

CHAPTER XX.—STATE OFFICERS.

GOVERNOR.

AN ACT relating to the duties of the Governor, and fixing the salary, and declaring an emergency.

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

SECTION 1. In addition to those prescribed by the constitution, the governor has the power and may perform the duties prescribed in this and the following sections: *First*, to supervise the conduct of all executive and ministerial officers. *Second*, to see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session. *Third*, to make the appointments and supply the vacancies mentioned in this act. *Fourth*, he is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States. *Fifth*, whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney-general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session. *Sixth*, he may require the attorney-general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session. *Seventh*, he may require the attorney-general to aid any prosecuting attorney in the discharge of his duties. *Eighth*, he may offer rewards, Rewards.

not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison, or of any person who has committed or is charged with the commission of a felony. *Ninth*, to perform such duties respecting fugitives from justice as are prescribed by the penal code. *Tenth*, to issue and transmit election proclamations as prescribed by law. *Eleventh*, he may require any officer or board to make, upon demand, special reports to him in writing. *Twelfth*, he may control or suppress riots or unlawful strikes, or any unlawful assembly of ten or more persons, when by such riot, unlawful strike or unlawful assembly any persons are attempting to commit a felony, or inciting others to commit such crime, or any person or persons are in imminent danger of losing either life or property. But before taking any such action, the governor shall first notify and request the local authorities to suppress such riot, unlawful strike or unlawful assembly, and if they fail, refuse, neglect, or are unable to do so, he shall issue his proclamation commanding such persons to disperse and refrain from taking part in or encouraging or inciting such riot, unlawful strike or unlawful assembly, and if thereafter such imminent danger still continues, the governor shall proceed to suppress the same by calling into action all the force necessary to accomplish that purpose. *Thirteenth*, he has such other powers and duties as are devolved upon him by this act, or by any other law of this state.

SEC. 2. The governor must cause to be kept the following records: *First*, a register of all applications for pardons or for commutation of any sentence, with a list of all the official signatures and recommendations in favor of or against each application, and list of pardons made. *Second*, a register of statements in capital cases made to him, with his action thereon. *Third*, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime. *Fourth*, a register of all appointments made by him, with date of commission, names of appointee and predecessors.

SEC. 3. On or before the last five days of each biennial ^{Appointments.} session of the legislature the governor must transmit to the senate a list of all the appointments-made by him, and not before communicated to the senate for confirmation.

SEC. 4. Every provision in the laws of this state in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of the governor.

SEC. 5. The annual salary of the governor, to include ^{Salary.} all services rendered by him, or which may be by law hereafter devolved upon him, is four thousand dollars, which shall be paid quarterly out of the state treasury.

SEC. 6. In case the governor absents himself from the ^{Successions.} state, he shall, prior to such departure from the state, notify the lieutenant-governor of such proposed absence, and during such absence of the governor from the state, the lieutenant-governor shall perform all the duties of the governor.

SEC. 7. Whereas, there are no acts of the legislature relating to the duties of the governor, and there being an immediate necessity therefor, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 25, 1890.

SECRETARY OF STATE.

AN ACT to define the duties, and provide for assistance for, and fix the compensation of, the Secretary of State.

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

SECTION 1. The secretary of the state is charged with ^{Custodian.} the custody—*First*, of all acts and resolutions passed by the legislature; *second*, of the journals of the legislature;

third, of the seal of the state; *fourth*, of all books, records, deeds, parchments, maps and papers required to be kept on deposit in his office pursuant to law; *fifth*, of the enrolled copy of the constitution; *sixth*, he is the superintendent and shall have charge of the state capitol, and must keep the same, together with all property therein, in good order and repair; *seventh*, he shall provide fuel, lights and stationery for the senate and house of representatives, state library, supreme court, supreme court library, and for all state officers having their offices or chambers at the state capital.

Duties.

SEC. 2. It is the duty of the secretary of state—*First*, to keep a register of and attest the official acts of the governor; *second*, to affix the state seal, with his attestation, to commissions, pardons and other public instruments to which the signature of the governor is required, and also in attesting and authenticating all certificates and other documents properly issued by said secretary; *third*, to record in proper books all conveyances made to the state, and all articles of incorporation, letters patent, deeds, certified copies of franchises or other papers filed in his office; *fourth*, to receive and file all the official bonds of officers whose bonds are required to be filed with him; *fifth*, to take and file in his office receipts for all books distributed by him; *sixth*, to certify to the legislature, as required by the constitution, the election returns for all officers required in said constitution to be so certified, and to certify to the governor the names of all other persons who have received at any election the highest number of votes for any office, the incumbent of which is to be commissioned by the governor; *seventh*, to furnish on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record or other instrument filed, deposited or recorded in his office; *eighth*, to present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state; *ninth*, to file in his office an impression of each and every seal in use by any state officer, and to furnish state officers with new seals when necessary; *tenth*,

to keep a fee-book, in which must be entered all fees received by him, of whatever nature or kind, collected or charged, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which book must be verified annually by his affidavit entered therein; which fees so collected by him shall be paid into the state treasury, from time to time, as collected: *Provided*, That fees heretofore collected shall also be paid into the state treasury.

