of eminent domain shall be used exclusively for the purposes of this act; and whenever the use of said property as herein contemplated shall cease for a period of one year, the same shall revert to the original owner, his heirs or assigns, upon the repayment of the original cost of same.

Eminent domain.

SEC. 2. Any corporation hereafter organized for the purpose mentioned in section one of this act shall, within ninety days after its articles of incorporation have been filed, proceed to file in the office of the secretary of state a plat or survey of so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purpose by said corporation. Any corporation heretofore organized in the Territory of Washington, for any of the purposes expressed in section one (1) of this act, shall file such plat within ninety days after the passage of this act. Such plat shall be made

Filing plat and survey.

from the records of the United States in the surveyor-general's office of this state, or by a competent surveyor, subsequent to actual survey.

SEC. 3. Such corporations shall have power and are hereby authorized, in any of the waters of this state or the dividing waters thereof, to construct, maintain and use all necessary sheer or receiving booms, dolphins, piers, piles or other structure necessary or convenient for carrying on the business of such corporations: *Provided*, That such boom or booms, sheer booms or receiving booms shall be so constructed as to allow the free passage between any of such booms and the opposite shore for all boats, vessels or steam crafts of any kind whatsoever, or for ordinary purposes of navigation. Powers of corporations.

SEC. 4. After such works shall have been constructed, such corporation shall catch, hold and assort the logs and timber products of all persons requesting such service, upon the same terms and without discrimination; and shall have the right, in consideration of the convenience and security afforded to the public in the handling of logs and timber products, to charge and collect tolls on all logs or other timber products caught within their works and upon the order or request of the owner or owners thereof, and there assorted, boomed or rafted; said tolls shall not exceed seventy-five cents per thousand feet on logs, spars or other large timber, and reasonable rates on all other timber products: *Provided*, That it shall be the duty of any corporation operating a boom at the mouth of any river, to catch and hold, assort, boom and raft all logs and timber products, except such as may be already in charge of its owner or his agents, without request of the owner or owners, and shall have the right to charge and collect tolls not to exceed seventy-five cents per thousand feet for such service. The amount of logs or timber is to be board measure, to be ascertained by the usual legal method of scaling; and such corporation shall have a lien upon the logs and timber products for the driving, floating, booming, sorting and rafting thereof, and the right to enforce such liens in any manner provided or that may be provided by law for the enforcement of liens upon personal Tolls. Duty of corporation.

property. Such corporation shall, as soon as practicable, deliver logs or other timber products caught within their booms, sorted and rafted ready for towing, to the owner or owners thereof, and if required to hold such property for more than thirty days, shall have the right to charge a reasonable rate for such storage for the period of excess.

Charge for storage.

Assorting and separating logs.

SEC. 5. It shall be the duty of all said boom corporations, in assorting, to separate the logs, lumber or other timber products into separate booms ready for towing, so that logs or other timber products shall go to the mill or place intended for use or storage in one or more booms: *Provided*, That in case more than one boom is located on or in the same river or its tributaries, the corporation owning the upper boom or works shall pass free of charge all saw-logs or other timber products consigned to the lower boom or booms.

Record of rafts assorted.

SEC. 6. It shall be the duty of every corporation organized and transacting business under the provisions of this act to keep in the office of its secretary, open to public inspection, a book or books in which shall be truly recorded the facts, so far as known, regarding each and every raft by it assorted. Such record shall specify: 1st, names of owners; 2d, marks or brands; 3d, number of logs in each boom; 4th, number of feet in boom; 5th, name of steamer receiving possession; 6th, date of departure from boom.

Liability for damage.

SEC. 7. Corporations organized in accordance with the provisions of this act shall be liable to the owner or owners of logs or other timber products for all loss or damage resultant from neglect, carelessness or unnecessary delay on the part of servants of such corporations: *Provided*, That loss caused by fire and ice, which cannot be reasonably guarded against, shall not be construed as resultant upon neglect or carelessness on the part of the corporation.

Damages for neglect.

SEC. 8. In addition to such damages as are herein provided for any corporation wilfully neglecting to assort and deliver such logs and timber products according to the provisions of this act, it shall be liable to a fine not exceeding twenty per centum of the value of such property which it shall have failed to deliver, but no such corporation shall be liable to such damages or penalty if said



owner or owners of such logs or timber products shall have failed to furnish the necessary boom sticks and chains to raft the same.

SEC. 9. All meandered rivers, meandered sloughs and navigable waters in this state shall be deemed as public highways, and said corporations shall be declared public corporations for the purpose of this act; and the improvement of such streams, sloughs and waters shall be deemed and declared a public use and benefit.

Approved March 17, 1890.

## NOTARIES PUBLIC.

AN ACT to provide for the appointment, qualification and duties of Notaries Public, certifying their official acts, and declaring an emergency to exist.

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

SECTION 1. That the governor may appoint and commission as notaries public as many persons having the qualifications of electors as he shall deem necessary: *Provided*, That no person shall be appointed a notary public except upon the petition of at least twenty freeholders of the county in which such person resides.

SEC. 2. Every notary public shall be appointed for the term, and shall hold his office for four years, unless sooner removed by the governor.

SEC. 3. Before a commission shall issue to the person appointed he shall — (1) execute a bond, payable to the State of Washington, in the sum of one thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for special state library fund, taking the treasurer's receipt therefor;

Seal. (3) procure a seal, on which shall be engraved the words "Notary Public" and "State of Washington," and date of expiration of his commission, with surname in full, and at least the initials of his christian name; (4) to take and subscribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official seal, which seal shall be approved by the governor.

Authority,  
limit of.

SEC. 4. Every duly qualified notary public is authorized in any county in this state—(1) to transact and perform all matters and things relating to protests, protesting bills of exchange and promissory notes, and such other duties as pertain to that office by the custom and laws merchant; (2) to take acknowledgments of all deeds and other instruments of writing, and certify the same in the manner required by law; (3) to take depositions and affidavits, and administer all oaths required by law to be administered, and every attorney at law who is a notary public may administer any oath to his client, and no pleading or affidavit shall, on that account, be held by any court to be improperly verified.

Affixing seal  
and signature.

SEC. 5. It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal, but in all other cases when the notary public shall sign any instrument officially, he shall, in addition to his name and the words "Notary Public," add his place of residence and affix his official seal.

Must keep a  
record.

SEC. 6. Every notary public is required to keep a true record of all notices of protest given or sent by him, with the time and manner in which the same were given or sent, and the names of all the parties to whom the same were given or sent, with the copy of the instrument in relation to which the notice is served, and of the notice itself; said record, or a copy thereof, duly certified under the hand and seal of the notary public, or county clerk having the custody of the original record, shall be compe-

tent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence.

SEC. 7. On the death, resignation or removal from office, and at the expiration of the term of office of any notary public, provided his commission is not renewed, his records and all his official papers shall, within three months therefrom, be deposited in the office of the county clerk of the county from which such notary shall have been appointed, and if any notary public, on his resignation or removal from office, shall, for the space of three months, neglect to so deposit his records, he shall forfeit a sum not exceeding one thousand dollars, to be recovered in a civil action by any person injured by such neglect, and it shall also be the duty of the executor or administrator of the estate of any notary public, deceased, to deposit the records and official papers of such notary with the said clerk, and within three months after his appointment under like penalty.

Records must be deposited with county clerk.

Penalty.

SEC. 8. Every notary public is entitled to demand and receive the fees herein enumerated: For every protest of a bill of exchange or promissory note, one dollar; and for each notice, twenty cents; attesting any instrument of writing, under seal, fifty cents; noting a bill of exchange or promissory note for non-acceptance or non-payment, one dollar; for each acknowledgment of any legal instrument, fifty cents for the first name and twenty-five cents for each additional name; registering protest of bill of exchange or promissory note, seventy-five cents; certifying an affidavit, and all other certificates under seal, fifty cents; each oath or affirmation, without seal, twenty-five cents; being present at demand, tender or deposit, and noting the same, besides mileage at ten cents per mile, fifty cents; for any instrument of writing, or depositions or affidavits written, exclusive of the certificate thereto, drawn by a notary public, for each hundred words, twenty-five cents.

Fees.

SEC. 9. After the delivery of a commission to a notary public, appointed and qualified as heretofore provided, the secretary of state shall make a certificate of such appointment, with the date of said commission, and file the same

Duty of secretary of state.

in the office of the county clerk of the county where such notary resides, who shall file and preserve the same, and it shall be deemed sufficient evidence to enable such clerk to certify that the person so commissioned is a notary public during the time such commission is in force.

Certificate of official character.

SEC. 10. The county clerk of the county in which such notary resides, or the secretary of state, may grant certificates of official character of notaries public. The certificate of the clerk shall be under his hand and official seal, and that of the secretary of state, under the seal of the state. The fee for such certificates shall be one dollar, and shall be paid by county clerks into the treasury of their respective counties, and by the secretary of state into the state treasury.

Fee.

Expiration of pending commissions, and rebate.

SEC. 11. All appointments of notaries public made in pursuance of the laws of the Territory of Washington, that do not sooner expire, shall expire on the first day of April, A. D. 1890: *Provided*, That there shall be deducted from the fee of ten dollars herein provided for, such proportion of said fee as the unexpired time in the territorial appointment bears to the whole term for which the original commission was issued.

Old seals to be used.

SEC. 12. The seals now in use by notaries public in this state, being the seals authorized under the laws of Washington Territory, shall continue to be the seals of such officers until the expiration of their offices, as provided for in section 11 of this act, and all notarial acts of such officers, which have been or may be authenticated by such seals, shall be held good and valid as if done and performed under this act. And all official acts done since the admission of the State of Washington into the Union, by notaries public of the late Territory of Washington, the terms of whose appointments had not, at the time of doing such acts, expired by the limitation of time expressed in the statutes of said territory, are hereby declared to be valid under the same circumstances, and to the same extent, as if done before the admission of said state into the Union.

