

SESSION LAWS

OF THE

TERRITORY OF WASHINGTON:

AND THE

RESOLUTIONS AND MEMORIALS

OF THE

EIGHTH REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY, HELD AT
OLYMPIA, 1860.



OLYMPIA

JAMES LODGE, PUBLIC PRINTER

1861.

ERRATUM.

See act (page 50) to amend an act to regulate the practice and proceedings in civil actions in District Courts.

Sec. 8. *Be it further enacted*, That when a judgment of foreclosure upon a mortgage of real estate has been rendered, and a further judgment, that if the mortgaged premises do not satisfy the demand, other property of the judgment debtor shall be seized and sold to satisfy any remaining balance and costs of suit, after the application of the proceeds of the sale of such mortgaged premises to said judgment, has also been rendered, and after the sale and application of the proceeds of the sale of such mortgaged premises as by law provided, there shall remain a balance due upon such judgment, then in selling other real estate of the judgment debtor to satisfy such judgment, it shall only be necessary to advertise the sale of such other real estate for the period of two weeks prior to the sale, in a newspaper published in the county, or judicial district where the same is located.

Sec. 9. This act to take effect and be in force from and after its passage.

The foregoing sections were overlooked in consequence of being placed in the original act *after* the signatures of the presiding officers.

JAMES LODGE,
Public Printer.

GENERAL LAWS
OF
WASHINGTON TERRITORY.

AN ACT

TO PERMANENTLY LOCATE THE SEAT OF GOVERNMENT FOR THE TERRITORY OF WASHINGTON.

SEC. 1. Vancouver, Clarke county, declared to be the Seat of Government.

SEC. 2. Commissioners to locate grounds and erect Capitol building.

SEC. 3. Present session of Legislature to remain at Olympia.

SEC. 1. From and after the passage of this act the Seat of Government for the Territory of Washington shall be and remain at the city of Vancouver, in Clarke county.

SEC. 2. The Capitol Commissioners are hereby empowered and directed to locate the grounds and erect the Capitol buildings thereon, at the city of Vancouver, according to the instructions from the Government of the United States and the laws of this Territory in relation thereto.

SEC. 3. The present session of the Legislature shall remain at Olympia, until the close thereof.

[Passed, ——— ———.]

LYMAN SHAFFER, JR.,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO RE-LOCATE THE TERRITORIAL UNIVERSITY.

Location of the University.

SEC. 1. Locates University at Seattle.

SEC. 2. Proceeds of Lands, how to be applied.

SEC. 3. Acts and parts of acts repealed.

SEC. 4. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory*, That the Territorial University be, and the same is hereby located and established at Seattle, in King county: *Provided*, a good and sufficient deed to ten acres of land, eligibly situated in the vicinity of Seattle, be first executed to the Territory of Washington for University purposes.

SEC. 2. The proceeds of the two townships of land granted by an act of Congress, approved July 17th, 1854, for University purposes, shall be applied for the support and endowment of said University.

SEC. 3. The act passed January 30th, 1858, entitled "an act to relocate the Territorial University," and all acts or parts of acts in conflict with the provisions hereof, be, and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

[Passed, ———.]

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO PERMANENTLY LOCATE AND BUILD THE PENITENTIARY OF THE TERRITORY OF WASHINGTON.

SECTION 1. Appointment of Commissioners and defining their duties. Acting Commissioner to give bond.

SEC. 2. Duties of Acting Commissioner who shall have power to call meetings of the board.

SEC. 3. Acting Commissioner shall report annually to the Governor, and render vouchers for his disbursements.

SEC. 4. How vacancies shall be filled.

SEC. 5. The treasurer to be the treasurer of the funds appropriated. Provision for disbursements.

SEC. 6. Commissioners shall locate and erect said Penitentiary, and where.

SEC. 7. Compensation of Commissioners.

SEC. 8. Expenses incurred by previous Commissioners, how paid. Disposition of materials on hand.

SEC. 9. Repeals all conflicting acts.

SEC. 10. When act to take effect.

Be it enacted by the Legislative Assembly of the Territory of Washington, That J. J. H. Van Bokkelen, H. C. Barkhousen, and W. S. Ebe be and are hereby constituted and appointed a board of commissioners to superintend the erection of the Penitentiary at such place as they may select in the county of Jefferson, at or near to the city of Port Townsend, and the said commissioners, or a majority of them, shall agree upon a plan of said building without delay; and said commissioners shall agree upon one of their number to be acting commissioner, and said acting commissioner shall give bond to the United States of America in the sum of twenty thousand dollars, to be approved by the Governor of this Territory.

SEC. 2. It shall be the duty of said acting commissioner to superintend in person, the rearing and finishing said building, and the said acting commissioner shall have power to call said board of commissioners together for the purpose of transacting business on the subject, and the said commissioners shall receive such compensation as is hereinafter provided.

SEC. 3. The acting commissioner shall annually, on or before the first day of November of every year, report to the Governor of this Territory, to be laid before the Legislature at their ensuing session, a true account of all moneys received and paid out by him, and all his disbursements shall be substantiated by proper vouchers and duly verified by the affidavit of said acting commissioner.

SEC. 4. If by death, resignation, or any other cause, there should be a vacancy in said board of commissioners, it shall be the duty of the Governor of this Territory to appoint some person to perform the duties of such disqualified commissioner: *Provided however,* That such appointment shall not extend beyond the time when the next succeeding Legislative Assembly may appoint a person to fill such vacancy.

SEC. 5. The Governor of this Territory is hereby declared to be the treasurer of the fund appropriated, or to be hereafter appropriated by the Congress of the United States, to be applied to the erection of a Penitentiary of and for the Territory of Washington, and shall apply for, and receive all moneys that are now or may be hereafter appropriated for the erection and building said Penitentiary, and pay the same on drafts

drawn by said board of commissioners, or a majority of them: *Provided*, That the said commissioners shall, at no time draw upon said treasurer for more money than is due at the time of drawing, for materials for said building actually delivered, and work on said building actually performed.

SEC. 6. Said commissioners shall proceed to locate and erect said Penitentiary at or near by Port Townsend, in the county of Jefferson, upon lands belonging to the United States, or upon, and to which a perfect title can be obtained to the satisfaction and approval of the United States.

SEC. 7. Said commissioners shall receive each the sum of five dollars for each and every day necessarily employed in attending to the duties of their appointment, and in the payment of their accounts for services, they shall verify the same by affidavit as to the number of days employed.

SEC. 8. All necessary expenses incurred by the previous commissioners on account of the Penitentiary at Vancouver, are hereby authorized to be paid out of the funds appropriated by Congress for building the Penitentiary; and all materials delivered or contracted for according to law and approved by the Governor of this Territory, for the said Penitentiary at or near Vancouver, shall be appraised and used for any other public buildings which may hereafter be constructed at Vancouver or near thereto, and the amount of such appraisement shall, by the Governor acting as treasurer to the fund for the erection of the public buildings, be credited to the Penitentiary fund and charged to the fund of such public building as may use said material in the construction thereof.

SEC. 9. An act passed January 6, A. D., 1858, and all other acts conflicting with this act or any of its provisions, are hereby repealed.

SEC. 10. This act shall take effect from and after its passage.

Passed December 11th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO ORGANIZE AND CREATE THE COUNTY OF MISSOULA.

- SEC. 1. Scope of country and its boundaries to constitute said county.
- SEC. 2. Said territory comprises a county for civil and military purposes. Shall be under the same laws, regulations, &c., as other counties. Entitled to elect the same officers.
- SEC. 3. Temporary location of county seat.
- SEC. 4. Appoints county officers, who shall take oath and give bond. County Commissioners shall approve bond. Officers may administer oath to each other.
- SEC. 5. Said county constitutes part of 1st Judicial District. Attached to Walla Walla in certain cases.
- SEC. 6. How vacancies shall be filled in county offices.
- SEC. 7. Provides for election of county officers.
- SEC. 8. Specifies terms of office.
- SEC. 9. Powers conferred upon courts.
- SEC. 10. Repeals acts and parts of acts inconsistent herewith.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of Spokane county embraced within the following boundaries, to-wit: Commencing at the point of intersection of the parallel of latitude of 49°, with the line of longitude of 115°, thence along said 49th parallel of latitude to the summit of the Rocky Mountains, thence along the line of summit of said mountains to its intersection with the 46th parallel, thence along said 46th parallel to its intersection with the line of longitude of 115°, thence along said line of longitude to the place of beginning, be and the same is hereby constituted and organized into a separate county, to be known and called Missoula county.

SEC. 2. That said territory shall compose a county for civil and military purposes, and shall be under the same laws, rules, regulations and restrictions as all other counties in the Territory of Washington, and entitled to elect the same officers as other counties are entitled to elect.

SEC. 3. That the county seat of said county be, and the same is hereby temporarily located at or near the trading post of Worden & Co., Hell's Gate Ronde.

SEC. 4. The following named persons are hereby appointed officers for said county, namely: C. P. Higgins, Thomas Harris and F. L. Worden, County Commissioners; H. M. Chase, Justice of the Peace, and ——— Tipton, Sheriff, who shall hold their respective offices until the next annual election, and until their successors are elected or appointed and qualified. Before entering upon the discharge of their respective offices, they shall comply with all existing laws relating to qualifying, by

giving bond and taking an official oath; said bonds may be approved by the persons named as county commissioners or a majority of them, and the several persons named herein as officers may administer the oath of office to each other.

SEC. 5. Said county of Missoula shall constitute a part of the first judicial district; but for the purpose of hearing and determining all matters and causes in the district court, except those in which the United States is a party, it shall be and remain attached to the county of Walla Walla.

SEC. 6. All vacancies which may occur by the non-acceptance, death, removal or resignation of any of the persons above named, may be filled by the board of county commissioners, and they may also appoint such other officers as may be required for said county, to hold their offices until the next general election, and until their successors are elected or appointed and qualified.

SEC. 7. At the next general election, the qualified voters of said county shall elect their county commissioners and all other county officers, in the same manner as is by law provided for other counties.

SEC. 8. Said county commissioners, when elected, as in the preceding section provided, shall hold their respective offices: one for one year, one for two years, and one for three years, as shall, at their first meeting after the election, be determined by lot.

SEC. 9. The persons appointed county commissioners may, at any time after the passage of this act, and before the day appointed for the next general election, upon posting up suitable notices, signed by a majority of them, ten days prior to the time appointed, hold a meeting of the board of county commissioners, at which they may transact any business which could be done at a regular meeting of the board.

SEC. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

Passed December 14, 1860.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO LEGALIZE THE OFFICIAL ACTS OF THOMAS J. CARTER AND J. A. KARR,
AUDITORS FOR CHEHALIS COUNTY FOR THE YEARS 1859 AND 1860.

- SECTION 1. Legalizes the official acts of Auditors of Chehalis county.
2. When this act takes effect.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That the official acts of Thomas J. Carter and J. A. Karr, Auditors for Chehalis county for the years 1859 and 1860, are hereby declared legal.

SEC. 2. This act to take effect from and after its passage.

Passed December 18, 1860.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO RESTRAIN SWINE FROM RUNNING AT LARGE IN WALLA WALLA
COUNTY.

- SECTION 1. Persons owning swine must prohibit them from running at large in said county.
2. Owners liable for all damages.
Recoverable in the courts.
3. Makes general provision for the disposition of swine and payment of certain expenses.
Certain amounts to go into county treasury, surplus to owners.
Provisions for the reclamation.
Fees of officers.
4. When act takes effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons owning swine or hogs in the county of Walla Walla, are prohibited from allowing the same to run at large in any portion of said county.

SEC. 2. That the owner or owners of any swine found running at large in said county, shall be liable for any and all damages caused by said swine, to be recovered by civil action before any court of competent jurisdiction.

SEC. 3. That any person may take possession of any swine found running at large in said county, and give notice thereof to the sheriff, or any constable of said county, who shall have power, and it is hereby made the duty of said officer to sell such swine at public auction, to the highest bidder for cash, upon giving ten days notice of the time and place of sale, by posting in three of the most public places in the precinct where such swine were running at large; the proceeds of which sale, after payment of costs, charges and expenses of keeping, shall be paid into the county treasury for the use of the county, unless and until legal proof of ownership be made to the county commissioners by the person or persons claiming said swine, and said commissioners shall, thereupon, cause to be issued an order on the county treasurer for such sum or surplus, in favor of the owner or owners of said swine so taken up and sold: *Provided*, That the owner or owners of said swine may, before the sale thereof, pay all costs and charges thus far made, stay the sale, and on proof of ownership, the officer shall release the said swine to said owner or owners.

SEC. 4. The fees of the officer for services under this act, shall be the same as upon sale of like property seized upon execution.

SEC. 5. This act to take effect from and after its passage.

Passed December 18th, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO LEGALIZE THE ACTS J. J. H. VAN BOKKELEN AS NOTARY PUBLIC, BETWEEN MAY 14, 1859, AND APRIL 30, 1860.

SECTION 1. Legalizes the acts of J. J. H. Van Bokkelen as Notary Public of the third Judicial District, W. T., during a specified period.

[SECTION 1.] *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the acts of J. J. H. Van Bokkelen as Notary Public of the third judicial district of this Territory, made between May 14th, 1859, and April 30th, 1860, shall be and remain of the same

force and validity as they would have been had he then held a commission as Notary Public according to law.

Passed December 18th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO LEGALIZE THE ACTS OF J. J. H. VAN BOKKELEN AS COUNTY AUDITOR
FROM AUGUST 1, 1858, TO AUGUST 15, 1860.

SECTION 1. Legalizes the acts of J. J. H. Van Bokkelen as Auditor of Jefferson county.

[SECTION 1.] *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the acts of J. J. H. Van Bokkelen as Auditor of the county of Jefferson, from the first day of August, 1858, to the fifteenth day of August, 1860, shall be and remain of the same force and validity as they would have been had he then been lawfully entitled to hold said office.

Passed December 18, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO LOCATE THE COUNTY SEAT OF KLIKATAT COUNTY.

- SECTION 1. Designates the location.
2. Location to be decided by vote.
 3. When act shall take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of Klikatat be, and is hereby permanently located upon the land of G. W. Phillips, in said county:

Provided, the location of the county site of said county be subject to a majority of the legal voters of said county at any general election.

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

Passed, December 22d, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO APPORTION THE REPRESENTATION OF THE TERRITORY OF WASHINGTON.

- SECTION 1. Defines Council districts, and the number of Councilmen to each.
2. Apportions to each county its number of Representatives.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the representation in the Legislative Council shall be as follows, and elected at the time herein specified, unless a vacancy should sooner occur: Whatcom, Island, and Snohomish shall elect one in the year eighteen hundred and sixty-one. Clallam and Jefferson shall elect one in the year eighteen hundred and sixty-three. King and Kitsap shall elect one in the year eighteen hundred and sixty-three. Pierce and Sawamish shall elect one in the year eighteen hundred and sixty-one. Thurston shall elect one in the year eighteen hundred and sixty-two. Pacific, Chehalis, Wahkiakum, Lewis and Cowlitz shall elect one in the year eighteen hundred and sixty-two. Clarke shall elect one in the year eighteen hundred and sixty-two. Walla Walla, Missoula and Sho-sho-ne shall elect one in the year eighteen hundred and sixty-one. Clarke, Skamania, Klikatat, Walla Walla and Spokane shall elect one in the year eighteen hundred and sixty-three.

SEC. 2. The representation in the House shall be as follows, viz:

Whatcom shall elect one. Island shall elect one. Clallam shall elect one. Jefferson shall elect two. Kitsap shall elect two. King shall elect one. Kitsap and King shall elect one. Pierce shall elect two. Pierce and Sawamish shall elect one. Thurston shall elect four. Che-

halis shall elect one. Pacific shall elect one. Cowlitz and Wahkiakum shall elect one. Lewis shall elect one. Clarke shall elect four. Walla Walla shall elect four. Skamania and Klickitat shall elect one. Spokane and Missoula shall elect one.

Passed January 8th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF SHOSHÓNE.

- SECTION 1. Specifies the territory and its boundaries constituting the county.
2. Shall compose a county for civil and military purposes.
Under the same laws, &c., as all other counties.
Entitled to elect officers.
Proviso.
 3. Precincts how to be established.
Judges and officers of elections.
 4. Election of county officers, when.
Laws of Territory applicable.
 5. Under the jurisdiction of Walla Walla until election.
Annexed to Walla Walla for judicial purposes.
 6. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That all that portion of the Territory of Washington embraced within the following boundaries, to-wit: Commencing at the mouth of the Clearwater river, thence due east to the 115° degree of west longitude, thence south to the 46° parallel of latitude, thence along said 46° parallel to the summit of the Rocky Mountains, thence along the line of summit of said mountains to the 42° parallel of latitude, thence west, along said 42° parallel, to its intersection with the boundary between the State of Oregon and the Territory of Washington, thence north, along said boundary, to the point of its intersection with the Snake river, thence down, mid-channel of said river, to the place of beginning: the same is hereby constituted a separate county, to be called Sho-sho-ne county.

SEC. 2. That all the territory embraced within said boundaries as conforming to the provisions of this act, shall compose a county for civil and military purposes, and shall be under the same laws, rules, restrictions

and regulations, as all other counties in this Territory, and entitled to elect the same county officers as other counties are entitled to elect; *Provided, nevertheless,* That until the organization of said county by the election of proper county officers, the territory hereinbefore described shall be annexed to and form part of the county of Walla Walla.

SEC. 3. And for the purposes of carrying the foregoing provisions into effect, it shall be lawful for the county commissioners of the county of Walla Walla, at the next May term, (1861,) on the petition of ten or more legal voters residing within the territory bounded and described in Section 1st of this act, to establish such precincts as may be deemed necessary in the territory now sought to be organized into said Shoshone county, and to appoint judges and officers competent to conduct the election.

SEC. 4. The legal voters of the territory embraced in the boundaries of said proposed county shall, at the next general election, elect all officers to which by law they are entitled to elect, and the provisions of law now in force in the Territory of Washington in regard to the mode and manner of conducting elections, shall be applicable to any election held in the said territory hereinbefore described.

SEC. 5. That until the said county officers shall be so elected and qualified, according to law, the territory described in said section 1st shall be annexed to and be considered under the jurisdiction of the county of Walla Walla, and for judicial purposes, said county of Shoshone, when organized, shall and is hereby annexed to said county of Walla Walla.

SEC. 6. This act to take effect and be in force from and after the qualification of such officers as may be elected at the general election of 1861, pursuant to the foregoing provisions.

Passed January 9th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO LOCATE THE COUNTY SEAT OF ISLAND COUNTY.

The Legislative Assembly of the Territory of Washington do enact as follows: From and after the next general election, the county

seat of the county of Island shall be and remain at Coupeville, in said county: *Provided*, That at said general election, the qualified voters of said county shall cast for said location a greater number of votes than for any other location for said purpose.

Passed January 9th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF OLYMPIA.

- SECTION 1. Trustees to levy taxes for municipal purposes.
2. Repealing clause.
3. Act when to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the board of trustees of the town of Olympia, shall have power to levy taxes for municipal purposes not to exceed two mills per annum upon all taxable property.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

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

Passed January 10, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

RELATIVE TO THE NAVIGATION OF THE OAK POINT SLOUGH.

- SECTION 1. Oak Point Slough declared navigable to Clark's bridge.
 2. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Oak Point Slough, in Cowlitz county, be, and the same is hereby declared navigable from the mouth to Clark's bridge.

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

Passed January 10th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO PROVIDE FOR THE SELECTION AND LOCATION OF THE LAND RESERVED FOR UNIVERSITY PURPOSES; TO APPOINT A BOARD OF COMMISSIONERS, AND TO PROVIDE FOR THE SELECTION AND LOCATION OF A SITE FOR THE TERRITORIAL UNIVERSITY.

- SECTION 1. Commissioners appointed.
 To select and receive title to a site at Seattle.
 To select and locate lands donated by Congress for University.
2. Commissioners to meet, where and when.
 Shall qualify and choose a President.
 President to record proceedings of board.
 Shall agree upon plan for selection of lands.
3. Commissioners directed to select lands for site at Seattle.
 Shall be donated to Washington Territory.
 To receive title therefor.
 Title papers to be recorded in King county.
 Original to be filed with Secretary of Territory.
 Title to be approved by Attorney General.
4. Selection of lands donated by Congress.
 Not more than 640 acres in a body.
5. Compensation of commissioners.
 Vouchers for services, &c., to be sworn to.
 Filed with the Territorial Auditor, who shall draw warrants on Territorial Treasurer.

6. Powers of commissioners in disposing of lands.
Minimum price for same.
7. All sales of lands to be reported to the Land office.
Titles to same.
8. President of the board to give bond.
Governor to approve the same.
Bond to be filed with Secretary of Territory.
9. Provisions for clearing and improving site.
Expenditures not to exceed receipts of sale, &c.
10. Repealing clause.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Daniel Bagley, John Webster and Edmund Carr be, and they are hereby constituted and appointed a board of commissioners to select, locate and receive a title for ten acres of land within the vicinity of Seattle, that may be donated to the Territory of Washington for a site for the Territorial University, and to select and locate the lands donated by Congress to the Territory of Washington for University purposes.

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to meet at the office of the County Auditor of King county on the twenty-second day of February next, or as soon thereafter as practicable, after having taken an oath before any officer authorized to administer oaths in the Territory, to faithfully discharge the duties imposed upon them, and elect one of their number President of said board, whose duty it shall be, not only to provide, but to keep all records that may be deemed necessary, of the proceedings of said board, and to make out such report as may be required by law. They shall also agree upon a plan of operations for the selection of said lands, and make such a division of the work thus intrusted to them as may be deemed most desirable for the fulfilment of the provisions of this act.

SEC. 3. The board are hereby authorized and directed to proceed forthwith to make selection of such ten acre lot of land within the vicinity of Seattle as may be donated to the Territory for University purposes, and to receive a title therefor, and the same to have recorded in the public records of King county, and forward the original to the Secretary of the Territory, who shall file the same in his office, and forward a copy to the Attorney General of the United States for his approval.

SEC. 4. The board are hereby authorized to proceed forthwith to make selection of the lands reserved by Congress for University purposes, but in no case to select more than six hundred and forty (640) acres in one body.

SEC. 5. Each of said commissioners shall be allowed out of the

Territorial treasury, from moneys not otherwise appropriated, the sum of three dollars per day, for each and every day actually and necessarily employed in the performance of the duties of his office, together with all other expenses necessarily incurred in discharge of the duties as herein required. Vouchers for said expenses and per diem to be sworn to by the parties presenting them, and filed with the Territorial Auditor, and said Auditor is hereby directed to examine and audit the same, and draw warrants for the payment of the same upon the Territorial Treasurer, and the Treasurer is hereby authorized to pay the same.

SEC. 6. Said commissioners shall have authority at any time after lands have been properly entered in the Land Office, in accordance with section three of the act to which this is amendatory, to sell any and all lands thus located, for any sum not less than one dollar and fifty cents per acre, according to the quality of the land.

SEC. 7. Upon the sale of any of the lands, the commissioners shall report forthwith the tract or tracts so sold, to the proper land office in order that the purchaser may receive a proper and sufficient title for the same.

SEC. 8. Before receiving any money for lands thus sold, the President of the board shall execute a bond to the Territory in any sum deemed sufficient or necessary by the Governor, for the safe keeping and faithful expenditure of the same. Said bond shall be filed in the office of the Secretary of the Territory.

SEC. 9. The commissioners may contract for the clearing and improving the ten acre site hereinbefore mentioned, but shall not at any time exceed the amount of available funds arising from the sale of lands or any donations made by individuals for that purpose.

SEC. 10. The first and second sections of an act passed January 20th, 1860, entitled, "an act to provide for the selection and location of the lands reserved for University purposes, and to appoint a board of commissioners," and all acts or parts of acts in conflict with this act, are hereby repealed.

Passed January 11, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT RELATING TO LIENS OF MECHANICS AND OTHERS, FOR LABOR AND MATERIALS.

SECTION 1. Section 1 of act of January 19, 1860, amended, and mechanics allowed a lien for any amount.

[SECTION 1.] *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first section of the act to which this is amendatory, be and the same is hereby amended, by striking out the words "when the amount shall exceed fifty dollars," where they occur in said section.

Passed January 12th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO CREATE AND ORGANIZE SNOHOMISH COUNTY.

- SECTION 1. Boundaries of county.
2. County seat established.
Voters may locate county seat at next election.
3. Officers appointed.

The Legislative Assembly of the Territory of Washington do enact as follows:

SECTION. 1. The boundaries of the county of Snohomish shall be as follows: Beginning at the northwest corner of the county of King, being at the point where township line north of township number twenty-six strikes Puget Sound waters, thence running due east, by said north line of township No. 26, to the summit of the Cascade Mountains, thence northerly, by the said summit, till it strikes the easterly continuation of the eighth standard parallel, thence due west, by the said parallel, till it strikes the channel of the waters near the mouth and southward of the Skagit river, thence by the channel, running eastward of Camano or McDonald's Island, and through Port Susan Bay, and leaving Gedney's Island to the east, thence southerly to the place of beginning.

SEC. 2. The county seat of said county shall be and remain at Muckelteo, (or Point Elliot,) in said county: *Provided*, That a majority of the legal voters of said county may locate their county seat at any other point in said county at the next general election.

SEC. 3. The following named officers of said county are hereby authorized and empowered to fulfill the various duties authorized by law, after being duly qualified, to-wit: Sheriff, Jacob Summers; County Commissioners, E. C. Ferguson, Henry McClurg, John Hervey; Auditor, J. D. Fowler; Judge of Probate, Charles Short; Treasurer, John Harvey; and they shall continue to fulfill the said duties until the next general election, and their successors become qualified.

Passed January 14th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO PERMANENTLY LOCATE THE COUNTY SEAT OF KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the county seat of Kitsap county be, and the same is hereby permanently located at Fort Madison, in said county.

Passed January 14th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

RELATING TO DIVORCE.

- SECTION 1. Application for divorce; notice to be given.
2. Act when to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That no person shall be divorced by the Legislative As-

sembly of Washington Territory, who shall not have given notice in some newspaper in this Territory for at least three months prior to the meeting of the Legislative Assembly, of his or her purpose to make application for divorce.

SEC. 2. This act to be in force from and after the first day of February, A. D., 1861.

Passed January 14th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON."

SECTION 1. Amendments. Certain duties of directors specified.

2. Amended relative to number of scholars.

3. Amendments.

School meeting may be called.

Organizing new districts.

Number of voters to constitute a quorum.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That section six, (6), chapter three, (3), of the act to which this is an amendment, be so amended as to read: "It shall be the duty of the directors of every school district:

1st. To call special meetings of the district whenever they shall deem it necessary, and when a vacancy occurs by death, resignation or otherwise, the directors *shall* call a special meeting of the district to fill such vacancy.

SEC. 2. Amend section 10, chapter four, so as to read: "districts having less than sixteen scholars," &c.

SEC. 3. Amend section 1, chapter 3, so as to read: "A school meeting may be called at any time for the purpose of organizing a new district, as provided in section four, under the title of County Superinten-

dent. No number less than five legal voters shall constitute a quorum to do business in any district meeting, except in districts having less than ten legal voters, in which case a majority shall constitute a quorum.

Passed January 15th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO ENCOURAGE THE CULTIVATION OF OYSTERS.

- SECTION 1. Who may plant, and where.
Conditions.
Area each person may occupy.
2. Locality claimed to be plainly marked.
Affidavit, and for what.
Claims with their description to be recorded in the county where situated.
3. Time claims may be held.
4. One or more claims may be held.
Proviso.
5. Persons may transfer their rights.
Transfers must be recorded, witnessed and acknowledged.
6. Duty of the Recorder.
Fees.
7. Act when to be in force.

[SECTION 1.] *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person, being a citizen of this Territory, who has planted, or who hereafter may plant oysters in any bay or arm of the sea, where there are no natural beds of oysters, within or bordering upon this Territory, may acquire, by conforming to the requirements of this act, an exclusive right for such a purpose, to that portion of such bay or arm of the sea as he shall so occupy, not exceeding for any one person an area of ten acres.

SEC. 2. The person desiring the benefits of the preceding section, shall cause the place or portion he desires to claim, to be marked so far as is practicable with stakes or other artificial marks at the corners, with bearings to adjacent natural objects, and shall make, before some officer qualified to administer oaths, an affidavit that he has taken the premises

so described, for the purpose of planting oysters, and that he has planted, or is about to plant oysters thereon, that said premises are not upon and do not include any natural bed of oysters, and that the same are unoccupied except by himself, and if said premises shall have heretofore been taken and oysters planted thereon, then within three months after the passage of this act, and if they shall hereafter be taken, then within one month after taking the same, the person having taken or taking the premises, shall cause his claim, with a description thereof, and affidavit as above required, to be recorded by the county recorder of the county in which they may be situated.

SEC. 3. The premises so taken shall, for the purposes aforesaid, belong to the person taking them, his heirs and assigns, so long as he or they shall so occupy them and no longer.

SEC. 4. The same person may claim and occupy more than one place, provided the premises so claimed by him do not in all occupy an area greater than ten acres; and provided further, that in those places used and occupied for the purpose of bedding marketable oysters, no one person shall occupy an area greater than one hundred by two hundred feet, or twenty thousand feet of superficial area.

SEC. 5. Any person may transfer his right to any other person qualified to hold, by signing the transfer upon record, in the presence of the auditor, or by a written transfer, witnessed and acknowledged in the same manner as is or may be required for deeds.

SEC. 6. It shall be the duty of the county recorder of any county where claims and transfers, made under the provisions of this act, are presented to him for record or entry, to receive and record the same in a separate book provided for this purpose, upon being paid the same fees as are allowed in similar cases.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 16th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

IN RELATION TO THE SCHOOL FUND OF CLARKE COUNTY.

- SECTION 1. One half of all moneys for grocery licenses goes to school fund.
2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That one half of all moneys collected and paid into the county treasury of Clarke county for grocery licenses shall be and is hereby set apart and constituted a part of the county school fund.

SEC. 2. All acts and parts of acts conflicting with the provisions of the foregoing, be and the same are hereby repealed.

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

RELATIVE TO SCHOOL FUND OF KING COUNTY.

School Fund of King County.

- SECTION 1. All moneys for licenses go to School fund.
2. County scrip not to be taken for licenses.
3. Act when to take effect.

Be it enacted by the Legislative Assembly of the Territory of Washington, That all money arising from licenses and fines hereafter paid into the treasury of King county be, and the same is hereby set apart for school purposes, and shall form part of the regular school fund of said county.

SEC. 2. It shall not be lawful for the treasurer of said county, after this act takes effect, to receive county scrip in payment for any license, but the same shall, in all cases, be paid in cash for the uses and purposes hereinbefore mentioned.