SEC. 3. Immediately after the laws are bound, the secretary of state must distribute the same as follows: *First*, to each department of the government at Washington, one copy; *second*, to the library of congress, one copy; *third*, to each of the states and territories and to the District of Columbia, one copy; *fourth*, to our senators and representatives in congress, and to each of the judges of the supreme court of this state, and the United States district judge, one copy; *fifth*, to each member of the legislature at the session when such laws were adopted, one copy, and to the sergeant at-arms, the clerks and assistant clerks, and to the registers and receivers of the United States land offices within the state, and to the superintendent of public instruction, one copy; *sixth*, to the state librarian, twelve copies; *seventh*, to the United States district attorney, the United States marshal, to each prosecuting attorney, to the province of British Columbia, to the governor, secretary, treasurer, auditor and attorney-general, one copy each; *eighth*, to each of the trustees of the asylums for the insane and of the penitentiary, to the warden of the penitentiary, to each inspector of mines, to each of the dental examiners, to each university regent, to each pilot commissioner, to each of the medical examiners and to the supreme court reporter, one copy; *ninth*, to the clerks of the supreme court and the clerks of the United States district court, six copies each, for the use of said courts; *tenth*, to each department of state, two copies. Distribute laws.

SEC. 4. The secretary of the state shall also forward to the county clerk of each county a sufficient number of paper-bound copies of the session laws and index to code to supply one copy to each county clerk, clerk of the

court, superior judge, sheriff, county treasurer, assessor, county commissioner, county superintendent of schools, coroner and justice of the peace within their respective counties, as public property, for the use of their respective offices, to be delivered to their successors in office, and one copy to each of the public institutions of the state.

SEC. 5. The remaining copies of such laws shall be delivered by the secretary to the state auditor, who shall sell the same at the cost price and pay into the state treasury the proceeds of such sales for the use of the general fund of the state.

Must mark books.

SEC. 6. The secretary must indelibly mark each book distributed to officers of this state, except the legislative officers, with the name of the county to which, and the official designation of the officer to whom, it is sent. Such books remain the property of the state, and must be by the officers receiving them delivered to their successors.

Expenses.

SEC. 7. The expenses incurred by the secretary of state in carrying into effect the provisions of this act, or in pursuance of any law or resolution of the legislature, shall be allowed and paid out of the state treasury, upon presentation of the bills therefor to the satisfaction of the state auditor, who shall draw warrants in favor of the secretary upon the state treasurer, who shall pay the same out of the funds herein appropriated, or hereafter out of funds appropriated from time to time by the legislature for that purpose.

Correcting errors.

SEC. 8. In arranging the laws, memorials and resolutions for publication, the secretary is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: *Provided*, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature.

Fees.

SEC. 9. The secretary of state, for services performed in his office, may charge and collect the following fees, which shall be paid into the general fund of the state: *First*, for a copy of any law, resolution, record or other document

or paper on file in his office, 20 cents per folio; *second*, for affixing certificate and seal of state, one (\$1) dollar; *third*, for filing articles of incorporation, one (\$1) dollar; *fourth*, for recording articles of incorporation, 20 cents per folio; *fifth*, for issuing certificate of incorporation, one (\$1) dollar for the certificate and 20 cents for each folio of one hundred words therein or each fractional folio over 26 words; *sixth*, for receiving and filing each official bond, one (\$1) dollar; *seventh*, for each commission, passport or other document signed by the governor and attested by the secretary of state (pardons and military commissions excepted), one (\$1) dollar; *eighth*, for each patent of land issued by the governor, if for one hundred and sixty acres or less, one (\$1) dollar, and for each additional one hundred and sixty acres, or fraction thereof, one (\$1) dollar; *ninth*, for recording miscellaneous records, papers or other documents, 25 cents per folio, and one dollar for filing in each case. But no member of the legislature, or state officer, or prosecuting attorney, supreme court or superior judge can be charged for any search relative to matters appertaining to the duties of their offices; nor must they be charged for a certified copy of any law or resolution passed by the legislature relative to their official duties: *Provided*, Such law has not been published as a state law.