Prior acts validated.

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

SEC. 14. Great embarrassment, inconvenience and uncertainty in commercial and legal business, and in transfers of property will arise from delay of the time when this act shall take effect; and therefore, it shall take effect from the date of its approval by the governor.

Approved December 21, 1889.

TO PROHIBIT THE UNAUTHORIZED WEARING OF G. A. R. BADGES.

AN ACT to prevent unauthorized persons from using or wearing the badge of the Grand Army of the Republic of this State.

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

SECTION 1. Any person who shall wilfully wear the badge or button of the Grand Army of the Republic, or who shall use or wear the same within this state, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of Washington and Alaska Grand Army of the Republic, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty (30) days in the county jail or a fine not exceeding twenty dollars, or by both such fine and imprisonment.

SEC. 2. Courts of justice of the peace shall have jurisdiction of the offense defined and made punishable by section one of this act.

Approved January 27, 1890.

TAXES OF 1889; TIME FOR PAYMENT OF EXTENDED.

AN ACT extending the time for payment of taxes levied for the year A. D. 1889, and declaring an emergency.

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

SECTION 1. That the time in which all taxes levied for the year 1889 shall be paid, be and the same is hereby extended to the first day of April, 1890; after which date the same shall become delinquent. From and after the 1st day of April, 1890, the sheriff shall be collector of said delinquent taxes for 1889. On the first Tuesday of April, 1890, the county treasurer must attend at the office of the county auditor and perform the duties required by chapter CVI of the laws of Washington as passed in 1887-8.

SEC. 2. Whereas, by reason of blockades and high water in all parts of the state making it impossible for many persons to reach the county seat, therefore an emergency exists, and this act shall take effect from and after its approval by the governor.

Approved February 20, 1890.

RELATING TO ASSESSORS.

AN ACT to amend an act entitled "An act to amend section 2752 of the Code of Washington Territory, relating to assessors."

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

SECTION 1. That section 2752 of the code of Washington Territory, as amended by the legislature of 1885-6, relating to county assessors, and reading as follows: "Sec-

tion 2752. At the general election in this territory there shall be elected in each county a county assessor, who shall have the qualifications of a voter, and shall continue in office for two years and until his successor is elected and qualified: *Provided*, That in the counties of Clallam, Island, San Juan, Yakima, Kittitas, Jefferson, Pacific, Kitsap and Mason, the sheriffs in said counties shall be *ex-officio* assessors, and as such shall perform the duties of assessor," be and the same is hereby amended to read as follows: "Section 2752. At the general election of 1890, in this state, and at each subsequent general election, there shall be elected in each county a county assessor, who shall have the qualifications of a voter, and shall continue in office for two years or until his successor is elected and qualified."

Approved February 19, 1890.

## PORT OF PORT TOWNSEND.

AN ACT defining the Port of Port Townsend.

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

SECTION 1. That the port of Port Townsend be described as follows: Beginning at Point Wilson, thence on a line to Marrow Stone Point, thence along the shore line of Port Townsend Bay and Admiralty Inlet to the place of beginning.

SEC. 2. That the area described in section 1 of this act be and the same is hereby declared to be the port of Port Townsend, State of Washington.

Approved February 27, 1890.

COMMISSIONER OF ASYLUM AT MEDICAL  
LAKE MAY EXCHANGE LANDS.

AN ACT authorizing the State Board of Commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, to execute and deliver to E. L. Smith a deed to a certain tract or parcel of land in exchange for other land, and declaring an emergency to exist.

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

SECTION 1. The state board of commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, is hereby authorized and empowered to execute, in the name of the State of Washington, and deliver to E. L. Smith, a deed to the following described tract or parcel of land, to-wit: Beginning at the corner of sections 7 and 18, township 24 north, range 41 east, and sections 12 and 13, township 24 north, range 40 east; running thence south 724 8-10 feet along the line between sections 13 and 18, township 24 north, ranges 40 and 41 east; thence west 724 8-10 feet; thence north 724 8-10 feet to intersect the line between sections 12 and 13, township 24 north, range 40 east; thence east 724 8-10 feet along said section line to the place of beginning, being situated in the northeast quarter of section 13, township 24 north, range 40 east, and containing twelve and six one-hundredths (12 6-100) acres.

SEC. 2. The board of commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, is hereby authorized and empowered to receive from the said E. L. Smith, in the name and for the use and benefit of the State of Washington, for the purposes of the said Hospital for the Insane, in exchange for the land to be transferred to him, under the provisions of section 1 of this act, a deed to the following described tract or parcel of land, to-wit: Beginning at the quarter section corner, between sections 13 and 18, township 24 north, ranges 40 and 41 east; running thence north 995 feet, along the township line, between sections 13 and 18; thence east

Description of  
land.



528 feet; thence south 995 feet on a line parallel to the township line; thence west 528 feet to the place of beginning—the same being situated in the northwest quarter of section 18, township 24 north, range 41 east, and containing twelve and six one-hundredths (12 6-100) acres.

SEC. 3. An agreement having been entered into by and between the board of commissioners for the Hospital for the Insane at Medical Lake, in eastern Washington, and the said E. L. Smith, for the exchange of the lands herein described, and the deeds for the same having been prepared and signed and filed in the office of the secretary of state, and the interests of both parties to the agreement requiring a speedy consummation of the transfers of the said tracts or parcels of land, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved February 27, 1890.

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## SONS OF VETERANS; ISSUE OF ARMS TO.

AN ACT to authorize the issuance of arms to camps of the order of Sons of Veterans in the State of Washington.

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

SECTION 1. The adjutant-general of the State of Washington may, in his discretion and under the regulations prescribed in this act, issue to any regularly organized camp of the order of Sons of Veterans in the State of Washington any arms and accoutrements belonging to the state which are not required for the use of the National Guard.

SEC. 2. Before any arms or accoutrements are issued, as provided in the foregoing section, the captain of the camp desiring such arms or accoutrements shall make a written Application in writing.

application for the same to the adjutant-general, which application shall be accompanied by a list of the names of the officers and members of such camp. The captain shall also give any additional information in regard to said camp which may be required by the adjutant-general.

Bond.

SEC. 3. The captain of any camp of the order of Sons of Veterans which shall receive arms or accoutrements as provided in this act, shall give a bond for the return of the same, payable to the State of Washington, in such sum as the adjutant-general may require, which bond shall be signed by two good and sufficient sureties, who shall be property holders and citizens of the State of Washington, and shall be approved by the adjutant-general.

When arms are to be returned.

SEC. 4. The captain of any camp of the order of Sons of Veterans which shall receive arms or accoutrements under the provisions of this act shall return the same to the adjutant-general upon demand or upon the disbanding of said camp.

Approved March 6, 1890.

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## PROVIDING FOR THE MANAGEMENT OF THE HOSPITALS FOR THE INSANE.

AN ACT in relation to the insane of the State of Washington, and making appropriations for the maintenance thereof, and declaring an emergency.

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

SECTION 1. That the hospital for the insane situated at Fort Steilacoom, in Pierce county, shall hereafter be styled and known as "The Western Washington Hospital for the Insane."

SEC. 2. That the hospital for the insane now in process of erection at Medical Lake, in Spokane county, shall,

when completed, be styled and known as "The Eastern Washington Hospital for the Insane."

SEC. 3. When completed The Eastern Washington Hospital for the Insane shall receive patients only from the counties east of the Cascade range of mountains, in the State of Washington, except as provided for in section seventeen (17) of this act. Until the said Eastern Washington Hospital is completed and ready to receive patients, all the insane in the state, when duly committed, shall be received by The Western Washington Hospital for the Insane to the extent of its accommodations. After the said hospital is opened for the reception of patients, The Western Washington Hospital for the Insane shall receive patients only from the counties west of the Cascade range of mountains, in the State of Washington, except as provided in section seventeen (17) of this act; and all patients in The Western Washington Hospital for the Insane properly belonging to the counties east of the Cascade range of mountains shall be transferred to The Eastern Washington Hospital for the Insane, under the direction of the superintendent of the said Eastern Washington Hospital for the Insane. The cost of such transfer shall be certified to by the said superintendent, and when approved by the state auditor shall be paid by the state treasurer: *Provided*, That any patient whose family or friends so desire may remain in The Western Washington Hospital for the Insane.

Division of  
patents.

Transfer of  
patents.

SEC. 4. A board of three trustees for each of the above named hospitals shall be named by the governor, and by and with the consent of the legislative senate, by him be appointed. The one first named shall serve one (1) year from February 1, 1890; the second, three (3) years from February 1, 1890; the third, five (5) years, from February 1, 1890; and as their terms of office expire their successors shall be appointed by the governor, by and with the consent of the legislative senate, for six (6) years, and until their successors are appointed and qualified. In case of a vacancy occurring in the board of trustees, the governor shall fill the vacancy by appointment for the unexpired term, subject to the approval of the next legislative sen-

Trustees.

Vacancies.

ate. Any trustee may be removed by the governor, for good and sufficient cause, at any time.

Organization of board.

SEC. 5. The board of trustees, at their first meeting, which shall be on the first Monday following their qualification, shall elect one of their number president and another secretary. The secretary shall receive an annual salary of one hundred dollars. If at any meeting the president be absent, the board shall choose from their number a president *pro tempore*. Two of the board shall constitute a quorum for the transaction of business.

Bonds.

SEC. 6. Each of the said named trustees and their successors shall, before entering upon the duties of his office, give a bond of five thousand dollars, approved by the governor and filed in the office of the secretary of state, for the faithful performance of his duties.

Powers and duties of trustees.