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

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO APPORTION THE DEBTS AND CREDITS OF CHEHALIS COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the present board of County Commissioners, Treasurer and Auditor of Chehalis county, together with the County Commissioners, Treasurer and Auditor of said county, during the year 1859, are hereby authorized, that, in consequence of a division of Chehalis county, by an act passed January 25, 1860, they are hereby authorized to hold a meeting on the 25th day of April, 1861, at Chehalis City, in the county of Chehalis, for an equitable apportionment of all moneys, rights, credits and debts belonging to Chehalis county, up to the first day of April, 1860.

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

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO ABOLISH THE OFFICE OF ASSESSOR OF THURSTON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That hereafter the sheriff of Thurston county shall be *ex officio* assessor for said county, and the office of assessor, so far as it relates to said county, is hereby abolished.

Passed January 21, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO LEGALIZE AN ACT IN REFERENCE TO THE ESTABLISHING A TERRITORIAL ROAD FROM JOHN M. SHOTWELL'S ON BLACK RIVER, TO DAVID F. BILES' ON THE CHEHALIS RIVER.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the Territorial road specified in this act, be, and the same is made lawful.

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO AMEND AN ACT TO REGULATE SUITS FOR DIVORCE AND ALIMONY.

Provisions of section 11, of act to regulate suits for divorce and alimony, explained.

The Legislative Assembly of the Territory of Washington do enact as follows: The proviso of section eleven of an act to regulate suits for divorce and alimony is hereby explained and amended to read:

“Provided, That none of the provisions of this section shall apply to cases where both parties are known to be residents of this Territory, or where the complainant shall not have resided two years in the Territory.”

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

IN RELATION TO ROAD TAX IN KITSAP COUNTY.

- SECTION 1. Duty of Auditor.
2. Supervisors chargeable with whole amount of taxes assessed. To receive credit on settlement for delinquent taxes.
 3. Auditor to append warrant to abstract.

Be it enacted by the Legislative Assembly of the Territory of Washington, That it shall be the duty of the auditor of Kitsap county, on delivering the abstract or duplicate of taxes assessed for road purposes to the supervisors of roads in said county, to charge each supervisor with the amount of the road tax thus shown to be due in his district, and on settlement with the county commissioners' court, he shall credit the several supervisors with the amount delinquent and unpaid in his district.

SEC. 2. The supervisors of roads in said county are hereby authorized and empowered to collect all road tax in their respective road districts, for which purpose they are fully authorized to enforce the payment of the same, in accordance with the provisions of the general road law.

SEC. 3. The county auditor shall, at the time of delivering said abstract or tax list, append a warrant thereto for the collection of the same.

Passed January 22d, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council

AN ACT

TO CREATE THE SCHOOL DISTRICT OF OLYMPIA.

Act to create School District of Olympia.

- SECTION 1. Corporate limits to form a district.
2. Trustees of town to be *ex-officio* trustees of School.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the corporate limits of the town of Olympia shall form one school district.

SEC. 2. *And be it further enacted,* That the five trustees of the

town of Olympia, and their successors in office, shall be *ex officio* trustees of schools for said district.

Passed January 22, 1861.

PAUL K. HUBBS,
President of the Council.

LYMAN SHAFFER,
Speaker House of Representatives.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO INCREASE COUNTY REVENUE.}]

Act relative to County Revenue.

SECTION 1. County Commissioners of certain counties authorized to grant licenses.

Conditions of grant.

Proviso.

2. Repealing clause.

3. When act to take effect.}]

Be it enacted by the Legislative Assembly of the Territory of Washington, That the second section of the act to which this is an amendment, be so amended as to authorize the county commissioners of Island, Jefferson, Lewis, Clalm, Sawamish, Pacific and Whatcom to grant the license mentioned in said act, upon the party applying for the same paying into the county treasury a sum not less than fifty, nor more than five hundred dollars, at the discretion of said commissioners: *Provided, however,* That the party applying for such license shall first have complied with the provisions of the first section of the act to which this is amendatory.

SEC. 2. All acts and parts of acts contravening the provisions of this act be, and they are hereby repealed.

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

Passed January 22d, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED, AN ACT TO PROVIDE FOR THE ASSESSING AND COLLECTING COUNTY AND TERRITORIAL REVENUE.

Be it enacted by the Legislative Assembly of the Territory of Washington, That section eight (8) of the act to which this is an amendment, shall be amended by striking out the word "may," where it occurs in said section, and insert the word "shall:" *Provided,* The assessor shall not be entitled to any fee for administering the oath.

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

Passed January 22d, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO PERMANENTLY LOCATE THE COUNTY SEAT OF CLALAM COUNTY.

[SECTION 1.] *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of Clalam county is hereby permanently located on the land claim of F. A. Chenoweth, in said county, at Dungeness.

SEC. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED, AN ACT DEFINING THE BOUNDARY LINE BETWEEN THE COUNTIES OF SAWAMISH AND THURSTON.

Boundary line between Sawamish and Thurston.

- SECTION 1. Amends the act defining the boundary line.
 Present boundaries designated.
 2. Repealing clause.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the act to which this is amendatory be so amended as to read: "The boundary line between the counties of Sawamish and Thurston shall commence at a point in the middle of the main channel of Puget Sound opposite the mouth of Case's Inlet; thence westerly along said channel to the mouth of Eld Inlet; thence southerly along the middle of the main channel of said inlet to a point two miles due north of township line between township eighteen (18) and nineteen (19) north; thence due west to the corner of sections twenty-three, (23) twenty-four, (24) twenty-five, (25) and twenty-six, (26) in township nineteen (19) north, range three (3) west; thence two miles south; thence two miles west."

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO APPOINT OFFICERS FOR KLIKKATAT COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the following persons be, and they are hereby appointed to fill vacancies in Klickatata county:

John Nelson, Probate Judge; Willis Jenkins, Treasurer; G. W. Phillips, Auditor; W. T. Waters, Sheriff. James H. Hermans, A.

Waters, A. Davis, County Commissioners. C. J. McFarland, S. Peasly, W. T. Murphy, Justices of the Peace.

The above named persons, before entering upon the duties of their respective offices, shall qualify in such manner as the law in such cases prescribes.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

RELATIVE TO THE SALE OF SCHOOL LANDS.

- SECTION 1. County Commissioners may make sale of school lands within their respective counties.
2. Thirty days notice of sale to be given.
 3. Lands to be sold to the highest bidder, in legal subdivisions.
Minimum price per acre.
 4. Deeds to be executed, when.
Moneys to be loaned.
Rate of interest.
Principal to be a perpetual fund.
 5. Powers of commissioners relative to removal of timber and cultivation of lands.
Interest on the amount of sale for one year.
Costs of sale.
Proviso.
 6. Commissioners responsible for moneys.
 7. Payment of expenses incurred.
Compensation of Commissioners.
Record to be kept.
 8. Powers of voters of townships to appropriate money in certain cases.
Consent of two-thirds of householders required.
Proviso.
 9. Act when to take effect.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of any county, when they think the interest of common schools demand, may in accordance with the provisions hereinafter described, proceed to sell the lands within

their limits, donated by Congress to the Territory for the use of common schools, viz: Sections (16) sixteen and (36) thirty-six, or (where any part of these have been taken by settlers and is claimed under the donation or pre-emption laws), that which has or may be selected in lieu thereof.

SEC. 2. The commissioners shall give at least (30) thirty days' notice of such sale, in some newspaper, if any is published in the county where such sale is to be made, or if no paper is published in the county, they shall cause at least one notice to be posted up at the usual place of voting in each precinct in the county, stating the time and place of such sale, and also the terms of sale.

SEC. 3. The land shall be sold to the highest bidder, in legal subdivisions of not more than 160 acres in a lot, the minimum price being \$200, (\$1 25 per acre.)

SEC. 4. The commissioners shall execute a good and lawful deed to the purchaser when the sum total is paid, and the money so paid shall be let at the lawful rate of interest, which interest shall be added to the principal annually, or paid into the treasury for the use of schools in the township where such land is situated, but the principal shall not be diminished; it shall be a perpetual fund for school purposes only.

SEC. 5. When, in the opinion of the commissioners, the land is so situated that it is not liable to be diminished in value by the removal of timber, or by cultivation, or by use in any way, but rather on the other hand, its value would in any way be increased, they shall not require the purchaser to pay, at the time of sale, more than the lawful interest on the amount bid for one year from the time of such sale, together with the cost necessarily arising from such sale; *Provided*, He gives a good and proper mortgage by which the land be forfeited by failure to pay at the end of each year the interest of another year in advance.

SEC. 6. The commissioners shall be jointly and severally responsible for the safe keeping and disbursing of all money that may come into their hands from any sale according to the provisions of this act.

SEC. 7. The expenses necessarily incurred in carrying into execution the provisions of this act in accordance with sections 2, 3, 4 and 5, including the services of the commissioners, at the rate of three dollars for each day actually employed, shall be paid out of the first money received for the sale of the land as above mentioned, and also a suitable book in which shall be kept a full account of all lots sold and moneys paid in accordance with this act.

SEC. 8. The legal voters in any township having land thus sold, may, if there is no school district within its limits, appropriate the money received according to the provisions of sections 4 and 5 of this act, for the

support of schools that may be kept in the district or districts most convenient to them, but no money shall thus be used without the consent of at least two-thirds of the householders in such township: *Provided*, That no part of this act shall be so construed as to apply to the counties of Whatcom, Clicitat, Skamania, Pierce, Chehalis, Clarke and Walla Walla.

SEC. 9. This act shall take effect and be in force from and after its passage.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO EXTEND AND DEFINE THE EASTERN AND NORTH BOUNDARIES OF LEWIS COUNTY.

- SECTION 1. Changes the boundaries of Lewis county.
2. Attaches a portion of Lewis to Thurston.
3. Act when to take effect.

[SECTION 1.] *Be it enacted by the Legislative Assembly of Washington Territory*, That the line forming the northern boundary of the county of Lewis shall commence at the corner to sections twenty-two, (22) twenty-three, (23) twenty-six, (26) and twenty-seven, (27) in township fifteen, (15) north of range number four, (4) west, on the east boundary of the county of Chehalis, and run thence east, between the second and third tier of sections, of townships numbered fifteen north, to the summit of the Cascade mountains; thence in a southerly direction along the summit of said mountains till it reaches the line forming the present boundary of Lewis county.

SEC. 2. That that part of Lewis county lying north of the line described in section one, of this act, shall be and constitute a part of Thurston county.

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

Passed January 26th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO REGULATE FEES AND COSTS.

- SECTION 1. Fees and compensation of officers.
2. Clerk of County Commissioners. Fees how paid.
Account to be authenticated by oath.
 3. Officers when requested, to make out bill of fees.
Subject to examination and correction by the courts.
Refusal to make out bill, forfeits fees.
 4. Repeals conflicting acts.
No compensation not provided for herein, shall be received or demanded,
except special existing law provided therefor.
 5. Provision for compensation not provided for in this act.
 6. Charges for mileage.
 7. Act to take effect when.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees and compensation of the several officers and persons herein named, shall be as follows, to wit:

CLERKS OF SUPREME AND DISTRICT COURTS.

1st. For filing declaration, petition, pleas, demurrer, affidavit, exhibit, or any other paper in any cause, each.....	10
For issuing a <i>capias</i> , attachment, execution, certiorari, supersedeas, habeas corpus, information, mandate, writ of error, or replevin, and for every other original writ, each.....	1 00
For entering each writ.....	25
For issuing writs of rendition, <i>exponas</i> , or order of sale, every hundred words.....	10
For entering appearance of either party, personally, or by attorney, charged but once.....	10
For entering sheriff's return on any writ, for every folio of 100 words.....	20
For docketing appeals from justices of the peace.....	10
For docketing each cause, to be charged but once.....	20
For writs of <i>venire</i> , for jury, charged in each cause tried.....	50
For receiving panel and swearing jury.....	25
For swearing witnesses, each.....	10
For entering claim for each witness for their attendance.....	10
For giving order therefor to each witness.....	20
For entering judgment, recognizance, special rule, continuance, discontinuance, <i>retraxit</i> , rule of reference, allowance of writ of habeas corpus, confession of judgment on default, or consent, rule, or plea, notice of appeal to supreme or district court...	50

For entering surrender of principal, by bail, exonerator, canceling bail bond, discharge of recognizance, issue joined, motion, nonsuit, report of referees, judgment upon any issue of law or fact, or on report of reference, appeals from inferior courts, appeals to higher courts, and acknowledgments.....	50
For taking affidavits, each.....	25
For taking affidavit, with seal attached, each.....	1 00
For writing affidavit, per folio of 100 words.....	20

SHERIFF'S.

2d. For the service of every notice and complaint, and return thereof, on each defendant, besides mileage.....	75
For levying each writ of execution, on real or personal property, besides mileage.....	75
For service of <i>capias ad satisfaciendum</i> , upon the body of each defendant named in the writ, besides mileage.....	1 00
For every bail bond.....	50
For committing to prison, or discharging therefrom, or attending a person before a judge or court, besides mileage.....	1 00
For serving a writ of possession, without the aid of the county, besides mileage.....	1 50
For serving a writ of possession with the aid of the county.....	5 00
For executing a writ of inquiry, and returning the same with the inquisition.....	3 00
For a copy of any complaint, notice, writ or process necessary to complete a service, for each hundred words.....	10
For serving and returning a notice to witness, besides mileage, for each person therein named.....	50
For summoning each grand and petit juror, to be paid out of the county treasury, besides mileage.....	50
For summoning jury in other cases, besides mileage.....	4 00
Per centage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, under one thousand dollars, one per cent.	
Per centage on all sums over one thousand dollars, one half of one per cent.	
For serving a declaration in <i>ejectment</i> , and return, besides mileage,	50
For making deed of land sold on execution, decree, or order of court, to be paid by the grantee.....	3 00
For serving a <i>scire facias</i> for each defendant, besides the mileage..	50
For serving any order of court, and making return, besides mileage	50

For calling a jury.....	25
For calling each witness.....	10
For bringing up a person on habeas corpus, besides mileage.....	1 00
For each day's attendance on any court of record.....	2 00
For posting each notice of election, besides mileage.....	50
For executing a sentence of death.....	50 00

FEES OF JUDGE OF PROBATE.

3d. For granting letters of administration.....	1 00
For probate of will or testament.....	1 00
For granting letters testamentary.....	1 00
When the same are contested.....	2 00
Taking bonds in any case.....	50
Hearing complaints against spendthrifts and lunatics.....	2 00
Appointing guardian.....	50
Decree of settlement of an estate.....	50
When contested.....	1 00
Order of distribution.....	1 00
Examining inventory of appraisement on bill of sale, and filing the same in office, each.....	50
Every writ, or process, under seal.....	50
Each order of court on record.....	50
Examining accounts, each hundred words, counting two figures for a word, [25].....	10
Warrant to appraise or divide an estate.....	50
Issuing commission.....	25
Allowing appeal.....	25
Approving securities in bonds, each.....	10
Assigning dower in real estate.....	1 00
Assigning personal estate to widow.....	1 00
Refusing letters of administration or probate of will, to be paid by the losing party.....	1 00
For every continuance when asked by a party.....	25
Order for the sale of personal estate.....	50
Certificate of necessity for the sale of real estate.....	50
Order for partition of real estate.....	50
Allowing reports on the accounts of executors or administrators..	50
Extending letters of administration.....	25
Decree respecting the probate of will or codicil.....	50
A quietus.....	50

GENERAL LAWS.

37

Filing each paper.....	10
Administering an oath.....	20
Recording all papers required by law to be recorded, for each hundred words.....	10
Order the appointment of an insolvent estate among the creditors,	50
Acknowledgment with seal.....	50
Entering appointments of executors, administrators or guardians, or other appointments necessary.....	50
Issuing letters of guardianship.....	50
For hearing each contested case, to be taxed as cost against the party in default.....	2 00
Issuing citations to executors, administrators and guardians.....	50
Copies of papers and of records, each one hundred words.....	10

COUNTY COMMISSIONERS.

4th. Services per diem, besides mileage	3 00
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FEEES OF COUNTY AUDITORS.

5th. For making out assessment roll delivered to county assessor, for each quire such roll may contain.....	10 00
For making out original tax duplicate, for each one hundred words said duplicate may contain, counting every two figures as a word.....	10
For making out exhibit of receipts and expenditures of county for past year, for each one hundred words, counting every two figures as a word.....	15
For each settlement of his accounts, or of any other officer, with the county.....	50
For filing each paper, exhibit, or necessary document connected with the duties of his office.....	10
For attending at each regular and special term of the board of county county commissioners, per diem.....	3 00
For recording proceedings of board of county commissioners, each one hundred words.....	20
For each order drawn on county treasurer.....	10
For copy of any order of the board, (certified).....	50
For making out appointments upon order of the board, each.....	25
For drawing each receipt.....	10
For each notice delivered to the sheriff for each general or special election.....	25

For opening and examining election returns, and making abstracts of votes and copies thereof, per diem.....	3 00
For each certificate of election.....	25
For each order for view of road.....	50
For taking bonds for county officers, and of all other persons required by the board or by law to give bonds, each.....	50
For taking oath of county officers and other persons, and certifying to the same	50
For administering an oath.....	10
For each bond executed by commissioners to purchasers of county property, and other purposes.....	1 00
For each deed executed by county commissioners.....	1 00
For each poll book delivered to sheriff or judges of elections....	50
For filing each bond, oath, receipt, bill, order, appointment, petition, report, resignation, deed, affidavit, and all other papers required to be put on file.....	10
For issuing each license, under seal, for grocery, tavern, ferry, or to peddlers, showmen, or managers or owners of circus, and all other licenses, to be paid by the party to whom granted.....	1 00
For entering of lincense on record.....	25
For entering approval of county commissioners of license granted in vacation, in each case, to be paid by applicant	50
For notifying clerk of the district court of the selection of grand and petit jurors, each list	50
For all writs ordered issued by the board, or required by law, the same fees as are allowed to the clerk of the district court for the same services.	
For reading and entering petition for view of road, to be paid by petitioners	50
For reading and entering remonstrance against view of road, or petition for damages, each to be paid by the persons remonstrating.....	50
For entering appointment of road viewers.....	25
For reading and entering report of road viewers.....	50
For notifying justices of the peace or county commissioners to attend the opening and examining of the election returns, each.....	25
For certified copy of commissioners' proceedings or parts thereof, for each one hundred words, to be paid by the party requiring such copy	10
For making final settlement of any account with the county, each one hundred words such account may contain.....	20

And for all similar services required to be rendered, the same fees as are allowed by this act for similar services.

NOTARY PUBLIC.

6th. For every protest of a bill of exchange or promissory note.	1 00
Attesting any instrument of writing and seal.....	50
Noting a bill of exchange or promissory note for non-acceptance or non-payment.....	50
Taking acknowledgment of any legal instrument.....	50
Registering protest of bill of exchange or promissory note.....	75
Certifying an affidavit, and all other certificates under seal.....	50
Each oath or affirmation without seal.....	25
Being present at demand, tender, or deposit, and noting the same, besides mileage.....	50
For any instrument of writing drawn by a notary public, for each one hundred words.....	25

CORONERS.

7th. For each inquest he may hold, besides mileage.....	5 00
When performing the duties of sheriff, shall receive the same fees as sheriffs are entitled to receive for services performed.	
For drawing all necessary writings, each one hundred words.....	20
For issuing venire.....	50

JURORS.

8th. That each grand and petit juror shall be allowed for each day's attendance, if not a talesman.....	2 00
For every mile travel to and from the seat of justice.....	10
Talesman serving as a petit juror, each trial.....	1 00
Talesman serving as a petit juror, each trial, where he may be detained more than one day, per diem.....	2 00
For every day's attendance upon justices of the peace court, besides mileage.....	1 00
For serving on an inquest, besides mileage.....	1 00

FEES OF JUSTICES OF THE PEACE.

9th. For a capias or notice.....	50
For a warrant in criminal cases.....	50
For taking a recognizance of bail.....	50

For committing to jail.....	50
For every subpœna for one person.....	25
For all persons more than one named in a subpœna.....	10
For entering a judgment on trial.....	75
For entering a judgment of confession or default.....	50
For issuing an execution.....	50
For each one hundred words on certified copy of proceedings on appeal, certiorari, or otherwise.....	10
For every adjournment at the request of either party.....	25
For entering a rule of reference or copy thereof, each.....	25
For swearing witnesses, jurors, or arbitrators, each.....	10
For issuing writs of attachment.....	50
For scire facias.....	50
For entering a discontinuance or satisfaction.....	25
For the acknowledgment of a deed, or other iustrument of writing, with a certificate thereof.....	50
For a venire for a jury.....	25
For a writ of restitution.....	25
For taking affidavits, each.....	25
For every search warrant.....	50
For attending with the clerk of the board of county commissioners at the opening of the poll books, per diem.....	3 00

CONSTABLES.

10th. For service of complaint, and notice on each defendant, besides mileage.....	75
For summoning a jury on a dead body, besides mileage.....	3 00
For service and return of a capias or warrant, besides mileage....	75
For committing to prison, besides mileage.....	50
For serving an execution on goods, besides mileage.....	75
For all moneys made on execution, five per centum.	
For every day's attendance upon any court of record.....	2 00
For serving other writs or any process, besides mileage.....	50
For summoning jury before justices of the peace.....	2 00

All sheriffs, when performing the duties of constables, shall be allowed no other fees than those allowed to constables as above.

WITNESSES.

11th. For every day's attendance upon the supreme or district court, besides mileage.....	2 00
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For every day's attendance upon county commissioners or probate court, besides mileage	2 00
For every day's attendance upon justice of the peace court, besides mileage	1 00
That the clerks of the several courts in this Territory shall, for services under the several acts of Congress upon the subject of naturalization, receive the fees hereinafter specified, and no more:	
For entering a declaration of intention to become a citizen of the United States	50
For a certificate of such entry under a seal of the court	1 00
For entering the final admission of an alien to the rights of citizenship	50
For a certified copy thereof, under the seal of the court	1 00

MISCELLANEOUS PROVISIONS.

SEC. 2. The clerk of the county commissioners shall, in all cases where his fees are paid out of the county treasury, be paid by order of said commissioners, who shall be satisfied of the correctness of his account; and the same shall be authenticated by his oath, and filed with the county treasurer.

SEC. 3. All officers shall, when requested so to do, make out a bill of their fees in every case, and for any services, specifying each particular item thereof, and receipt the same when it is paid, which bill of fees shall always be subject to examination and correction by the several courts; and any officer who refuses or declines to comply with the requirements of this section shall forfeit his fees in every case.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed, and no fees or compensation for services not provided for herein, shall be received or demanded, except as hereinafter provided, unless some special existing law provides for the payment of such services, and if such law exists, then he shall be entitled to receive such compensation as therein provided; it being the true intent and meaning of this act to supersede and operate in stead of laws or parts of laws heretofore enacted.

SEC. 5. Each and every officer who shall be called on or required to perform services for which no fees and compensation are provided for in this act, shall be allowed fees similar and equal to those allowed for services of the same kind for which allowance is made herein.

SEC. 6. All officers and other persons entitled by the provisions of this act to charge mileage, shall charge at the rate of 10 cents a mile,

and only for the distance actually and necessarily travelled, and in no case shall constructive mileage be allowed.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 27th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCREASE THE COMMON SCHOOL FUND IN THE COUNTIES OF LEWIS, COWLITZ, ISLAND AND THURSTON,

Be it enacted by the Legislative Assembly of the Territory of Washington, That all that part of the county revenue in the counties of Lewis and Cowlitz, Island and Thurston, derived from the granting of licenses to sell intoxicating liquors in said counties, shall hereafter be paid in money, and be added to the common school fund of the county in which the license is obtained.

Passed January 28, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

EXPLANATORY OF THE 246TH AND 247TH SECTIONS OF AN ACT ENTITLED AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS IN THE DISTRICT COURTS, PASSED JANUARY, 1860.

SECTION 1. Section 246 of act of January, 1860, how construed. ,

2. Section 247 of same act, how construed.

Be it enacted by the Legislative Assembly of the Territory of Wash-

ington, That section 246 of an act entitled an "act to regulate the practice and proceedings in civil actions in the District Courts, passed January, 1860," be so construed as to mean: All real and personal estate to which any married woman may have a title at the time of her marriage, and all real and personal estate to which she may become entitled in her own right subsequent to her marriage, and all the issues, rents and profits of such estate, shall not be liable to attachment for, or execution upon any liability of a judgment against the husband so long as she, or any minor heir of her body shall be living: *Provided*, That her separate property shall not be exempt from attachment or execution when the debts were owing by the wife previous to her marriage, or may have been contracted by her for the benefit of herself and family.

SEC. 2. Section 247 of said act shall be so construed as to mean; The following property shall be exempt from execution and attachment, except as herein otherwise specially provided:

Dwellings and other buildings, together with the lot or lots, or ground upon which they stand, to the value of five hundred dollars; all private libraries; all articles of clothing of married women and children under twenty-one years of age; and to each family, kitchen and cupboard ware to the amount of one hundred and fifty dollars; one bed for every two persons in the family; two cows; two horses or two yoke of oxen; one wagon; hogs; farming utensils actually used by the family; produce sufficient for six months consumption; and all tools of mechanics used to carry on their trade. But no article of property mentioned in this section shall be exempt from an execution issued on a judgment recovered for its price, or upon a mortgage thereon, or for any tax levied thereon: *Provided*, That no mortgage made by a married man of any property exempted from execution by the foregoing provisions, shall be of any validity unless the wife shall join in said mortgage, and the same be witnessed and acknowledged by her, as is required in case of a deed conveying her interest in real estate.

Passed January 29, 1861.

PAUL K. HUBBS,
President of the Council.

LYMAN SHAFFER,
Speaker House of Representatives.

AN ACT

TO PROVIDE FOR THE PAYMENT TO EGBERT H. TUCKER, SHERIFF OF PIERCE COUNTY, FOR KEEPING SUCH TERRITORIAL CONVICTS AS MAY HAVE BEEN, OR MAY HEREAFTER BE SENT TO HIM FOR SAFE KEEPING IN THE PIERCE COUNTY JAIL.

- SECTION 1. Provides for the keeping of Territorial convicts.
 Where to be kept.
 Payment for subsistence and clothing of convicts.
 Per diem compensation of jailers.
 Medicines and medical attendance.
 Incidentals.
 Proviso.
2. Sentence of Court to be carried into effect.
3. Convicts sentenced to hard labor, how to be employed.
4. To be employed on public highways, when.
5. Statement relative to convicts to be submitted to Territorial Treasurer, when.
 Proceeds of labor to be applied, how.
6. Quarterly statements to be made, when.
7. Territorial Auditor to draw warrants, when.
 Payment of same.
 Proviso.
8. When Territorial Treasurer's warrants shall draw interest.
 Act to take effect, when.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That from the 9th day of December, 1860, Egbert H. Tucker, Sheriff of Pierce county, shall be entitled to receive, and be paid out of the Territorial Treasury, for the safe keeping of such Territorial convicts as may then, or since then have been, or shall hereafter be placed or lodged with him for safe keeping in the Pierce county jail, as follows, to-wit:

For board, per week, for each convict,.....	\$ 4 00
For clothing, per annum, not to exceed each,.....	40 00
For services of self as jailer, per day,.....	4 00
For assistant jailers, each, per day,.....	3 00

Also for necessary expenditures or outlays for medicine or medical attendance for such convicts as may be under his charge, and for shackles or hand-cuffs necessary to their keeping: *Provided,* That nothing hereinbefore contained shall be so construed as to entitle him to receive payment for the services of more than two assistant jailers: *Provided further,* That he shall be entitled to receive pay for but one assistant jailer, unless the convicts are employed in actual labor outside the prison walls.

SEC. 2. It shall be the duty of the said Egbert H. Tucker to carry into effect, so far as is practicable, the sentence of the court upon the several convicts placed in his custody.

SEC. 3. In cases of persons convicted of felony and sentenced to hard labor for a term of time in the penitentiary, and who have been, or may hereafter be placed in custody of the said sheriff for safe keeping, it shall be his duty, while they remain in his charge, to employ them at hard labor to the best advantage, and in the most profitable manner practicable, and keep a true and correct account of the proceeds of such labor.

SEC. 4. In the event it shall be found impossible or impracticable to so employ the said convicts for any period of time as to make their labor a source of revenue, it shall then be the duty of the said sheriff, if practicable, to employ them for such period of time in the improvement of the public highways in the vicinity of the place of their confinement, or such other public improvements as the county commissioners of the county of Pierce shall direct.

SEC. 5. It shall be the duty of the said sheriff, on the first day of March, 1861, to make out and transmit to the Territorial treasurer, duly sworn to, a true and accurate statement, to be placed on file by the said treasurer, of the number and names of the several convicts in his charge from the said 9th day of December, 1860, to the said first day of March, and to state particularly the manner in which they have been employed, and the proceeds of their labor, if any, to return and deposit with the said Treasurer, to be applied in payment of the board, clothing, services and expenditures on account of the said Territorial convicts provided for in the first section of this act.

SEC. 6. From and after the first day of March, 1861, it shall be the duty of the said sheriff, quarterly, to make a similar statement to the one provided for in the 5th section of this act, and to transmit it to the Territorial Treasurer, to be filed by him, and of the proceeds of the labor of convicts during the period covered by his report, to make return and to deposit the same, to be applied as therein provided.

SEC. 7. On the first day of March, 1861, and quarterly thereafter, it shall be the duty of the Territorial auditor, upon the presentation of a bill by the said sheriff for board, clothing, services of self and assistant jailers or jailer, and necessary expenditures on account of Territorial convicts, in accordance with the rates and scale provided in the first section of this act, and duly sworn to before some officer authorized to administer oaths, to draw his warrant, or broken warrants, upon the Territorial Treasurer for the amount of such bill or account; and the Territorial Treasurer is hereby authorized to pay the same out of any money in the Treasury that has been received for labor of Territorial convicts, as provided in the 5th and 6th sections of this act, and should there not be sufficient money in the Treasury so received to pay such warrant or warrants, then to pay the balance due thereon out of any money in the Treasury not otherwise ap-

propriated; *Provided*, The said Sheriff Tucker shall only be paid out of the proceeds of the Territorial convicts labor.

SEC. 8. Upon the presentation of any warrant drawn under the provisions of this act to the Territorial Treasurer for payment, if there is not money in the Treasury to pay the same, he shall so certify upon the back thereof, and such warrant shall draw interest from the date of such endorsement till paid, at the rate of ten per cent. per annum.

SEC. 9. This act to take effect and be in force from and after its passage.

Passed January 29th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO AMEND AN ACT PASSED FEBRUARY 1st., 1859, TO PROVIDE FOR TERRITORIAL REVENUE.

- SECTION 1. Amends the act of February 1st, 1859.
2. Repealing clause.
3. Act when to take effect.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the act to which this is an amendment, shall read—"There shall also be levied a tax of one mill upon every dollar's worth of real and personal property in this Territory for Territorial purposes."