SEC. 10. The secretary of state must execute an official ^{Bond.} bond to the state in the sum of ten thousand [dollars] (\$10,000), conditioned upon the faithful performance of the duties of his office, and must receive no pay under the laws of the state until such bond, approved by the governor, is filed with the auditor of state.

SEC. 11. The annual salary of the secretary of state shall ^{Salary.} be two thousand five hundred dollars, which shall be paid monthly out of the state treasury, upon proper warrants drawn upon the treasurer by the state auditor.

SEC. 12. The secretary shall be entitled to one chief ^{Assistance.} clerk, who shall receive an annual salary of fifteen hundred dollars, and one recording clerk, who shall receive an annual salary of nine hundred dollars. He shall also be entitled to employ extra clerical assistance when necessary, to be paid for upon certified vouchers, to the amount of

not exceeding one thousand dollars per annum. Said sums shall be payable monthly out of the state treasury, upon proper warrants drawn upon the treasurer by the state auditor. In case of the unavoidable absence or inability of the secretary to act, the chief clerk may act as secretary, and perform the duties of the office until such inability is removed.

SEC. 13. Whereas, there are no acts of the legislature relating to the duties of the secretary of state, there being an immediate necessity therefor; therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Received by the governor March 28, 1890. •

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

STATE AUDITOR.

AN ACT relating to the duties of state auditor, and providing for his salary and assistants, and declaring an emergency.

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

Residence and
office.

SECTION 1. The state auditor shall reside and keep his office at the seat of government, and before entering upon his duties shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required, or which may be required of him by law, and take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the secretary of state.

Bond.

SEC. 2. The state auditor is hereby declared to be the ^{General duties.} general accountant of the state, and the keeper of all public account books, accounts, vouchers, documents, and all papers relating to the accounts and contracts of the state, its revenue, debt and fiscal affairs, and of all other papers appertaining to the state, or any department thereof, and not required by law to be placed in some other office or kept by some other person. All books, papers, letters and transactions pertaining to the office of state auditor shall be open to the inspection of the public generally during office hours.

SEC. 3. The state auditor shall have authority to appoint ^{Deputy.} a deputy, who, before entering upon the duties of his office, shall take and subscribe an oath faithfully to perform the duties of said office, which oath shall be endorsed on the appointment and filed in the office of the state secretary. Said appointment may be revoked at the pleasure of the state auditor. The state auditor shall be held responsible on his official bond for all official acts of his said deputy. The said deputy shall be paid a salary of twelve hundred dollars annually, payable quarterly out of the state treasury.

SEC. 4. It shall be the duty of the auditor to digest, ^{Biennial report.} prepare and report to the legislature at the commencement of each biennial session — *First*, a full and detailed statement of the condition of the revenues, and the amount of the expenditures for the fiscal year; *second*, a full and detailed statement of the public debt; *third*, estimates of revenue and the expenditures for the next succeeding year; *fourth*, such plans as he may deem expedient for the support of public credit, for lessening the public expenses, for using the public money to the best advantage, for promoting frugality and economy in public offices, and generally for the better management and more perfect understanding of the financial affairs of the state; *fifth*, a tabular state- ^{Form of.} ment, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended; *sixth*, a tabular statement, showing separately the amount of money received into the treasury from all sources in the preceding fiscal

year, the amount received from each county, and the source of revenue in each county for state purposes.

Auditing ac-
counts.

SEC. 5. It shall be the duty of the auditor — *First*, to audit, adjust, and settle all claims against the state, payable out of the treasury, except only such claims as may be expressly required by law to be audited and settled by other officers or persons; *second*, to draw all warrants upon the treasury for money, except only in cases other-

Register of war-
rants.

wise expressly provided by law; *third*, to keep a correct register, in tabular form, of all warrants issued by him, showing the number, date, amount, to whom and for what payable, with an additional column in which to enter the date on which each warrant is returned or paid; *fourth*, to express in the body of every warrant which he may draw upon the treasury, the particular fund appropriated by law out of which the same is to be paid; *fifth*, to audit, settle and adjust the accounts of all collectors of the revenue, and other holders of public money, who are required by law to pay the same into the treasury; *sixth*, to examine and settle the accounts of all persons indebted to the state, and to certify the amount to the treasurer, and upon presentation and filing of the treasurer's receipt therefor, to give such person a discharge, and charge the treasurer therewith; *seventh*, in his discretion to inspect the books of any person charged with the receipt, safe keeping, and disbursement of public moneys; *eighth*, to keep an account

Accounts with
U. S.