SEC. 7. The said board of trustees shall have power to make all repairs and improvements that, in their judgment, may be necessary for the conduct of the hospital under their charge, and to hold, manage, dispose of and convey all personal property made over to them by purchase, gift, devise or bequest, and the proceeds and increase thereof, for the use of said hospital. They shall take charge of the general interests of the hospital, and shall manage and conduct the same in such manner as may appear to them best and most economical. They shall employ a superintendent, and may ordain by-laws for the government of the hospital, and therein may prescribe, in a manner consistent with the laws of the state, the duties of all persons connected in any way with the management of the hospital under their charge.

Superintendent.

SEC. 8. The superintendent shall be a skillful practicing physician, and shall reside in the hospital. He shall hold his office for such time as the trustees may deem wise and for the efficiency and economy of the institution; he shall have entire control of the medical, moral and dietetic treatment of the patients, and, so far as is not inconsistent with the by-laws and regulations of the hospital, of all other internal government and economy of the institution, and he shall, in such manner and under such restrictions, and for such terms of time as the by-laws may

prescribe, appoint all subordinate officers and employes, and shall have entire direction of them in their duties.

SEC. 9. The superintendent shall not be required to attend any court as a witness in a civil suit, but parties desiring his testimony can take and use his deposition; nor shall he be required to attend as a witness in any criminal case, unless the judge of the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony, require his attendance; and he and all other persons employed at the hospital shall be exempt from serving on juries, and, in time of peace, from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

Exemptions of superintendent and employes.

SEC. 10. All itemized bills of purchase made, when having been examined by the board of trustees and found correct, shall be certified by the president and secretary of the board then sitting, and the same transmitted to the auditor of state, who shall audit the same and draw his warrant on the state treasurer for the amount, and the said treasurer is hereby authorized and required to pay the same out of any money in the treasury not otherwise appropriated.

Auditing accounts.

SEC. 11. The trustees shall receive three dollars per day for the time actually spent in the discharge of such duties, and fifteen cents per mile necessarily traveled to and from all necessary visitation[s]: *Provided*, That this section shall not apply to the trustees for The Hospital of Insane of Eastern Washington; when employed as building commissioners, they shall receive the compensation now allowed by law.

Compensation of trustees.

SEC. 12. No trustee shall be appointed to or employed in any office under authority of the board, except as provided in section 5 of this act, nor be directly or indirectly interested in any contract, debt or account to be made by said board for any purpose whatever.

SEC. 13. The trustees shall cause the accounts of said institution to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased for use therein.

Form of accounts.

Biennial report. SEC. 14. The trustees shall prepare and lay before the governor and legislature at every biennial session thereof a full and detailed, but concise report, exhibiting a particular statement of the condition of the hospital and all its concerns, an account of all contracts, expenditures and liabilities, with a list of all officers and employes, and their salaries, and in a tabular form the value of the stock and supplies on hand, on or before the 15th day of November of each year.

Books open. SEC. 15. The accounts and books of the hospital shall at all times be open to inspection of the legal visitors of the institution, or any taxpayer of the state.

Commitment of patients. SEC. 16. The superior court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summons to appear at the same time and place two or more witnesses, who shall testify under oath as to conversation, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the same time and place, two reputable physicians, before whom the judge shall examine the charge, unless the accused, or any one in his or her behalf, shall demand a jury to decide upon the question of insanity. If such demand be made, the trial shall be by jury. If no jury be demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the

judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large, he shall order such insane person sent to the hospital for the insane. If the trial has been by jury and the accused declared insane by said jury, and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to the hospital for the insane.

Trial by jury.

SEC. 17. Whenever the superior judge shall order an insane person sent to the hospital for the insane, he shall issue a warrant directed to the sheriff, commanding him to convey such insane person to the hospital for the insane, and place such insane person in charge of the superintendent of the hospital for the insane to which the order is directed; and he shall transmit a copy of the complaint and commitment, and physician's certificate, which shall always be in the form as furnished to the courts by the superintendent of the hospital for the insane: *Provided*, The superior judge, at his discretion, or superintendent, on application of the relatives or friends, may send him or her to either hospital for the insane.

Warrant from superior judge.

SEC. 18. When any person shall be found to be insane, or come within the provisions of this act, the costs of commitment shall be paid by the county: *Provided*, That when such insane person is a resident of another county, the county wherein such proceedings were had shall recover from the county of which such insane person is a resident, all costs and expenses so paid as aforesaid.

Costs of commitment.

SEC. 19. Whenever the superior judge of any county shall, by reason of sickness or other cause, be unable to attend at his office and perform the duties required by this act, said duties shall be performed by any judge of the superior court of any adjacent county, upon the applicant filing an affidavit setting forth the inability of the proper superior judge to attend to the duties of his office.

Disability of judge.

SEC. 20. The superior courts of the state shall have

Power of court.

power to commit to the hospital for the insane any person who, having been arraigned for an indictable offense, shall be found by the jury to be insane at the time of such arraignment, and the costs of such commitment shall be paid in the same manner.

Removal of  
insane pris-  
oners.

SEC. 21. The governor of the state may, in his discretion, order the removal of any prisoner to the hospital for the insane when the physician, board of penitentiary commissioners, and wardens of the penitentiary, after examination, are of the opinion that such prisoner is insane, and shall certify the fact under oath to the governor. As soon as the superintendent of the hospital for the insane to which such prisoner is sent ascertains that he is not insane, or has recovered, he shall immediately notify the warden of the penitentiary of that fact, and thereupon the said warden shall cause such prisoner to be at once returned to the penitentiary, if his term of imprisonment has not expired.

Transporting  
insane patients.

SEC. 22. All persons adjudged insane and committed to the hospital for the insane, shall be conveyed to the hospital for the insane by the sheriff of the county in which such person or persons were adjudged insane, or by some one appointed by the sheriff as his deputy for that purpose.

Female attend-  
ants.

SEC. 23. In case of any female having been adjudged insane, and committed to the hospital for the insane, the superior judge of the county shall require the sheriff to select some suitable female to accompany said insane patient, as an attendant or guard, to the hospital for the insane. The said attendant so selected shall receive for her services as guard the sum of three dollars per day and her actual traveling expenses en route from and returning to the county seat of the county from which the patient is conveyed, by the nearest traveled route, while engaged in said service. An itemized bill for the per diem and expenses, as provided in this section, shall be made out and verified by the oath of the female attendant, or by the sheriff of the county, and filed with the state auditor, who, if he deem the amount reasonable and just, shall draw his warrant on the treasurer for the payment of the same, or for such portion thereof as shall by him be deemed legal and just.

Expenses.



SEC. 24. In case the superior judge shall deem it necessary, he may direct in the order for conveying to the hospital any male person or persons, that the sheriff may select one person as a guard to assist in conveying said male person or persons to the hospital for the insane, and the compensation for the services of said guard shall be the same as provided in section 23 of this act for a female guard or attendant.

SEC. 25. The sheriff of the county or his deputy shall receive the sum of five dollars per day and his actual traveling expenses for the time necessarily employed in conveying insane persons to the hospital for the insane, computing the time by the nearest traveled route from the county seat of his county to the hospital and return: *Provided*, That the time and personal expenses of the sheriff, on his return from the hospital, shall not be greater than the time and personal expenses necessarily involved in going to the hospital. In addition to his personal expenses, the sheriff or his deputy shall be allowed his actual disbursements necessarily paid out by him for the board and traveling expenses of the insane person or persons conveyed to the hospital, and he shall make out an itemized account of his own and the expenses of the patient, and verify the same by his oath. The accounts so made out shall be filed with and audited by the state auditor, and the same, or so much thereof as shall be deemed by him just and lawful, shall be paid by the state: *Provided further*, That no sheriff who receives a salary shall receive a per diem under the provisions of this act.

SEC. 26. In all cases of the adjudged insanity and commitment of any person or persons to the hospital, it shall be the duty of the superior judge to make out a copy of the commitment with an order for the appointment of a guard to assist in conveying the patient or patients to the hospital, which commitment and order shall be filed with the state auditor before any amount for the expenses of such conveyance shall be allowed.

SEC. 27. Whenever any patient or patients are delivered to the hospital, under the provisions of this act, the superintendent of the hospital shall give to the sheriff or his

Certificate of admission of patient.

deputy delivering such patient a certificate stating the name of the patient, the county from which admitted and the court that committed the same, and stating whether such patient was accompanied by an additional guard or attendant.

Duty of state auditor.

SEC. 28. The state auditor shall examine the sworn statement of the sheriff or his deputy, or any guard appointed under the provision[s] of this act, and also the certificate of the superintendent of the hospital, and if he find the same correct, he shall audit the bills and amounts presented, or any part thereof, and issue a warrant on the state treasurer, who shall pay the same out of any moneys in the treasury not otherwise appropriated.

Cases not admitted.

SEC. 29. No case of idiocy, imbecility, harmless chronic mental unsoundness, or acute mania *a potu* shall be committed to the hospital for the insane; and whenever in the opinion of the superintendent, after a careful examination of the case of any person committed, it shall be satisfactorily ascertained by him that the party has been unlawfully committed, and that he or she comes under the rule of exemptions provided for in this section, he shall have the authority to discharge such person so unlawfully committed, and return him or her to the county from which committed, at the expense of such county.

Non-residents.

SEC. 30. Non-residents of this state conveyed or coming herein while insane shall not be committed to nor supported in the hospital for the insane; but this prohibition shall not prevent the commitment to and temporary care in said hospital of persons stricken with insanity while traveling or temporarily sojourning in the state, or sailors attacked with insanity upon the high seas and first arriving thereafter in some port within this state.

Sailors.

Contagious disease.

SEC. 31. No person laboring under any contagious or infectious disease shall be admitted into the hospitals for the insane.

Rights of relatives.