SEC. 2. All acts or parts of acts conflicting with this act be and the same are hereby repealed.

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

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO PROVIDE FOR MAKING UP ISSUES IN CERTAIN CASES.

- SECTION 1. Affidavit of will to real estate may be filed before confirmation of sale.
 By whom.
 Answer to affidavit of title.
 Issue to be tried as issues of fact.
2. After sale of premises, under judgment of foreclosure, where the wife did not join in the mortgage, she may file an affidavit claiming the dwelling house as exempt from execution.
 Court to direct party asking confirmation to answer said affidavit.
 Issues how tried.
3. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person, other than the judgment debtor, claiming title in real estate and a right to the possession thereof, that has been sold upon order of sale or execution issued from the Supreme or District Courts, and which has been entered by the clerk in his docket for confirmation of sale, may, at any time during the term of court at which confirmation of sale is asked, and before the same is confirmed, come into court and file an affidavit of such title and right of possession, and it shall thereupon be the duty of the court to order the party asking confirmation of sale, to file an answer to the statements and allegations of the said affidavit, verified as pleadings in civil actions are by law required to be; and if the allegations of said affidavit are not denied by such answer, or if such party fail or refuse to answer as directed, then it shall be the duty of the court to refuse the confirmation of such sale; but if answer be filed as required, and the statements and allegations of said affidavit are denied by such answer, then the issue or issues made, shall be tried as issues of fact are tried in civil actions in the District court.

SEC. 2. In case of a judgment of foreclosure having been rendered upon a mortgage executed by a married man, upon real estate, upon which the dwelling house occupied by his family is situate, and in the execution of which said mortgage the wife did not join, and the said premises have been sold pursuant to order of sale, that she may at any time during the term of court, at which such sale has been entered by the clerk in his docket for confirmation, and before the same has been confirmed, come into court and file her affidavit stating that the dwelling house occupied by her, or her family, is situate on the premises, the sale of which is docketed for confirmation, and that said premises do not exceed in value the sum of five hundred dollars, and that she claims the same to be exempt from execution and sale, and it shall thereupon be the

duty of the court to order the party asking confirmation of sale, to make and file an answer to the statements and allegations of the said affidavit, and if the same are not denied by such answer, or if such party shall fail or refuse to answer as directed, then it shall be the duty of the court to refuse the confirmation of such sale; but if answer be filed as required, and the allegations of the affidavit of claimant denied, then the issue or issues thus made, shall be tried as issues of fact are tried in civil actions in the District Court.

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

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO PERMANENTLY LOCATE THE COUNTY SEAT OF THURSTON COUNTY.

- SECTION: 1. Voters of county to designate location.
2. County Commissioners shall determine upon propositions to donate lands, &c.
Notice of propositions to donate to be posted.
 3. Title to real estate to be approved prior to location.

Be it enacted by the Legislative Assembly of the Territory of Washington, That at the next general election, the voters of Thurston county shall designate by their ballots, the place they choose for the county seat of said county, and the place receiving a majority of all the votes cast shall be the permanent county seat for said county.

SEC. 2. *Be it further enacted,* That for the purpose of securing lands, town lots, block or blocks on which to erect county buildings, or for the benefit and use of said county, together with building material, property or money, the county commissioners of Thurston county shall, at their May term, 1861, consider and determine upon such proposition as to their value and availability to the county, and cause proper notice of such propositions, if available, and the places to which they are applicable, to be posted with the notices of the election.

SEC. 3. *Be it further enacted,* That before the county seat shall be declared permanently located by the county commissioners, the title to all

real estate conveyed to the county on account of the county seat, shall first be approved by the district attorney for the second judicial district, and such approval filed with the board of county commissioners.

Passed January 30th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO PROVIDE FOR THE TRANSPORTATION OF THE TERRITORIAL LIBRARY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial Librarian is hereby authorized and instructed to remove his office and the Territorial Library, with every thing whatsoever belonging both to his office and the Library, to the seat of government, at Vancouver, Clarke county, Washington Territory, at any time between the second day of June and the first day of August next, A. D. 1861: *Provided,* The county of Clarke, or the citizens thereof, shall defray all the expenses necessarily incurred in transporting such property, and nothing herein contained shall be so construed as to make the Territory liable in any amount whatever.

Passed January 30th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

AMENDATORY OF AN ACT, PASSED JANUARY 15, 1859, ENTITLED "AN ACT IN RELATION TO THE CONSTRUCTION OF ROADS AND HIGHWAYS, AND DEFINING THE DUTIES OF SUPERVISORS OF HIGHWAYS.

- SECTION 1. Section 1 of Act passed Jan. 15th, 1859, amended.
 2. Section 21 of same act amended.
 3. Section 22 of act amended.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory*

of *Washington*, That Section 1st of the act to which this act is amendatory, be amended, by striking out the last two words in the 4th line, to-wit: the words "probate court," and inserting—"district court of the judicial district in which such county may be situated."

SEC. 2. That Section 21 of the said act be amended, by striking out the word "nine," in the 3d line, and inserting the word "four." Also, strike out the phrase "twenty-five," in the 4th line of same section, and insert the word "twenty."

SEC. 3. That Section 22 of said act be amended, by striking out the word "three," in the 4th line, and inserting the word "two."

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS IN DISTRICT COURTS.

- SECTION 1. Section 5 of act of January, 1860, amended.
A married woman can sue and be sued, plead and be impleaded, alone in all cases.
2. Section 20 of said act amended.
Service of notice.
3. Section 22 of said act amended.
Publication of notice restricted to papers in Washington Territory.
4. Section 23 of said act repealed.
5. Section 55 of said act amended.
Causes of action which may be united. Causes of action to be separately stated.
6. Section 199 amended.
When a reference may be directed without consent.
7. Section 242 amended.
Execution returnable within sixty days.
Sheriff to pay over moneys collected within 20 days.
Penalty for not doing so.
Clerks to notify party to whom said moneys belong, and pay over same on demand.
Penalty for neglect to do so.
8. Notice of sale of real estate to satisfy balance due after sale under foreclosure.
9. Act when to take effect.

The Legislative Assembly of the Territory of Washington do enact as follows:

SECTION 1. Section 5 of the act to which this act is amendatory, is hereby amended so as to read: A married woman may sue and be sued, plead and be impleaded, without joining or having her husband joined with her in the action.

SEC. 2. Section 20, of said act is hereby amended to read as follows: Section 20. In all cases except where the service is made by publication, as is hereinafter provided for, the notice shall be served by the sheriff of the county where the defendant is found, or by his deputy, or by a person other than the plaintiff, specially appointed by the Judge or Clerk of the court where the action is brought. Such appointment shall, prior to the service, be made in writing, endorsed upon the notice, and signed by the party making them. The notice shall be returned to the office of the district clerk, with the return of the sheriff or his deputy endorsed thereon; or if served by a person specially appointed, his affidavit.

SEC. 3. Section twenty-two is hereby amended by striking therefrom the words "or in Portland, Oregon."

SEC. 4. Section twenty-three of said act is hereby repealed.

SEC. 5. Section fifty-five of said act is hereby amended by enacting that the last clause or provision of section 55, shall read as follows: But the causes of action so united, must affect all the parties to the action, and not require different places of trial, and must be separately stated.

SEC. 6. Section 199 is hereby amended to read—"when the parties do not consent, the court, or any Judge of the District Court in vacation, shall, upon application of either, or of its own motion, order a reference in any civil action which has been commenced ten days or more before the said application for order. The pleadings before and at the trial by referees, shall be subject to the same rules and restrictions in all respects as in cases tried by the court; and the court may direct a reference in the following cases:

1st. When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue, or to report any specific question of fact involved therein; or,

2d. When the taking of an account shall be necessary for the information of the court, before judgment upon an issue at law, or for carrying a judgment or order into effect; or,

3d. When a question of fact, other than upon the pleadings, shall arise upon a motion or otherwise, in any stage of the action; or,

4th. When it is necessary for the information of the court in a special proceeding."

SEC. 7. Section 242 is hereby amended to read as follows:

The sheriff shall endorse upon a writ of execution the time when he received the same, and such execution shall be returnable within sixty days after its date, to the clerk who issued the same. And no sheriff shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issues the writ, under penalty of twenty per cent. on the amount collected, to be paid by the sheriff: the one half to the party to whom the judgment is payable, and the other half to the county commissioners of the county wherein the action was brought, for the use of the school fund of the county. And the clerk shall, immediately after the receipt of any moneys collected on any judgment, notify the party to whom the same is payable, and pay over the amount to the said party on demand. On failure to so notify and pay over, (without reasonable cause shown for delay) the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff.

Passed January 30th, 1861.

LYMAN SHAFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

EXEMPTING CERTAIN PROPERTY FROM EXECUTION AND ATTACHMENT.

SECTION. 1. Real and personal estate of married woman not liable to attachment, when.

Separate property of wife liable for debts owing by her at time of marriage.

2. What property exempt from execution.

No article exempt from execution issued upon a judgment for its price upon a mortgage, or from any tax levied thereon.

Wife must join in mortgage.

Mortgage must be witnessed, and acknowledged by wife.

3. The benefit of this act may be waived, how.

Agreement of waiver to be witnessed and acknowledged.

4. Repealing clause.

5. Act, when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all real and personal estate belonging to any married woman at the time of her marriage, and all which she may have acquired subsequently to such marriage, or to which she shall hereafter become entitled in her own right, and all her personal earnings, and all the issues, rents and profits of such real estate, shall not be liable to attachment for, or execution upon any liability or judgment against the husband, so long as she or any minor heir of her body shall be living; *Provided,* That her separate property shall be liable for debts owing by her at the time of her marriage.

SEC. 2. The following property shall be exempt from execution or attachment, except as is hereinafter specially provided:

1. A homestead, not exceeding five hundred dollars in value, to include the dwelling house and other buildings, and the land or lots upon which they stand.

2. All wearing apparel of every person and family.

3. All private libraries, family pictures and keepsakes.

4. To each householder, one bed and bedding, and one additional bed and bedding for every two members of the family, and other household goods and utensils and furniture, not exceeding one hundred and fifty dollars in value.

5. To each householder, two cows with their calves, five swine, two stands of bees, twenty-five domestic fowls, and provisions and fuel for the comfortable maintenance of such householder and family for six months; *Provided,* That in case such householder shall not possess, or shall not desire to retain the animals named above, he may select from his stock and retain other animals not to exceed one hundred and fifty dollars in value.

6. To a farmer, the tools, implements and farming utensils actually used about the farm. Also, two yoke of oxen with yokes and chains, or one span of horses with harness, and one wagon.

7. To a mechanic, the tools and implements used to carry on the trade, occupation or business in which he is engaged for his support, or the support of his family. Also, material not exceeding in value one hundred and twenty-five dollars.

8. To physicians, their libraries, and medicines to the amount of one hundred and fifty dollars.

9. To attorneys, clergymen, and other professional men, their libraries.

10. All fire-arms kept for the use of any person or family.

11. To any person, a canoe, skiff or small boat with its oars, paddles, sails and rigging not exceeding in value fifty dollars.

12. To a person engaged in lightering for the support of himself and family, one or more lighters, barges or scows, and a small boat, with oars, sails and rigging, not exceeding in value, in the aggregate, two hundred dollars.

13. A sufficient quantity of hay or grain, or feed for keeping for six weeks the animals mentioned in the several subdivisions of this section as exempted from execution and attachment.

But no article of property mentioned in this section, shall be exempt from an execution issued upon a judgment for its price, or upon a mortgage thereon, or for any tax levied thereon; *Provided*, That no mortgage made by a married man of any property exempted from execution and attachment in this act, shall be of any validity, unless the wife shall join in said mortgage, and the same be witnessed and acknowledged by her as is required in case of a deed conveying her interest in real estate.

SEC. 3. This act shall not be so construed as to prevent any single man, or a married man, his wife joining him in the waiver, from waiving, by agreement in writing, to any person or persons the benefit of this act; *Provided*, That any agreement of waiver made by a married man and his wife, shall be witnessed and acknowledged by them in the same manner required in case of a deed made by them conveying real estate.

SEC. 4. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 30th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO CREATE THE OFFICE OF TERRITORIAL SUPERINTENDENT OF COMMON SCHOOLS, AND DEFINE HIS DUTIES.

- SECTION 1. How elected. Proviso.
2. Duties of superintendent.
Shall report annually to the Legislature.
 3. Further duties of Superintendent.
May be located in any county.
Required to correspond with county superintendent.
Shall furnish certain forms for accounts, &c.
 4. Shall file vouchers for incidental expenses with Territorial Auditor.
Auditor to draw warrant, &c.
Proviso.
 3. Act when to take effect.

Be it enacted by the Legislative Assembly of the Territory of Washington, That there shall be elected triennially by the Legislative Assembly, a Territorial Superintendent of common schools, who shall exercise a general supervision over the interest of common schools throughout the Territory; *Provided,* That until otherwise ordered by the Legislature, B. C. Lippincott is hereby appointed Superintendent of public instruction.

SEC. 2. That it shall be the duty of said Superintendent to collect all such information as may be deemed important in reference to common schools, especially the number of children, the number and quality of schools, the number of scholars in attendance, the amount paid for tuition; also, to collect information of the number of school houses and the amount expended from year to year for the erection and repairing school houses; and all other matters in reference to the operation and effect of the common school system, and report annually to the Legislature the information thus collected, and suggest such improvements, from time to time, as the interests of education may require.

SEC. 3. That it shall be his duty to credit the accounts of the Treasurer of the Territory, and of the several counties, in reference to the receipt and disbursement of the common school fund, and see that the funds are not squandered or diverted from their proper use. He may be located in any county in the Territory, and required to correspond with the Superintendent of each county in the Territory, and give such information and encouragement as may tend to the successful working of the common school system. He shall also furnish forms for the district trustees and teachers, for keeping their accounts and registers, which forms shall be delivered to the school superintendent of the several counties, whose duty it shall be to deliver them to all the districts throughout their respective counties.

SEC. 4. That the said Superintendent shall file with the Territorial Auditor vouchers for incidental expenses, in printing circulars, blank forms, and other matters pertaining to his duties, and the Territorial Auditor shall audit the same, and draw warrants for the payment of the same, and the Territorial Treasurer is hereby authorized to pay the same; *Provided*, Said incidental expenses shall not exceed seventy-five dollars per year.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

DEFINING THE BOUNDARY LINE BETWEEN SAWAMISH AND KITSAP
COUNTIES.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the eastern boundary line of Sawamish county terminating at the corners of sections 4, 5, 33, and 32, townships 22 and 23, north, range 1 west, be extended three miles due north from said point: thence due west to the middle of the main channel of Hood's Canal.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

REGULATING THE COLLECTION OF THE TERRITORIAL AND COUNTY
REVENUE IN THURSTON COUNTY.

- SECTION 1. Sheriff to collect all taxes in the county.
 Shall attend three days in each precinct.
 Three weeks' notice to be given.
 Shall attend one week at the county seat.
2. Compensation of sheriff.
 Treasurer of county to receive commission for disbursements only.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sheriff of the county of Thurston shall, from and after the passage of this act, collect all taxes levied in said county, and in order to do the same, the said sheriff shall attend three days in each precinct in the county for the purpose of collecting such tax, after which he shall attend for one week at his office at the county seat, and then and there give an opportunity to any that may not have previously paid their taxes, to do the same, and the said sheriff is hereby required to give notice for three weeks previous to such time, of the time and place for collecting tax in each precinct, by posting notices of the same in three of the most public places in such precinct.

SEC. 2. *Be it further enacted,* That the sheriff shall receive the same compensation for the collection of taxes, as is now allowed to the county treasurer or sheriff, but the county treasurer shall not be allowed any commissions except for the disbursement of moneys paid into his hands by the sheriff, and that the laws now in force with regard to the collection of taxes in said county, so far as they do not conflict with the provisions of this act, remain in full force and effect.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of Council.

AN ACT

APPOINTING A JUSTICE OF THE PEACE IN THE COUNTY OF LEWIS.

- SECTION 1. Appoints Sidney S. Ford, Sen., a justice of the peace.
 2. Shall qualify.
 Hold office until successor is elected and qualified.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Sidney S Ford be, and he is hereby appointed a justice of the peace in and for the county of Lewis.

SEC. 2. That said S. S. Ford, Sen., shall, before entering upon the duties of his office, qualify as required by the laws of this Territory, and shall hold his office until the next annual election, or until his successor is elected and qualified.

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT FOR THE ESTABLISHING OF A PILOTAGE ON THE COLUMBIA RIVER AND SHOALWATER BAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section four, (4) of the act to which this is amendatory, shall be so amended as to read as follows: The pilot or pilots shall always keep such boat or boats, to cruise outside the bar, of not less than fifty tons burden, carpenter's measurement, as may be approved as suitable by the power granting such branch or warrant; and also, that such boat or boats shall have always on board a sufficient quantity of provisions to relieve vessels in distress.

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

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

EXTENDING THE NORTHERN BOUNDARY OF CLICITAT COUNTY.

- SECTION 1. Extends the northern boundary line of Clicitat county.
 2. Extends the western boundary of Walla Walla county.
 3. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the northern boundary line of Clicitat county be extended north to the north-east corner of the county of Skamania, thence due east to a point, which by running due south would strike the north-east corner of the present boundary of said Clicitat county.

SEC. 2. *And be it further enacted*, That the west boundary of Walla Walla county be, and is hereby, extended as follows: Commencing at the north-west corner of Clicitat county, thence along the summit of the Cascade Mountains to the 49th parallel.

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

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO RESTRAIN SWINE FROM RUNNING AT LARGE IN THE TOWN OF STEIL-
ACOOM IN PIERCE COUNTY.

- SECTION 1. Owners of swine prohibited from allowing the same to run at large.
 Limits defined.
 2. Liability of owners for damages.
 3. Any person may take possession of swine from running at large.
 Limits specified.
 Shall notify sheriff or constable.
 Sale at auction on three days' notice.
 4. Application of nett proceeds.
 Proof of ownership may be made.
 5. Owners to be reimbursed, when.
 Proviso.
 6. Fees of officers.
 7. Act to take effect, when.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons owning swine or hogs, are prohibited from allowing the same to run at large within the following limits, in Pierce county, to-wit: Commencing at the north-east corner of Lafayette Balch's land claim, thence south, along the line of said claim, to the south-east corner of the town plat of Lafayette Balch's part of the town of Steilacoom, thence westerly, along the line of said town plat, to the east line of John M. Chapman's portion of said town, thence south, along said line, to the south-east corner of Chapman's part of the said town of Steilacoom, thence west, along the line of said town plat, to the Bay, (or Puget Sound), thence northerly, the meanderings of the Bay (or Puget Sound), to sand point, known as "Chapman's Point," thence easterly, the meanderings of the Bay (or Puget Sound), to the place of beginning.

SEC. 2. The owner or owners of any swine found running at large within the said limits, shall be liable for any and all damages caused by said swine, to be recovered by civil action before any court of competent jurisdiction.

SEC. 3. Any person may take possession of any swine found running at large within said limits, and give notice thereof to the sheriff or any constable of the County of Pierce, who shall have power, and it shall be, and is hereby, made the duty of said officer to sell such swine at public auction, to the highest bidder, for cash, upon giving three days notice of the time and place of sale, by posting, in three of the most public places within the said limits, written notices thereof.

SEC. 4. The proceeds of such sale, after payment of costs, charges and expenses of keeping, shall be paid into the county treasury of Pierce county, for the use of the county, unless and until legal proof of ownership be made to the county commissioners of said county, by the person or persons claiming the said swine.

SEC. 5. Upon the proof provided in the preceeding section being made, it shall be the duty of the said commissioners to cause to be issued an order on the county treasurer for such sum or overplus, in favor of the owner or owners of said swine so taken up and sold; *Provided,* That the owner or owners of said swine may, before the sale thereof, pay all costs and charges thus far made, stay the sale, and on proof of ownership, the officer shall release the said swine to said owner or owners.

SEC. 6. The fees of the officer for services under this act, shall be the same as upon sale of like property seized upon execution.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT REGULATING THE TIME WITHIN WHICH CIVIL ACTIONS MAY BE COMMENCED."

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That Section eleven of the act to which this is amendatory, be amended, by striking out the third clause thereof, to-wit: the words—"a married woman."

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT DEFINING THE JURISDICTION AND PRACTICE OF THE PROBATE COURTS OF WASHINGTON TERRITORY.

- SECTION 1. Section 10 of act of 27th January, 1860, amended; Court may, by attachment, enforce return of writ, inventories, &c.
2. Section 70 of said act amended.
 3. Section 117 of said act amended.
 4. Section 123 of said act amended.
 5. Section 140 of said act amended.
 6. Section 159 of said act amended.
 7. Section 380 of said act amended.
Citation to be served twenty days before return day.
 8. Appeal from Probate court to District court, in what cases allowed.

9. Appeals to be taken within three months after decree rendered.
10. Party desiring to take appeal to file bond—proceedings thereupon.
11. Certiorari—writs of may issue within one year, out of District Court.
Judgment thereon.
12. This act to apply to cases now pending in District Court on appeal or certiorari.
13. No case to be dismissed for irregularity.
Irregularities, how corrected.
14. Sections 383 and 384, of act of 27th January, 1860, and all conflicting acts repealed.
15. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Section ten of the act to which this is amendatory, shall be so amended as to read:—

“The court may enforce by attachment, the return of any writ or process issued according to law out of such court; the return of inventories and accounts by executors, administrators, surviving partners and guardians, and compel the production or delivery of any papers which are proper subjects of, and necessary to its judicial action.”

SEC. 2. Section 70 shall be amended by inserting after the word “given,” where it occurs in said section, the words, “which testimony.”

SEC. 3. Section 117 shall be amended by inserting after the word “do,” where it occurs in the second line of said section, the word “not.”

SEC. 4. Section 123 shall be so amended as to read—“It shall be the duty of the surviving partner undertaking the management of the copartnership property, within thirty days after he shall assume the management thereof, unless longer time is allowed, and whenever ordered by the court, to return upon oath to the court a full and complete inventory of all property and demands of every kind belonging to said copartnership, and a list of all the indebtedness and obligations of said copartnership, whether due or to become due. And he shall proceed with due diligence to close up the affairs of such copartnership by selling the property, real or personal, collecting the demands and paying the debts in the same manner as the estates of deceased persons are closed up; and shall, from time to time as the court may order, render to the court an account of his doings in the premises, and when the copartnership business is fully settled up, he shall render his final account in the same manner as administrators are required to do. The probate court shall have the same authority to compel the return of inventories and accounts from such surviving partner, to order the sale of real and personal estate, and direct the mode thereof, to pay copartnership debts, to adjudicate in all matters pertaining to such copartnership estate as in case of ordinary administration, and parties interested shall have like remedies upon the bond or otherwise against such survivor, for his neglect or misconduct, as may he had

against administrators; *Provided*, that nothing in this act contained, shall impair the right of parties interested to proceed against such survivor as they might have done, had this act not been passed, and whenever any notes, obligations, or contracts, upon which any other person than the deceased may be liable, are on file in the probate court, the person having a right to prosecute them, his lawful agent or attorney, may, with the permission of the probate judge, take them from the files, giving a receipt therefor, and leaving upon file a copy certified to be correct by the probate judge.

SEC. 5. Section 140 shall be so amended as to read—"The naming any person as executor in a will, or the appointment of any person as administrator, shall not operate as a discharge from any just claim which the testator or intestate had against the executor or administrator, but the claim shall be included in the inventory, and the executor or administrator shall be liable to the same extent as he would have been had he not been appointed executor or administrator."

SEC. 6. Section 159 shall be amended by striking out all after the word "barred," where it occurs in the second line of said section.

SEC. 7. Section 180 shall be so amended as to read—"When no other time has been specially prescribed, citation shall be served at least twenty days before the return day."

SEC. 8. An appeal shall be allowed from the decision of the probate court, to the district court in the cases following:

1st. On granting or revoking letters testamentary, or of administration, or guardianship.

2d. On admitting a will to probate.

3d. On revoking the probate, or determining the validity of a will.

4th. On setting apart property, or making an allowance for a widow or child.

5th. On determination of the application for the sale or conveyance of real property.

6th. On the settlement of an executor, administrator or guardian.

7th. On declaring, allowing, or rejecting the payment of a debt, legacy or distributive share of the estate.

8th. On all other final orders and decrees.

SEC. 9. All appeals shall be taken within three months after the order or decree is rendered.

SEC. 10. The party desiring to take an appeal shall, within sixty days, file with the probate court, a bond in such an amount, and with such security, as the probate judge, or the judge of the district court shall determine, which bond shall be approved by the probate judge, or

the judge of the district court, and when so approved and filed, it shall operate as a stay of all further proceedings in the case before the probate court, and in case any order has issued upon the matter appealed from, it shall be recalled, and the case, with the original papers, shall be sent by the probate clerk up to the next term of the district court to be filed and disposed of in the same manner, so far as is practicable, as appeals from justices of the peace; *Provided*, That all things lawfully done under any such order before the appeal bond shall be filed, shall be as valid and binding as if no appeal had been taken.

SEC. 11. Writs of certiorari may, at any time within one year after the rendition of the decision in the probate court, issue out of the district court to examine and determine upon any alleged errors occurring in the final decision or order of the probate court, which shall be heard and determined in the same manner as are like writs to justices of the peace; *Provided*, That, upon the hearing, the court shall proceed to render such a judgment as the nature of the case may require.

SEC. 12. All cases heretofore taken by appeal, or certiorari, to the district court, and now pending therein, shall be heard and determined in the same manner as if they had been taken under this act.

SEC. 13. No case shall be dismissed for want of a proper bond, or for any irregularity in the bond, or in taking the appeal, writ of error, or filing the papers; *Provided*, the party will, under the order of the court, file a new and proper bond, and will correct such irregularities as may exist, and, provided further, the court shall be satisfied that the party making the application to correct, is not in fault, and that no injustice is done to the opposite party.

SEC. 14. Section 383 and 384 of the act to which this is an amendment, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 15. This act shall take effect and be in force from after its passage.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

DEFINING THE DUTIES OF JUDGES OF DISTRICT COURTS IN CERTAIN CASES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That hereafter, at the close of each term of the District Court of the several Judicial Districts of this Territory, it shall be the duty of the presiding judge of such court, whenever he may deem it necessary, to order and direct the sheriff of the county where the same shall be held, with such assistance as shall be necessary, to take, convey, and deliver into the custody of the sheriff of Pierce county, to be kept as by law provided, any person or persons at such term of court convicted of a felony and sentenced to hard labor in the Penitentiary.

Passed January 31st, 1861.

PAUL K. HUBBS,
President of the Council.

LYMAN SHAFFER,
Speaker House of Representatives.

AN ACT

ADDITIONAL TO AN ACT ENTITLED AN ACT RELATING TO JUSTICES OF THE PEACE AND CONSTABLES, AND THE PRACTICE BEFORE JUSTICES OF THE PEACE.

SECTION 1. Justices of the Peace to have concurrent jurisdiction with District Courts in certain cases.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the jurisdiction of justices of the peace in criminal prosecutions, be so extended as to give them concurrent jurisdiction with the District Courts in cases of petit larceny and public nuisance.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council

AN ACT

REQUESTING THE VOTE OF THE PEOPLE OF THE TERRITORY OF WASHINGTON RELATIVE TO THE SEAT OF GOVERNMENT.

- SECTION 1. Location submitted to the people.
 2. Place to be named in ballot.
 3. Votes to be counted and Governor to proclaim the result.

The Legislative Assembly of the Territory of Washington do enact as follows:—

SEC. 1. The qualified voters of the Territory of Washington at the next annual election, are hereby requested to vote in their respective precincts, naming their choice of the place of location of the seat of government for said Territory.

SEC. 2. In voting, it shall be sufficient to print or write the name of the place so designated as the choice of the person voting, as "Olympia," "Vancouver," or other place, in accordance with the preference of the voter.

SEC. 3. The judges of election shall cause to be counted the said votes, and due return made thereof, in the same manner as returns are made for Delegate to Congress, and the Governor shall publish, by proclamation, immediately after such returns are made, the number of votes given for each place voted for.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

DEFINING THE DUTY OF SHERIFFS IN CERTAIN CASES, AND TO PROVIDE FOR THE PAYMENT TO THEM FOR PERFORMING CERTAIN DUTIES.

- SECTION 1. Prisoners sentenced to hard labor in the Penitentiary, when to be delivered into custody of sheriff of Pierce county.
 Sheriffs to have necessary assistance.
 2. Expenses incurred by sheriffs to be paid from Territorial Treasury.
 Sheriffs' bill to be verified and approved.
 3. Duty of Territorial Auditor and Treasurer upon presentation of sheriff's bill.
 4. If bill cannot be paid on presentation, Treasurer to endorse certificate on warrant.
 Such warrant to draw interest until paid.
 5. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That upon the receipt by any sheriff of any county of this Territory, of an order of a judge of the district court, directing him to take, convey and deliver into the custody of the sheriff of Pierce county, to be kept as provided by law, any person or persons convicted of a felony and sentenced to hard labor in the Penitentiary, it shall be his duty, forthwith, with such assistance as may be necessary, to execute the said order.

SEC. 2. For any services of any sheriff of this Territory required by law, or for any necessary expenditures by such sheriff made in carrying into effect any order, judgment or sentence of either of the district courts, or of the supreme court of this Territory, upon persons convicted of felony, such sheriff shall be entitled to receive from the Territorial Treasury the amount of such expenditures, in addition to his mileage, or such other compensation as is provided in lieu thereof; *Provided,* That the Territorial Auditor shall in no case draw his warrant for the payment of such bill, unless the same shall be verified by the claimant and approved by the judge under whose order the services were rendered and the expenditures made.

SEC. 3. Upon the presentation of a bill for the services and expenditures enumerated in the preceding section of this act, and verified and approved as therein provided, to the Territorial Auditor, it shall be his duty to draw his warrant upon the Territorial Treasurer for the amount of such bill, and the Territorial Treasurer is hereby authorized to pay the same out of any money in the Treasury not otherwise appropriated.

SEC. 4. Upon the presentation of any warrant drawn under the provisions of this act, to the Territorial Treasurer for payment, if there is not money in the Treasury to pay the same, he shall so certify upon the back thereof, and such warrant shall draw interest from the date of such endorsement till paid, at the rate of ten per cent. per annum.

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

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO REPEAL AN "AN ACT SUPPLEMENTARY TO AND AMENDATORY OF AN ACT, PASSED JANUARY 21, 1859, ENTITLED AN ACT CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF PIERCE," AND TO REPEAL ALL LAWS AUTHORIZING THE HOLDING OF SAID COURT, AND TO PROVIDE FOR THE TRANSMISSION OF THE BOOKS, RECORDS, AND PAPERS BELONGING TO SAID PIERCE COUNTY COURT, TO THE CLERK OF THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT.