between the state and the state treasurer; *ninth*, to keep an account of all debts and credits between the state and United States; *tenth*, to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection and payment of the revenue against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state; *eleventh*, to give information, in writing, to either house of the legislative assembly, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of

Furnish blanks.

his office; *twelfth*, to furnish the offices of himself and the state treasurer with all books, papers, blanks and forms required by law for the proper discharge of the duties of

their offices, and to furnish the proper forms, through the clerks of the counties, to assessors, treasurers and sheriffs, and such clerks in relation to assessment and collection of public revenue; *thirteenth*, to have printed and forwarded to the treasurer of each county, blank state licenses; *fourteenth*, to keep a separate account of the school fund and of the interest and income thereof, together with such moneys as may be raised by special tax or otherwise, for school purposes; *fifteenth*, to require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof in pursuance of law; *sixteenth*, in his discretion, to require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it; *seventeenth*, to furnish the state treasurer with a list of warrants drawn upon the treasurer; *eighteenth*, to authenticate with his official seal all drafts Warrants. and warrants drawn by him, and all copies of papers issued from his office; *nineteenth*, to make his official report Date of report. biennially on or before the 31st of December in each year preceding the meeting of the legislature; *twentieth*, to perform all such other duties as may be required by law.

SEC. 6. The state auditor shall in no case issue any state warrant unless there is a law authorizing the issue of the same, and every warrant shall state the act under which it is drawn; and if any state auditor shall issue any state warrant not authorized by law, he shall forfeit and pay four-fold the amount of such order, to the state, to be recovered by action against the auditor and his sureties on his official bond. Limit for warrants.

SEC. 7. The state auditor shall have printed five hundred Printing state reports. copies of each of the reports of the auditor, treasurer and trustees of the hospital for the insane; fifteen hundred copies of the report of the superintendent of public instruction, including the necessary rules, blank forms and the school law; and two hundred copies each of the other state reports.

SEC. 8. When said reports shall have been printed and delivered to the state auditor, as provided in this act, he shall deliver them into the custody of the governor, to be

by him transmitted to the legislature of the State of Washington.

Salary.

SEC. 9. The state auditor shall be paid an annual salary of two thousand dollars, payable quarterly out of the state treasury upon proper warrants drawn by the state auditor.

SEC. 10. All persons required by law to pay money into the treasury of the state shall, unless otherwise provided, exhibit their accounts and vouchers to the auditor on or before the first Monday in November in each year, to be audited, adjusted and settled, and the auditor shall proceed without any unnecessary delay to audit, adjust and settle the same, and report to the treasurer the balance found due.

Penalty for delinquency.

SEC. 11. If any person so required by law to pay money into the treasury shall fail to pay the amount so found due into the treasury, and produce the treasurer's receipt to the auditor within ten days after the settlement required, the delinquent shall forfeit to the state the amount of his commission allowed him by law, and also two and one-half per cent. a month on the amount wrongfully withheld, to be computed from the time the same ought to have been paid until actual payment; and the auditor shall charge such delinquent accordingly, and the whole amount of principal and forfeiture may be recovered by action on his official bond.

Limit for presentation of claims.

SEC. 12. All persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled and allowed within two years after such claim shall have accrued, and not afterwards. And in all actions brought in behalf of the state no debt or claim shall be allowed against the state as a set-off, but such as has been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it shall be proved to the satisfaction of the court that the defendant at the time of trial is in possession of vouchers which he could not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness or unavoidable accident.

Limit for payment of warrants.

SEC. 13. All warrants drawn on the state treasury shall be presented for payment within the period of five years

after the date of issue thereof; and should the payee or legal holder of any such warrant or warrants neglect or fail to present the same for payment within the time specified, it shall be the duty of the state auditor to enter the same as canceled on the books of his office, and to notify the state treasurer of such cancellation: *Provided*, That should the payee or legal owner of any such canceled warrant or warrants present the same for payment after a lapse of five years from the date of the issue thereof, the state auditor may, upon proper showing by affidavits and the delivery of the canceled warrant into his possession, issue a new warrant in lieu thereof on the state treasurer, and the said treasurer is authorized to pay the same as other warrants are paid.

SEC. 14. All outstanding warrants issued five years prior to the approval of this act shall, if not paid within one year from the date hereof, be canceled by the state auditor, as provided in this act.

SEC. 15. That in case of the loss or destruction by fire, or other cause, of any state warrant or warrants issued by the state auditor for the payment of any moneys out of the treasury of the state, the said auditor is hereby authorized and empowered to issue a duplicate, or duplicate warrants, in lieu thereof, the said duplicate or duplicates to bear the same number, class or designation in all respects and to be issued for the same amount as the original, in lieu of which such duplicate shall issue: *Provided*, That the issue of any such duplicate warrant or warrants shall be subject to the provisions of section 13 of this act.