SEC. 32. The relatives or friends of any person charged with insanity, or who shall be found to be insane under this act, shall in all cases have the right to take charge of and keep said insane person if they shall desire so to do; but the superior judge may require a bond of such rela-

tives or friends, conditioned for the proper and safe keeping of such person.

SEC. 33. The relatives or friends of an inmate of the hospital for the insane may receive such inmate therefrom on their giving a bond or other satisfactory evidence to the superior judge issuing the commitment that they or any of them are capable and suited to take care of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the judge, he may issue an order, directed to the superintendent of the hospital for the insane, for the removal of such person. If, after such removal, it is brought to the knowledge of the judge by verified statement that the person thus removed is not cared for properly, or is dangerous to persons or property, by reason of such want of care, he may order such person returned to the hospital.

Return of patient.

SEC. 34. The superintendent shall furnish each patient in the hospital for the insane with material for writing one letter a week, if he shall request the same, unless otherwise provided with it. These letters shall be subject to the inspection of the superintendent, who shall mail to the proper address such of them as, in his judgment, should be sent, and he shall retain such letters as he considers objectionable and submit them to the trustees at their next meeting for such disposition as they deem proper. All letters directed to patients shall be delivered to them if, in the judgment of the superintendent, their contents are not prejudicial to the mental condition of the patients.

Writing material for patients.

SEC. 35. In the event of the sudden or mysterious death of any inmate of the hospital for the insane, such facts shall be reported by the superintendent thereof to the coroner of the county in which such death occurs, or to the nearest justice of the peace therein, and a coroner's inquest shall be held as provided by law in other cases, and the expenses of said coroner's inquest shall be paid from the funds appropriated for the support of the hospital for the insane.

Coroner's inquest.

SEC. 36. The superintendent shall provide an official seal, upon which shall be inscribed the statute name of the

Seal of superintendent.

hospital under his charge and the name of the state. He shall affix the seal of the hospital to any notice, order of discharge or other papers required to be given by him or issued.

In case of  
escaped  
patients.

SEC. 37. If any patient shall escape from the hospital, the superintendent shall cause immediate search to be made for him, and, if he cannot soon be found, shall cause notice of such escape to be forthwith given to the superior judge of the county where the patient belongs; and if such patient is found in his county, the superior judge shall cause him to be returned, and shall issue his warrant therefor as in other cases, unless he does not consider his return necessary, of which fact he shall notify the superintendent.

Indigent  
patients.

SEC. 38. Any patient may be discharged from the hospital when, in the judgment of the superintendent, it may be expedient. Indigent patients, when discharged, may be returned to the counties from which admitted, at the expense of said counties. No indigent patient shall be discharged without suitable clothing, and the trustees shall furnish the same, together with such sum of money, not exceeding ten dollars, as they may deem necessary. To carry into effect the provisions of this section, the boards of trustees are hereby authorized to make requisitions on the state auditor for such sum or sums as, from time to time, they may need for the purpose mentioned herein, not exceeding, however, the sum of two hundred dollars per annum for each hospital; and the said state auditor, on receipt of such requisitions, signed by the president and secretary of said boards, shall issue a warrant on the state treasurer for the amount thereof, with the limitations prescribed herein.

Notice of dis-  
charge or death.

SEC. 39. The superintendent shall officially notify the proper superior judge, and friends, if any there be, of the discharge or death of any patient, and give the date and reasons for such discharge or death.

When over-  
crowded.

SEC. 40. If at any time it may become necessary, for want of room or other cause, to discriminate in the general reception of patients into the hospital, a selection shall be made as follows: *First*, recent cases, *i. e.*, cases of less

than one year's duration, shall have the preference over all others; *second*, chronic cases, *i. e.*, when the disease is of more than one year's duration, presenting the most favorable prospects of recovery, shall be next preferred; *third*, those for whom application has been longest on file, other things being equal, shall be next preferred; *fourth*, where cases are equally meritorious in all other respects, the indigent shall have the preference.

SEC. 41. All moneys belonging to the state, coming Separate fund. into the hands of the trustees, other than that appropriated by the state, shall be kept by said trustees in a separate fund, to be known as the contingent fund, and the same shall, by the said trustees, be expended at such times and in such manner as to the said board appears for the best interest of the hospital and for the improvement thereof, and of the grounds and buildings therewith connected. A full, strict and itemized account of all such receipts and expenditures shall be included, in the biennial report of said board of trustees. Accounting for funds.

SEC. 42. The superintendent of each hospital for the in- Assistants. sane, by and with the consent of the board of trustees, shall employ such assistants as are necessary for the effectual and economical administration of the institution; and the regular officers and employes shall not receive salaries to exceed the following sums per annum: One superin- Salaries. tendent, twenty-two hundred (\$2,200) dollars; one assistant physician, fifteen hundred (\$1,500) dollars; one steward and accountant, twelve hundred (\$1,200) dollars; one matron, six hundred and fifty (\$650) dollars; one head warden, six hundred and fifty (\$650) dollars; one engineer, one thousand (\$1,000) dollars; one assistant engineer, six hundred (\$600) dollars; ward attendants, male and female, each, six hundred (\$600) dollars; one outside attendant, six hundred (\$600) dollars; one teamster, four hundred (\$400) dollars; one laundress, three hundred (\$300) dollars; one carpenter, six hundred (\$600) dollars; one cook, nine hundred (\$900) dollars; one baker, six hundred (\$600) dollars; one assistant cook, five hundred and forty (\$540) dollars; one assistant in kitchen and dining-rooms, three hundred (\$300) dollars.

Quarters and  
furniture.

SEC. 43. The superintendent, assistant physician, the accountant, and their families, shall be furnished with quarters, household furniture, board, fuel and lights, and each employe shall be furnished the same for one, and engineer, with quarters for their families, in addition to their salaries.

Bids for fur-  
nishing sup-  
plies.

SEC. 44. The board of trustees shall have power to make all purchases necessary to carry into effect the provisions of this act, which purchase shall be made from the lowest responsible bidder. Said board shall, as often as it deems necessary, advertise for two weeks in two or more daily papers published in this state, for sealed bids, in duplicate, for the furnishing of all the supplies required until the date of the next advertisement. Bids shall be accepted in detail, as near as practicable, and the advertisement shall so state. The contract for such supplies shall be let to the lowest responsible bidder; all bids received by the board shall be kept by its secretary and shall be subject to inspection by any person. No officer or employe shall have authority to purchase, at the expense of the state, any article for the hospital except in case of extreme necessity, and when the superintendent shall consider such article absolutely necessary. But all supplies shall be purchased as provided in this section.

Contracts to  
lowest bidders.

Improvements  
and repairs.

SEC. 45. For all material, improvements or repairs required at the hospital for the insane, the trustees shall advertise as provided in this chapter for the purchase of supplies, and let the same to the lowest responsible bidder, stating in said advertisement the kind of buildings, improvements and material, so that a bidder can bid intelligently. And in no case shall the trustees expend more than five hundred dollars any one year for improvements, material or repairs, except as above provided.

Appropriation.

SEC. 46. To carry into effect the provisions of this act, there is hereby appropriated the sum of seventy-five thousand dollars, and provided that not to exceed sixteen dollars a month shall be drawn for the support of each patient in the hospital. The number present on the fifteenth day of each month shall be the basis of computation as provided in this act.

Probate juris-  
diction.

SEC. 47. The probate court shall have jurisdiction of

commitment under the provisions of this act until the business of said court is transferred to the superior court, and thereafter the superior court shall assume such jurisdiction.

SEC. 48. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 49. In view of the fact that the present law relating to the subject contained in this act is inadequate, and the enactment of laws regulating said subject are seriously needed, an emergency is declared to exist; therefore, this act shall take effect and be in force from and after its approval.

Approved March 13, 1890.

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## ASYLUM AT FORT STEILACOOM; SALE OF CERTAIN LANDS AT.

AN ACT authorizing the Board of Trustees for the Hospital for the Insane at Fort Steilacoom to sell a certain tract of land, and to purchase other land, and declaring an emergency to exist.

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

SECTION 1. The board of trustees for the Hospital for To convey land. the Insane at Fort Steilacoom are hereby authorized and empowered to sell, and in the name of the State of Washington to execute a deed for the tract or parcel of land hereinafter described, and upon the conditions herein provided.

SEC. 2. The tract or parcel of land hereby authorized to be sold consists of about sixty acres, being the west sixty acres, more or less, of a tract or parcel of land owned by the state, and described in the original deed as follows, to-wit: All that certain tract of land in Pierce county, Wash- Amount and description. ington Territory, being a part of the John Van Buskirk

donation land claim that is described as follows, to-wit: Commencing at a point 16.54 chains S., 26 degrees W. of the N. E. corner of the first above described claim, and running thence west 86.75 chains to the meander line; thence along said meander S.  $26\frac{1}{4}$  degrees, west 12.10 chains; thence east 88.10 chains to a point on east boundary line; thence N. 20 degrees, east 11.54 chains to the place of beginning, containing 94.86 acres, more or less.

Sale by public  
auction.

SEC. 3. It shall be the duty of the board of trustees for the Hospital for the Insane at Fort Steilacoom to fix a date upon which the above described land shall be offered for sale at public auction, and to cause notices to be published in at least two (2) daily newspapers having a general circulation within this state for four (4) consecutive weeks preceding the date of sale, setting forth the fact that such premises will be offered for sale, to the highest responsible bidder, upon the date so fixed and announced; and it shall be the duty of said board of trustees to publicly offer said premises for sale at auction, at the front door of the court house of Pierce county, State of Washington, on the date so announced, and the lands described in said advertisement shall be sold and conveyed to the highest responsible bidder therefor, upon payment to the board of trustees, in lawful money of the United States, the purchase price thereof: *Provided*, That the said sixty acres of land shall not be sold and conveyed by the board of trustees for any sum less than one hundred dollars (\$100) per acre.