- SECTION 1. District court of Pierce county abolished, and said county to constitute part of 2d Judicial district.
2. All papers to be returned to clerk of 2d judicial district.
Court of 2nd district to have jurisdiction of all civil cases heretofore commenced in Pierce county.
Existing laws not to be so construed as to work a continuance.
Court of 2nd district at next term to try all cases from Pierce county, unless a continuance granted.
 3. Clerk of district court of Pierce county to return records to clerk of 2d judicial district.
Court of 2nd district to try all cases that could have been tried at March term of Pierce county court.
 4. Persons under recognizance to appear at March term of Pierce county court, required to appear at next term of court for 2d judicial district.
 5. Act when to take effect.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act passed January 30, 1860, entitled "an act supplementary to and amendatory of an act, passed January 21, 1859, entitled an act conferring jurisdiction upon the district court of the county of Pierce," and all laws or parts of laws conferring such jurisdiction, be, and the same are hereby repealed, and that said county of Pierce shall be and constitute a part of the Second Judicial District.

SEC. 2. All complaints, writs and papers heretofore issued, and made returnable to the district court of Pierce county, shall be by the officer with whom the same may have been lodged for service, returned to the clerk of the court for the second judicial district, unless the same shall have been returned before the passage of this act to the clerk of the district court of Pierce county; and the district court of the second judicial district shall have jurisdiction of, and try all civil cases heretofore commenced in said county either by publication or actual service; and existing laws shall not be so construed as to entitle any party to a continuance because the notice served or published required the party or parties to appear and answer in the district court of Pierce county; but it shall be

the duty of the district court of the second judicial district, at its next term, to hear, try and determine all cases coming from said county as hereinbefore provided, if it shall appear from the papers or returns that service has been had, or publication of notice made for the length of time required by law to have enabled parties to have a determination of their action in the district court of Pierce county, had this act not been passed, unless a continuance shall be granted for causes provided in the civil practice act.

SEC. 3. The clerk of the district court of Pierce county, or the person in whose custody the books, records and papers belonging to said district court may be, shall forthwith, either by mail or other opportunity, transmit such books, records and papers to the clerk of the district court of the second judicial district, and it shall be the duty of the district court for the said second judicial district, at its next term, to hear, try, and determine all cases and issues that could have been tried at the next March term of the Pierce county district court had this act not been passed, unless continued for causes provided in the "civil practice act."

SEC. 4. All persons under recognizance to appear at the next March term of the district court for Pierce county, are hereby required to appear at the next March term of the district court for the second judicial district, or be liable to have their bonds forfeited.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

LOCAL LAWS

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN PATRICK COYLE AND
ANN COYLE, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Patrick Coyle and Ann Coyle be, and the same are hereby dissolved; and the said Ann Coyle shall have the custody of their child, John Coyle, a minor of ten years of age.

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

Passed December 14th, 1860.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE OREGON STEAM NAVIGATION COMPANY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That J. C. Ainsworth, Daniel F. Bradford, R. R. Thompson, and J. S. Ruckle, and their associates in the association known as the "Oregon Steam Navigation Company," and the successors, are hereby declared a body corporate and politic by the name and style of the "Oregon Steam Navigation Company," for the purposes of navigation and transportation in the State of Oregon and Washington Territory.

SEC. 2. Said corporation shall have power to purchase and receive in all lawful ways, own and possess boats, vessels, lands, goods, chattels, and effects of every kind; the same to use and dispose of in all lawful ways at pleasure; to contract and be contracted with, to implead and be impleaded, sue and be sued, in all courts; to have a common seal, and the same to use and change at pleasure, and to ordain and establish such by-laws and regulations as it may deem expedient for its own government, and the efficient management of its own affairs, consistent with the constitution and laws of the United States and the laws of this Territory.

SEC. 3. The capital stock of said corporation shall not exceed one million of dollars, and shall be divided into shares of not less than five hundred dollars each, transferable as their by-laws may provide.

SEC. 4. Said corporation shall receive, possess and enjoy all the property, interests and rights of said association, and shall hold and have, and may enforce, by legal remedies, all claims and obligations due or to become due, given or that may be given to said association, and for the debts of said corporation each member thereof shall be personally liable to the extent of the amount of stock owned, held or subscribed for by him, for any debts contracted while he was such member.

SEC. 5. This act to take effect and be in force from and after its passage; *Provided*, That nothing herein contained shall be so construed as to prevent the amendment or repeal of this act by any future Legislative Assembly; *Provided also*, That all steamers and other vessels belonging to said corporation company(!) shall be registered and subject to taxation in this Territory.

Passed December 19th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO PROVIDE MEANS FOR PAYING FOR THE CLEANING AND REPAIRING OF
THE TERRITORIAL ARMS.

- SECTION 1. Appropriates one hundred dollars.
2. Territorial Auditor authorized to draw warrant upon the Territorial Treasurer for the amount.

Be it enacted by the Legislative Assembly of the Territory of Washington, That one hundred dollars is hereby appropriated out of any money in the Territorial treasury, to pay for the cleaning and repairing of the Territorial arms for the year 1860.

SEC. 2. The Territorial auditor is hereby authorized to draw a warrant upon the Territorial treasurer in favor of Charles Miller for the aforesaid amount, and the Territorial treasurer is hereby authorized to pay the said warrant out of any money in the treasury not otherwise appropriated.

Passed December 13th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN OWEN
CONNELLY AND SARAH CONNELLY, AND TO RESTORE THE SAID
SARAH TO HER MAIDEN NAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between Owen Connelly and Sarah Connelly be, and they are hereby dissolved, and that the said Sarah have the custody of her daughter, Ann Connelly.

SEC. 2. The said Sarah Connelly is hereby restored to her maiden name, Sarah Lancaster.

Passed December 15th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING I. H. BUSH TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the said I. H. Bush, his heirs and assigns be, and they are hereby authorized to establish and keep a steam ferry instead of the ferry authorized by the act to which this is amendatory. Said steam ferry to be put in operation in eighteen months from the passage of this act.

SEC. 2. And in consideration of the establishment and keeping said steam ferry, the said I. H. Bush, his heirs and assigns, shall have an extension of the time and limits of said ferry, to-wit: The time of said charter shall be extended for the period of ten years from the passage of this act, and the limits of said charter shall be extended to the distance of two miles each way from the point mentioned in the act to which this is amendatory.

SEC. 3. *And be it also enacted,* That the rates of ferriage upon said ferry shall be reduced thirty per cent. from and after the establishment of said steam ferry.

Passed December 18th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN CARSON D. BOREN AND MARY, HIS WIFE.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Carson D. Boren and Mary, his wife, be, and the same are hereby dissolved.

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

Passed December 17th, 1861.

AN ACT

TO AUTHORIZE JAMES A. BRUUN TO ESTABLISH A FERRY ACROSS THE
OUTLET OF LAKE CHELAN IN WALLA WALLA COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That James A. Bruun, his heirs and assigns, be, and they are hereby, authorized to establish and keep a ferry across Chelan river, in Walla Walla county, commencing at Lake Chelan and extending one mile down Chelan river, and one half mile up Lake Chelan, on each side of said lake and river; and that the said James A. Bruun, his heirs or assigns, have the exclusive privilege of ferrying within the said limits for the term of ten years from the passage of this act; *Provided,* That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be, by laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said James A. Bruun, his heirs or assigns, to receive and collect the following rates of toll for ferriage upon said ferry, until otherwise ordered by the Legislature or the board of county commissioners of the county in which the same is located:

For crossing a footman	\$ 50
For crossing man and horse.....	1 50
For crossing pack-animals, packed,.....	1 00
For crossing horse and buggy, or other vehicle.....	1 50
For crossing two horses and buggy, or other vehicle.....	2 00
For crossing each extra horse attached thereto.....	50
For crossing one yoke of oxen and wagon.....	2 00
For crossing each extra yoke of oxen attached thereto.....	50
For crossing loose stock, other than sheep and hogs, each.....	50
For crossing sheep and hogs, each	15

SEC. 3. That no county [court] or board of county commissioners shall authorize any person, except as hereinafter provided in this act, to keep a ferry within the limits set out in this act; *Provided,* That the said James A. Bruun, his heirs or assigns, shall, within twelve months after the passage of this act, procure for said ferry a good and sufficient flat-boat, which shall be kept at said ferry, with sufficient hands to work the same, for the transportation of all persons and their property across said river without delay; and should the laws regulating ferries now, or such as may hereafter be in force, be violated by the said James A. Bruun, his heirs or assigns, or if no good and sufficient flat-boat, with

sufficient hands to work them (?) be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of the county in which said ferry is located, then this act shall be void.

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

Passed December 18th, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO APPOINT COMMISSIONERS TO REVIEW AND RE-LOCATE SO MUCH OF THE TERRITORIAL ROAD LEADING FROM MONTICELLO TO THE UPPER CASCADES, AS LIES BETWEEN THE CITY OF VANCOUVER AND THE EAST LINE OF CLARKE COUNTY.

- SECTION 1. Appoints commissioners.
2. Time of Meeting, and duties of commissioners.
 3. County commissioners to declare road vacated.
 4. Compensation of commissioners.

Be it enacted by the Legislative Assembly of the Territory of Washington, That C. C. Stiles, W. S. Bennington and William Goodwin be, and they are hereby appointed a board of commissioners to review and re-locate so much of the Territorial road leading from Monticello to the Upper Cascades, as lies between the city of Vancouver and the east line of Clarke county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the city of Vancouver, on the first Monday in April, 1861, or as soon thereafter as circumstances will permit, and, after being duly sworn faithfully and impartially to discharge the duties assigned them, shall proceed to review and re-locate so much of said road as lies between the points designated in section 1 of this act, and shall make a true report of their proceedings to the board of county commissioners of Clarke county, within thirty days after the meeting of said commissioners. Said commissioners shall take to their assistance the county surveyor, who shall

accurately survey said road and mark the line by proper marks and designations, and shall report to the commissioners within the time specified for the commissioners to report.

SEC. 3. The said commissioners of Clarke county shall, at their first meeting, after receiving the report of the commissioners herein appointed, declare so much of said road vacated, as shall be prescribed by said commissioners.

SEC. 4. Said road commissioners shall receive no compensation for their services, except by voluntary subscription.

Passed December 18th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO PAY EDWARD FURSTE FOR CERTAIN SERVICES.

- SECTION 1. Authorizes an appropriation for certain printing.
2. Territorial Auditor to draw warrant on Treasurer for amount.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the sum of ninety-two dollars is hereby appropriated out of the Territorial Treasury, to pay Edward Furste for certain printing done for the Territory in the years 1857, 1858, 1859 and 1860.

SEC. 2. The Territorial Auditor is hereby authorized to draw his warrant upon the Territorial Treasurer for the sum specified in the first section of this act, to the order of Edward Furste, and the Territorial Treasurer is hereby authorized to pay the same.

Passed December 21st, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO PAY JOSEPH WATERHOUSE FOR CERTAIN SERVICES.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the sum of fifty dollars be, and the same is hereby appropriated out of the Territorial Treasury, to pay Joseph Waterhouse for expenditures and services in apprehending and returning George Simmons, a prisoner who escaped from the Thurston county jail last summer, and has since been tried for murder, convicted of murder in the second degree, and sentenced to twenty years imprisonment in the Penitentiary.

SEC. 2. The Territorial Auditor is hereby authorized to draw his warrant upon the Territorial Treasurer for the sum specified in the first section of this act, to the order of Joseph Waterhouse, and the Territorial Treasurer is hereby authorized to pay the same.

Passed December 21st, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO PAY EGBERT H. TUCKER FOR CERTAIN SERVICES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one thousand one hundred and fifty-one dollars and forty-seven cents is hereby appropriated out of the Territorial Treasury, to pay Egbert H. Tucker, Sheriff of Pierce county, for keeping Territorial convicts in the Pierce county jail.

SEC. 2. The Territorial Auditor is hereby authorized to draw his warrant upon the Territorial Treasurer for the sum specified in the first section of this act, to the order of Egbert H. Tucker, and the Territorial Treasurer is hereby authorized to pay the same.

SEC. 3. The warrant authorized to be drawn and paid in the fore-

going sections, shall, from the date thereof till paid, draw interest at the rate of fifteen per cent. per annum, and the Territorial Treasurer is hereby authorized to pay the same.

Passed December 22nd, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE PEN D'OREILLE MINING COMPANY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That W. H. Watson, H. Way, W. Terry, R. Ricord, G. C. Blankenship, Wm. Cardwell and B. F. Yantis, and their associates, successors, and assigns are hereby made and constituted a body corporate and politic, by the name and style of the "Pend d'Oreille Mining Company," and shall have power to sue and be sued, to contract and be contracted with, complain and defend in any court of equity, to make and use a common seal, and alter the same at pleasure, to make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers and agents, the negotiation and execution of its contracts, and the transfer of its stock, not inconsistent with the laws of this Territory, or of the United States; and to take and hold sufficient real estate for the enjoyment of all the privileges herein granted; and to grant and convey the same at pleasure: *Provided,* Said company shall commence their mining operations within one year from the passage of this act.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, (\$50,000) which shall be considered as personal property, except for revenue purposes, when it shall be considered and taxed as real estate. It shall be divided into four hundred shares, of two hundred dollars each, and shall be transferrable according to the by-laws of the company.

SEC. 3. Said corporation shall have power to construct and maintain a canal for the purpose of turning the channel of the Pend d'Oreille

river into the Spokane river from any point on said Peud d'Oreille river, that the said company shall deem most advisable, and shall have the exclusive right for mining purposes to the bed of said river, below low-water mark.

SEC. 4. Any person, not a member of said corporation, who shall attempt to mine in the said river below low-water mark, shall be deemed guilty of a trespass, and, upon conviction thereof, shall forfeit and pay to the said corporation not less than five hundred, nor more than one thousand dollars, recoverable before any court having jurisdiction, in the name of the corporation.

SEC. 5. The persons named in the first section of this act, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when or where they, or a majority of them, shall agree upon, and may require payment at such time thereafter, as by them may be deemed advisable, and each of them are hereby authorized to receive subscriptions to the capital stock of said company, at any time or place deemed convenient, each acting separate and distinct from each other, should occasion require, or they so elect, at any meeting when a majority of the corporators shall be present.

SEC. 6 The affairs of said company shall be managed by five directors, a majority of whom shall form a quorum for the transaction of business; and who shall be chosen as soon as the sum of five thousand (5,000) dollars shall be subscribed to the stock of said company, after which the corporation may commence said canal. Said directors shall be chosen at such time and place as shall be decided upon by said corporation, due notice thereof having been given to the stockholders. Afterwards, elections for directors shall take place annually, at such time and place as the by-laws shall prescribe, due notice thereof having been given. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes, shall be the directors, and shall continue in office until their successors are elected and qualified.

SEC. 7. Said directors shall have power to erect such buildings as they may deem necessary for the accommodation of said corporation, and they may demand, collect, and receive of, and from any and every person who may wish to mine in the bed of said river, or any part thereof, any sum that the said directors may think right and proper.

SEC. 8. That if any person or persons shall wilfully or maliciously injure or obstruct the water in said canal, or otherwise damage the same, such person or persons shall forfeit and pay to the corporation three times the amount of damages sustained by means of such injury, to be recovered

in the name of the corporation, with costs of suit in any court having cognizance of the same.

SEC. 9. The directors shall have a place of business to be known as the "Pend d'Oreille Mining Company," where they shall cause to be kept proper books in which shall be regularly entered all the business transactions of the said corporation, which books shall, at all business hours, be subject to the inspection of the stockholders of the said company.

SEC. 10. In case it should happen at any time that an election of directors should not be made on the day designated by this act, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful to hold such election on some future day.

SEC. 11. This act shall go into effect immediately, and shall continue in force for ten years and shall be taken and deemed a public act.

Passed January 7th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN WILLIAM R. STOCK-
ING AND ISABELLA STOCKING.

*Be it enacted by the Legislative Assembly of the Territory of Wash-
ington, That the bonds of matrimony heretofore existing between William
R. Stocking and Isabella, his wife, are hereby dissolved.*

Passed January 9th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO GRANT TO THOMAS COUPE THE RIGHT TO ESTABLISH A FERRY BETWEEN PORT TOWNSEND AND WHIDBY'S ISLAND.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Thomas Coupe shall have, and hereby is granted, the exclusive right of carrying passengers, freight and like stock between Port Townsend and Whidby's Island, between the points hereafter named and according to terms and regulations hereafter to be mentioned in this act.

SEC. 2. This grant shall include, on Whidby's Island, the following points inclusive, to-wit: Commencing at the N. W. corner of what is known as the Col. I. N. Ebey land claim; thence along the west side of Whidby's Island, in a southerly direction, embracing all the shore, to the southernmost portion of the land claim of Dr. Kellogg, or one mile in south-easterly direction from what is called "Kellogg's Point;" and on the side of Port Townsend, in Jefferson county, from what is known as Point William, to the point where the south-west corner of Pettygrove's land claim intersects the waters of Port Townsend Bay, about one mile westerly from Port Townsend, following the shore from said Point William to Port Townsend, a distance of about three miles below Port Townsend, and following the shore from Port Townsend to the said corner of Pettygrove's claim, a distance of about one mile.

SEC. 3. The said Thomas Coupe shall place upon the Straits lying between Port Townsend and Whidby's Island, a good and substantial Ferry Boat, of not less than seven tons burthen, to be propelled by sails, and shall make at least one trip, both ways, every day, when wind and weather will permit, giving due notice of the time, as near as may be, of departure from each landing, and shall be bound to receive and carefully handle and transport all passengers, freight, and animals that may be offered at either landing, to the opposite landing.

SEC. 4. The rate of charges shall be established by the county commissioners of the county of Jefferson and Island, which rates shall be put up in some conspicuous place, in plain and legible characters, and may be changed at any regular term of said board of commissioners.

SEC. 5. Should the said boat at any time become disabled, the said Coupe may, and it shall be his duty to place upon the route a good and suitable boat as a substitute, until the necessary repair can be made; but should the said Coupe fail to make his regular daily trips as above provided for on reasonable time, this charter shall become forfeited.

SEC. 6. Any person violating the provisions of this charter, by

transporting either passengers, freight, or live stock from the above named Port Townsend and Whidby's Island, within the points named in this act, shall be liable to a fine of twenty dollars for each offense, to be recovered before any justice of the peace or court having competent jurisdiction, and the boats employed in said transportation shall be liable for each fine, and shall not be released until the fine is paid; and for this purpose, the court may, upon complaint being made against any person for violating this act, order any constable or sheriff to seize and retain any boats that may have been so employed, until all fines and costs are paid, but said boats may be released by similar cases in attachment.

SEC. 7. This charter shall remain in force for the period of ten years, unless sooner forfeited.

SEC. 8. This act shall not be so construed as to prevent persons in their own boats, from carrying their own freight to and from the points mentioned in this act, nor shall this act have any application to vessels running from Port Townsend to any port more than twenty miles distant from said starting points, touching at Whidby's Island, or vessels starting from Whidby's Island to points more than thirty miles distant from said starting point, touching at Port Townsend.

SEC. 9. This act to take effect on the tenth day of February next.

Passed January 10th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN FRANCIS W. HUGHES AND HIS WIFE, ELLEN HUGHES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Francis W. Hughes and his wife, Ellen Hughes, be, and the same are hereby dissolved.

SEC. 2. That the said Ellen Hughes be restored to the title of her maiden name, to wit: Ellen Haven.

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

Passed January 10th, 1861.

PAUL K. HUBBS,
President of the Council.

LYMAN SHAFFER,
Speaker House of Representatives.

AN ACT

TO INCORPORATE THE WALLA WALLA AND CLEAR WATER ROAD COMPANY.

The Legislative Assembly of the Territory of Washington do enact as follows:

Elias D. Pierce, Joseph L. Davis, James Buckley and Lycurgus Jackson and such others as shall become associated with them as corporators for the purposes herein named, and their successors, are hereby constituted and declared a body corporate and politic, and shall be known as the "Walla Walla and Clearwater Road Company," for the purpose of leveling and constructing a road, with the necessary bridges and ferries and causeways, from Walla Walla, or such point near thereto, as the said company may select, to such point on the south fork of the Clearwater river as the said company may select and find practicable, by such route as they may deem most advantageous for the construction of the said road: *Provided*, That the route by the crossings of the Touchet, Tucanan Snake river, at or near the junction of Clearwater, Lapwai, South Fork of Clearwater and Salmon river, shall be the route of said road, unless a more practicable route be found by said company.

SEC. 2. The said company is hereby empowered and authorized to have, receive, purchase, possess, enjoy and retain lands, tenements, goods, chattels, and effects of any kind, and to any amount, not exceeding in value the sum of fifty thousand dollars, necessary to carry into effect the objects of said corporation, and the same to use, alien, sell, and dispose

of, to sue and to be sued in any court having competent jurisdiction; to have and to use a common seal, and to ordain and establish such rules, regulations and by-laws as may be necessary for said corporation, subject, however, to the constitution of the United States, the laws of this Territory, and the restrictions and limitations contained in this act.

SEC. 3. The persons named in the first section of this act, or a majority of them, shall do and perform all acts necessary to organize and prosecute the business of said company, and shall keep proper books and record their proceedings therein, and annually, commencing with the first day of November, 1861, report a synopsis of their said proceedings to the Governor of the Territory, for the purpose of being laid before the Legislature at their next ensuing session.

SEC. 4. The capital stock of said company shall consist of such amount as may be contributed by the said stockholders, not exceeding the sum of thirty thousand dollars.

SEC. 5. For the purposes of this act the said road shall be deemed a Territorial road, saving the corporators their rights therein, and a tax of two and one-half per cent. shall be paid of, and out of, the nett earnings thereof, including the profits, nett of ferries and bridges thereon, to the Territorial treasurer annually, on or before [the] first [of] November.

SEC. 6. It shall be lawful for the said corporation to establish and use, whenever required, ferries and bridges crossing streams of water and the rivers, over which the said road may be located, and when so established, it shall not be lawful for the county commissioners to license, nor any person to establish, bridges or ferries, or either or any of them, within one mile above, nor below the said bridge or ferry established by the said company, under a penalty in damages, to be paid to the said company by any person so infringing upon their rights as herein defined, of one hundred dollars for every day that such unlawful ferry or bridge may be for gain or publicly used.

SEC. 7. The rates of toll which the said company are hereby authorized to collect at their said bridges and ferries respectively, shall, until otherwise ordered by the Legislature, or the county commissioners of the county in which the same may be situated, not exceed the following named rates, to wit:

For each wagon, with six mules, horses or oxen.....	\$5 00
For each wagon, with four horses, mules, or oxen.....	4 50
“ “ “ with two horses, mules, or oxen,.....	3 00
“ “ hack or sulkey, with one horse.....	2 00
“ “ man und horse.....	1 50

Each head of loose horses, or mules or oxen.....	75
Each animal packed.....	1 50
" footman.....	50
Loose cattle, each head.....	50
Sheep, goats, or hogs, each head.....	10

SEC. 8. The privileges and immunities hereby granted to the said corporation, the "Walla Walla and Clearwater Road Company" are granted to them for the term of twenty years: *Provided*, That, if the said company, within five years, shall extend the said road from the Clearwater to what is now known as the old "Immigrant Trail," at or near to Fort Boise, they shall have and enjoy the same privileges for said twenty years, upon the entire line of said road from Walla Walla to Fort Boise, as above named: *And provided further*, That if the said road be not completed, bridged where they deem necessary, and the proper ferries established thereon, so as to allow the public to pass them from Walla Walla to Clearwater, on or before the first day of November, A. D. 1862, then all the provisions of this act shall be null and void, save that upon any portion of the said road properly completed for travel, or ferriage by the public, at the cost and expenditure of said corporation, the rights, privileges and immunities hereby granted shall extend to the said portion so completed, and the right of property be therein vested in the said corporation for the term before named; but as respects all other portions not completed between Walla Walla and Clearwater, on or before the said first day of November, A. D. 1862, the rights of said corporation shall cease therein.

Passed January 10th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

AUTHORIZING SANFORD OWENS AND GEORGE W. ANDERSON TO ESTABLISH A FERRY ON SNAKE RIVER.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Sanford Owens and George W. Anderson, their heirs and legal representatives, be, and they are hereby, authorized to establish and

keep a ferry across Snake river, at or near Fort Boise, and that the said Sanford Owens and George W. Anderson, their heirs and assigns, have the exclusive privilege of ferrying upon Snake river within the following limits, to-wit: A distance up and down said river of one mile from said ferry, for the term of five years from the passage of this act; *Provided*, That said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That no courts or board of county commissioners shall authorize any person to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for the said Sanford Owens and George W. Anderson, their heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon, carriage, or vehicle, with two animals attached . . .	\$4 00
For pleasure wagon with two horses	3 00
For each additional animal	50
For each cart, wagon, or carriage, with one horse	2 00
For man and horse	1 50
For animal packed	1 50
For footman	50
For loose animals, other than sheep, goats or hogs, each	50
For sheep, goats, or hogs, each head	10

But the county commissioners of the county within which said ferry may be located, at any regular term of court, shall have the power to change the above rates of toll, and when so changed, it shall be lawful for said Sanford Owens and George W. Anderson, their heirs and assigns, to collect and receive ferriage only according to the rates of toll fixed by said commissioners.

SEC. 4. The said Sanford Owens and George W. Anderson, their heirs and assigns, shall, within one year from and after the passage of this act, procure and keep on said ferry, a sufficient ferry-boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay.

SEC. 5. The said Sanford Owens and George W. Anderson, their heirs and assigns, shall, before collecting any money for ferriage as provided in this act, pay into the county treasury of the county in which said ferry may be located, as an annual tax, a sum not to exceed twenty-five dollars, for the use of said county.

SEC. 6. The failure of the said Sanford Owens and George W.

Anderson, their heirs and assigns, to comply with all and singular the conditions hereinbefore specified and enumerated, will render void the provisions of this act.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 11th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE VANCOUVER AND SIMCOE TRAIL OR ROAD COMPANY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That E. H. Lewis, G. T. McConnell, E. L. Dole, Jehu Switzler, William Switzler, and their associates, their heirs and assigns, be, and they are hereby constituted and declared a body corporate and politic, by the name and style of the "Vancouver and Simcoe Trail or Road Company." The said trail or road to be used for the transportation of freight, passengers and mails, and to be constructed between the fifth plain, ten miles north-east of Vancouver, in Washington Territory, and at a point near Fort Simcoe, in said Territory: commencing at the fifth plain, running north of east seventy-five miles to a point where it intersects the trail marked out by Capt. G. B. McClellan, thence a north-easterly course about thirty-five miles, to a point near Fort Simcoe.

SEC. 2. The said E. H. Lewis, William Switzler and E. L. Dole to be, and they are hereby appointed a board of commissioners in behalf of said company, to select, for the construction of said road or trail, the most convenient and practicable route along the line or course mentioned in the preceding section; and for that purpose the said company is hereby granted, authorized and empowered to have the exclusive right of constructing a public trail or road over lands ten miles in width each side of the line or courses mentioned, and upon which said trail or road shall be constructed, for the period of twenty years after the passage of this act.

SEC. 3. That said commissioners, E. H. Lewis, William Switzler, and E. L. Dole, shall, on the first day of March, 1861, after due notice of twenty days in the *Vancouver Chronicle*, open the books for subscrip-

tion of stock. The road, after being duly surveyed and located, shall be recorded in the office of the Secretary of the Territory.

SEC. 4. The Vancouver and Simcoe Trail or Road Company is hereby authorized and empowered to receive, purchase and possess, enjoy and retain lands, lots, tenements, goods, chattels, rents and effects of any and every kind, to any amount necessary to carry into effect the objects of said company, and the same to use, alien, sell and dispose of at pleasure; to sue and be sued in any court having competent jurisdiction; to have and use a common seal; to ordain such rules, and establish such regulations and by-laws as may be necessary for the well-being of said corporation, subject to the Constitution of the United States and the laws of this Territory.

SEC. 5. The capital stock shall be one hundred thousand dollars. Each share of stock shall be entitled to one vote. There shall be one thousand shares, at the rate of one hundred dollars a share. The company shall at no time after the expiration of one year from the completion of said trail or road, keep on hand the receipts of said road, when they shall exceed fifty thousand dollars, for more than sixty days, without it be by the consent of a majority of the stockholders, and never over ninety days; but a dividend shall be declared, and the money paid to the stockholders every three months.

SEC. 6. The officers of said company shall consist of a President, Vice-President and Secretary, who shall keep the books of said company, all of whom shall be elected by the stockholders at a stated meeting, and shall hold office one year from the date of their election, and until their successors are elected and qualified. The stock of the company shall be transferred only on the books of the company.

SEC. 7. The company shall have power to assess the capital stock of said corporation; and if, after due notice in the *Vancouver Chronicle*, or some other newspaper in this Territory, for twenty days, and the stockholders shall fail to pay the assessment, the company shall proceed to sell the same at public auction, after eight days notice. The sale to be after the following manner: The person or persons taking the least number of shares, and paying the assessment on the entire number of the delinquent shares, shall be entitled to have issued to him, by the company, such number of shares.

SEC. 8. The officers of said company shall have, at the city of Vancouver, a place of business, to be known as the office of the Vancouver and Simcoe Trail or Road Company, where they shall cause to be kept proper books of accounts, in which shall be regularly entered all business

transactions of the said corporation, and shall, during business hours, be kept open for the inspection of all stockholders.

SEC. 9. It is obligatory on said company to construct within one year a good and practicable trail or road upon the land designated and set apart in the preceding sections for the same, feasible to and from Vancouver to Fort Simcoe, or the company shall forfeit all the privileges of this charter.

SEC. 10. A majority of the whole body of commissioners shall constitute a quorum for the transaction of any and all business appertaining to the interest of the company, to the extent of the power given them by this charter.

SEC. 11. That in the event of the trail or road running on or through land of settlers or owners, and the parties failing to agree, the parties shall each choose a disinterested person, a freeholder, and the two shall choose a third possessing the same qualifications as themselves, who shall assess the damages and the amount of money to be paid to such settler or owner by the company, with said persons so chosen, shall be styled a board of arbitrators, and shall be governed by the laws governing the proceedings of arbitration, and the judgment of such arbitrators shall be final, provided no appeal is taken therefrom, and in accordance with the statutes in such cases made and provided.

SEC. 12. It shall be lawful for the said company, their heirs and assigns, to receive and collect the following rates for persons and property passing over said road or trail, viz :

For each wagon and team,.....	\$5 00
For each pack animal,.....	1 50
For each horseman and animal,.....	1 50
For each loose animal,.....	75

SEC. 13. This act shall continue in force for twenty years after its passage, and shall be taken and deemed to be a public act : *Provided*, Nothing herein contained shall be so construed as to prevent the legislature from altering or amending the above rates of tariff after five years after the passage of this act.