SEC. 16. Before any such duplicate warrants shall be issued, as provided in section 15 of this act, the state auditor shall require from the person making application for the issue of such duplicate warrant, to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original warrant for which a duplicate is required, giving the date of issue, the number, amount and for what services or claim said original warrant was issued, and that the same has been lost or destroyed, and has not been paid; and shall also require the person so making

Duplicate warrants.

Conditions of issuing.

application to give a sufficient bond, with one or more sufficient sureties, conditioned to save the state harmless from the payment of the original warrant and all costs and charges on account thereof.

Record of war-
rants.

SEC. 17. The state auditor shall keep a full and complete record, for identification, of all warrants alleged to have been lost or destroyed, and of the issue of any duplicate therefor; and upon the issuance of any such duplicate, he shall enter the cancellation upon the books of his office, of the original warrant, and immediately notify the state treasurer of such cancellation.

SEC. 18. The auditor, whenever he may think it necessary in the settlement of any account or the drawing of any warrant, may examine the party, witnesses and others on oath or affirmation, touching any matter material to be known in the settlement of the account or the drawing of the warrant, and for that purpose he may issue summons and compel witnesses to attend before him and give testimony in the same manner and by the same means allowed in courts of record, and he shall reduce such evidence to writing and file the same in his office.

Vouchers pre-
served.

SEC. 19. All accounts, vouchers and documents settled or to be settled by the auditor, shall be preserved in his office, and copies thereof, authenticated by the official seal, shall be given to any person interested therein, who shall require the same.

SEC. 20. In all cases of grants, salaries, pay and expenses, ascertained and allowed by law, found due to individuals from the state, when audited the auditor shall draw a warrant upon the treasury for the amount, but in cases of unliquidated accounts and claims, the adjustment and payment of which are not provided for by law, no warrant shall be drawn by the auditor or paid by the treasurer unless the previous appropriation shall have been made by law for that purpose, nor shall the whole amount drawn by and paid under any head ever exceed the amount thus appropriated: *Provided*, That where an appropriation is made by law to be paid out of the state treasury, it shall be the duty of the state auditor to draw a warrant or warrants upon the state treasurer in accordance with the provisions of

such law in favor of the person or persons entitled to the same.

SEC. 21. If any person interested shall be dissatisfied ^{Refer to attorney-general.} with the decision of the auditor on any claim, account or credit, it shall be the duty of the auditor, at the request of such person in writing, setting forth the objections, to refer the same to the attorney-general.

SEC. 22. In all cases where the laws recognize a claim ^{Audit claims.} for money against the state, and no appropriation shall be made by law to pay the same, the auditor shall audit and settle the same, and give the claimant a certificate of the amount thereof, under the official seal, if demanded, and shall report the same to the legislature with as little delay as possible.

SEC. 23. The auditor shall have power to administer all oaths required by law in matters pertaining to the duties of his office.

SEC. 24. The auditor shall keep a seal of office for the ^{Seal.} identification of all papers, writing and documents required by law to be certified by him, and copies so authenticated and certified of all papers and documents lawfully deposited in his office shall be received in evidence as to the original.

SEC. 25. Whereas, there are no acts of the legislature relating to the duties of state auditor under the state government, and there being an immediate necessity therefor, therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 27, 1890.

STATE TREASURER.

AN ACT relating to the duties of State Treasurer, fixing his salary, and providing punishment for violations of this act, and declaring an emergency.

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

SECTION 1. It shall be the duty of the state treasurer — *First*, to receive and keep all moneys of the state not expressly required by law to be received and kept by some other person; *second*, to disburse the public moneys only upon warrants drawn upon the treasurer by the state auditor, in the order of their number, date and issue; *third*, to keep a just, true and comprehensive account of all moneys received and disbursed; *fourth*, to keep a just and true account of each head of appropriations made by law, and the disbursements under the same; *fifth*, to render his accounts to the state auditor in detail for settlement quarterly, on the thirty-first day of March, thirtieth day of June, thirtieth day of September and thirty-first day of December of each year, or oftener if required; *sixth*, to endorse on each warrant the date of payment, the amount of the principal and the interest due on said date; *seventh*, to report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding year; *eighth*, to give information in writing to either house of the legislature whenever required, upon any subject connected with the treasury, or touching any duty of his office; *ninth*, he shall account for and pay over all moneys on hand as such treasurer to his successor in office, and deliver all books, vouchers and effects of office to him, and such successor shall receipt therefor; *tenth*, upon payment of any warrant he shall take upon the back thereof the signature of the person to whom it is paid, and return the same to the auditor, with his quarterly statement.