Price limit.

Board may  
purchase land.

SEC. 4. The board of trustees for the Hospital for the Insane at Fort Steilacoom are hereby authorized and empowered to purchase, in the name of the State of Washington, and for the uses of said Hospital for the Insane, a tract of agricultural land containing about sixty acres, more or less, lying near the lands owned by the state, for the purposes of said institution; but the purchase price of such land shall not exceed the sum of one hundred dollars (\$100) per acre.

SEC. 5. The board of trustees herein mentioned are authorized to pay for the tract of land, by this act authorized to be purchased, out of the money received from the sale of the tract of land hereby authorized to be sold; and if



there be any residue of such money remaining in the possession of such board of trustees after making said purchase, the same shall be turned into the state treasury. Surplus money.

SEC. 6. Prior to offering for sale the sixty acres of land, more or less, authorized by this act, the board of trustees shall cause to be made an exact survey thereof. Survey.

SEC. 7. The board of trustees shall make a full and complete report of their doings, under the provisions of this act, in their annual report to the governor and legislature, as required by law. Report.

SEC. 8. The lands herein authorized to be sold being of no value to the state for the purposes of the Hospital for the Insane, and as the lands herein authorized to be purchased may be utilized immediately for agricultural purposes, greatly to the benefit of the institution, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 14, 1890.

## EDUCATION COMPULSORY; DEFECTIVE YOUTH.

AN ACT to provide for the compulsory education of defective youth, and providing penalties for violations of the same.

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

SECTION 1. It shall be the duty of the clerks of all school districts in the State of Washington to report to the school superintendents of their respective counties the names of all deaf, mute, blind or feeble-minded youth residing within their respective districts who are between the ages of six and twenty-one years. Duty of school clerks.

SEC. 2. It shall be the duty of each county school superintendent to make a full and specific report of such defec- County school superintendent must report.

tive youth to the county commissioners of his county at the first regular meeting of said commissioners held after the first day of July in each year. He shall also, at the same time, transmit a duplicate copy of said report to the director of the Washington School for Defective Youth.

Duty of parents, guardians and county commissioners.

SEC. 3. It shall be the duty of the parents or guardians of all such defective youth to send them each year to the said state school for defective youth. The county commissioners shall take all action necessary to enforce this section of this act: *Provided*, That if satisfactory evidence shall be laid before the county commissioners that any defective youth is being properly educated at home or in some suitable institution other than the Washington School for Defective Youth, the county commissioners shall take no other action in such case further than to make a record of the fact, and take such steps as may be necessary to satisfy themselves that said defective youth shall continue to receive a proper education.

County expense; when.

SEC. 4. If it appear to the satisfaction of the county commissioners that the parents of any such defective youth within their county are unable to bear the expense of sending them to said state school, it shall then be the duty of such commissioners to send them to such school at the expense of the county.

Penalty for failure to comply.

SEC. 5. Any parent, guardian, county school superintendent or county commissioner who shall, without a proper cause, fail to carry into effect the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars, in the discretion of the court.

Approved March 20, 1890.

## SEAT OF GOVERNMENT; AMENDATORY ACT.

AN ACT to amend an act entitled "An act to provide for submitting the question of the permanent location of the seat of government to a vote of the people."

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

SECTION 1. That section one of said act is amended to read as follows: "At the general election to be holden on the first Tuesday after the first Monday in November, 1890, the qualified electors of the state shall vote for the location of the permanent seat of government in accordance with article fourteen of the constitution, and at said election each elector shall be restricted in his choice of location to one of the three following named places, viz.: Olympia, North Yakima and Ellensburgh."

Approved March 22, 1890.

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 PUYALLUP INDIANS; MAY SELL LANDS.

AN ACT enabling the Indians to sell and alien the lands of the Puyallup Indian Reservation, in the State of Washington.

WHEREAS, It was and is provided by and in the treaty made with and between the chiefs, head men and delegates of the Indian tribes (including the Puyallup tribe) and the United States of America, which treaty is dated on the 26th day of December, 1854, among other things as follows: "That the president, at his discretion, should Treaty citation. cause the whole or any portion of the lands thereby reserved, or such land as might be selected in lieu thereof, to be surveyed into lots and assign the same to such individuals or families as are willing to avail themselves of the privilege and will locate on the same as a permanent

home, on the same terms, and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable; and

“WHEREAS, It was and is provided by and in the sixth article of the treaty with the Omahas aforesaid, among other things, that said tracts of land shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale or forfeiture, which conditions shall continue in force until a state constitution embracing such lands within its boundaries shall have been formed, and the legislature of the state shall remove the restrictions, but providing that no state legislature shall remove the restrictions \* \* \* without the consent of the congress;” and

Patents in  
severalty.

WHEREAS, The President of the United States, on the 30th day of January, 1866, made and issued patents to the Puyallup Indians, in severalty, for the lands of said reservation, which are now of record in the proper office in Pierce county, in the State of Washington; and

WHEREAS, All the conditions now exist which said treaties contain, and which make it desirable and proper to remove the restrictions in respect to the alienation and disposition of said lands by the Indians, who now hold them in severalty: now, therefore,

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

Power to  
alienate.

SECTION 1. That the said Indians who now hold, or who may hereafter hold, any of the lands of any reservation, in severalty, located in this state by virtue of treaties made between them and the United States, shall have power to lease, incumber, grant and alien the same in like manner and with like effect as any other person may do under the laws of the United States and of this state, and all restrictions in reference thereto are hereby removed.

How conveyed.

SEC. 2. All deeds, conveyances, encumbrances or transfer[s] of any nature and kind executed by any Indian, or in any manner disposing of any land, or interest therein, shall be by deed executed in the same manner as pre-

scribed for the execution of deeds conveying real estate, or any interest therein, except that the same shall in all cases be acknowledged before a judge of a court of record. In taking said acknowledgment, the said judge shall explain to the grantor the contents of said deed or instrument, and the effect of the signing or execution thereof, and so certify the same in the acknowledgment, and before the same shall be admitted to record shall duly examine and approve the said deed or other instrument.

SEC. 3. This act shall take effect and be in force from and after the consent to such removal of the restrictions shall have been given by the congress of the United States.

Approved March 22, 1890.

#### PENITENTIARY; SALARIES OF OFFICERS OF.

AN ACT to amend section three (3) of an act entitled "An act to govern the officers of the territorial penitentiary and to provide for their compensation, approved February 2, 1888," and declaring an emergency.

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

SECTION 1. That section three (3) of an act entitled "An act to govern the officers of the territorial penitentiary and to provide for their compensation, approved February 2, 1888," be amended and read as follows: The annual salaries of the board of penitentiary commissioners, physicians, warden, assistant warden, clerk, and of all overseers and guards, shall be as follows: Each commissioner, three dollars per day during the time of the session of the board of commissioners, and his actual and necessary traveling expenses in attending the meetings of said board; physicians, seven hundred and fifty dollars (\$750); warden, twelve hundred dollars (\$1,200); assistant

Commissioners  
and officers.

warden, ten hundred dollars (\$1,000); clerk, nine hundred dollars (\$900); overseers, each, eight hundred dollars (\$800), and guards, each, six hundred dollars (\$600); said salaries to be paid quarterly.

SEC. 2. Whereas, there being at present a greatly increased number of prisoners in the penitentiary, the salary of the physician as now authorized by law is deemed inadequate, an emergency is deemed to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 26, 1890.

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## MILITIA ; ORGANIZATION OF STATE.

AN ACT to provide for the organization, maintenance and discipline of the militia of the State of Washington.

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

Between 45 and 18.

SECTION 1. The militia of this state shall consist of all able-bodied male citizens between the age[s] of forty-five and eighteen years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this state.

Exemptions for religion or scruples.

SEC. 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in time of war, but shall pay an equivalent for personal service.

Appoint staff officers.

SEC. 3. the brigadier-generals, colonels or commandants of regiments and battalions shall severally appoint their staff officers, and the governor shall commission all officers of the line and staff ranking as such.

Governor shall commission.

Military board shall fix regulations.

SEC. 4. The military board provided by this act shall fix by regulation the method of dividing the militia into regiments, battalions and companies, and make all other

needful rules and regulations in such manner as they may deem expedient, not incompatible with the constitution of the United States, or the laws of this state.

SEC. 5. That it shall be the duty of the assessor of each county in this state, annually, at the time prescribed by law for assessing property, to make out a list of all persons in their respective counties who are liable to do military duty under the laws of the United States, and of this state, which list shall be alphabetically arranged, and shall designate the precinct in which each person named in such list resides, which shall be filed by such assessor in the office of the auditor of their respective counties at the same time and in the same manner as is provided by law for the assessment roll, and the auditor shall keep the same open for inspection as is provided by law for the assessment roll, and also record the same in his office, in a book to be kept by him for that purpose.

Assessor to make list.

SEC. 6. That the said enrollment list shall be corrected in the same manner and at the same time as is provided by law for the assessment roll, and it shall be the duty of the auditor of each county to deliver to the adjutant-general of the state a duplicate of said list, certified by him, within twenty days after the list has been corrected, and the compensation for making out said military list shall be determined and fixed by the county commissioners.

Enrollment list delivered to adjutant general.

SEC. 7. If any assessor shall neglect or refuse to perform any of the duties required of him by this act, he shall be subject to the same penalties, liabilities and punishment as is provided by law for neglect or refusal to perform any of the duties required of him for the assessment of taxes, and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of the state by the district attorney of the respective county, and recovered in the name of the state, and paid into the military fund of the state; and if the auditor shall neglect or refuse to make and deliver to the adjutant-general a duplicate of the military assessment list, as directed by this act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the

Penalty if assessors neglect.

same manner as is provided in this section with respect to the assessor, and paid into the military fund of the state.