Passed January 12, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council

AN ACT

TO INCORPORATE THE VANCOUVER HIBERNIAN SOCIETY OF WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Patrick A'Hern, William Kelley, P. O. Kearne and Peter H. Fox, officers and members of the Vancouver Hibernian Benevolent Society, their associates and successors be, and they are hereby constituted and declared a body corporate and politic in deed, fact, and name, to be known by the name and style of the "Vancouver Hibernian Benevolent Society of Washington Territory."

Sec. 2. By that name they and their successors shall be able and capable in law, to sue and be sued, plead and be impleaded, defend and be defended against in all the courts of law and equity in this Territory. To take, receive and hold all moneys and other property by voluntary contributions, donations or otherwise, also, legacies and devises of personal estate; and to have, hold, possess, and acquire lands and tenements, furniture, chattels and regalia, property of any description incidental to such bodies, to an amount not exceeding fifty thousand dollars.

Sec. 3. And the estate aforesaid to lease, grant, convey and dispose of in such manner as the association may deem expedient, and at any of their meetings for business, to enact and pass such rules, regulations and by-laws, and elect such officers for the government of said association, and management of the property thereof, as may be deemed proper and necessary: *Provided*, The same be not inconsistent with the laws of this Territory and of the United States.

Passed January 12th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY HERETOFORE EXISTING BETWEEN JOHN CANTWELL AND ANN CANTWELL, HIS WIFE.

Be it enacted by the Legislative Assembly of Washington Territory,
That the bonds of matrimony heretofore existing between John Cantwell and Ann Cantwell, his wife, be, and the same are hereby dissolved.

Passed January 14th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council,

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN E. H. THOMPSON AND ELIZABETH THOMPSON.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between E. H. Thompson and Elizabeth B. Thompson, be, and the same are hereby dissolved.

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

Passed January 15th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN THOMAS W. AVERY AND ELIZABETH AVERY, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Thomas W. Avery and his wife Elizabeth Avery, be, and they are hereby dissolved.

SEC. 2. This act shall take effect from and after its passage.
Passed January 15th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO INCORPORATE THE ALPHEAN LIBRARY ASSOCIATION OF OLYMPIA.

Be it enacted by the Legislative Assembly of the Territory of Washington, [That] T. M. Reed, B. C. Lippincott, Wm. M. Rutledge, U. E. Hicks, D. Ellis Willes, G. F. Boynton, S. Garfield, W. G. Dunlap, and B. P. Anderson, and their associates and successors, be, and they are hereby, constituted and declared a body corporate and politic, under the name and style of the "Alphean Library Association."

SEC. 2. Said association may, in its corporate name, sue and be sued, plead and be impleaded, defend and be defended against in all the courts of law in this Territory, and may receive and hold all moneys and other property coming into the hands of said association by voluntary subscriptions, contributions or otherwise; also, all legacies and devises of real or personal estate, and to have and to hold, possess, use and acquire lands and tenements, goods, chattels and property of any description, which may be useful and incident to such associations, to any amount not exceeding twenty-five thousand dollars, and the estate aforesaid to lease, grant, convey and dispose of in such manner as they may deem proper.

SEC. 3. The said association may hold its meetings at such time and place, and elect such officers for the better management of its affairs, as

may be deemed proper, and shall have full power and authority to enact and pass all such needful rules, regulations and by-laws for the government of the same and the management of the property thereof as may from time to time be deemed necessary.

SEC. 4. This act, for good cause shown, may be altered, amended or repealed by any subsequent Legislature.

Passed January 15th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE KANE LODGE No. 8, OF FREE AND ACCEPTED MASONS,
OF PORT MADISON, WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the Master and Wardens of Kane Lodge, No. 8, of "Free and Accepted Masons," their associates and successors, be, and they are hereby, declared a body corporate and politic, to be known by the name and style of "Kane Lodge, No. 8, of Free and Accepted Masons"

SEC. 2. Said Lodge may, by thier corporate name, sue and be sued, plead and be impleaded, defend and be defended against in all the courts of law and equity in this Territory, and may receive and hold all money and other property coming to their hands by voluntary subscriptions, contributions, or otherwise; also, all legacies and devises of real or personal estate, and to have, hold, possess or acquire lands, tenements, furniture, chattels, regalia and property of any description incident to such bodies, to an amount not exceeding fifty thousand dollars; and the estate aforesaid to lease, grant, convey and dispose of in such manner as they may deem expedient.

SEC. 3. The said Lodge may, at any of their meetings for business, enact and pass such rules, regulations, and laws for the government of said Lodge and its management, as they may deem necessary; *Provided,* The same be not inconsistent with the laws of the United States or of this Territory.

SEC. 4. That such lodge may hold its meetings at such times and places, and elect such officers for the management and government of its affairs as they may deem proper.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 16th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO INCORPORATE THE COLUMBIA RIVER INSTITUTE.

*Be it enacted by the Legislative Assembly of the Territory of Wash-
ton.* That there shall be established in the city of Vancouver, in the
county of Clarke, an institution of learning to be called the "Columbia
River Institute," and that Columbia Lancaster, Lewis Love, James Turn-
bull, G. W. Vaughn, C. B. Preston, Hiram Cochran, John D. Biles,
John Aird, J. S. Taylor, H. M. Knight, J. W. Nye, Lewis Van Vleet,
A. R. Burbank, Seth Catlin, Sen., A. S. Abernethy, John Briscoe,
Lyman Shaffer, James Biles and Daniel F. Bradford, as trustees, and
their associates and successors, are hereby declared and constituted a body
corporate and politic in law, by the name and style of the "Columbia
River Institute."

SEC. 2. Said corporation shall have continual perpetual succession,
and shall have power to acquire, receive and possess, by donation, gift, or
purchase, and to retain and enjoy property, real, personal and mixed, and
the same to sell, grant, convey, rent, or otherwise dispose of at pleasure:
Provided, That no part of the resources thereof, shall ever be used for
any other than educational purposes, as is herein contemplated: *And pro-
vided further,* That the yearly income accruing from said property to said
institution, shall not exceed ten thousand dollars. Said corporation shall
have power to contract and be contracted with, sue and be sued, plead
and be impleaded in all courts of justice, both at law and in equity.
They shall cause to be made for their use a common seal, impressed with

such devices and inscriptions as they shall deem proper, by which said seal, all deeds and acts of said corporation shall pass and be authenticated, and they shall have power to form and adopt a constitution and by-laws for their government, to make and carry into effect all necessary regulations for the management of their fiscal concerns, to appoint subordinate officers and agents, to make, ordain and establish such ordinances, rules, and regulations, as they may deem necessary or expedient for the good government of said institution, its officers, teachers and pupils: *Provided*, That said ordinances, rules and regulations shall, in no manner conflict with the constitution of the United States nor the laws of this Territory.

SEC. 3. Said trustees shall meet at least once a year, and that seven of their number shall constitute a quorum at any regular meeting for the transaction of business. The said trustees shall elect one of their number to be President of the board, and when it may be deemed expedient to add to the number of said trustees, or become necessary to fill vacancies which may occur in said board, by death, resignation or otherwise, the annual conference of the Methodist Episcopal church, which shall include within its boundaries the City of Vancouver, shall elect such additional trustees, and fill said vacancies. The first meeting of said board of trustees, after the passage of this act, shall be called by Lewis Love, or some other incorporate member, and shall be held at the Methodist church, in the city of Vancouver.

SEC. 4. All deeds and other instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the President, and by him acknowledged in his official capacity.

SEC. 5. That the Legislature shall have power at any subsequent session, when the necessities of the institution, or the considerations of public good require it, to alter or amend this act at pleasure.

Passed January 16th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE SPOKANE BRIDGE COMPANY.

Be it enacted by the Legislative Assembly of Washington Territory, That W. J. Terry and William Nix, and such others as may become associated with them, be, and they are hereby, constituted and declared a body politic and corporate, by the name and style of the "Spokane Bridge Company," for the purpose of constructing a bridge across the Spokane river, Spokane county, at or near the government crossing, or within five miles of said crossing, that is: two and a half miles above or below said crossing; and said company shall have the exclusive right to maintain and construct a bridge within the above limits, and for such [purpose,] the company be hereby authorized and empowered to have and receive, purchase and possess, enjoy and retain, lands and rents, goods and chattels, and effects of any kind and to any amount within the capital stock of said company, as limited by this act, necessary to carry into effect the object of this corporation, and the same to use, alien, sell and dispose of at pleasure; to sue and be sued, defend and be defended, in all courts having competent jurisdiction; to have and use a common seal, the same to break, alter and amend at pleasure; to ordain and establish such rules and regulations and by-laws as may be necessary for the well being of said corporation, subject, however, to the laws of the United States and of this Territory.

SEC. 2. The capital stock shall not exceed twenty thousand dollars, divided into shares of one hundred dollars each, transferable in entire shares in such manner as the rules of the corporation shall hereafter prescribe; *Provided,* That no stockholder shall, without the consent of the directors, be at liberty to transfer his stock after any instalment shall be ordered, until such stockholder shall have paid the money due on his stock.

SEC. 3. The persons named in the first section of this act, or either of them, shall be commissioners to receive subscriptions, and perform all necessary acts to organize said company, and they are hereby authorized and empowered to cause books to be opened at such time and place as they shall think proper, to receive subscriptions to the capital stock of said company.

SEC. 4. That when fifty shares shall have been subscribed, the commissioners shall call a meeting of the subscribers, by causing notices of the time and place thereof to be posted up in at least three public places in the county of Spokane, not less than ten days previous to the time of said meeting and at such time and place, those present shall proceed to elect

directors, who shall serve until the first annual election, and until their successors are chosen and qualified, and adopt such by-laws and regulations for the government of the corporation as by them may be deemed expedient, the stockholders to vote either in person or by proxy, each stockholder being entitled to one vote for each share of stock he may have in said company.

SEC. 5. The affairs of said company shall be governed by three directors or a majority of them, who shall be elected on the first Monday in March, each year, and shall hold their offices until their successors are qualified, and each director shall be a stockholder at the time of his election, and shall cease to be a director when he shall cease to be a stockholder, and the directors shall have full power to fill all vacancies in their board that may happen by death or otherwise.

SEC. 6. The directors, before entering on their duties, shall take an oath or affirmation faithfully and impartially to discharge their duties. They shall choose a president and treasurer from among their number, and they shall appoint such other officers and agents as they shall think proper and needful for promoting said undertaking; to make contracts, and to do all things necessary to carry them into effect, and to allow them such compensation for their services as they may agree upon. They shall determine the amount of lands or other securities they may see fit to exact from any of their officers or other persons, and pass upon their sufficiency; prescribe the amount of any instalment to be paid upon subscriptions, and the mode and manner of insuring payment of subscriptions, and take the general charge of and supervision of the affairs of said company.

SEC. 7. It shall be lawful for such directors to enter upon and take possession of any lands or roads necessary for the location or construction of said bridge, and necessary appurtenances and appendages thereto, doing no unnecessary damage; and if it shall be necessary for the construction or location of said bridge, and if said corporation shall not be able to obtain such lands necessary for such purpose, by an agreement with the owner thereof, they shall pay therefor such damages as may be esteemed by the county commissioners of said county, upon proof made by such person or corporation.

SEC. 8. Whenever such bridge shall be completed, the president and directors shall have power to erect a gate thereon, and ordain and establish a rate of toll for passing over said bridge, and appoint a collector who shall collect the same from all and every person or persons passing thereon with their goods, carriages or animals of every kind; *Provided, however,* The following shall be the maximum of said toll, viz:

For each foot passenger \$ 25

For each man and horse	1 00
For each pack animal and pack	75
For each cart, chaise, gig with two wheels or other two wheeled carriage drawn by one horse	1 25
The same drawn by two horses or oxen	1 50
For each four wheeled wagon, carriage or buggy with one horse	1 50
The same with two horses or oxen	1 75
For additional horse or ox	25
For each pleasure carriage, coach or vehicle for conveyance of persons, with four horses	2 00
For each horse, mule, or ass, or neat cattle	25
For each sheep or hog	10

SEC. 9. That if any person or persons shall intentionally drive any animal or animals, team or teams attached to any vehicle or vehicles, or otherwise, across said bridge at a faster rate than shall be prescribed by the by-laws of said corporation, the person so offending shall, on conviction thereof before any justice of the peace, or in any district court in any county in this Territory, be fined in any sum not exceeding ten dollars.

SEC. 10. That if any person or persons shall willfully commit any injury upon said bridge, by any means or in any manner whatever, the person or persons so offending, shall, upon conviction thereof in any district court in this Territory, be fined in any sum not exceeding five hundred dollars, for the use of the proper county, and shall also be liable to said corporation in double the amount of damages sustained.

SEC. 11. That within three years after the passage of this act, said bridge shall be erected and substantially constructed, so as to bear with safety any person, vehicle, or animal in this petition (?) mentioned, otherwise this act, in every part thereof, shall be of no validity or effect.

SEC. 12. That as soon as said bridge shall be constructed aforesaid, and tolls collected thereon, the president of said company, shall, under oath, list the capital stock and other property of said company, for taxation, as personal property is then listed for taxation by law.

SEC. 13. At any time after ten years from the time the tolls may be first collected on said bridge, the county commissioners or proper authorities of Spokane county, shall have a right to purchase and manage said bridge in such a manner as may be provided by law.

SEC. 14. Said corporation shall erect and keep exposed to view, in some conspicuous place, near the gate of said bridge, a sign board, with all the rates of toll fairly and legibly written or printed in letters of a large size, and unless said corporation shall so erect and keep such sign

board, they shall not be entitled to demand any toll for crossing said bridge.

SEC. 15. Whenever any person liable to the payment of toll on said bridge, shall sustain any injury by said bridge being insufficient or out of repair, said corporation shall be answerable to the person injured; *Provided*, Said injury did not arise from unavoidable accident.

SEC. 16. Said company shall be subject to the provisions of any general law which is or may be hereafter enacted, regulating the mode of taxation, and the capital stock of said company shall be subject to such tax as may now or hereafter be provided by law.

SEC. 17. This act shall take effect and be in force from and after its passage, for the term of ten years.

Passed January 16th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

SUPPLEMENTARY TO, AND EXPLANATORY OF AN ACT ENTITLED, AN ACT TO PAY EGBERT H. TUCKER FOR CERTAIN SERVICES, PASSED DECEMBER 22d, 1860.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the act entitled "an act to pay Egbert H. Tucker for certain services," shall not be so construed as to prevent the Territorial Auditor from drawing broken warrants to the amount of the sum authorized in the said act to be paid from the Territorial treasury, and the Territorial Treasurer is hereby authorized to pay the same in broken warrants if so drawn.

Passed January 17th, 1861.

PAUL K. HUBBS,

President of the Council.

LYMAN SHAFFER,

Speaker House of Representatives.

AN ACT

TO AMEND AN ACT ENTITLED, AN ACT TO INCORPORATE THE PUGET SOUND WOOLEN MANUFACTURING COMPANY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the second section of the above entitled act is hereby so amended, that the capital stock of the same shall consist of shares of fifty dollars each.

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN SAMUEL M. BALDWIN AND RACHEL MINERVA BALDWIN.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the bonds of matrimony heretofore existing between Samuel Baldwin and Rachel Minerva Baldwin be and the same are hereby dissolved.

Sec. 2. This act to take effect and be in force from and after its passage.

Passed December 21st, 1860.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN WILLIAM WEBSTER AND CATHARINE WEBSTER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony now and heretofore existing

between William Webster and Catharine Webster his wife, be, and the same are hereby dissolved, and the custody, care and control of the minor children, the issue of said marriage, respectively named Catharine and William, be, and the same remain in the charge of said Catharine Webster.

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

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN WM. W. FULLER AND HIS WIFE, LUKA KAWAY FULLER.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the bonds of matrimony heretofore existing between Wm. M. Fuller and his wife, Luka Kaway Fuller, be, and the same are hereby dissolved.

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

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN D. D. BORDWELL AND MARY ANN BORDWELL, HIS WIFE.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the bonds of matrimony heretofore existing between D. D.

Bordwell and Mary Ann Bordwell, his wife, be, and the same are hereby dissolved.

SEC. 2. And that the said Mary Ann Bordwell shall have sole custody and control of her children, to wit: Catharine Bordwell, Rebecca Bordwell, H. D. Bordwell and Martha Jane Bordwell.

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

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN JOHN DE SHAW AND
AGNES DE SHAW, HIS WIFE.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the bonds of matrimony heretofore existing between John De Shaw and Agnes De Shaw be, and the same are hereby dissolved.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN ROBERT
ANDERSON AND SARAH EMMA ANDERSON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of Matrimony existing between

Robert Anderson and Sarah Emma Anderson, be, and they are hereby dissolved.

SEC. 2. The name of the said Sarah Emma Anderson is hereby changed to that of Sarah Emma Relyea.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE EVERGREEN CEMETERY NEAR THE CITY OF PORT TOWNSEND, TERRITORY OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Louis Kuhn, John W. White, Horace Z. Wheeler, William H. Taylor, Frederick A. Wilson, F. W. Pettygrove and J. J. H. Van Bokkelen, be, and hereby are constituted a body politic and corporate, under the name and title of the "Evergreen Cemetery Company," and by that name shall have power to organize, elect officers, establish rules for the transaction of business; to have and use a common seal, and be able and liable to sue and be sued in all the courts of the Territory.

SEC. 2. That said company shall have power to purchase, enclose and improve, for the establishment of a cemetery, a portion of ground not exceeding five acres, lying west of the limits of the city of Port Townsend, and to lay out, sell and dispose of the same for burial lots.

SEC. 3. That said cemetery shall be exempt from attachment and execution of any kind.

SEC. 4. That this act shall commence and be in force from and after its passage.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of Council.

AN ACT

AUTHORIZING WILLIAM PACKWOOD, HIS HEIRS AND ASSIGNS, TO ESTABLISH A WAGON ROAD AND FERRY ON THE NISQUALLY RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That William Packwood, his heirs and assigns, be, and are hereby authorized to construct a wagon road, commencing at the county road leading from Yelm Prairie to McAllister's Mill, near the northwest corner of the Nisqually Indian reservation; thence in a northerly direction to the western boundary line of J. W. McAllister's land claim; thence north to the section line, between eight and seventeen; thence in a northeasterly direction to the Nisqually river; thence from the north bank of said river, in a northerly direction, so as to intercept the main road leading from the Nisqually Indian reservation to Fort Nisqually.

SEC. 2. Said William Packwood, his heirs and assigns, shall construct a good and practicable wagon road, and keep it in good repair, at their own expense and cost, along the route therein designated; and when a road is made and constructed as aforesaid, any person or persons who will willfully obstruct the same, shall be liable to the same penalties and punishments as are prescribed in the laws now in force relative to roads and highways.

SEC. 3. It shall be lawful for the said William Packwood, his heirs and assigns, to collect the following rates of toll from those who travel said road, to-wit:

For each footman,.....	10 cents.
For each man and horse,.....	15 "
For horses and cattle, per head,.....	10 "
For each wagon,.....	25 "
For carts, buggies and carriages,.....	15 "
For sheep, hogs and goats,.....	3 "

SEC. 4. It shall be lawful, however, for the board of county commissioners having jurisdiction, to locate a public road crossing the Nisqually river at the above named point, to do so by paying said William Packwood a fair compensation for the improvements that he shall have made in the opening out said road, so far as they may be of public utility. And should said county commissioners establish a public road as provided in this section, then this charter shall be ineffective during the time the said public road shall exist; but in case, however, the said public road shall be re-located, then this charter shall continue and be in force.

Sec. 5. This act to take effect and be in force from and after its passage.

Passed January 28th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE VANCOUVER LITERARY ASSOCIATION OF WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of fo Washington, That John Aird, Geo. Tooty, J. S. Taylor, Hiram Cochran, M. C. Israel, S. C. Archiles, J. T. Bowles, A. P. Bonzey, Mr. Clough, C. C. Bozarth, Robert German, N. Henrixson, Wm. Ranch, Dan. Haley, and Robert S. Maxey, together with their associates and all who may become associates, be, and they are hereby made, constituted and declared a body corporate and politic, by the name and style of the Vancouver Literary Association of Washington Territory.

SEC. 2. Said association may, by its corporate name, sue and be sued, plead and be impleaded, defend and be defended against, in all the courts of law and equity in this Territory having competent jurisdiction, and may receive and hold all moneys and other property coming into the hands of said association, by voluntary subscriptions, contributions, or otherwise; also, legacies and devises of real or personal estate; to have, hold, and enjoy, possess, or acquire lands and tenements, chattels, goods, and property of any description incident to said association, to any amount not to exceed fifty thousand dollars; and the estate aforesaid, to lease, grant convey and dispose of at pleasure: *Provided,* That said association shall not be for any other purpose than the cultivation and development of the mind, and for the mutual benefit of society.

SEC. 3. That the charter members, or any one of them, may call a meeting on or before the first day of May next, for the purpose of organizing, and enact such other business as may come properly before the meeting, not inconsistent with this act, the laws of this Territory, and of the United States.

SEC. 4. Said association shall, at their first meeting, elect a Presi-

dent, Vice President, Secretary and Treasurer, and five trustees, who shall hold their offices until the first regular meeting thereafter, or until their successors are elected and qualified, and adopt such rules and orders as will best promote the interests of the association.

Passed —, —.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council

AN ACT

TO AUTHORIZE JOHN CARSON TO CONSTRUCT A BRIDGE ACROSS THE
PUYALLUP RIVER IN PIERCE COUNTY, W. T.

Be it enacted by the Legislative Assembly of the Territory of Washington, That John Carson, his heirs or assigns, be, and they are hereby authorized to construct and keep a bridge across the Puyallup river, at a point at or near the house of the said John Carson, where the military road from Fort Steilacoom to Fort Bellingham crosses said river; and the said John Carson shall have the exclusive privilege of constructing and maintaining a bridge at the aforesaid point, for the term of ten years from the passage of this act; *Provided,* That said bridge, when so constructed, shall be subject to the same regulations and under the same restrictions as other bridges are, or may be, by the laws of this Territory, prescribing the manner in which bridges shall be kept and regulated.

SEC. 2. That it shall be lawful for the said John Carson, his heirs or assigns, to receive and collect the following rates of toll for crossing upon said bridge:

For crossing a footman	\$ 10
For crossing a man and horse	50
For crossing horses and vehicle.....	75
For crossing one yoke cattle and wagon.....	1 00
For crossing one [span] horses and wagon.....	1 00
For crossing each additional span of horses or yoke of oxen.....	50
For crossing loose stock other than sheep and hogs.....	25
For crossing sheep and hogs each.....	5

Provided, That the county commissioners of Pierce county, at any regular term of said commissioners court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for the said John Carson, his heirs and assigns, to collect and receive toll only according to the rates fixed by said commissioners.

SEC. 3. That no courts or board of county commissioners shall authorize any person except as hereinafter provided in this act, to construct a bridge within the limits set out in this act; *Provided*, That the said John Carson, his heirs or assigns, shall, within twelve months after the passage of this act, have constructed and completed a good, strong, substantial and safe bridge, and should the laws regulating the construction of bridges and establishing ferries, now, or such as may hereafter be in force, be violated by the said John Carson, his heirs or assigns, or if no good and sufficient bridge be constructed and completed within the time specified in this act, upon proof thereof being made to the satisfaction of the board of county commissioners of Pierce county, then this act shall be void.

SEC. 4. This act to take effect and be in force from and after its passage.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF PORT TOWNSEND, JEFFERSON COUNTY, WASHINGTON TERRITORY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the incorporate town of Port Townsend shall hereafter be bounded as follows, to-wit: Commencing at half-tide mark at Point Hudson, at the south-east corner of A. A. Plummer's donation claim, thence along the meanderings of Port Townsend Bay, south 59 west, to the centre of what is known on the plat of the town of Port Townsend as Van Buren street, thence along said street, north 31 west, three-eighths of a

mile, thence north 59 east, to half-tide on Admiralty Inlet, thence south about 31 east, along the meanderings of said Admiralty Inlet, to the place of beginning.

SEC. 2. That ten per cent. on the amount of all liquor or tavern license collected from parties residing within the limits of said incorporation, shall be handed into the treasury of the town of Port Townsend, and used by the trustees of said incorporation for municipal purposes; but the trustees in said town of Port Townsend shall not hereafter levy a tax for municipal purposes on the taxable property in said incorporation for more than three mills on the dollar per annum.

SEC. 3. That all road tax due from any and all persons living in the town of Port Townsend, or road tax on property situated within the limits of the town of Port Townsend, shall annually hereafter be subject to the trustees of the city of Port Townsend, and used by the supervisor on the public roads in the district in which the town of Port Townsend is situated.

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AMEND AN ACT TO INCORPORATE THE DALLES PORTAGE COMPANY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the seventh section of the act to which this [is] amendatory, be amended by striking out the word "eighteen," where it occurs in said section, and insert the word "twenty-eight" in lieu thereof. And that section 8 of the act to which this is an amendment, be amended so as to read: "That a majority of the whole body of commissioners shall constitute a quorum for the transaction of any and all business appertaining to the interests of the company, and that said company is hereby granted, authorized, and empowered to have the exclusive right of constructing a road over lands one-half mile in width on each side of the line or route designated or selected by said company.

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

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN ISAAC BOGGS AND MINA A. BOGGS, HIS WIFE.

Be it enacted by the Legislative Assembly of Washington Territory, That the bonds of matrimony existing between Isaac Boggs and Mina A. Boggs, his wife, be, and the same are hereby dissolved.

SEC. 2. *And be it further enacted,* That the said Mina A. Boggs be, and she is hereby, restored her maiden name, Mina A. Kimball.

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

Passed January 18th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO AUTHORIZE PETER W. CRAWFORD TO ESTABLISH A FERRY ACROSS THE COWLITZ RIVER IN COWLITZ COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Peter W. Crawford, his heirs and assigns be and they are hereby authorized to establish and keep a ferry across the Cowlitz river, in Cowlitz county, at the point where the Territorial road from, at, or near Monticello to the Upper Cascades, strikes said river, commencing at a point in the centre of said river, where it strikes said river; and to land and deposit from each shore of said river, and extending from said point up and down said river, on each side thereof, one mile each way, and that the said Peter W. Crawford, his heirs and assigns, have the exclusive privilege of ferrying in Cowlitz county, within the above limits, for the term of ten years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions as other ferries are, or may hereafter be, by laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said Peter W. Crawford, his heirs and assigns, to receive and collect the following rates of toll for passage upon said ferry.

For each wagon with two animals attached.....	75
For each additional two animals, span or pair.....	37½
For each horse and carriage.....	50
For each man and horse.....	50
For each animal packed.....	25
For each footman.....	25
For each head of loose horses, mules or cattle.....	15
For each [head] of sheep, goats or hogs.....	5

SEC. 3. That no courts or board of county commissioners shall authorize any person, except as hereafter provided in this act, to keep a ferry within the limits set out in this act: *Provided*, That the said Peter W. Crawford, his heirs and assigns, shall, within six months after the passage of this act, procure for said ferry a good and sufficient flat boat, or boats, which shall be kept at said ferry, with sufficient hands to work them, for the transportation of all persons and their property across said river, without delay, and should the laws regulating ferries now, or such as may hereafter be in force, be violated by the said Peter W. Crawford, his heirs and assigns, or if no good and sufficient flat boat, or boats, with sufficient hands to work them, be provided within the time required by this act, upon proof thereof being made to the satisfaction of the board of county commissioners of Cowlitz county, then this act shall be void.

SEC. 4. The county commissioners of the county in which said ferry is or may be situated, may, at any regular term of their court, change said rates of toll, after which the rates so established, shall be the lawful rates of said ferry.

Passed January 18th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO ESTABLISH A FERRY AT THE TOWN OF SNOHOMISH, ON THE SNOHOMISH RIVER.

The Legislative Assembly of the Territory of Washington do enact as follows:

That Emory C. Furgerson and E. T. Cady and their successors, or assigns, be and they are hereby authorized to establish a ferry at, or ad-

joining the place where the military road from Steilacoom to Bellingham Bay crosses the Snohomish river. And the said Furgerson and Cady are hereby granted the exclusive right to ferry passengers and all persons, stock, &c., across the said Snohomish river for the extent of one mile above and below the said crossing, for the term of ten years from and after the passage of this act.

SEC. 2. The rates of toll or ferrage shall be established by the board of commissioners for Snohomish county, and any violations by other persons of the privileges granted by this act, shall subject them to the payment of twenty dollars for each and every time they may, for pay, ferry passengers, stock or any ferrageable matter, across the said river, within the said limits, to be recovered before any court of competent jurisdiction, and paid to the said Furgerson and Cady, or their successors or assigns.

SEC. 3. That the said Emery C. Furgerson and E. T. Cady, their heirs and assigns, shall, within one year from and after the passage of this act, procure and keep at said ferry a sufficient ferry boat with a sufficient number of hands to work the same, for the transportation of all persons with their property with safety, without unnecessary delay. And on the failure of Emery C. Furgerson and E. T. Cady, their heirs and assigns, to comply with the above requirements, this act shall be void.

Passed January 18th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO AUTHORIZE GILBERT REYNOLDS AND SOLOMON DODGE TO OPEN AND ESTABLISH A ROUTE FROM SHOALWATER BAY TO BAKER'S BAY, FOR THE TRANSPORTATION OF FREIGHT AND PASSENGERS.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Gilbert Reynolds and Solomon Dodge, of the county of Pacific, be, and they are hereby authorized and empowered to open a route for the transportation of freight and passengers between the waters of Shoalwater Bay and Baker's Bay in said county; said route to commence at low tide on the waters of Shoalwater Bay, at or near the outlet of Johnson's Lake, thence up said outlet to the lake, thence up the lake

to some point at or near the head thereof, thence across to the nearest or most convenient and suitable point at low tide on the waters of Baker's Bay; and they may enter upon and use so much land upon and adjoining the line of said route as may be necessary to clear said outlet and lake from obstructions, and for a road and for constructing the necessary buildings for the storage of freight.

SEC. 2. Said Reynolds and Dodge shall, within twelve months from the passage of this act, clear from obstructions and improve the navigation of Johnson's lake and the outlet thereof, so that during the months of November, December, January, February, March and April, it shall be navigable for boats or flats carrying five tons or more burden, from Shoalwater Bay to some point near the house of Isaac Wheldon at the head of said lake, and shall construct a good and sufficient wagon road to connect with the waters of Baker's Bay, and shall at all times, after twelve months from the passage of this act, during the months aforesaid, keep on said route suitable boats, flats, and other means of transportation sufficient for the business of the route.