Disburse
moneys.

Quarterly state-
ments.

Biennial
reports.

Residence, of-
fice and bond.

SEC. 2. That the state treasurer shall reside and keep his office at the seat of government, and before entering upon

his duties shall execute and deliver to the secretary of state a bond to the state in the sum of two hundred and fifty thousand dollars, to be approved by secretary of state and one of the judges of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace within the state, to be endorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of the state.

SEC. 3. All the books, papers, letters and transactions pertaining to the office of treasurer shall be open to the inspection of a committee of the legislature, or either branch thereof, to examine or settle all accounts, and to count all money; they shall also be open to the inspection of the public generally during office hours; and when the successor of any such treasurer shall be elected and qualified, the state auditor shall examine and settle all the accounts of such treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature. Records public.

SEC. 4. All persons who are required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts shall, at the time of making such payments or transmissions, notify the state auditor thereof, specifying the amount and date of such payment, and for what particular fund or account. For all sums of money so paid into the treasury, the state treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the state auditor, who shall credit such person or county accordingly, and charge the treasurer with the amount; the other receipt the treasurer shall transmit to the person or party paying the money. Duplicate receipts.

SEC. 5. The treasurer shall have power to administer all oaths required by law in matters pertaining to the duties of his office.

SEC. 6. The treasurer shall keep a seal of office for the Seal.

authentication of all papers, writings and documents required by law to be certified by him, and copies so authenticated of all documents lawfully deposited in his office shall be received in evidence as the originals.

Penalty for violation.

SEC. 7. If the state treasurer shall wilfully refuse to pay any warrant lawfully drawn upon the treasurer, or shall knowingly pay any warrant out of the order of its number, date and issue, he shall forfeit and pay four-fold the amount to any person injured thereby, to be recovered by action against the treasurer and his sureties on his official bond.

Calling in warrants.

SEC. 8. The state treasurer shall, when he has sufficient money on hand to pay warrants exceeding three thousand dollars, and said warrants are not presented for payment, advertise in some weekly newspaper at the seat of government having the largest circulation in the state, for two weeks, stating the amount of money on hand and the number of warrants he is prepared to pay, and if such warrants are not presented for payment within ten days after the publication of such notice, such warrants shall not draw interest after such date.

Salary.

SEC. 9. The state treasurer shall be paid an annual salary of two thousand dollars, payable quarterly out of the state treasury upon proper warrants drawn by the state auditor.

SEC. 10. If any person exercising the office of state treasurer shall fail to account for and pay over all moneys in his hands in accordance with law, or shall unlawfully convert to his own use in any way whatever, or use by way of investment in any kind of property, or loan without the authority of law, any portion of the public money entrusted to him for safe keeping, transfer or disbursement, or unlawfully convert to his own use any money that may come into his hands by virtue of his office, shall be deemed guilty of embezzlement to the amount of so much of said money as is thus taken, converted, invested, used, loaned or unaccounted for, and upon conviction thereof he shall be imprisoned in the penitentiary not exceeding fourteen years and fined a sum equal to the amount of money embezzled.

Penalty for failure to account for moneys.

SEC. 11. The state treasurer shall perform such other

duties as may be required of him by the constitution and laws of the state.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 13. Whereas, there are no acts of the legislature relating to the duties of the state treasurer under the state government, and there being an immediate necessity therefor, therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 28, 1890.

STATE PRINTER.

AN ACT to create the office of State Printer; to provide for the election, the term of office, and qualification of said officer, and prescribing his duties, and declaring that an emergency exists.

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

SECTION 1. That the office of state printer is hereby created, which office shall be filled by the governor, by and with the advice and consent of the senate, until the next general election in November, 1892, and thereafter he shall be elected as other state officers are elected: *And provided*, That so much of the duties of this office as may be required by the legislature at any time, shall be performed in the town where the capital is located.

SEC. 2. The term of office of the state printer shall be- Term of office.
 gin on the first day of July next after his election, and shall continue for four years, and until his successor is elected and qualified: *Provided*, That the term of the state printer appointed in 1890 shall begin immediately after his appointment and qualification, and shall terminate on the first day of July, 1893.

Oath and bond.

SEC. 3. Before entering upon the duties of his office the state printer shall take the proper official oath, and shall execute to the State of Washington a bond for the sum of twenty thousand dollars, signed by at least four good sureties, conditioned for the faithful and punctual performance of all the duties of his office. Such bond must be approved by the governor, and the bond and oath must be filed with the secretary of state, and by him recorded.

General duties.