SEC. 8. All persons subject to military duty under the laws of this state, and not exempt therefrom by the provisions of this act, and such other male persons who shall voluntarily enroll themselves, shall be divided into two classes, to-wit: One consisting of those who enlist in the active militia of the state under the provisions of this act, which shall be known as the National Guard of Washington, and the other to consist of all those subject to military duty, but not included in the above active or enlisted militia; the latter class to be known as the Washington Reserve Militia.

Active and  
reserve.

SEC. 9. The following persons are exempt from military duty: *First*, all persons in the army or navy or volunteer force of the United States, and those who have been honorably discharged therefrom; all persons who shall have served in the National Guard of Washington for the term of seven years, and have been honorably discharged therefrom; all the judges and clerks of the several courts of this state, and the state and county officers. *Second*, idiots, lunatics, paupers, habitual drunkards, and persons convicted of infamous crimes: *Provided*, That the aforesaid exempted persons included in the first subdivision of this section shall be liable to military duty in case of war, insurrection or imminent danger thereof. *Third*, all persons having conscientious scruples against bearing arms: *Provided*, That such persons shall pay for such exemption such equivalent as may be hereafter provided by law.

Persons  
exempt.

SEC. 10. The governor of the state shall be the commander-in-chief of the militia, and shall have power to appoint one assistant quartermaster-general, one assistant commissary-general, one assistant inspector-general, one judge-advocate-general, one paymaster-general, one chief of ordnance, one surgeon-general, one chief of engineers and one chief signal officer, each with the rank of colonel, and four aids-de-camp with the rank of lieutenant-colonel, and one assistant adjutant-general (who may be his military secretary) with the rank of major. The surgeon-general shall be *ex-officio* chairman of any board of

Appointments  
by commander-  
in-chief.



surgeons convened for the purpose of examining those who may desire position on the medical staff of the state.

SEC. 11. On the first Monday in October of the year eighteen hundred and ninety (1890), and every fourth year thereafter, there shall be elected by the field and line officers of the National Guard of Washington, at such place and hour as the governor may by general order designate, one brigadier-general and one adjutant-general, with the rank of brigadier-general, who shall hold their respective offices for the term of four years from the first Monday in January following their election, and until their successors are elected and qualified.

Field officers  
elect generals.

SEC. 12. The brigadier-general shall appoint one assistant adjutant-general, one assistant inspector-general, one assistant quartermaster-general, one assistant commissary-general and one brigade surgeon, each with the rank of lieutenant-colonel, and three aids-de-camp, with the rank of first lieutenant.

Appointments  
by brigadier  
general.

SEC. 13. The state shall constitute one brigade, and shall be divided by the military board into regimental districts, with the power to alter and change the same at pleasure.

Districts.

SEC. 14. All enlistments in the National Guard of Washington shall be for the term of three years, and the military board shall adopt such muster-in form, oath or affirmation and triplicate muster-in papers, for the provisions of carrying out this act; one copy to be forwarded to the adjutant-general's office, one to regimental headquarters, and a copy to be retained by the commanding officer of such company of which he shall be a member; the signing of said papers and taking the oath as above required upon enlistment shall constitute a valid enlistment for three years in the National Guard of Washington.

Enlistments.

SEC. 15. Commissions of officers on the personal staff of the commander-in-chief, and staff of general regimental and battalion officers, shall continue in force only during the term of the office of the commander-in-chief, or such general regimental or battalion officer, or during their pleasure.

Personal staff.

SEC. 16. In time of peace the National Guard of Washington shall consist of not more than thirty companies of

Limit of  
companies.

infantry and two (2) companies of cavalry. The said companies may be arranged into regiments or battalions. Infantry and cavalry companies, under the provisions hereof, shall consist of not less than twenty-four nor more than sixty non-commissioned officers, musicians and privates. Any company presenting less than the minimum number of twenty-four non-commissioned officers and privates at any stated muster of the company, regiment or brigade, shall be disbanded by order of the commander-in-chief. The commissioned officers of said regiment and company shall be the same as those of similar organizations in the army of the United States.

SEC. 17. No company, other than those included in the provisions of section 18 of this act, shall be admitted into the National Guard of Washington, except upon the order of the military board and with the approval of the governor.

Companies organized under the territory.

SEC. 18. The organized companies which at the date of the admission of this state into the Union constituted, under the laws of the Territory of Washington, the National Guard of Washington, and all companies which, by virtue of the continuance in force of the laws of Washington Territory as a part of the laws of this state, now comprise the active militia of this state, shall hold their position in their respective regiments, and are hereby declared a part of the National Guard of Washington, as defined by this act: *Provided, however,* That the number of such infantry companies shall not exceed thirty, and of cavalry shall not exceed two (2). And the officers of such companies and regiments shall hold their respective offices therein as officers of the active militia of this state for and during the several terms for which they were elected, and until their successors are elected and qualified.

Personnel of military board.

SEC. 19. There shall be a military board, consisting of the brigadier-general (who shall be chairman of said board), the adjutant-general and one field officer to be appointed by the commander-in-chief. The military board shall constitute an advisory board to the commander-in-chief in all the military interests of the state. They are

hereby authorized and empowered to prepare and promulgate the necessary provisions, rules and regulations for the organization and government of the National Guard of Washington not inconsistent with the laws of the United States or of this state, and said provisions, rules and regulations, together with such alterations or amendments as may be required from time to time, when approved by the commander-in-chief, shall be in force from the date of their publication in general orders; they shall have power to make any changes in the military organization of this state that may become necessary to conform said organization to the laws of the United States: *Provided*, That the expenses thereof to the state shall not be increased by such change. A majority of said board shall constitute a quorum for the transaction of business.

SEC. 20. Every commissioned officer of the National Guard of Washington shall provide himself with a suitable uniform within sixty days from [the] date of his commission; but every non-commissioned officer, musician and private shall be furnished with a uniform, arms and equipment at the expense of the state, as hereinafter provided. Uniforms.

SEC. 21. The military board shall cause to be procured the uniforms, arms, equipments, stores, supplies, and camp and garrison equipage which may be required from time to time for the purposes provided in this act, and they shall prescribe the rules and regulations under which they shall be issued to and used by the National Guard of Washington: *Provided*, That the prices paid for arms, uniforms, stores, supplies, and camp and garrison equipage shall in no case exceed the prices paid for the said articles of like quality for the army of the United States. The said uniforms shall be prescribed by the military board. Arms, equipments and supplies.

SEC. 22. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or retain or refuse to deliver to an officer entitled to take possession thereof, any uniforms, arms or equipments, or other property which shall have been procured under the provisions of this act, and any member of the National Guard of Washington who shall, when not on duty, wear any such uniform or equipments without the permission of his commanding Misdemeanor defined.

officer, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than thirty days, or by a fine of not less than ten dollars nor more than one hundred dollars.

Penalty.

Military auditors.

SEC. 23. The commander-in-chief, adjutant-general and the state auditor constitute a board of military auditors. The commander-in-chief is president and the adjutant-general secretary; and the board must have a seal which must be attached to all accounts audited by them. There must be audited and allowed by the board of military auditors, and paid out of the special military fund to the commanding officer of each infantry or cavalry company of the militia of sixty members or more, the sum of fifty dollars per month, and an amount in proportion, to every company of less than sixty members; the sums so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. No claim must be allowed under the provisions of this section unless an account of the expenditures for the preceding year and ending June thirtieth is made upon the annual muster roll, certified to by the commanding officer as correct, the demands must be made quarterly, in duplicate, signed and sworn to by the officer claiming the same, before any field officer of the National Guard or notary public, and transmitted through the regular military channel with the approval of each commanding officer through whose headquarters they are required to pass; one copy of such demand shall be filed in the office of the adjutant-general and one copy sent to the board of military auditors.

Expenses.

Organized companies must meet and drill.

SEC. 24. Each and every company organized under the provisions of this act shall meet at least twice in each month at their armory for military instruction, at which time the commanding officer of the company, or some suitable person detailed by him, shall drill the company not less than two hours, in the school of the soldier, the manual of arms and the movements of the company.

Annual muster.

SEC. 25. There shall be an annual muster and camp of instruction of the National Guard of Washington at such time and place, or places, as the commander-in-chief may

designate, at which time the companies shall be drilled, inspected and reviewed by battalions, regiments or brigades. Such camp of instruction shall continue for a period of not less than four nor more than twelve days, and shall be governed by such rules and regulations as shall be prescribed by the military board, and there shall be three annual parades, one on the twenty-second day of February, one on memorial day, and one on the fourth of July.

SEC. 26. The military forces of this state, when in actual service of the state in time of war, insurrection, invasion or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing as are at the time of the said service allowed by law in the army of the United States. When ordered into the service of the state in case of forcible obstruction to the execution of the laws, or reasonable apprehension thereof, or to prevent breaches or disturbances of the peace, or to protect the property of the state or its citizens, except in case of war or invasion, and when in attendance at the annual muster or camp of instruction, or at the stated parades under this act, the National Guard of Washington shall receive the following compensation per diem: Each commissioned officer, two dollars; each non-commissioned officer, musician and private, one dollar and fifty cents; and, in addition thereto, except at such stated parades, each officer and enlisted man shall be entitled to one ration per day, and every officer and enlisted man of cavalry, and every mounted officer of infantry shall be entitled to forage of one horse.

Rations and pay in actual service.

SEC. 27. No officer, non-commissioned officer, musician or private shall receive any compensation from the state during time of peace, except as in this act provided.

SEC. 28. In case of war, insurrection, invasion or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the governor, if he deems the organized National Guards insufficient to defend the state, or to aid civil authorities to enforce the laws, may, in his discretion, either call for volunteer recruits to temporarily fill companies of the National Guard to the maximum strength, or authorize

Power of governor.