SEC. 3. Should the said Reynolds and Dodge be unable to agree with any person over whose land this route may pass, upon the price to be paid to such person for the right of way and occupancy of land for buildings and other purposes connected with the opening and maintaining this route, they may notify such person to appear before some justice of the peace of Pacific county, at a time specified in said notice, which shall be not more than fifteen nor less than five days from the date of the service of said notice, at which time the justice shall require the parties to select each one person to act as arbitrators in the matter, and the said justice shall select the third; or if either party fail to select, then the said justice shall himself select, which arbitrators shall possess the qualifications of jurors, shall be governed, so far as the same are applicable, by the law in relation to other arbitrations; shall hear and determine the case, and their award shall be final, but may be impeached for fraud on complaint filed by the aggrieved party before the justice of the peace, if the amount of the award does not exceed one hundred dollars, and before the district court, if a greater amount shall have been awarded. The said Reynolds and Dodge, upon paying said award, shall be entitled to enter upon and improve and use the land required; and in case a complaint impeaching said award is served upon them, then, in that case, they may, upon giving to the opposite party a bond with surety to the satisfaction of the justice, in twice the amount of the bond, to pay such sum as may finally be awarded against them, enter upon, improve and use the land required for the purposes herein specified.

SEC. 4. The said Reynolds and Dodge complying with the provisions of the second section of this act, shall, for ten years from the date of the passage of this act, be entitled to the exclusive use of said route for the transportation of freight and passengers, and be entitled to demand and receive therefor such sums as may be allowed from time to time by the county commissioners of Pacific county.

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

Passed January 18, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO AUTHORIZE DANIEL LEDOUX TO ESTABLISH A FERRY ON THE COLUMBIA RIVER.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Daniel Ladoux, his heirs or assigns, be, and they are hereby authorized to establish and keep a ferry across the Columbia river, at the mouth of Kettle river, in said Territory, within the following limits, to-wit: Commencing at the mouth of Kettle river, down said Columbia river, on either side thereof, one and a half miles each way; and that the said Daniel Ladoux, his heirs and assigns, have the exclusive privilege of ferrying across said river within the above limits for the term of ten years from the passage of this act; Provide^d, That said ferry, when established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That it shall be lawful for the said Daniel Ladoux, his heirs or assigns, to receive and collect the following rates of toll upon said ferry:

For each wagon with two animals attached.....	\$5 00
For pleasure carriage with two horses.....	3 00
For man and horse.....	1 50
For animal packed.....	1 50
For each head of loose horses or mules	75

For footman..... 50
 For sheep or swine..... 20

SEC. 3. The county commissioners of the county in which said ferry is or may be situated, may at any regular term of said commissioner's court, regulate and fix the rates of ferriage to be received by said Daniel Ladoux, his heirs or assigns, after which he or they shall only be allowed to receive the rate of ferriage so fixed by said commissioners court.

SEC. 4. This act to take effect and be in force from and after its passage.

Passed January 11th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO AUTHORIZE THOMAS HOWE TO ESTABLISH AND KEEP A FERRY ACROSS THE COLUMBIA RIVER AT WHITE BLUFFS.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Thomas Howe, his heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the Columbia river at White Bluffs, in said Territory, within the following limits, to-wit: Commencing at the point where the wagon road now crosses the Columbia river at White Bluffs, to land and deposit from each shore of the Columbia river, or either side thereof, one mile each way; and that the said Thomas Howe, his heirs and assigns, have the exclusive privilege of ferrying across said river, within the above limits, for the term of ten years from the passage of this act.

SEC. 2. That it shall be lawful for the said Thomas Howe, his heirs or assigns, to receive and collect the following rates of toll:

For each wagon with two animals attached	\$ 3 00
For pleasure carriage with two horses	2 00
For man and horse.....	2 00
For animal packed.....	1 00
For each head of loose horses or mules.....	75
For footman.....	50
For sheep or swine	10

But the county commissioners of the county within which said ferry may be located, at any regular term, shall have power to change the above rates of toll, and the said Thomas Howe, his heirs and assigns, shall, within one year from the passage of this act, procure and keep on said ferry a good and sufficient ferry-boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property, without unnecessary delay; and the failure of the said Thomas Howe, his heirs and assigns, to comply with all and singular the conditions hereinbefore specified, will render void this act.

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

Passed January 18th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO AUTHORIZE LOUIS BROWN TO ESTABLISH A FERRY ON THE BITTER ROOT RIVER.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Louis Brown, his heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the Bitter Root river at or near the point where the military road from Fort Walla Walla to Fort Benton crosses said river, and that the said Louis Brown, his heirs and assigns, have the exclusive privilege of ferrying upon Bitter Root river, within the following limits: A distance up and down said river of one mile from said ferry, for the term of six years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That no courts or board of county commissioners shall authorize any person to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for the said Louis Brown, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon, carriage, or vehicle, with two animals attached,	\$4 00
For each pleasure wagon, with two horses.....	3 00
For each additional animal.....	50
For each cart, wagon, or carriage with one horse.....	2 00
For man and horse.....	1 50
For each animal packed.....	1 50
For each footman.....	50
For loose animals, other than sheep, goats, or hogs, each head..	25
For sheep, goats or hogs, each.....	10

But the county commissioners of the county within which said ferry may be located, at any regular term of court shall have the power to change the above rates of toll, and when so changed, it shall be lawful for said Louis Brown, his heirs and assigns, to collect and receive ferriage only according to the rates of toll fixed by said commissioners.

SEC. 4. Said Louis Brown, his heirs and assigns, shall, within one year from and after the passage of this act, procure and keep on said ferry a sufficient ferry boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay.

SEC. 5. The said Louis Brown, his heirs and assigns, shall, before collecting any money for ferriage as provided in this act, pay into the county treasury of the county in which said ferry may be located, as an annual tax, a sum of twenty-five dollars for the use of said county.

SEC. 6. The failure of the said Louis Brown, his heirs and assigns, to comply with all and singular the conditions hereinbefore specified and enumerated, will render void the provisions of this act.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 19th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO AUTHORIZE M. H. FROST TO BUILD A WHARF.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Morris H. Frost be, and is hereby authorized to build a wharf in front of lots number six and eight (6 and 8) in block number six (6), adjoining the foot of Quincy street, in the city of Port Townsend, extending below low water mark, not exceeding three hundred feet (300 feet) into Port Townsend Bay.

SEC. 2. The said wharf shall be subject to the laws regulating wharves, and be and remain the property of said Morris H. Frost, his heirs and assigns.

Passed January 21, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of Council.

AN ACT

TO PAY JACOB L. MYERS.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the sum of four dollars (\$4) is hereby appropriated, out of any money in the Territorial treasury, to pay Jacob L. Myers for guarding the Capitol of Washington Territory from fire.

Passed January 21, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

FOR THE RELIEF OF CERTAIN CITIZENS OF COWLITZ COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the county commissioners of Cowlitz county be, and are

hereby authorized to audit and pay James H. Poland, James S. Bennett, Samuel Spencer and James B. Creecy, not to exceed three dollars per day, for services as chain carriers and road markers, as employed by road commissioners in locating Territorial road from or near Monticello to the Upper Cascades, as per act of 21st December, 1859.

Passed January 21, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE SKOKOMISH LUMBER COMPANY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That Edward A. Wilson, Judson Anderson and Eual Brennan, together with other persons that may become associated with them, be and are hereby constituted a body corporate and politic, with power to sue and be sued, under the name and style of "Skokomish Lumber Company," for the purpose of removing jams and other obstructions to driving or floating logs or timber down Skokomish river on ordinary freshets.

SEC. 2. Said company shall, within six months after the passage of this act, commence clearing the channel of said Skokomish river, below its forks, of jams of drift wood and other obstructions, to floating logs, or timber down said river, and shall, within two years after the passage of this act, have the channel of said river, so improved, below its forks, as to drive or float logs or timber down it on any ordinary freshets.

SEC. 3. The said company, complying with the foregoing provisions of this act, shall have the right, and are hereby authorized to charge and collect from any person or persons floating or driving logs or timber down said river, any sum that they may deem reasonable, not to exceed fifty cents per thousand feet: *Provided,* The logs or timber are put into said river above where obstructions have been removed, necessary to floating or driving logs or timber down said Skokomish river.

SEC. 4. Said company shall continue in the full enjoyment of all

the privileges embraced in this act, for a period of five years (5) after its passage.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 26th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE WEST OLYMPIA WHARF COMPANY.

*Be it enacted by the Legislative Assembly of the Territory of Wash-
ton, That B. F. Brown, G. W. French, Silas E. Dennis, Ira Ward and
E. Montgomery, and all other persons who shall become associated with
them by subscribing stock, their assigns and successors be, and they are
hereby constituted and declared a body corporate and politic, by the name
and style of the "West Olympia Wharf Company," for the purpose of
constructing and maintaining a wharf or wharves, as the case may be, for
all the uses and intents that wharves are used for.*

SEC. 2. Said company may own and possess any amount of stock and property of any description whatever, real, personal or mixed, necessary to carry on its business, which they may purchase or possess, sell and dispose of at pleasure, may sue and be sued in any court of competent jurisdiction; may have and use a common seal which they may alter, break and renew at pleasure; may appoint one or more agents for the transaction of their business, whom they may dismiss and change at pleasure, and may, from time to time, make such rules, regulations and by-laws as they may deem necessary or useful, and the same amend and change at pleasure, subject, however, to the constitution and laws of the United States, and the laws of this Territory.

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

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE ST. JOHN'S LODGE, NO. 9, OF FREE AND ACCEPTED
MASON'S, OF SEATTLE, W. T.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the officers and members of St. John's Lodge, No. 9, of Free and Accepted Masons, of Seattle, Washington Territory, be, and they are hereby constituted and declared a body corporate and politic, to be known by the name of "St. John's Lodge No. 9, of Free and Accepted Masons."

SEC. 2. Said Lodge may, by their corporate name, sue and be sued, plead and be impleaded, defend and be defended against, in all the courts of this Territory, and may receive and hold all money and other property coming into their hands by voluntary subscriptions, contributions or otherwise, as well as all legacies and devises of real or personal estate; and shall be empowered to have, hold, possess, or acquire, lands, tenements, furniture, chattels, regalia and property of any description incident to such bodies, to an amount not exceeding fifty thousand dollars; and the estate heretofore mentioned, to lease, grant, convey and dispose of in such manner as they may deem expedient.

SEC. 3. Said Lodge may, at any of their [regular meetings] enact and pass such rules, regulations and laws for the government and management of said Lodge as they may deem expedient: *Provided,* The same be not inconsistent with the laws of the United States and of this Territory.

SEC. 4. The said Lodge may hold its meetings at such times and places, and elect such officers for the management of its affairs as the members thereof may deem proper.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 24th, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO PAY ALFRED H. SHEFFIELD FOR BOARDING TERRITORIAL PRISONERS
CONFINED IN CLARKE COUNTY JAIL.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the sum of two hundred and twenty dollars and eighty-eight cents is hereby appropriated out of the Territorial Treasury, to pay Alfred H. Sheffield for the board of James M. Carten, convicted at the June term of the District Court held at Walla Walla, 1860, from the 18th day of June, 1860, to the 10th day of January, 1861, inclusive, making 29 weeks and four days; also, the board of John Donevan, convicted at the October term of the District Court held at Vancouver, 1860, from the first day of October, 1860, to the 10th day of January, 1861, inclusive, making 14 weeks and 4 day, at five dollars per week.

SEC. 2. The Territorial Auditor is hereby authorized to draw his warrant upon the Territorial Treasury for the sum specified in the first section of this act, to the order of Alfred H. Sheffield, and the Territorial Treasurer is hereby authorized to pay the same; said warrant shall draw lawful interest until paid.

Passed January 24th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

AN ACT

TO GRANT AND PROTECT J. T. LOVELACE, W. H. DILLON, AND THEIR
HEIRS OR ASSIGNS, IN CERTAIN FISHING PRIVILEGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. T. Lovelace, W. H. Dillon, and their heirs or assigns, have the exclusive right of fishing in the waters of the Columbia river, within the following limits, to-wit: Beginning at a point known as the southwest corner of W. H. Dillon's land claim, extending one-half mile from low water mark toward the channel or middle of said river, and one-half mile up and down said river from the above named corner of W. H. Dillon's land claim.

SEC. 2. Any person or persons who shall violate the provisions of the preceding section, shall forfeit and pay the sum of twenty-five dollars and costs of suits for each and every offense, to be recovered by civil action, in the name of any person who shall commence said action, before any justice of the peace or any court having competent jurisdiction, one-half of which sum shall go to the prosecutor and the other half to the school fund of Clarke county.

SEC. 3. This act shall take effect and be in force from and after passage, for ten years.

Passed January 26th, 1861.

AN ACT

TO AUTHORIZE JOHN E. PICKENELL AND SAMUEL SWEENEY TO ESTABLISH A BRIDGE ACROSS THE WALLICOTT RIVER IN PACIFIC COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That John E. Pickenell and Samuel Sweeney are hereby authorized to establish a bridge across the Wallicott river in Pacific county. Said bridge to be a draw or permanent bridge, as may best suit the wishes of the parties constructing the same.

SEC. 2. The commissioners of Pacific county shall have the power to establish the rates of toll for crossing the said bridge, when the same is constructed.

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

Passed January 26th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

AN ACT

TO AUTHORIZE ANTOINE PLANT TO ESTABLISH A FERRY ON THE SPOKANE RIVER.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Antoine Plant, his heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the Spo-

kauc river at or near the point where the military road from Fort Walla Walla to Fort Benton crosses said river, and that the said Antoine Plant, his heirs and assigns, have the exclusive privilege of ferrying within the following limits: A distance up and down said river of one mile from said ferry, for the term of six years from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. That no courts or board of county commissioners shall authorize any person to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for the said Antoine Plant, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon, carriage, or vehicle, with two animals attached,	\$4 00
For each pleasure wagon, with two horses.....	3 00
For each additional animal.....	50
For each cart, wagon, or carriage with one horse.....	2 00
For man and horse.....	1 50
For each animal packed.....	1 50
For each footman.....	50
For loose animals, other than sheep or hogs.....	25
For sheep, goats or hogs, each head.....	15

But the county commissioners of the county within which said ferry may be located, at any regular term of court, shall have the power to change the above rates of toll, and when so changed, it shall be lawful for said Antoine Plant, his heirs and assigns, to collect and receive ferriage only according to the rates of toll fixed by said commissioners.

SEC. 4. Said Antoine Plant, his heirs and assigns, shall, within six months from and after the passage of this act, procure and keep on said ferry a sufficient ferry boat, with the requisite number of hands to work the same, for the transportation of all persons and their property without unnecessary delay.

SEC. 5. The said Antoine Plant, his heirs and assigns, shall, before collecting any money for ferriage as provided in this act, pay into the county treasury of the county in which said ferry may be located, as an annual tax, a sum not to exceed twenty-five dollars for the use of said county.

SEC. 6. The failure of the said Antoine Plant, his heirs and assigns,

to comply with all and singular the conditions hereinbefore specified and enumerated, will render void the provisions of this act.

SEC. 7. This act to take effect and be in force from and after its passage.

Passed January 28th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE FRANKLIN LODGE, NO. 5, OF FREE AND ACCEPTED MASONS, OF TEKALETT, W. T.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the officers and members of Franklin Lodge, No. 5, of Free and Accepted Masons, of Tekalett, Washington Territory, be, and they are hereby constituted and declared a body corporate and politic, to be known by the name of Franklin Lodge, No. 5, of Free and Accepted Masons.

SEC. 2. Said Lodge may by this corporate name sue and be sued, plead and be impleaded, defend and be defended in all the courts in this Territory; and may receive and hold all moneys and other property coming into their hands by voluntary subscription, contribution or otherwise, as well as all legacies and devises of real and personal estate; and shall be empowered to have, hold, possess, or acquire, lands, tenements, furniture, chattels, regalia, and property of any description incident to such bodies, to any amount not exceeding fifty thousand dollars; and the estate, hereinbefore mentioned, release, grant, convey, and dispose of in such manner as they may deem expedient.

SEC. 3. Said Lodge may, at any of their meetings, exact and enforce such rules and regulations, and laws for the government and management as of said Lodge as they may deem expedient: *Provided,* The same be not inconsistent with laws of the United States, or of this Territory.

SEC. 4. That said Lodge may hold meetings at such times and

places, and elect such officers for the management of its affairs, as the members thereof may deem proper.

SEC. 5. This act to take effect and be in force from and after its passage.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO AUTHORIZE CHARLES N. MULLAN AND R. R. GOODWIN TO CONSTRUCT
A WAGON ROAD IN WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Charles N. Mullan and R. R. Goodwin, and their associates, their heirs and assigns, be, and they are hereby, constituted and declared a body corporate and politic, by the name and style of the Walla Walla Wagon Road Company, the said road to be used for the transportation, freight and passengers, and to be constructed between the town of Walla Walla and Mullan's saw-mill, in Walla Walla county.

SEC. 2. The said Company is hereby empowered and authorized to have, receive, purchase, possess, enjoy and retain lands, tenements, goods and chattels of any kind, and to any amount not exceeding ten thousand dollars, to carry into effect the objects of said corporation; and the same to use, alien, sell and dispose of; to sue and to be sued in any court having competent jurisdiction; to have a common seal; and to ordain and establish such rules, regulations and by-laws as may be necessary for said corporation, subject however to the Constitution of the United States, the laws of this Territory and the restrictions and limitations of this act.

SEC. 3. That in the event of the road running through land of settlers or owners, and the parties failing to agree, the parties shall each choose a disinterested person, a freeholder, and the two shall choose a third, possessing the same qualifications as themselves, who shall assess the damages and the amount of money to be paid to such settler or owner by the Company, which said persons, so chosen, shall be styled a board of arbitrators, and shall be governed by the laws governing the proceed-

ings of arbitrators, and the judgment of such arbitrators shall be final: *Provided*, No appeal is taken thereupon, and in accordance with the statute in such cases made and provided.

SEC. 4. That when it becomes necessary to use the same for a county road, the county commissioners of Walla Walla county shall cause the same to be appraised by two or more disinterested persons, appointed by them; and upon the county commissioners causing the amount of said appraisement to be paid to the said Charles N. Mullan, R. R. Goodwin, their heirs or assigns, said road shall be declared a free road: *Provided*, That until said road shall be so declared, the said Charles N. Mullan, R. R. Goodwin, their heirs and assigns, shall be, and is hereby, authorized to construct a toll gate at some suitable point on said road, and to receive and collect the following rates of toll:

For each wagon, with two oxen, horses, mules,	\$1 00
For each additional animal,	25
For each man and horse,	25
For each animal packed,	25
For each loose animal,	10

But the county commissioners of Walla Walla county, at any regular term of said court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for said Charles N. Mullan and R. R. Goodwin, their heirs and assigns, to collect and receive toll only according to the rates fixed by said commissioners.

SEC. 5. The said Charles N. Mullan, R. R. Goodwin, their heirs and assigns, shall, before collecting any money for toll, as provided in this act, pay into the county treasury, as an annual tax, a sum not to exceed twenty-five dollars per annum, for the use and benefit of Walla Walla county.

SEC. 6. This act to take effect and be in force from and after its passage.

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO AUTHORIZE HIRAM SMITH TO ESTABLISH A FERRY ON THE O'KANAGAN RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* Hiram Smith, his heirs or assigns, be, and they are hereby authorized to establish and keep a ferry across the O'Kanagan river, at any point within one mile of the junction of the Similkameen with said river; and that the said Hiram Smith, his heirs and assigns, have the exclusive privilege of ferrying upon O'Kanagan river, within the following limits, to-wit: A distance up and down said river of one mile from said ferry, for the term of six years from the passage of this act: *Provided, That* said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by the laws of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said Hiram Smith, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry:

For each wagon with two animals attached.....	\$4 00
For each pleasure wagon with two animals.....	3 00
For each hack or sulky with one horse.....	2 00
For each man and horse	1 50
For each head of loose animals, other than sheep or hogs.....	50
For each animal packed.....	1 50
For each footman.....	50
For each sheep, goats or hogs.....	10

But the county commissioners of Walla Walla county, at any regular term of said court, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for said Hiram Smith, his heirs and assigns, to collect and receive ferriage only according to the rates fixed by said commissioners.

SEC. 3. The said Hiram Smith, his heirs and assigns, shall, within one year from and after the passage of this act, procure and keep on said ferry a sufficient ferry-boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property without unnecessary delay.

SEC. 4. The said Hiram Smith, his heirs and assigns, shall, before collecting any money for ferriage, as provided in this act, pay into the

county treasury, as an annual tax, a sum not to exceed twenty-five dollars per annum, for the use and benefit of the county in which the same may be situated.

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

AN ACT

TO INCORPORATE THE BISHOP OF NISQUALLY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That A. M. A. Blanchet, Bishop of Nisqually, and his successors in office, and all persons whom he or they may think expedient to associate with him or with them, be and he is, and they are hereby declared a body politic and corporate under the name and style of "The Corporation of the Catholic Bishop of Nisqually, in the Territory of Washington."

SEC. 2. *And be it further enacted,* That the ends of said corporation shall be for the benefit of religion, for works of charity, and for public worship.

SEC. 3. *And be it further enacted,* That said corporation shall have continual perpetual succession, and shall have power to acquire, receive, and possess by donation, gift, or purchase, and to retain and enjoy property, real, personal and mixed, and the same to sell, grant, convey, rent or otherwise dispose of at pleasure: *Provided however,* That no part of the resources thereof shall ever be used for any other than the purposes above specified: *And provided further,* That the yearly income accruing from said property to said corporation shall not exceed seventy-five thousand dollars.

SEC. 4. Such corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in all courts of justice both of law and in equity; they shall cause to be made for their use a common seal, impressed with such devices and inscriptions as they shall deem proper, by which said seal all deeds and acts of said corporation shall pass, and be authenticated, and they shall have power to alter or amend said seal at their pleasure; they shall have power to form and adopt a constitution and by-laws for their government, to make and carry into effect all necessary regulations for the management of their fiscal con-

cerns, to appoint subordinate officers and agents, to make, ordain and establish such ordinances rules and regulations as they may deem necessary or expedient for the good government of said corporation, their officers and agents: *Provided however*, That said ordinances, rules and regulations shall, in no manner, conflict with the constitution of the United States, or the laws of this Territory.

SEC. 5. That all deeds or other instruments of conveyance shall be signed by the Bishop, and by him acknowledged in his official capacity, and sealed with the seal of the corporation.

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

AN ACT

TO AUTHORIZE JOHN C. SMITH TO KEEP A FERRY ON THE NORTH FORK OF CLEARWATER RIVER.?

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That John C. Smith, his heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the North Fork of Clearwater river, up and down one mile each way from the point selected for said ferry, for the term of six years from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations as other ferries are, or may hereafter be, by the laws of this Territory prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said John C. Smith, his heirs and assigns, to receive and collect the following rates of toll for ferriage on said ferry :

For crossing a footman,.....	25
For crossing a man and horse,.....	\$1 00
For horse and carriage,.....	2 00
For each animal packed,.....	1 00
For each wagon, with two oxen, horses or mules,.....	2 50
For each additional animal,.....	25

For loose animals, other than sheep, goats, or hogs, each, 25
 For sheep, goats or hogs, each, 10
 But the county commissioners of the county within which said ferry may be located, at any regular term of court, shall have power to change the above rates of toll, and when so changed, it shall be lawful for said Smith, his heirs and assigns, to collect and receive ferriage only according to the rates of toll fixed by said commissioners.

SEC. 3. The said John C. Smith, his heirs and assigns, shall, before receiving any money for ferriage, and annually thereafter, pay into the county treasury of the county in which said ferry may be located, twenty-five dollars for the use of said county; and shall at all times, after six months from the passage of this act, keep at said ferry a good and sufficient flat boat or boats, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river without delay.

SEC. 4. The privileges herein granted shall not interfere with the rights of any other person or persons.

Passed January 31, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN JAMES CAWLEY AND JOANNA CAWLEY.

Be it enacted by the Legislative Assembly of the Territory of Washington, That the bonds of matrimony existing between James Cawley and Joanna Cawley be, and they are hereby dissolved.

SEC. 2. The name of the said Joanna Cawley is hereby changed to that of Joanna McCarty.

Passed January 31, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN RICHARD
BLAKE AND LAUHALLAU BLAKE.

*Be it enacted by the Legislative Assembly of the Territory of Wash-
ington,* That the bonds of matrimony heretofore existing between Richard
Blake and his wife, Lauhallau Blake, be, and the same are hereby dis-
solved.

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

Passed January 31, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council

MEMORIALS.

MEMORIALS.

MEMORIAL

ASKING AN ADDITIONAL APPROPRIATION TO COMPLETE MILITARY ROAD
BETWEEN MONTICELLO AND FORT VANCOUVER.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent: that the portion of the military road from Steilacoom to Vancouver, lying between Monticello, on the Cowlitz river, and Vancouver, has not as yet been surveyed, nor put under contract; that the early completion of said road is of great and vital importance to the military department and to the settlers of the whole country. Your memorialists would further represent, that from a recent exploration and survey of the route, it has been proven that a road can be built with ease and at a moderate expense, thus proving the route to [be] wholly practicable. Your memorialists would therefore respectfully ask your honorable bodies to pass an act appropriating the sum of fifty thousand dollars for the completion of said road.

Passed December 17th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO AN ADDITIONAL LAND DISTRICT.

*To the Honorable the Senate,
and House of Representatives of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully call the attention of your honorable bodies to the fact, that the act of Congress, approved May 16, 1860, entitled "an act to create an additional land district in Washington Territory," is, and will be, wholly inoperative, from the fact that the amount of funds necessary to carry into effect the objects of said act, cannot for some time to come be realized from the sale of public lands within said district, as is provided in the act of Congress approved June 23d, 1860. And your memorialists would further represent, that the interests of the people of said district imperatively demand that said office should go into immediate operation. We would, therefore, most respectfully but urgently ask your honorable bodies to pass an act appropriating a sufficient sum to enable the President to carry into effect the provisions of said act, approved May 16, 1860.

Passed December 18th, 1860.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

MEMORIAL

ASKING THE APPOINTMENT OF A COMMISSIONER TO TREAT WITH THE
NEZ PERCE INDIANS FOR A CHANGE IN THEIR RESERVATION.

To the President of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent: that during the past year, discoveries have indicated the existence of rich gold fields within the limits of the Nez Perce Reservation in this Territory. This has caused great excitement among those Indians, as also among our white population, and it is feared that unless some action is taken by the general government, it

may lead to serious difficulty between the whites and the Nez Perces who have been uniformly friendly to our citizens. It is believed that the lands upon which the gold is indicated may be peaceably procured of the Indians, should a commissioner be appointed to treat with them for a change in the boundaries of the Reservation.

We therefore request that such steps may be taken by such an appointment, to avoid difficulty with the Indians, and open such portions of that country as may be found rich in gold, to the enterprise of our miners.

Passed December 18th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council

MEMORIAL

RELATIVE TO TRI-WEEKLY MAIL FROM OLYMPIA, *VIA*. VICTORIA, TO
BELLINGHAM BAY.

To the Honorable the Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the rapid increase of population on the borders of Puget Sound, and her progress in a commercial point of view, demand increased mail facilities; that we justly appreciate the great advantages which must flow from the daily service from California and Oregon to Olympia, and in justice to the Sound, we demand equal facilities with the southern portion of this Territory; and respectfully ask that a tri-weekly service be at once ordered from Olympia, *via*. Victoria, V. I., to Bellingham Bay and intermediate points.

We believe the interests of the Sound warrant us in asking the above service, and that her material prosperity will be thereby enhanced.

Passed December 22nd, 1860.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

PRAYING THE CONTINUANCE OF THE SEMI-MONTHLY OCEAN MAIL SERVICE FROM SAN FRANCISCO TO OLYMPIA.

*To the Honorable the Senate and House of Representatives
of the United States of America:*

The memorial of the Legislative Assembly of the Territory of Washington respectfully represent to your honorable bodies: That great advantage has heretofore resulted to the people settled upon the waters of the Straits of Juan de Fuca, Admiralty Inlet, Gulf of Georgia and Puget Sound by the semi-monthly mail from San Francisco to Olympia, in said Territory. That within its reach, and directly connected by said mail route with the Atlantic States, *via* San Francisco, are the following military posts, viz: Fort Steilacoom, Fort Townsend, Fort Bellingham, and Camp Pickett upon San Juan Island, as also the Custom House at Port Townsend, and the various offices of the federal officials on duty in said Territory. That upon said waters are the following thriving settlements, viz: Olympia, Steilacoom, Seattle, Port Madison, Port Orchard, Port Gamble, Port Ludlow, Port Townsend, Cherbourg, New Dungeness, Whidby Island, Whatcom, Sehome, and the town of San Juan, the people of which, by the aid of the weekly mail upon Puget Sound, are enabled to enjoy, comparatively, the benefits of mail communication with their kindred in the Atlantic States, and are afforded also the opportunity for the transmission of mail matter to and from business houses in the city of San Francisco. That the withdrawal of the appropriation, or the termination of the said semi-monthly mail contract now in existence, would be fatal to our best interests, and attended with the most serious inconveniences to the government itself, its various officers and agents.

Your memorialists are aware that very many of our fellow-citizens are benefitted by the overland mail on the line of the route, who cannot be benefitted in a corresponding degree by the mail communication to which your memorialists herein refer, but a glance at the topography of the country will satisfy at a moment, that north of Olympia those most important settlements named herein, those military stations so necessary to our protection, the Custom House and other offices, are almost isolated from the national government, if the present semi-monthly mail from San Francisco to Puget Sound should be abandoned.

Your memorialists, therefore, pray your honorable bodies to pass such an act, or continue such appropriation, as will secure to the people of that portion of Washington Territory at least the semi-monthly mail communication now enjoyed by them from San Francisco, *via* Puget

Sound, to Olympia. And your memorialist, as in duty bound, will ever pray.

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING AN APPROPRIATION FOR CODIFYING THE LAWS OF THE TERRITORY.

*To the Senate and House of Representatives
in Congress assembled;*

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent: That the laws of this Territory greatly need codifying, and that our Territorial treasury is too poor to meet the expense. We, therefore, ask your honorable body to appropriate the sum of one thousand dollars to pay such commissioners as we may appoint for their services in this behalf.

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING THE ESTABLISHMENT OF A MILITARY POST AT OR NEAR THE JUNCTION OF GREEN AND WHITE RIVERS, IN KING COUNTY.

To the Commander-in-Chief of the Department of the Pacific:

The memorial of the Legislative Assembly of the Territory of Washington respectfully represent: That the citizens in the country watered

by the White, Green and Puyallup rivers, and in the vicinity thereof, are so much exposed to the depredations of numerous bands of Indians located in that immediate section of the country, as well as those east of the Cascade range of mountains, as to render both life and property insecure, and very seriously retard the growth and improvements of a large district of the best agricultural country in our Territory.