SEC. 4. The state printer shall print the laws, the journals of the two houses of the legislature, the reports of the decisions of the supreme court: *Provided*, Nothing in this act shall be so construed as to interfere with the provisions of an act entitled "An act to provide for the printing and distribution of the decisions of the supreme court of Washington;" all public documents, and the bills, resolutions, documents and other printing of either the senate or house, as the same may be ordered by the legislature; and all forms, blanks and printing of every description necessary to supply the offices of all state officers, and the offices of the supreme court and officers thereof, as the same may be ordered by such officers, respectively; and he shall do all other public printing of the state, unless otherwise expressly provided by law. The term public printing, as used with respect to the printing of books, pamphlets, reports and the like, by the state printer, is deemed to include whatever may be necessary (other than the paper and binding materials) to make each book or pamphlet complete when delivered.

Vacancy.

SEC. 5. If the state printer shall die, resign, or if from any other cause the office should become vacant, the governor shall appoint some suitable and proper person to fill such vacancy. The person so appointed shall qualify in the manner hereinbefore provided, and shall hold the office of state printer for the unexpired term, and until his successor is elected and qualified.

Must not delay public work.

SEC. 6. The state printer shall perform such duties as may be prescribed by law; and if any state printer shall delay any public work in order to do private printing or binding, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent

jurisdiction, he shall be fined in any sum not less than fifty dollars and not more than five thousand dollars, and the governor shall thereupon declare the office vacant, and proceed to appoint a successor, as hereinbefore provided.

SEC. 7. Whereas, there is no state printer, and there is an immediate necessity for one, therefore, an emergency is declared to exist, and this act shall take effect on and after its passage.

Approved February 19, 1890.

STATE GEOLOGIST.

AN ACT to create the office of a State Geologist, prescribing his duties and compensation, making an appropriation for the same, and declaring an emergency.

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

SECTION 1. The mining bureau shall, within fifteen days ^{Appointment.} after the passage of this act, with the advice and consent of the senate, appoint a state geologist, who shall be a person known to be competent; theoretically and practically acquainted with the mining and the treatment of ores, whose term of office shall be the same as that of the ^{Term.} officers who, *ex-officio*, comprise the mining bureau, unless sooner removed by the mining bureau, for cause: *Provided*, That when a vacancy shall exist in the foregoing office, ^{Vacancy.} and the senate shall not be in session, the *ex-officio* members of the mining bureau shall have the power to fill said vacancy, and the person so appointed shall perform the duties and receive the compensation of such office, as hereinafter provided, until the next session of the legislature when the mining bureau shall submit such appointment to the senate for their approval or rejection.

SEC. 2. Before entering upon the discharge of his official ^{Bond.}

duties, the state geologist shall give a bond in the sum of ten thousand dollars (\$10,000), with good and sufficient sureties, for the faithful discharge of all duties pertaining to his office; said bond to be approved by the mining bureau, and upon such approval of said bond the state geologist shall take and subscribe to the oath of office, the same as taken by other state officers.

Duties.

SEC. 3. It shall be the duty of the state geologist to collect reliable statistical information concerning the production and reduction of all precious or useful minerals in this state; to keep on file in his office all reports and papers relative to his department, which shall be submitted to the mining bureau, as they may require, and all correspondence on the subject of mining, milling and reducing ores; he shall address circulars to corporations and individuals engaged in mining, and obtain, by correspondence and otherwise, such and any information as may bear upon this subject.

SEC. 4. It shall be the duty of the state geologist to collect, arrange and classify mineral and geological specimens found in this state, and to assume charge of same under the supervision of the mining bureau.

Catalogue of specimens..

SEC. 5. All specimens collected by him shall be carefully marked and catalogued at the time he obtains them, and he shall in connection therewith, as soon as may be, prepare a description of every such specimen and of the locality from which the same was obtained; he shall also, by analysis or assay, determine the character and value of the same.

Assaying.

SEC. 6. It shall be the duty of the state geologist to assay, or cause to be assayed and analyzed in his laboratory, specimens of the different ores, minerals, metals, coals and mineral water mined or obtained in this state whenever requested so to do, and such specimens and collection shall remain, each and every one of them, the sole property of the state. He shall keep a permanent record of the same, reserving one-half of the specimen so received for the state metallurgical cabinet, giving the name of the county, mining district, lode, ledge, deposit, vein or spring whenever obtained, together with the value and

Record.