Volunteer recruits.

the temporary organization of volunteer companies, or he may do both; such temporary volunteers shall be discharged when directed by the commander-in-chief, or as soon as the emergency for which they were required has passed, and while in such service they shall be subject to the same discipline and penalties, and receive the same pay as the regular National Guard.

Relief of widow  
or children.

SEC. 29. If any soldier is wounded or otherwise disabled, or is killed, or dies of wounds received while doing military duty according to law in case of invasion, insurrection or disturbance of the peace, he, his widow or children shall receive from the state such just and reasonable relief as the legislature shall deem proper.

Court-martial.

SEC. 30. The governor may order courts-martial for the trial of officers and enlisted men of the National Guard on proper charges and specifications, the proceedings of which shall be as provided by the military board, conforming to the regulations, articles of war and practice for the government of the army of the United States as near as may be; and the governor in ordering a court-martial, shall detail a judge advocate for the same. And no commissioned officer, or dishonorably discharged non-commissioned officer, artificer, musician or private, cashiered or dishonorably discharged from the National Guard, shall be permitted to again enter any company of the National Guard or serve therein, and such person shall be disqualified from holding any military office in the service of the state, except the offense be pardoned by the commander-in-chief.

By regiment or  
battalion.

SEC. 31. Regimental and battalion court-martial may be convened by order of commandants of regiments or battalions, approved by the governor, under such regulations as the military board may prescribe. The proceedings, findings and sentences of all courts-martial shall, unless otherwise ordered by the governor, be reviewed by the judge-advocate-general and approved or disapproved by him.

SEC. 32. The president of a court-martial may issue subpoenas, enforce the attendance of a witness, and punish a refusal to be sworn or to answer, as provided in civil actions.

SEC. 33. Commandants of companies may appoint courts of discipline, under the rules and regulations prescribed by the military board, for the trial of members of their respective companies for violations of the militia law, the general code of regulations or the authorized by-laws of their companies. Courts of discipline.

SEC. 34. When fines assessed by courts-martial or courts of discipline are not paid within ten days after the sentence is approved by the reviewing officers, and returned to the commandant, a list thereof and of the delinquents shall be placed in the hands of justices of the peace within the precincts in which the delinquents respectively reside, who shall thereupon issue summons to each of such delinquents, commanding them to appear before said justice at a time to be fixed by him, and stated in said summons, and not less than five nor more than ten days from the time of service thereof, and show cause why judgment should not be entered against him for such fine and costs in accordance with said sentence. Such summons shall be served in like manner as other summons issued by justices of the peace, and the hearing shall be conducted in like manner as other trials before justices of the peace: *Provided*, That the record of the proceedings and findings of such court-martial or court of discipline, when regularly conducted, shall be conclusive evidence of the facts therein stated. If, upon said hearing, the said justice finds against the said delinquents, or any of them, he shall render judgment against such delinquents separately, together with the costs of suit, and shall issue execution thereon, without stay, directed to any constable of the proper precinct, who shall collect the same without exemption. Fines delinquent.

SEC. 35. Dues levied by the by-laws of any militia organization may be collected by civil suit without right of stay or exemption; and all suits for the collection of fines or dues shall be brought in the name of the State of Washington for the use of the company, but in no case shall the state pay any costs of such suit. Dues; how collected.

SEC. 36. In all criminal prosecutions for violations of the provisions of this act, fines and penalties collected by justices of the peace, as hereinbefore provided, shall be Fines and penalties.

paid into the treasury of the state to the credit of the military fund.

Power of commander-in-chief.

SEC. 37. The commander-in-chief shall have power, in case of invasion, insurrection, or breaches of the peace, or imminent danger thereof, to order into the service of the state any of the companies, battalions, regiments or brigades of the National Guard, or of the militia force of the state that he may deem proper, and under the command of such officers as he shall designate.

Penalty for neglect to obey orders.

SEC. 38. Any officer, non-commissioned officer, musician or private, who shall neglect or refuse to obey the orders of his commanding officer, in case of invasion, insurrection, riot, tumult, breach of the peace, or resistance to process, hereinbefore provided for, shall be liable to a fine of not less than twenty nor more than one hundred dollars, and imprisonment in the county jail for a period not exceeding three months.

SEC. 39. The uniforms, arms and equipments required by law or regulations of every soldier of the National Guard shall be exempt from all suits, distresses, executions or sales for debt, or the payment of taxes.

Commissions.

SEC. 40. That all military commissions of both the militia and volunteer service, the issue of which is authorized by the laws of this state, shall be signed by the governor, sealed with the great seal of the state, and attested and recorded by the adjutant-general.

Militia tax.

SEC. 41. For the purpose of raising revenue to defray the current expenses of the militia, there is hereby levied, and the proper officer shall collect, a tax of one-fifth of one mill upon all property in the state subject to taxation for the present fiscal year, and for each fiscal year thereafter.

Military fund.

SEC. 42. The revenue raised under the provisions of this act shall be paid into the state treasury and be converted into a special military fund, from which special fund only shall be paid any of the expenses authorized by this act; and so much thereof as may be necessary is hereby appropriated to carry out the provisions of this act upon vouchers approved as herein prescribed.

SEC. 43. The auditor of the state is hereby authorized



and required to draw warrants on the state treasurer for the purposes and amounts specified in this act, on the presentation to him of itemized bills and estimates, verified by affidavit of the claimants, audited by the military board and approved by the governor.

Warrants; how drawn.

SEC. 44. The military officers of this state not hereinbefore provided for shall be chosen as follows: The field officers of regiments and battalions, by the written or printed votes of the commissioned line officers of the companies of the respective regiments or battalions; field officers of regiments or battalions shall hold office for four years and until their successors are chosen and qualified; commissioned officers of companies shall be elected by the written or printed votes of the non-commissioned officers and privates of their respective companies. All commissioned officers of the National Guard of Washington shall have power to administer oaths on military business.

Officers; how chosen.

SEC. 45. The commissioned officers of companies shall hold office for three years and until their successors are elected and qualified.

Duration of office.

SEC. 46. The commissions of all field officers now in force shall expire on the first day of June, eighteen hundred and ninety-two, when an election will be held in compliance with the provisions of this act, and the commissions of all company officers now in force shall expire on the first day of May, eighteen hundred and ninety-two, when an election will be held in compliance with the provisions of this act.

Commissions of field officers.

SEC. 47. All appointments, elections and promotions to office hereafter in the militia of the State of Washington, shall be on their proper qualifications to fill the office for which they are elected, and the military board shall cause the proper rules, and provide for an examination, as often as they may deem it for the best interest of the National Guard, of all officers comprising the militia; and all applicants for promotion or election shall be examined in the tactics in use in the United States army, and in the various branches of military science, and the military board shall have, and are hereby empowered, to summons any officer or officers before any board of examiners that they

Applicants must be examined.

shall provide. Any officer failing to appear before such board after proper notification, shall be guilty of disobedience of orders.

Bonds of officers.

SEC. 48. The military board shall cause and require proper bonds to be given, with good and satisfactory sureties, from all officers who have any military state property in their charge or possession, said bond to be filed with the adjutant-general before any commissions shall be issued or property turned over to applicants.

Adjutant general.

SEC. 49. In time of peace the adjutant-general shall be *ex-officio* quartermaster-general, commissary-general, inspector-general and chief of ordnance, and shall perform the duties of the officers; he shall give such bond to the state for the proper discharge of the duties of his several offices as the military board may determine, said bond to be placed in the custody of the state auditor as security to the state. He shall receive a salary of one thousand and five hundred dollars annually, payable quarterly, together with the necessary expenses of his offices. He may appoint one assistant adjutant-general, with the rank of colonel; one assistant quartermaster-general, with the rank of lieutenant-colonel; one assistant commissary-general, with the rank of lieutenant-colonel; one assistant inspector-general, with the rank of lieutenant-colonel, and two aids-de-camp, with the rank of captain.

Regimental flag.

SEC. 50. The military board is hereby authorized to provide each organized regiment or battalion now formed, or that may be formed under the provisions of this act, and that the brigadier-general commanding the brigade shall certify that it is in such a state of discipline and efficiency as to be deserving of the honor, with a regimental flag, a national flag and necessary regimental guidons. Such regimental flag shall be the flag of this state, with the number, motto and arm of the service of the regiment in a scroll upon the same. The size of the flag shall be six feet six inches fly, and six feet on the pike. The fringe shall be yellow, four inches deep, and the cord and tassel blue and white intermixed. The length of the pike shall be ten feet, including the spear.

SEC. 51. The national flag and regimental guidons car-

ried by each regiment shall be the same as prescribed for regiments of the same arm in the United States army.

SEC. 52. No flag but that of the United States and that of the State and Territory of Washington shall be carried by the National Guard of Washington. Flags of United States or of Washington.

SEC. 53. The systems of tactics and field exercises ordered to be observed by the army of the United States and the different arms of service, or such other system as may be prescribed by the militia laws of the United States, shall be observed by the militia of this state, to the exclusion of all other systems. Tactics.

SEC. 54. For the improvement of the National Guard and the use of its weapons in target practice, the military board shall provide the rules to govern all ranges and the system of carrying out the rifle practice. Rules for rifle practice.

SEC. 55. When any portion of the National Guard is called out to assist the civil authorities in the preservation of peace, or for any other duty, it shall be under the immediate command of the military officer highest in rank present, who shall act under and be subject to the general direction of the civil officers.

SEC. 56. Military stores belonging to the state not issued to the National Guard, and military property belonging to the United States in possession of the state, shall be stored in the state arsenal in charge of the adjutant-general.

SEC. 57. All active members of the National Guard of Washington shall, except for treason, felony and breach of the peace, be privileged from arrest and imprisonment by civil authority while under orders in the service of the state, from the date of the issuing of such orders to the time of their discharge from such service. Privilege from arrest.