Your memorialists would, therefore, most urgently call your attention to the immediate necessity of establishing a military post on White river, at or near the mouth of Green river.

Passed January 26th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO MILITARY ROAD FROM BELLINGHAM BAY TO FORT COLVILLE, AND ASKING AN APPROPRIATION OF \$50,000 THEREFOR.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

We, your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that a military road is much needed from the headwaters of Puget Sound to Fort Colville, as the Postmaster General has advertised for bids for carrying the United States mails from Bellingham Bay to that point. The distance in a straight line between the two points is about 185 miles. Bellingham Bay is south of the 49th parallel 17 miles, and Fort Colville is 30 miles south of the same parallel. The citizens of Bellingham Bay have spent large sums of money and labor in opening a trail between the two said points, and thoroughly tested the practicability of a wagon road on or near the line of said trail, which is accessible at all seasons of the year.

The pass through the Cascade mountains, known as "Park's Pass," is the best heretofore discovered, and the Northwestern Boundary Commission passed over the same last summer with all their animals and baggage. This is the nearest route to the open country east of the Cascades, by at least 150 miles, from the waters of Puget Sound. This road, if

established, will open large and fertile tracts of country to settlement, and also give us a post road to Fort Colville and the gold mines, the importance of which to the government and the Territory in a military and postal point of view are of the first importance. Other portions of our common territory have been favored with liberal appropriations by Congress for roads, which has had a tendency to develop its resources and to give to it a commanding influence in our councils.

The country situated at the northern portion of the Sound is second to none in the Territory, and possesses advantages for commerce, agriculture and lumbering equal, if not superior, to any on the Sound. The harbor of Bellingham Bay is large and commodious, and perfectly safe for all sized vessels at all seasons of the year, and is now just growing into importance.

The coal mines, situated on the bay now keep vessels plying regularly to San Francisco in the transportation of coal. Therefore, the northern part of the Sound and Territory is not lacking in any of the elements of wealth, and now only need the fostering hand of government to give us inland communication with our brethren east of the Cascades.

Your memorialists, therefore, in view of the facts above set forth, earnestly and respectfully request that an appropriation of fifty thousand dollars be made, at an early day, to open said military road from Bellingham Bay to Fort Colville the coming spring.

[Passed, ———, ———.]

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

MEMORIAL

ASKING THAT THE NEW LAND OFFICE CREATED BY CONGRESS FOR WASHINGTON TERRITORY BE LOCATED AT WALLA-WALLA.

To the President of the United States :

Your memorialists, the Legislative Assembly of the the Territory of Washington, would respectfully represent, that owing to the great distance of the Land Office at Olympia from the recently surveyed lands east of the Cascade mountains, it has become a matter of necessity that the new Land Office, provided for in the law creating an additional land

district for Washington Territory, should be located in the country east of the Cascade mountains.

If the settlers of that region should be as they are now, compelled to transact business at the Land Office at Olympia, the expenses of such attendance, in many cases, will amount to more than the first cost of the land. In order to relieve them of this great expenditure of time and money, your memorialists would respectfully pray that the new Land Office be located at the town of Walla-walla.

Passed January 24, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

ASKING THAT DUNGINESS, IN CLALM COUNTY, BE MADE A PORT OF DELIVERY.

To the Honorable the Secretary of the Treasury of the United States :

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, that the county of Clalm in the north-western-portion of this Territory, is a county producing of Agricultural returns for labor very largely, and that most of the same is exported to British territory, receiving dutiable goods in return; that the existing necessity for vessels to proceed to Port Townsend to enter and clear, works very great expense and loss of time to the owners, in increasing the cost in freight of said exports and imports, to the great injury of the people of Clalm county.

Wherefore your memorialists pray that Dungeness, in the county of Clalm, Territory of Washington, be made a port of delivery, your memorialists will ever pray, &c.

Passed January 24, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

MEMORIAL

ASKING THAT THE UNEXPENDED BALANCE OF THE APPROPRIATION FOR THE RED BLUFF LIGHT HOUSE BE EXPENDED IN THE CONSTRUCTION OF A LIGHT ON SANDY POINT, AND PRAYING THAT LIGHT BE ALSO PLACED ON VASHON'S ISLAND, THE ENTRANCE TO BELLINGHAM BAY, AND ON POINT HUDSON.

To the Secretary of the Treasury of the United States :

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully and urgently request, that with a view to the further and necessary improvement of the navigation of Puget Sound, the unexpended balance of the appropriation of twenty-five thousand dollars for a light house at Red Bluffs, on Whidby's Island, approved August 18, 1856, be expended in the construction of a light house on Sandy Point, and one on the northwestern point of Vashon's Island; also one at or near the entrance of Bellingham Bay, in the county of Whatcom, which is imperatively demanded on account of the increasing commerce of said bay, growing out of the coal and lumber trade. Also a small light is much needed at Point Hudson, in Jefferson county.

It is believed that if these lights were of the fourth or fifth order, and the one on Sandy Point a revolving light, they could be furnished entirely, each for the sum of four thousand dollars, and would most materially subserve the interests of navigation on Puget Sound.

Should the Secretary deem it out of his power to direct the expenditure of this balance for the purposes herein required, your memorialists would ask that he take such measures in connection with this subject as he may deem best calculated to effect the object in view; at the earliest practicable day.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING ADDITIONAL APPROPRIATION OF FIFTY THOUSAND DOLLARS
TO COMPLETE THE MILITARY ROAD FROM FORT VANCOUVER TO
FORT STEILACOOM.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, and call the attention of Congress, that the appropriation for the opening of a Military road between the two points above mentioned has been expended, and that the amount was insufficient to complete the same, and that it will require an additional appropriation of not less than fifty thousand dollars to complete the road.

Your memorialists would further represent, that this road, when completed, would not only unite the western and eastern portions of the Territory, but would be a great saving and convenience to both citizens and the Military department.

In view of the facts above set forth, we ask your earliest and most favorable attention, and as in duty bound will ever pray.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

MEMORIAL

PRAYING THE ESTABLISHMENT OF MAIL ROUTE FROM PORT TOWNSEND,
VIA COUPEVILLE, OAK HARBOR, UTSALADA, INDIAN RESERVATION
AT TEELALUP, AND SNOHOMISHTOWN, TO MUCKLETEO, AND THE ES-
TABLISHING OF CERTAIN POST-OFFICES.

To the Honorable, the Postmaster General of the United States:

The memorial of the Legislative Assembly of the Territory of Washington respectfully represents, that, in addition to the memorial passed January, 1861, in relation to the mail route from Port Townsend to Coupeville, Oak Harbor and Utsalada, in Island county, your memorialists will further pray that the said route be extended from Utsalada to

the Indian Reservation at Tulalep, thence to the town of Snohomish, on the Snohomish river, and thence to the town of Muckleteo, at Point Elliott.

That great inconvenience now exists to the people of all the said places, by consequence of having now to send at great expense from all the said places to the post-office at Covedale, in Island county, or to Port Townsend, for their mail matter, and your memorialists pray that post-offices be established at the said places respectively, and the mails be forwarded thereto.

Passed January 12th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING THE RE-OCCUPATION OF FORT BELLINGHAM BY U. S. TROOPS.

To the Commander of Department of the Pacific:

We, your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that since Fort Bellingham has been abandoned by the military, the numerous tribes of Indians residing in the vicinity, have shown unmistakable evidence of hostility to the whites, growing out of the non-fulfilment of treaty stipulations on the part of our government. The settlement on Bellingham Bay is also liable to be surprised at any time by the Northern or British Indians, who periodically visit the Sound for plunder. And, situated near the 49th parallel, it is of the utmost importance that Fort Bellingham should be re-occupied by at least one company of U. S. Troops for the protection of said settlement of Bellingham Bay.

Passed January 18, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council

MEMORIAL

PRAYING THE APPOINTMENT OF A COMMISSIONER TO RE-LOCATE LUMMI
INDIAN RESERVATION AT BELLINGHAM BAY.

To the President of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the Lummi Indian Reservation, as marked on the map in the Surveyor General's office, includes a much larger tract of land than was originally contemplated in the treaty. That said reservation, as marked, includes an area of at least twenty square miles of the best land lying on Bellingham Bay, and, as at present situated, greatly retards the growth of the settlement contiguous thereto. We therefore respectfully urge that a commissioner be appointed to relocate said reservation according to the intent and meaning of the treaty aforesaid; and your memorialists will ever pray.

Passed January 18th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR THE CONSTRUCTION OF AN ASYLUM
FOR INSANE AND DESTITUTE AMERICAN CITIZENS.

*To the Honorable, the Senate and House of Representatives,
of the United States, in Congress assembled:*

The memorial of the Legislative Assembly of the Territory of Washington respectfully represents: That numerous native born citizens of the United States, who have never resided in this Territory, nor obtained a settlement in any county therein, having abandoned their homes and friends, and from force of misfortune, vicious habits, exposure and other causes, have thus become *insane*. That in several instances within the knowledge of members of said Legislative Assembly, such insane persons have been, by the acts of others, caused to immigrate to this Territory, and are now to be found therein, in a state of destitution, suffering for the

necessaries of life, and incapacitated, from their disordered intellect, from earning a livelihood. That the various county organizations have not the means to meet their own county expenses, and provide for the support of their own pauper population, which is a legitimate lien upon them, much less to be encumbered with the support and confinement of the class hereinbefore referred to: That instances have already occurred of counties being loaded with debt for the care of such paupers. And whereas, humanity calls for the proper confinement and support of such creatures, and our counties and our people cannot possibly bear the expense incident thereto: Therefore, your memorialists respectfully urge your honorable bodies to make an appropriation sufficiently large to afford a proper institution for the confinement and custody of that class of persons, not citizens of the Territory of Washington, yet citizens of our common country, who, by accident or design, are cast upon our people, and who must be neglected if such relief be not afforded. And your memorialists will ever pray.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO ESTABLISHING AN OVERLAND MAIL FROM THE DALLES TO
SALT LAKE.

To the Honorable, the Postmaster General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent the importance and necessity of establishing an overland mail from the Dalles to Salt Lake, via Forts Walla Walla and Boise, to connect with the overland mail from California to the Atlantic States. While the advantages of such a route would be felt in every portion of our Territory, it would be of the utmost importance to our citizens, the several military posts and Indian agencies east of the Cascade mountains, who are now almost without mail facilities, being dependent upon the tardy movements of a monthly mail from the Dalles to Colville.

The above route, by affording a regular communication between the military establishments along the immigrant road, would tend, in a great measure, to prevent the annual massacre of immigrants and traders by the marauding bands of Indians along said route.

Therefore, your memorialists earnestly pray for the speedy establishment of the above route, and as in duty bound will ever pray.

Passed January 31st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO A MILITARY POST AT DEER LODGE PRAIRIE.

*To the Honorable the Senate and House of Representatives
of the United States of America:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent: that owing to the rapid settlement now being made on the eastern border of the Territory, and from the remoteness of the settlements from any military establishment to which they could apply for protection, they are entirely defenseless and liable at any time to an inroad from the numerous bands of Indians along said border. Therefore, it is respectfully asked that a military post of not less than two companies, be established at or near "Deer Lodge Prairie," which, it is believed, will afford ample security.

Your memorialists would further represent, that from most reliable information, a shorter and more direct route than the one now used by immigrants coming overland from the Atlantic States to Oregon or this Territory, can be had. We would, therefore, respectfully, but earnestly urge the importance and necessity of having a line from Fort Laramie to Deer Lodge Prairie, to intersect the line of the military road from Fort Benton to Fort Walla Walla, explored and mapped for military purposes,

and an estimate made for the construction of a military road over the same.

Passed December 13th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

MEMORIAL

RELATIVE TO MILITARY ROAD FROM STEILACOOM TO FORT BELLINGHAM.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the sum of money heretofore appropriated for the construction of the military road from Steilacoom to Fort Bellingham, on Bellingham Bay, has been expended and proved insufficient for the completion of the same. Your memorialists, therefore, earnestly and respectfully request that an additional appropriation be made, sufficient for the completion of said road, at an early day. Fort Bellingham having been abandoned by the military, there exists an absolute necessity for this road, for the better defense against the Indians, and to open the country to settlement along the east of Puget Sound.

This road will give land communication with the southern portion of the Sound, which will afford great advantages.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING FOR AN ADDITIONAL LAND OFFICE AT FORT TOWNSEND.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent: That great inconvenience exists to the settlers on the public lands in the counties of Whatcom, Clalm, Island, Jefferson, Kitsap and King, by consequence of their remote situation from any Land Office of the United States; and you are hereby respectfully petitioned to establish a Land Office at the city of Port Townsend, in Jefferson county.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO OPENING A ROAD THROUGH THE SNOQUALMIE PASS.

*To the Senate and House of Representatives
in Congress assembled:*

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully represent, that the citizens of Seattle and vicinity, have spent a large amount of money and labor in opening a road through the Snoqualmie Pass to the open country east of the Cascade Mountains. That said road is the shortest and most practicable route from Seattle to the open country east of said mountains. That gold in paying quantities has been discovered on the Wenachee and its tributaries crossed by said road. That said road not being completed, the commerce and trade to and from said portion of country, are greatly retarded and labors under many disadvantages. A good wagon road on or near the present road, would be of great advantage to the citizens of this Territory and saving to the military in transporting men and supplies.

You memorialists would, therefore, pray your honorable bodies to

pass an act appropriating a sufficient sum of money to construct a wagon road from Seattle, on Puget Sound, *via*. Snoqualmie Pass, to Fort Colville.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO DREDGING THE CHANNEL OF THE COLUMBIA RIVER BETWEEN THE MOUTH OF THE WILLAMETTE AND FORT VANCOUVER.

*To the Honorable the Senate,
and House of Representatives of the United States:*

You memorialists would respectfully represent, that the Columbia river, being the main thoroughfare by which we are enabled to penetrate and develop the eastern portion of Washington and Oregon, and that that portion of the west is susceptible of all the advantages incident to civilization, and that it is the duty of the general government to give such aid and assistance in opening and developing the wilderness and country generally for the advancement of civilization, and subdue the hostilities of the Indians, give protection to immigrants seeking homes in our midst; that the outrages heretofore committed upon emigrants enroute for the Pacific shores by the numerous Indian tribes, through the inactivity and neglect of the military department, justify us, as representatives of the people, in calling the attention of your honorable body, the head department controlling the United States government, and appeal to your sympathies in behalf of our cause, to give us that attention due a remote and as yet unsubdued country.

Therefore, your memorialists would respectfully represent, that owing to the obstruction of the channel of the Columbia river at Fort Vancouver, by a sand bar making its way into the channel; and that during the low water in the fall season of the year, in many instances, is impossible for ocean steamers and other vessels of heavy draught to reach that point of delivery, and in consequence of such obstruction, there is an additional expense in the re-shipment of government stores and supplies destined for

said Fort. We would therefore humbly pray your honorable body to make an appropriation and provide means for dredging and improving the channel of said river, from the mouth of the Willamette river to Fort Vancouver without delay, and to place buoys in said channel for the mutual benefit of navigation, and your petitioners will, in duty bound, ever pray.

Passed December 22nd, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

PRAYING AN APPROPRIATION FOR THE CONSTRUCTING OF A MILITARY ROAD FROM MOUND PRAIRIE, INTERSECTING ON SAID PRAIRIE THE MILITARY ROAD FROM OLYMPIA TO THE COWLITZ—*VIA* CHEHALIS RIERY, GRAY'S HARBOR, SHOAL WATER BAY, AND JOINING THE MILITARY ROAD FROM ASTORIA TO SALEM, OREGON, AT SOME CONVENIENT POINT NEAR THE MOUTH OF THE COLUMBIA.

To the Honorable the Senate and House of Representatives

in Congress assembled:

Your memorialists, citizens of Washington Territory, would earnestly call the special attention of Congress to the fact, that the western portion of this Territory is inhabited by numerous tribes of Indians, who have from time heretofore shown unmistakable evidences of their hostility. That the beneficial action of the present military company stationed at Gray's Harbor is greatly retarded from the want of means of communication with any military road or port in this Territory. That there is no means of communication between the settlements bordering on the mouth of the Columbia river, Shoalwater Bay, Gray's Harbor and the Chehalis river, comprehending the most inviting section of country in Washington Territory to the agriculturist, and lying between the two most important military stations in Washington Territory—those of Forts Steilacoom and Vancouver,—except by water, which route, in case of a blockade by a foreign power, of either the Columbia river or Fuca Straits, would be entirely impracticable. That from the character of the country, a good and direct military road may be located, passing through our remote settle-

ments, connecting with the military road between Olympia and the Cowlitz river, at some point on Mound prairie, and joining the military road from Astoria to Salem in Oregon, at some point near the mouth of the Columbia river. That in a military point of view, such a road would be of incalculable advantage to the defense of this Territory; not only in the way of affording facilities to the present isolated military post stationed upon Gray's Harbor—for the transportation of men and supplies from either Vancouver or Steilacoom in case of attack by Indians, or other enemy of the United States—but would be invaluable as a means of developing the resources of our Territory, and establish a feeling of self-reliance among our people by the union of our settlements.

Therefore, your memorialists pray your honorable bodies to pass an act making sufficient appropriation to open and construct a good military road, connecting with the military road running from Olympia to the Cowlitz river, at some point on Mound prairie, thence running by the way of Chehalis river, Gray's Harbor and Shoalwater Bay, joining the military road from Astoria to Salem in Oregon, at some point near the mouth of the Columbia river. For which, your memorialists, as in duty bound, will ever pray.

Passed January 7th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council

MEMORIAL

ASKING AN APPROPRIATION FOR COMPLETING A PRIVATE ROAD COMMENCED, AND RUNNING FROM ROCKLAND, VIA. THE "WHITE BLUFFS," IN THE UPPER COLUMBIA, TO FORT COLVILLE.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would most respectfully represent to your honorable bodies, that the road leading from Rockland to Colville, by way of White Bluffs, in this Territory, is the shortest, best, and most direct road between the Dalles and Fort Colville. And we, your memorialists, would ask your honorable bodies to pass an act making a sufficient appropriation to complete what has already been commenced by private individuals.

Hoping this memorial will meet the consideration it merits, we, your memorialists, as in duty bound, will ever pray.

Passed January 7th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of Council.

MEMORIAL.

PRAYING THE ESTABLISHMENT OF A TRI-WEEKLY MAIL FROM PORT TOWNSEND VIA COUPEVILLE TO OAK HARBOR, AND THE ESTABLISHING OF A POST OFFICE AT SAID PLACE.

To the Honorable

The Post Master General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent: That Coupeville, Oak Harbor, and Utsalladdy, in Island county, are, all of them, places of trade and commerce, conducted by citizens of great enterprise and industry. That they severally have good harbors constantly frequented by shipping, carrying away exports of lumber and produce generally. That a reference to the chart of Puget Sound will exhibit to your honor, that the said locations are far aside and at great distance from the heretofore track and route of the mails by steam navigation, whilst a comparatively short run across Whidby Island can quickly, and by means of the ferry communication, at all or any time carry the mails to the said commercial points from Port Townsend. That heretofore, although there existed, as now, a contract to carry, by steam navigation, the mails for all of Island county to the county seat at Coveland, yet, practically, they have been sent by land across the Island, and the people of the ports of Coupeville, Oak Harbor and Utsalladdy are constantly subjected to great delays and uncertainty, added to the inconvenience of sending, at great expense, for their mail matter.

Your memorialists pray for the establishment of Post Offices at Coupeville, Oak Harbor and Utsalladdy, the mails tri-weekly thereto, to be carried by land and water from Port Townsend to Coupeville, and

thence to Oak Harbor and Utsalladdy. And your memorialists, as in duty bound will ever pray.

Passed January 7th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

PRAYING AN APPROPRIATION FOR MILITARY ROAD FROM PORT TOWN
SEND TO CHERBOURG—FALSE DUNGNESS.

*To the Honorable the Senate and House of Representatives
of the United States of America:*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent: That the communication between the important points of Fort Townsend and Cherbourg (or False Dungeness) is now necessarily confined to the travel by water, capable at any time of being impeded and totally cut off by any hostile force.

Wherefore, in view of the convenience to the United States in the ready transport of troops or supplies, and the wants of the people of that portion of the Territory, your memorialists pray your honorable bodies to pass an act appropriating the sum of twenty thousand dollars, and direct the proper department to open the said road by the most practicable route, at an early day.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING THE APPOINTMENT OF A CONSUL OR COMMERCIAL AGENT FOR
VANCOUVER'S ISLAND AND BRITISH COLUMBIA.

*To the Honorable the Senate,
and House of Representatives of the United States:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent: that a large number of American citizens are engaged in mercantile pursuits in Victoria, also at Fort

Hope and other towns on Fraser river, and the mining population in the latter vicinity and at Rock creek is largely American. The interests of our countrymen resident at these places, as well as of those visiting the British possessions for purposes of trade and commerce, require the presence there of a representative of our Government.

Your memorialists would therefore respectfully ask, that provision be made for the appointment of a Consul or Commercial Agent for Vancouver's Island and British Columbia.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

PRAYING AN APPROPRIATION FOR THE SURVEY OF THE PUBLIC LANDS
ALONG THE STRAITS OF FUCA, &c.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that in view of the rapid increase in the settlement of this Territory, the many conflicting disputes arising from the occupancy of unsurveyed lands, and particularly that section lying and bordering on the lower portion of Puget Sound, and along the straits of Juan de Fuca, comprising the most inviting section of country in Washington Territory for agricultural and commercial pursuits. Therefore, your memorialist earnestly pray your honorable body to make an appropriation at an early day for surveying the public lands of this Territory, as will insure its speedy and vigorous prosecution.

Passed January 11th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING THE DETAIL OF AN ENGINEER OFFICER TO EXAMINE PASS IN
CASCADE MOUNTAINS EAST OF MOUNT RAINIER.

To the Hon. John B. Floyd,

Secretary of War:

Your memorialists, the Legislative Assembly of the Territory of Washington, have reason to believe, from information deemed reliable, that a pass may be found over the Cascade range of mountains south of Rainier. Your memorialists, therefore, most respectfully ask your honor to appoint an officer of the Engineer corps in this Territory, [to make] an exploration of said route.

Passed December 22nd, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

MEMORIAL

ASKING THE APPOINTMENT OF A STEAMBOAT INSPECTOR FOR OREGON
AND WASHINGTON.

To his Excellency

The President of the United States:

Your memorialists, the Legislative Assembly of the Territory of [Washington,] would most respectfully represent: that the want of a Supervisory Inspector in Oregon and Washington is seriously felt; and we, your memorialists, would respectfully recommend the appointment of such an officer at an early day. Hoping this memorial will meet the attention it merits, we, your memorialists, as in duty bound, will ever pray.

Passed December 22nd, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

MEMORIAL

RELATIVE TO MILITARY ROAD FROM FORT STEILACOOM TO FORT VAN-
COUVER.

*To the Honorable, the Senate and House of Representatives,
of the United States, in Congress assembled:*

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully represent, that the sum of money appropriated by Congress to open a military road from Fort Steilacoom, on Puget Sound, to Fort Vancouver, on the Columbia river, is not sufficient to complete said road as far as Monticello, on the Cowlitz river, and that the said road is at present the only practicable route between the waters of Puget Sound and the Columbia river, over which the United States mail must be carried, and that the early completion of said road would be of great importance to the military, and to the people of the whole Territory.

Therefore, your memorialists would respectfully and earnestly solicit your honorable bodies to appropriate the sum of twenty thousand dollars to be expended on that portion of the road lying between Olympia and Monticello, and your memorialists, as in duty bound, will ever pray.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

MEMORIAL

RELATIVE TO RIGHTS OF AMERICAN CITIZENS PASSING THROUGH BRITISH
POSSESSIONS.

To His Excellency, the President of the United States:

The memorial of the Legislative Assembly of the Territory of Washington, respectfully represent: That a valuable mineral region lies in the Columbia river basin east of the Cascade mountains, which is divided by our northern boundary line, the 49th parallel: That a valuable and quite extensive mining region, in which are now wintering upwards of four hundred American miners, lies south of said 49th parallel: That from the topography of the country it is absolutely essential that Americans, who

are obliged to travel from point to point, in obtaining ingress and egress from said mines, must traverse a portion of British Columbia: That it is equally essential that British miners and merchants, who desire to locate in the mines of British Columbia, are compelled to pass through an extensive portion of the territory included in Territory of Washington: That large quantities of British goods are thus necessarily passed through our Territory, and a large quantity is supplied to our miners, without paying any duties whatever: That a British custom-house is established on the route which Americans are compelled, at present to travel, and a number of revenue officers are stationed along said route, compelling the payment not only of duties, (although the goods and supplies are not sold or disposed of until they again reach our own Territory) but also, in the shape of tonnage dues and road taxes, according to the following schedule:

Tonnage dues, per ton.....	\$3 00
Road tax, do	10 00
Wagons, each.....	10 00
Single teams.....	4 00
Horsemen.....	1 50

That, in consequence of British merchants securing importation to American miners free of duty, and our American fellow-citizens having to pay the British duties, and the tribute money or toll above referred to, the latter are powerless to compete with the British Columbians. No difficulty has yet occurred calculated to mar the peaceful relations existing between the two nations, but this state of things cannot long continue.

Your memorialists, therefore, earnestly implore attention to this important matter, and that steps may speedily be taken to remedy these grievances, to which our citizens are subjected. And your memorialists, as in duty bound, will ever pray, &c.

[Passed ———, ———.]

LYMAN SHAFFER,
Speaker House of Representatives.
 PAUL K. HUBBS,
President of the Council.

MEMORIAL

FOR AN APPROPRIATION TO BE APPLIED TO ISSUING DONATION CERTIFICATES.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that the greater portion of the citizens of this Territory are laboring under very great disadvantage in consequence of there being no provision made for Clerk hire in the Register's office of the Territory, for making out and issuing certificates to donation land claimants, and that the official papers, etc., are liable to be burned at any time, and if such should be the case, it would necessarily place the larger portion of our people in a critical position. It would not only incur a heavy expense and delay in securing to them their rights, but would actually defraud many, on account of their evidence being beyond their reach, and unavailable to secure their rights to that which was designed by the act donating lands to actual settlers upon public lands of Oregon and Washington.

Your memorialists would therefore humbly pray your honorable bodies to appropriate four thousand dollars to be applied to issuing certificates to the citizens of Washington Territory, who may be rightfully and justly entitled to the same according to law, and your memorialists will ever pray.

Passed January 16th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

MEMORIAL

ASKING THAT HARNEY DEPOT BE MADE A PERMANENT MILITARY POST.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent and especially call the atten-

tion of Congress to the importance of making Harney Depot a permanent military post of not less than two companies, for the better protection of the settlers on the Columbia and its tributaries, and the mines in that vicinity.

Your memorialists would respectfully represent, that the Indians now held in check by the presence of the military at "Harney Depot," have uniformly regarded the whites as invaders, and are not slow to give unmistakable evidence of their hostility, and it is believed that if the troops are withdrawn from Harney Depot, the settlers and miners in that section of our Territory will be in imminent peril, and a war of extermination waged against them upon the slightest provocation.

Your memorialists would further state, that within the last two years, good and comfortable quarters, sufficient to accomodate two or more companies, have been built at Harney Depot, at great expense to the government, which, if abandoned, will be rendered comparatively worthless. Therefore, your memorialists pray your honorable bodies to make Harney Depot a permanent military establishment; and as in duty bound will ever pray.

Passed December 18th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of Council.

MEMORIAL

ASKING AN APPROPRIATION FOR MILITARY ROAD FROM POINT ELLIOT,
VIA. CADY'S PASS TO FORT COLVILLE.

*To the Honorable the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington respectfully represent: That recent discoveries have opened to the white man a pass through the Cascade mountains between the sources of the north branch of the Sky-wha-mish river on the west, and the Wenatchee river, on the eastern side of the Cascades: That the said pass being very low, and with the exception of the wooded country and one short hill, is already made by private enterprize, a practicable road for pack trains. This enterprize will be continued the coming spring

at considerable private outlay of funds: That as the said pass is on a line nearer than any other known, and almost due west from Fort Colville to Port Townsend by the Sky-wha-mish river, and Point Elliott being a good harbor near the mouth of the Suohomish river, where supplies from Port Townsend can readily be landed, the opening of a military road as herein prayed for from Point Elliott via Cady's Pass, to Fort Colville, would reduce quite fifty per cent. the present cost of transportation of army supplies, and to the people of the Territory be a great service in connecting the eastern with the western industry and enterprise of Washington Territory.

Wherefore, your memorialists pray that early congressional action be had in aid of an enterprise as important to the Union as beneficial to the Territory, and that an appropriation of forty thousand dollars be allowed for the said purposes.

Passed January 17th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

R E S O L U T I O N S .

RESOLUTIONS.



JOINT RESOLUTION

RELATIVE TO RULES AND ORDERS.

Resolved by the Council, the House concurring, That the committee on rules and orders of the two houses, be, and they are hereby constituted a joint committee on rules and orders for the two houses.

Passed December 8th, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.



JOINT RESOLUTION

RELATIVE TO JOINT COMMITTEE ON ENROLLED BILLS.

Resolved, That the committees of the House and Council on enrolled bills, be, and they are hereby, constituted a joint committee, to compare the same with the engrossed bills, and correct errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective houses.

Passed December 15th, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of Council.

JOINT RESOLUTION

RELATIVE TO ADJOURNING OVER THE HOLIDAYS.

Resolved by the Council, the House concurring, That when the Legislature adjourn on Monday the 24th of December, 1860, the adjournment shall be until Thursday the 3d day of January, 1861.

Passed December 21st, 1861.

LYMAN SHAFFER,

Speaker of the House of Representatives.

PAUL K. HUBBS,

President of the Council.

JOINT RESOLUTION

RELATIVE TO THE PAY OF AN ENROLLING AND ENGROSSING CLERK.

TO THE HON. SECRETARY OF THE TREASURY OF THE UNITED STATES :

Resolved by the Legislative Assembly of the Territory of Washington, That the duty of properly engrossing and enrolling the laws passed by this Legislative Assembly, which now devolves upon the regular clerks of the two houses, are so arduous as to make it impossible to be performed by them without neglecting the regular business of both houses. We would, therefore, most respectfully ask your honor—the Secretary of the Treasury—to authorize the Secretary of this Territory to pay an enrolling clerk for both houses, at the rate of five dollars per day, out of any moneys appropriated to defray the expenses of the Legislative Assembly of this Territory.

Passed December 22d, 1860.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

RESOLUTION

RELATIVE TO JOINT CONVENTION FOR THE ELECTION OF TERRITORIAL OFFICERS.

Resolved by the House the Council concurring, That the two branches of the Legislative Assembly meet in joint convention, in the Hall of the House, on the 12th day of January, 1861, at eleven o'clock, A. M., for the purpose of electing the following named officers, to-wit: One Territorial Printer; one Territorial Librarian and Auditor; three Capitol Commissioners; one Brigadier General; one Quartermaster General; one Commissary General; one Territorial Treasurer.