description thereof, which said record shall be subject at all times to the inspection of the mining bureau. For such assay or analysis the state geologist shall charge for each and every analysis, assay or test as follows: For gold ^{Fees.} and silver, \$2.00; lead, \$1.50; copper, \$1.50; iron, \$3.50; silica, \$2.50; alumina, \$2.00; lime, \$3.50; magnesia, \$4.00; phosphorus, \$5.00; sulphur, \$3.50; manganese, \$5.00; zinc, \$5.00; nickel and cobalt, \$10.00 each; chromium, \$5.00; tin, \$5.00; quicksilver, —; cinnabar, \$5.00; borium, \$5.00; bismuth, \$5.00; antimony, \$5.00; arsenic, \$5.00; platinum, \$5.00; uranium, \$10.00; vanadium, \$10.00; molybdenum, \$10.00; tellurium, \$10.00; potash and soda, \$5.00; coal, \$6.00. The charges for analyzing or assaying anything not herein enumerated shall be fixed by the mining bureau, and shall not exceed those charged by other competent geologists and chemists. He shall keep a correct account of all moneys received from all such analyses or assays, and report the same monthly to the mining bureau; after deducting the cost of the chemicals used in making anylses for profit from the fees received for the same, then one-half of the remainder, if any, he shall retain for his own use, and the remainder shall be paid into the state treasury monthly, and in case of the failure or neglect of the state geologist to keep the record or to pay ^{Payment to treasury.} into the state treasury all money received by him for analyses, assays or tests, as required by this section, he shall be deemed guilty of a misdemeanor and may, upon conviction thereof, be punished by a fine not to exceed five hundred dollars, said fine to be recovered in any court of competent jurisdiction, and paid into the state treasury for the benefit and use of the mining bureau.

SEC. 7. It shall be the duty of the state geologist to solicit contributions of ores, minerals, rocks, fossils and specimens of natural history, and in his examinations, to collect such specimens and be curator of the state museum, under the direction of the mining bureau.

SEC. 8. The state geologist shall, at least once in each ^{Must examine mines.} year, visit each mining county in the state and examine as many of the mines in the different counties and mining districts as may be practicable. He shall have power and

authority to visit and examine any mine or piece of mining ground for the purpose of ascertaining the condition of the same in regard to its safety and means of egress from the same, and for this purpose shall have access to all levels, stopes, tunnels, winzes, shafts and shaft power of any mine for the purpose of said inspection.

Examine dangerous mines.

SEC. 9. Whenever the mining bureau or the state geologist shall receive a formal complaint in writing, signed by five or more persons, employes in a mine, setting forth that the mine in which they are employed is dangerous in any respect, the state geologist shall visit and examine such mine, and if, from such personal examination, he shall ascertain that the facilities for egress are insufficient, or that from want of timbering, scaling or slacking of the ground in such mine so visited, or from other causes, or that the timber, ladders or ladder-ways, pentices or plats in any such mine are in a dangerous condition, it shall become his duty to notify the owners, lessor or lessee thereof; such notice to be in writing and to be served by copy on any person or persons in the same manner as provided by law for the service of legal notices or process; said notice shall state in what particulars timbers, ladders, ladder-ways, pentices or plats are dangerous, and shall require the necessary changes to be made without delay; and in case of any criminal or civil procedure at law against the party or parties so notified, on account of loss of life or bodily injuries sustained by any employe subsequent to such notice and in consequence of a neglect to obey the state geologist's requirements, a certified copy of the notice served by the state geologist shall be *prima facie* evidence of the culpable negligence of the party or parties complained of.

Annual report.

SEC. 10. The state geologist shall make a report to the mining bureau on or before the fifth day of January in each year, for the year ending on the thirty-first day of December of the preceding year, which report shall contain all statements of accounts, moneys received, statistics, and other information which may tend to promote the development of the mineral resources of the state, and give a full exhibit of all business transacted by him.

SEC. 11. The state geologist shall receive a salary of ^{Salary.} twelve hundred (\$1,200) dollars per annum, to be paid quarterly, and the state auditor shall draw his warrants, and the state treasurer shall pay the same, accordingly. And in addition he shall be paid the amount of his actual <sup>Traveling ex-
penses.</sup> traveling expenses while performing his duties as state geologist, as directed in this act, and while traveling by and under the direction of the mining bureau; said contingent expenses not to exceed fifteen hundred dollars (\$1,500) per annum.

SEC. 12. The sum of three thousand three hundred ^{Appropriation.} (\$3,300) dollars is hereby appropriated out of any money in the public treasury of the state not otherwise appropriated to be used as follows: Salary of state geologist, twelve hundred (\$1,200) dollars; for the purchase of necessary chemicals and apparatus for state geologist's office, three hundred (\$300) dollars; for contingent and traveling expenses fifteen hundred (\$1,500) dollars; for rent of office and laboratory, three hundred (\$300) dollars.

Approved February 28, 1890.