SEC. 58. This act shall be printed in pamphlet form, and the adjutant general shall distribute to the commissioned officers of the National Guard one copy thereof to each, at as early a day as possible after the approval by the governor. Printing and distribution of law.

SEC. 59. Owing to the necessity of the service, an emergency exists; therefore this act shall take effect upon the approval by the governor.

SEC. 60. All preceding acts or parts of acts in conflict with any of the provisions of this act, or upon any subject embraced within it, are hereby repealed.

Approved March 27, 1890.

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RELATING TO APPROPRIATIONS FOR PENITENTIARY.

AN ACT authorizing the money appropriated by the Legislature of the Territory of Washington for the manufacture of grain sacks, approved February first, 1888, to be used for other purposes, and declaring an emergency.

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

Act amended.

SECTION 1. That the money appropriated by the Territory of Washington for the necessary plant for the manufacture of grain sacks by an act entitled "An act for the further construction of penitentiary buildings at Walla Walla; for the purchase of the necessary plant for the manufacture of grain sacks thereat; for heating and lighting the same; for the maintenance of prisoners therein confined; to cover deficiencies for past expenditures made on account of the same, and appropriating money therefor," and approved February first, 1888, shall be applied for the same purpose, and shall be subject to the same provisions as the act of the legislature of the State of Washington which was approved February 19, 1890, entitled "An act to provide for the employment of the convicts at the Walla Walla penitentiary," and making an appropriation therefor.

SEC. 2. Owing to the necessity for speedily carrying into effect the provisions of section twenty-nine of article two of the constitution, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

PORT TOWNSEND AND OAK BAYS; TO AUTHORIZE A CANAL TO CONNECT.

AN ACT in relation to the construction of a ship canal connecting Port Townsend Bay with Oak Bay, and declaring an emergency.

WHEREAS, The bay of Port Townsend is separated from Oak Bay by a narrow strip of low land, or isthmus, which, during the highest tides, is covered by water; and

WHEREAS, It is represented that the digging of a ship canal connecting the said bays is practicable and can be effected by an expenditure of about forty thousand dollars; and

WHEREAS, By means of such ship canal vessels going north from Puget Sound could reach Port Townsend and other points on said bay, thereby saving a distance of at least thirteen miles each way, and be relieved from the heavy swells direct from the ocean encountering vessels going around Marrowstone Point, and also enable stern wheel steamers and other light steam water craft forbidden by the U. S. local inspectors, during the winter months, from going to Port Townsend, to travel to said port at all seasons of the year, and would also secure a safe passage for the towage of saw-logs destined for Port Townsend bay; and

WHEREAS, It is further represented that owners of so much of said isthmus as has been patented have consented to the digging of said canal, and that a small portion of the same is tide-lands, to which the state has asserted ownership; and

WHEREAS, It is further represented that persons interested in commerce, manufactures and business at Port Townsend bay have associated themselves together to dig said canal and complete it without delay, and have agreed to contribute sufficient means for that purpose; and

WHEREAS, Said canal would be of great benefit to the commerce and business of this state: therefore,

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

SECTION I. That the consent of the state is hereby given to the digging of a ship canal connecting the waters

Saving in distance.

Consent of state given.

of Port Townsend bay and Oak bay by the shortest and most practicable route through the strip of land or isthmus now separating the said bays; said canal to be of such depth and width as will admit the passage of steamers of light draft and other water craft and saw-logs; and so much of the tide-lands belonging to the state as may be necessary for that purpose are reserved for that purpose and from any other disposition.

Public high-  
way.

SEC. 2. Any association of persons, or corporation organized for that purpose, is authorized to dig and complete said canal in accordance with the provisions of this act: *Provided*, Said canal, when completed, shall become and remain perpetually a public highway, free from toll or other restriction and open to all vessels, tugs and water craft of every kind and description, and may be used freely by the public in the same manner as other public waterways are allowed to be used according to law: *And provided further*, That the state shall not in any event be liable for any part of the cost incurred in the construction of said canal.

SEC. 3. Whereas, an immediate necessity exists for the construction of said canal, an emergency is hereby declared to exist; and, therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 28, 1890.

## SESSION LAWS OF 1889-90; PRINTING, DISTRIBUTION AND SALE OF.

AN ACT to provide for the printing, distribution and sale of the Session Laws of 1889 and 1890.

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

SECTION 1. The secretary of state is hereby directed to cause to be printed two thousand copies of the session laws of 1889-90, to be distributed as provided by law, the remaining copies to be turned over to the state auditor to be sold at a price not in excess of ten per cent. of the cost price.

SEC. 2. Whereas, there is an immediate necessity for the taking effect of this law; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

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RELATING TO THE EMPLOYMENT OF WOMEN.

AN ACT to secure equal privileges and rights to residents of the State of Washington, irrespective and regardless of sex.

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

SECTION 1. That hereafter in this state every avenue of employment shall be open to women; and any business, vocation, profession and calling followed and pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in or pursuing any business, vocation, profession, calling or employment on account of sex: *Provided*, That this act shall not be construed so as to permit women to hold public office.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Received by the governor March 28, 1890.

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

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## BONDS FOR INTERNAL IMPROVEMENTS.

AN ACT authorizing cities and towns to construct internal improvements and to issue bonds to pay therefor, and declaring an emergency.

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

Purposes defined.

Water works.

Sewerage.

Gas works.

Electric lights.

SECTION 1. That any incorporated city or town within the state be and is hereby authorized to construct, or condemn and purchase, or purchase or add to and maintain, water works within or without the city limits for the purpose of furnishing the city and the inhabitants thereof with an ample supply of water for all purposes, and to construct and maintain a system of sewerage, with full jurisdiction and authority to manage, regulate and control the same beyond the limits of the corporation, and to buy or build gas works or electric light plants for the purpose of lighting streets and public places, and supplying lights to the inhabitants of such cities and towns, with full authority to regulate and control the same.

SEC. 2. Whenever the city council or board of trustees of any such city or town shall deem it advisable that the city or town of which they are such officers shall exercise the authority hereby conferred upon them in relation to either or both such water works or system of sewerage or plant or works for lighting purposes, the corporation shall



provide therefor by ordinance, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city, at a special election, of which 30 days' notice shall be given in the paper doing the city printing, by publication in each issue of said paper during said time: *Provided*, That if the said city or town is to become indebted or issue bonds for said water works or sewerage system, or plant or works for lighting purposes, the said proposition and authority to become so indebted shall be adopted and assented to by three-fifths of the qualified voters of said city or town voting at said election, otherwise by a majority vote, and when so adopted and assented to as aforesaid, the said corporation shall become authorized to become indebted and issue bonds as hereinafter provided, subject, however, to the condition that the total indebtedness shall not exceed ten per centum of the taxable property shown in the last assessment roll.

SEC. 3. Whenever a city or town shall be authorized to issue bonds, the said bonds shall be issued in denominations of not less than one hundred or more than one thousand dollars, shall be numbered from one up consecutively, shall bear the date of their issue, shall be payable not more than twenty years from date and shall bear interest not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor, and attested by the clerk under the seal of the city or town.

SEC. 4. There shall be levied each year a tax upon the taxable property of such city or town as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity thereof, an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectable as other taxes.

SEC. 5. Said bonds shall be printed, or engraved or lithographed on good bond paper, and a duly authenticated

copy of this act, together with the ordinance of the city or town authorizing and directing such special election, shall be printed on each bond, together with a statement signed by the mayor and clerk showing the result of said election.

Sale of bonds.

SEC. 6. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, of each and every bond executed, issued or sold under the provisions of this act.

Register of bonds.

SEC. 7. There being no law in this state authorizing cities and towns to construct internal improvements, and to issue bonds to pay therefor, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 26, 1890.

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## HOPS; RELATING TO.

AN ACT to regulate and fix the tare on hops, the weight of hop baling, and a standard weight of bales of hops.

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

SECTION 1. The amount of tare to be deducted from the gross weight of each bale of hops grown and hereafter sold in this state is hereby fixed at five pounds per bale. Five yards of baling cloth is the maximum quantity to be used in making the bale, and the standard weight of each yard of baling cloth is hereby fixed at from twenty-four to thirty ounces. The standard weight for a bale of hops is hereby fixed at from one hundred and seventy-five to two hundred and ten pounds. Any vender

of hops using heavier sacking than that specified in this section, or using any extraneous matter in the baling thereof, shall have the same deducted as additional tare.

Approved March 3, 1890.

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### CHANGING NAME OF SEATCO TO BUCODA.

AN ACT providing for changing the name of the town of Seatco to Bucoda.

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

SECTION 1. That the name of the town of Seatco is hereby changed to Bucoda.

SEC. 2. This act shall be in force ninety days after the final adjournment of this legislature.

Approved December 26, 1889.

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### TRACTION ENGINES.

AN ACT defining the duties of persons running traction engines on the public highway.

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

SECTION 1. That whenever any person in charge of and running any traction engine propelled by steam upon any county road or public highway, except in towns, cities or villages, shall meet or come in close proximity to any person driving a team of horses, it shall be the duty of

the person in charge of such engine to come to a full stop and remain standing until the team has passed.

SEC. 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Approved February 14, 1890.

## CIVIL AND LEGAL RIGHTS.

AN ACT to protect all citizens in their civil and legal rights.

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

SECTION 1. That all persons within the jurisdiction of the State of Washington shall be entitled to the full and equal enjoyment of the public accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theatres and other places of public amusement and restaurants, subject only to the conditions and limitations established by law and applicable alike to all citizens of whatever race, color or nationality.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of whatever race, color or nationality, the full enjoyment of any of the public accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than three hundred dollars, or shall be imprisoned not less than thirty days nor more than six months.

Approved March 27, 1890.