Passed January 3d, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO THE INSPECTION OF THE ACCOUNTS OF THE TERRITORIAL AUDITOR AND TREASURER.

Resolved by the House of Representatives, the Council concurring, That the committee on Ways and Means of the two houses, are hereby constituted a joint committee, to examine the accounts of the Territorial Auditor and Treasurer, and are hereby directed to report to their respective houses on the 18th instant.

Passed January 12th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

RESOLUTION

TENDERING THANKS TO LIEUT. JOHN MULLAN, UNITED STATES ARMY.

Resolved by the Legislative Assembly of the Territory of Washington, That Lieut. John Mullan, has the thanks of the Legislative Assembly of the Territory of Washington, for his industry, energy and ability in constructing the military road from Walla Walla to Fort Benton.

And be it further resolved, That a copy of these resolutions, duly certified, shall be forwarded by the Secretary of the Territory to Lieut. John Mullan; the Secretary of War; the President of the United States, and our Delegate in Congress.

Passed January 14th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

RESOLUTION

RELATING TO THE CLALM INDIANS.

Resolved by the Council, the House of Representatives concurring, That in view of the alleged neglect of the proper authorities of the Federal Government toward the Clalm tribe of Indians, and the consequences that may ensue therefrom to the isolated settlements of Jefferson and Clalm counties; the statement of facts made by the head chief of that tribe, "The Duke of York," and the communication of James G. Swan, an estimable citizen, in relation thereto; be presented to his Excellency the Governor, with a request that he make such suggestions to the Superintendent of Indian Affairs for Oregon and Washington, as will tend to insure to the Clalm tribe a distinct reservation, and that for that purpose, the Island selected by said tribe for their future home, be granted them, to-wit: "The Marystone Island," embracing Point Ringgold and the land adjoining, surrounded by water, and that the care of said Indians be assigned to some one that will look more carefully after their wants.

Passed January 16th, 1861.

LYMAN SHAFFER,

Speaker House of Representatives.

PAUL K. HUBBS,

President of the Council.

RESOLUTION

RELATIVE TO PRINTING THE SCHOOL AND ROAD LAWS OF THE TERRITORY.

Resolved by the Legislative Assembly of the Territory of Washington, That five hundred copies of the school and road law be printed separately in pamphlet form, for the use of officers of schools and supervisors of roads, and that the same be distributed by the Secretary of the Territory to the several county auditors, for the purposes aforesaid.

Passed January 17th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO DISTRIBUTION OF TERRITORIAL RIFLES.

Resolved by the Council, the House concurring, That the Quarter Master General be, and he is hereby directed to deliver to each member and officer of the Council and House of Representatives, one rifle and accoutrements. Said member or officer shall receipt to the Quarter Master General in the name of his county for said rifle and accoutrements, as a part of the quota of said county.

Passed January 19th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO THE MILITARY DEPARTMENT OF OREGON.

WHEREAS, It has come to our knowledge, that the Military Department of Oregon has been merged into the Department of the Pacific, with head quarters at San Francisco; and

WHEREAS, We believe that said Department was established for good and sufficient reasons, which still exist in as full force as when established; we regard its re-union with the Department of the Pacific at this time, (while the deplorable massacre of immigrants, near Fort Boisé, is unavenged, and we are threatened on all sides with Indian hostilities,) as peculiarly unfortunate; and

WHEREAS, Experience has shown, that in order that troops may act promptly and efficiently for the protection of the lives and property of our citizens it is necessary that the head quarters of the Department should be of convenient access, which will not be the case if removed to the State of California; and

WHEREAS, Col. George Wright, the late able and efficient commander of the Department of Oregon, in all his official acts while in command of this Department, has shown himself eminently qualified for that position, and by the disposition he has made of the troops under his command, he has evinced a knowledge of our necessities and a willingness to coöperate with our citizens for the better security of their lives and property, thereby deserving and securing the confidence of the people of this Territory; therefore,

Resolved, That we, the Legislative Assembly of the Territory of Washington, earnestly and respectfully protest against the recent change by which the Department of Oregon is merged into the Department of the Pacific, with its head quarters at San Francisco.

Resolved, That our Delegate in Congress is requested to urge the importance and necessity of a separate Military Department for the State of Oregon and Territory of Washington, and to request the Secretary of War to re-establish the Department of Oregon, with head quarters at Fort Vancouver.

Resolved, That we respectfully and earnestly solicit the Secretary of War to continue the late efficient and experienced officer, Col. George Wright, in command of said Military Department.

Resolved, That copies of these Resolutions, duly signed and certified, be sent to our Delegate in Congress, to be by him submitted to the President of the United States, the Secretary of War, the Commander of the Department of the Pacific, and to Col. George Wright.

Passed January 21st, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO ADJOURNMENT.

Resolved (by]the House, the Council concurring, That both branches of this Legislature adjourn *sine die*, on January 31st, 1861.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO NEW BUSINESS.

Resolved by the Council, the House concurring, That no new business shall be introduced in either branch of the present Legislative Assembly after Monday, January 28, 1861.

Passed January 24th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of Council.

RESOLUTION

REQUESTING THE GOVERNOR TO CORRESPOND WITH THE LESSEES OF
THE OREGON STATE PENITENTIARY FOR CERTAIN PURPOSES.

Resolved by the Council, the House concurring, That His Excellency, the Governor, be and is hereby requested to correspond with Messrs. Besser and Estis, lessees of the Oregon State penitentiary, and ascertain on what terms, if any, they will take into custody the five convicts of this Territory, and any others that we may hereafter have, until such time as we shall have erected the Territorial penitentiary. And His Excellency will, as soon as practicable, report such information to both branches of the Assembly, including the opinion of the Chief Justice as to the legality of such transfer.

Passed December 22d, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO PAYING JAMES LODGE.

Resolved by the Legislative Assembly of the Territory of Washington,
That the Secretary of the Territory be, and he is hereby requested to
pay James Lodge for printing the decisions of the Supreme Court of
Washington Territory.

Passed January 28th, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.

PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO COMPENSATION TO W. H. POPE.

Resolved by the Legislative Assembly of the Territory of Washington,
That the Secretary of the Territory be requested to pay W. H. Pope the
sum of seventy-five dollars, for copying the decisions of the Supreme Court
of Washington Territory.

Passed January 25th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of Council.

JOINT RESOLUTION

RELATIVE TO CLERKS.

Resolved by the Council, the House concurring, That the chief clerks
of the two branches of the Legislative Assembly be allowed twenty days
extra pay, for furnishing the printer with copies of the journals of the

present session, and that the Secretary of the Territory is hereby requested to pay the same.

Passed January 30th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.
PAUL K. HUBBS,
President of the Council.

JOINT RESOLUTION

RELATIVE TO PRINTING THE LAWS.

WHEREAS, The laws of the Territory of Washington are almost entirely out of print, by consequence of which few of the counties have any means of knowing what laws actually are in force.

AND WHEREAS, The Legislative Assembly have been totally in the dark in relation to the same important matter, few members having the opportunity to ascertain what statutes exist, or should be remodeled or enacted; therefore,

Resolved by the Council, the House concurring, That the Secretary of the Territory be required to furnish the public printer with copies of the statutes now in force, as evidenced by the printed copies and the files of the department, and that the same be printed anew by the public printer, in the same manner, and subject to the same compensation as the printing of the laws of the present session, and that they be annexed to the printed laws of the present session; and that five hundred copies thereof, together with the acts of the present session, be printed, excepting therefrom the memorials, of which one hundred and fifty copies only shall be printed and appended to the same volume.

Be it further resolved, That the said laws be distributed in manner and quantity required by law, and that the copies remaining undistributed be carefully retained in the office of the Secretary of the Territory.

Passed, January 31st, 1861.

LYMAN SHAFFER,
Speaker of the House of Representatives.
PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO THE PAYMENT OF CERTAIN CAPITOL COMMISSIONS FOR CERTAIN SERVICES.

WHEREAS, The treasurer of the capitol fund of Washington Territory, acting under instructions of the comptroller of the treasury of the United States, has refused to pay the capitol commissioners for certain services rendered and for moneys expended.

AND WHEREAS, The law creating the board of capitol commissioners provides a compensation for services rendered, and moneys expended by said commissioners in the discharge of their duties; therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, 1st—That the treasurer or disbursing agent of the capitol fund be, and he is hereby, requested to pay out of said fund to George Gallagher, acting capitol commissioner, for moneys expended and services rendered in the discharge of the duties of said office, the sum of five hundred and forty-six dollars, and to E. S. Fowler, capitol commissioner, for similar services and expenditures, the sum of seventy-five dollars.

2d—That as the capitol commissioners of the Territory of Oregon were paid for services and disbursements out of the capitol fund of that Territory, our delegate in Congress be requested to aid in securing the adoption, at the treasury of the United States, of the same rule for this Territory, in order that all legal claims against said capitol fund may be paid to parties to whom the same may be found due.

3d—That a copy of these resolutions be sent to the treasurer of the capitol fund, our delegate in Congress, and to the comptroller of the treasury of the United States.

Passed, January 28th, 1861.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council.

RESOLUTION

RELATIVE TO THE UNION.

WHEREAS, The present appalling conjuncture of our public affairs is calculated to excite, in the heart of every loyal American, feelings of the most anxious solicitude and profound alarm, prophetic of the direst calamity that civil liberty has ever yet been called upon to endure, we, therefore, representing the present legislative authority of Washington Territory, an integrant portion of our common country, deem it our privilege and solemn duty, on so momentous an occasion, to give expression to following sentiments:

Resolved by the Legislative Assembly of Washington Territory, 1st— That we consider the preservation of our existing national Union as the first of all patriotic duties, and the chief of all political blessings, by which alone can be secured the identity of the American citizen and the fulfilment of our mission as the great exemplar of free institutions.

2d—That it is the bounden duty of all good and true citizens, and especially of those who guide and govern popular sentiment, to counsel harmony and conciliation, and to effect and maintain, by all necessary concessions and compromises, the integrity and perpetuity of that holy brotherhood of States under which we have become the admiration of the world.

3d—That we utterly discountenance, as fraught with incipient treason, and the insidious offspring of reckless aspirations, disappointed ambition, or culpable ignorance, all prospects for a Pacific Confederacy. Washington Territory covets only the distinction of exhibition, first and last, her devotion to the entire Union, as created by our ancestors, consecrated by their blood, and bequeathed to us, the palladium of civil and popular rights.

Passed, January 30th, 1860.

LYMAN SHAFFER,
Speaker House of Representatives.

PAUL K. HUBBS,
President of the Council

GENERAL INDEX.

I N D E X .

A

	PAGE.
ACTIONS, (<i>Civil</i>)—	
Amendatory act relative to practice and proceedings in,	51
Joinder of causes of,	51
Time for commencement of,	
Act relative to,	61
AFFIDAVIT—	
Of title to real estate may be filed before confirmation of sale,	47
ALIMONY—	
Act relative to suits for divorce and,	26
ANSWER—	
To affidavit of title to real estate sold upon order of sale or execution,	47
APPORTIONMENT—	
Of representation, act relative to,	12
APPROPRIATION—	
To pay Charles Miller for cleaning and repairing Territorial arms,	73
To pay Edward Furste for certain services,	77
To pay J. Waterhouse for certain services,	78
To pay E. H. Tucker for certain services,	79
To pay J. L. Myers for certain services,	118
To pay A. H. Sheffield for boarding Territorial prisoners,	122

	PAGE
ARMS, (<i>Territorial</i>),—	
Appropriation to pay for cleaning and repairing,	73
ASSESSOR—	
Of Thurston county, office of, abolished,	25
ATTACHMENT—	
Explanatory act relative to property exempt from,	42
What property exempt from,	43
ATTORNEY GENERAL--	
Title to site for University to be submitted for approval of,	17
AUDITOR, (<i>County</i>),—	
Acts of certain, legalized,	9, 11
Fees of,	37
AUDITOR, (<i>Territorial</i>),	
To audit accounts of University Commissioners,	18
Duty of, under act to pay Sheriff of Pierce county for keeping convicts,	45
To draw warrant for accounts of Territorial Superintendent,	56
When to draw warrant for expenses incurred by sheriffs,	67

B

BENNETT, JAMES S.—	
Act for relief of,	118
BOND—	
Of President of Board of University Commissioners,	18
BOUNDARY LINE—	
Between Sawamish and Thurston counties, amendatory act relative to,	30
Of Lewis county, act relative to,	33
Eastern of Sawamish county, act defining,	56
Northern, of Clatsop county, act extending,	59
West, of Walla Walla county, act extending,	59
BRIDGE—	
John Carson, authorized to construct a,	107
Jno. E. Pickenell and Samuel Sweeney, authorized to establish a,	123

C

CAPITOL—	
Act locating,	3
CAPITOL COMMISSIONERS—	
To locate site of and erect capitol,	3
CHEHALIS COUNTY—	
Acts of auditors of, legalized,	9
Debts and credits of, act to apportion,	25
Act relative to sale of school lands not to apply to,	33
CIVIL PRACTICE ACT, (1860)—	
Act amendatory of,	50
Commencement of civil actions, act relative to time for,	61
CLRAKE COUNTY—	
School fund of, act relative to,	24
Act relative to sale of school lands, not to apply to,	33

	PAGE.
CLALM COUNTY—	
County seat of, act locating,	29
CLERKS—	
Of district courts, fees of,	34
Of supreme court, fees of,	34
For services under naturalization laws, fees of,	41
Of county commissioners, fees of, provision relative to payment of,	41
Of district court to notify party for whom moneys collected on execution, and pay over said money on demand,	52
Penalty for failure to do so,	52
COMMISSIONERS—	
To erect capitol,	3
<i>Ib.</i> , penitentiary,	5
To locate University,	17
COMMENCEMENT OF CIVIL ACTIONS—	
Act of 1860, relative to time for, amended,	61
COMMISSIONERS—	
To review and relocate part of territorial road from Monticello to Upper Cascades,	76
COMMISSIONERS, (<i>County</i>)—	
Duty of, relative to sale of school lands	31
Fees of,	37
Of Cowlitz county, to pay certain citizens of said county for services on Territorial road,	118, 119
COMMON SCHOOLS—	
Amendatory act, relative to,	21
Act to create office of Territorial superintendent of, and define his duties,	52
CONSTABLES—	
Fees of,	40
CONVICTS—	
Territorial, act to provide for keeping, in Pierce county jail,	44
CORONERS—	
Fees of,	39
COSTS—	
Act to regulate fees and,	34
COUNTY—	
Of Missoula, act creating,	7, 8
Of Shoshone, act creating,	13, 14
Of Snohomish, act creating,	19
Of Clicatat, act appointing officers for,	30
Eastern boundary line of Sawamish, act defining,	56
COUNTY SEAT—	
Of Clicatat county, act to locate,	11, 12
Of Island county, act to locate,	14
Of Kitsap county, act locating,	20
Of Clalm county, act locating,	29
Of Thurston county, act locating,	48
COUNTY COMMISSIONERS—	
Duty of, relative to sale of school lands,	31
Fees of,	37
Clerk of, provision relative to payment of fees of,	41

	PAGE.
COUNTY REVENUE—	
Act relative to, in certain counties,	28
COUNTY AUDITORS—	
Fees of,	37
COUNTY SUPERINTENDENTS—	
To deliver forms to schools districts, for report to Territorial superintendent,	55
COURT, (<i>supreme</i>)—	
Fees of clerk of,	34
COURT, (<i>district</i>)—	
Fees of clerk of,	34
Judge of, to direct sheriff to deliver persons sentenced to penitentiary to custody of sheriff of Pierce county,	65
Of Pierce county, abolished,	68
COWLITZ COUNTY—	
Revenue derived from licenses to sell liquor in, to go to school fund,	42
Commissioners of, authorized to pay certain citizens of said county for services in locating territorial road,	118
CREECY, JAMES B.—	
Act for relief of,	118

D

DIVORCE—

Notice of application for to Legislative Assembly, to be given,	20
Amendatory act relative to suits for, and alimony,	26
Coyle, Patrick and Ann, act to,	71
Connelly, Owen and Sarah, act to,	73
Boren, Carson D. and Mary, act to,	74
Stocking, Wm. R. and Isabella, act to,	81
Hughes, Francis W. and Ellen, act to,	83
Cantwell, John and Ann, act to,	92
Thompson, E. H. and Elizabeth, act to,	92
Avery, Thos. W. and Elizabeth, act to,	93
Baldwin, Sam'l M. and Rachel, act to,	191
Webster, William and Catharine, act to,	101
Fuller, Wm. and Lukah Fuller, act to,	102
Bordwell, D. D. and Mary Ann, act to,	102
DeShaw, John and Agnes, act to,	103
Anderson, Robert and Sarah E., act to,	103
Boggs, Isaac and Maria A., act to,	110
Cawley, James and Joanna, act to,	131
Blake, Richard and Lauhallau, act to,	132

DWELLING HOUSE—

Wife may claim, as exempt from sale under mortgage, when,	47
---	----

E

EXECUTION—

Explanatory act relative to property exempt from,	42
Returnable withing sixty days,	52
Moneys collected on, to be paid over by sheriff within twenty days,	52
What property exempt from,	53-54

	PAGE.
EXEMPTION—	
Section 246 of civil practice act, relative to property of married woman, construed,	42-43
Section 246 of civil practice act, relative to property exempt from execution, construed,	43
Of dwelling house from execution, under mortgage, when,	47
Act exempting certain property from execution and attachment,	52

F

FEE—	
Of officer for services under acts to restrain swine from running at large,	10-60
Of county recorder for certain services,	23

FEES AND COSTS—

Act to regulate,	34
Fees of clerks Supreme and District courts,	34-41
Fees of sheriff,	35
Fees of judge of probate,	36
Fees of county commissioners,	37
Fees of county auditors,	37
Fees of notary public,	39
Fees of Coroner,	39
Fees of jurors,	39
Fees of justices of the peace,	39
Fees of constables,	40
Fees of witnesses,	40
Fees of clerks of court under acts relative to naturalization,	41
Fees of clerk of county commissioners, how paid,	41
Account to be authenticated by oath,	41
Officers when requested, to make out bill of fees,	41
Subject to examination and correction by the courts,	41
Refusal to make out bill, forfeits fees,	41
Repeals conflicting acts,	41
No compensation not provided for herein shall be received or demanded,	41
Except special existing law provided therefor,	41
Provision for compensation not provided for in this act,	41
Charges for mileage,	42
Act to take effect when,	42

FERRY—

I H. Bush authorized to establish a,	74
James A. Brunn authorized to establish a,	75
Thomas Coupe authorized to establish a,	82
S. Owens and G. W. Anderson authorized to establish a,	86
Wm. Packwood authorized to establish a,	105
P. W. Crawford authorized to establish a,	110
E. C. Ferguson and E. T. Cady authorized to establish, on Snohomish river,	111
Daniel Ledoux authorized to establish a,	114
T. Howe authorized to establish a,	115
Louis Brown authorized to establish a,	116
Antoine Plante authorized to establish a,	123
Hiram Smith authorized to establish a,	128
John C. Smith authorized to keep a,	130

FISHING PRIVILEGES—

Act to grant and protect J. T. Lovelace and W. H. Dillon, in certain,	122
---	-----

	PAGE.
FORMS—	
Certain, to be furnished teachers, by Territorial Superintendent,	55
FURSTE, EDWARD—	
Appropriation to pay for certain services,	77
G	
GOVERNOR—	
To fill vacancy in board of Penitentiary Commissioners,	5
To be treasurer of fund for erection of Penitentiary,	5, 6
To approve bond of University Commissioners,	18
To proclaim vote for location of seat of government,	66
H	
HARD LABOR—	
Convicts sentenced to, to be so employed by sheriff of Pierce county,	45
Persons sentenced to, in Penitentiary, to be delivered into custody of Sheriff of Pierce county,	65
I	
INCORPORATION—	
Of Oregon Steam Navigation Company,	72
Of Pen D'Oreille Mining Company,	79
Of Walla Walla and Clearwater Road Company,	84
Of Vancouver and Simcoe Trail or Road Company,	88
Of Vancouver Hibernian Society of Washington Territory,	91
Of Alphean Library Association of Olympia,	93
Of Kane Lodge, No. 8, of Free and Accepted Masons of Port Madison,	94
Of Columbia river Institute,	95
Of Spokane Bridge Company,	97
Amendment to act incorporating Puget Sound Woolen Manufacturing Com- pany,	101
Of Evergreen Cemetery, near Port Townsend,	104
Of Vancouver Literary Association,	106
Amendment to act incorporating the city of Port Townsend,	108
Of the Dalles Portage Company,	109
Of Skokomish Lumber Company,	119
Of West Olympia Wharf Company,	120
Of St. John's Lodge, No. 9, Free and Accepted Masons, of Seattle,	121
Of Franklin Lodge, No. 5, Free and Accepted Masons, of Tekalett,	125
Of the Bishop of Nisqually,	129
INTEREST—	
Warrant for expenses of sheriff, when to draw,	67
ISLAND COUNTY—	
County seat of, act locating,	14, 15
County revenue of, act relative to,	28
Revenue derived from license to sell liquor in, to go to school fund,	42
ISSUES—	
Act to provide for making up, in certain cases,	47
Certain, to be tried as issues of fact,	47

J

	PAGE.
JEFFERSON COUNTY—	
Acts of auditor of, legalized.	11
County revenue of, act relative to,	28
JOINDER—	
Of causes of action,	51
Must affect all the parties to the action,	51
Must be separately stated,	51
JUDGE, (<i>Probate</i>).—	
Fees of,	36
JUDGE—	
To direct persons sentenced to Penitentiary to be delivered into custody of Sheriff of Pierce county,	65
JURORS—	
Fees of,	39
JURISDICTION—	
Justices of the peace granted concurrent, with District Courts in certain cases,	65
JUSTICE OF THE PEACE—	
Fees of,	39
granted concurrent jurisdiction with District Court in certain cases,	65
In Lewis county, act appointing a,	57

K

KING COUNTY—	
School fund of, act relative to,	24
KITSAP COUNTY—	
County seat of, act locating,	20
Road tax in, act relative to,	27
Boundary line between, and Sawamish, act defining,	56
KLIKITAT COUNTY—	
Northern boundary of, act extending,	59
County seat of, act locating,	11, 12
Officers for county of, act appointing,	30
Act relative to sale of school lands, not to apply to,	32

L

LABOR AND MATERIALS—	
[SEE LIENS.]	
LANDS—	
Sale of school, act relative to,	31
LAND OFFICE—	
Report to be made to, of sale of University lands,	18
LARCENY, (<i>Petit</i>).—	
Justices of peace to have concurrent jurisdiction with District Courts in cases of,	65
LEWIS COUNTY—	
Country revenue of, act relative to,	28
Eastern and north boundaries of, act to extend and define,	33
Revenue derived from licenses to sell liquor in, to go to school fund,	42
Justice of the peace in, act appointing a,	57

	PAGE.
CLALM COUNTY—	
County revenue of, act relative to,	28
LIBRARY, (<i>Territorial</i>),	
Transportation of, to Vancouver, act to provide for,	49
LICENSES—	
Revenue derived from, in certain counties, to go to school fund thereof,	24, 42
County commissioners authorized to grant,	28
LIEN—	
Mechanics allowed for any amount,	19

M

MARRIED WOMAN—	
Certain property of, exempt from execution or attachment,	42
May sue, &c., without husband being joined in action,	51
Real and personal estate of, when not liable on judgment, &c., against husband,	53
Limitation of time for commencement of civil action by, act relative to,	61
MECHANICS—	
Liens of, act relative to,	19
MEMORIALS—	
For appropriation for military road between Monticello and Fort Vancouver,	135
Relative to an additional land district,	136
For appointment of commissioner to treat with Nez Perce Indians,	136
Relative to tri-weekly mail from Olympia <i>via</i> Victoria to Bellingham Bay,	137
For continuance of semi-monthly ocean mail service,	138
For appropriation for codifying the laws of the Territory,	139
For a military post in King county,	139
Relative to a military road from Bellingham Bay to Fort Colville,	140
Asking that a new land office be located at Walla Walla,	141
Asking that Dungeness be made a port of delivery,	142
For the construction of certain light houses,	143
For additional appropriation to complete road from Fort Vancouver to Fort Steilacoom,	144
Praying establishment of mail route and certain post offices,	144
For occupation of Fort Bellingham by U. S. troops,	145
For appointment of a commissioner to re-locate Lummi Indian reservation,	146
For the construction of an asylum for insane and destitute American citizens,	146
For an overland mail from the Dalles to Salt Lake,	147
For a military post at Deer Lodge prairie,	148
For completion of military road from Steilacoom to Fort Bellingham,	149
For additional land office at Port Townsend,	150
Relative to opening a road through Snoqualmie pass,	150
Relative to dredging the channel of the Columbia river between the mouth of the Willamette and Fort Vancouver,	151
For an appropriation to construct a military road from Mound prairie, to join military road from Astoria to Salem, Oregon, near the mouth of the Columbia,	152
For appropriation to complete road from Rockland to Colville,	153
For a tri-weekly mail from Port Townsend to Oak Harbor, and for a post office at the latter place,	154
For an appropriation for military road from Port Townsend to Cherbourg.	155

	PAGE.
MEMORIALS—CONTINUED—	
For appointment of a consul or commercial agent for Vancouver's Island and British Columbia,	155
For an appropriation for survey of public lands along the Straits of Fuca,	156
For examination of the pass over Cascade mountains south of Mount Rainier,	157
For appointment of a steamboat Inspector for Oregon and Washington,	157
For appropriation to complete that part of the military road from Steilacoom to Vancouver, between Olympia and Monticello,	158
Relative to rights of American citizens passing through British possessions,	158
For appropriation to be applied to bringing up business in Register's office,	160
Asking that Harney Depot be made a permanent military post,	160
For appropriation for military road from Point Elliott <i>via</i> Cady's pass to Fort Colville,	161
MILEAGE—	
Ten cents a mile allowed under fee bill,	41
Constructive, not allowed,	42
MILLER, CHARLES—	
Appropriation to pay for certain services,	73
MISSOULA—	
Act creating county of,	7
MORTGAGE—	
Wife to join, to render valid,	43
MYERS, JACOB L.—	
Appropriation to pay for certain services,	118
N	
NATURALIZATION—	
Fees of clerks of court, under acts relative to,	41
NAVIGATION—	
Of Oak Point Slough, act relative to.	16
NOTARY PUBLIC—	
Acts of certain, legalized,	10, 11
Fees of,	39
NOTICE—	
Of application to Legislative Assembly, for divorce,	20
Of sale of school lands,	32
Service and return of,	51
Publication of restricted to papers in Washington Territory,	51
NUISANCE, (Public.)—	
Justices of the peace to have concurrent jurisdiction with District Court in cases of,	65
O	
OAK POINT SLOUGH—	
Declared navigable for certain distance,	16
OLYMPIA—	
Amendment to act incorporating town of,	15
Trustees of town of, may levy taxes for municipal purposes,	15
School district of, act to create,	27

	PAGE
OYSTERS—	
Act to encourage cultivation of,	22

P

PACIFIC COUNTY—	
County revenue of, act relative to,	28
PENITENTIARY, TERRITORIAL--	
Located at Port Townsend,	5
Commissioners to superintend erection of,	5
Duty of commissioners,	5, 6
Acting commissioner to report annually,	5
Vacancy in board of commissioners to be filled by Governor,	5
Governor made treasurer of fund for building,	5
Treasurer to pay drafts of commissioners,	5, 6
Draft to be for moneys actually due,	6
Title to site to be approved by government,	6
Compensation of commissioners,	6
Expenses incurred by previous commissioners to be paid,	6
Disposition of building materials on hand,	6
Persons sentenced to hard labor in, to be delivery into custody of sheriff of Pierce county,	65
PIERCE COUNTY—	
Act relative to sale of school lands not to apply to,	33
Persons sentenced to hard labor in Penitentiary to be delivered into custody of sheriff of,	65
District court of, abolished,	68
PILOTAGE—	
On Columbia river and Shoalwater Bay, amendatory act relative to,	58
POLAND, JAMES H.—	
Act for relief of,	118
PORT TOWNSEND—	
Amendment to act incorporating city of,	108
PROBATE JUDGE—	
Fees of,	36
PROBATE COURT—	
Amendatory act, relative to jurisdiction and practice of,	61
PUBLICATION—	
Of notice, restricted to papers in Territory,	51

R

RECORDER, (<i>County</i>),—	
Duty of under act to encourage cultivation of oysters,	23
Fees of, under said act,	23
REFERENCE—	
Judge of district court may order, in vacation,	51
Cases in which court may direct a,	51
Pleadings upon,	51
REPORT—	
Annual, of Territorial Superintendent of common schools,	55

	PAGE.
PRESENTATION—	
Act to apportion the, of Washington Territory,	12, 13
RESOLUTION—	
Joint, relative to rules and orders,	165
Joint, relative to joint committee on enrolled bills,	165
Joint, relative to adjourning over the holidays,	166
Joint, relative to the pay of an enrolling and engrossing clerk,	166
Relative to joint convention for election of Territorial officers,	167
Relative to the inspection of the accounts of the Territorial Auditor and Treasurer,	167
Tendering thanks to Lieut. John Mullan, U. S. A.,	168
Relative to Clalm Indians,	168
Relative to printing school and road laws,	169
Relative to distribution of Territorial rifles,	169
Relative military department of Oregon,	169
Relative to adjournment,	171
Relative to new business,	171
Requesting the Governor to correspond with lessees of Oregon Penitentiary for certain purposes,	171
Relative to paying James Lodge,	172
Relative to compensation of W. H. Pope,	172
Joint, relative to clerks,	173
Joint, relative to printing the laws,	173
Relative to payment of Capitol Commissioners,	174
Relative to the Union,	175
REVENUE, (<i>County and Territorial</i>),—	
Assessment and collection of, act relative to,	29
REVENUE, (<i>Territorial</i>),—	
Amendatory act to provide for,	46
Collection of, in Thurston county, act regulating,	57
REVENUE, (<i>County</i>),—	
Collection of, in Thurston county, act regulating,	57
ROADS AND HIGHWAYS—	
Amendatory act relative to,	49
ROAD, (<i>Territorial</i>),—	
Act legalizing certain,	26
Part of, from Monticello to Upper Cascades, commissioners appointed to re- view and re-locate,	76
ROAD—	
William Packwood authorized to establish a,	105
C. N. Mullan and R. R. Goodwin authorized to construct,	126
ROAD TAX—	
In Kitsap county, act relative to,	27
ROUTE—	
From Shoalwater Bay to Baker's Bay, G. Reynolds and S. Dodge authorized to open and establish,	112
S	
SALE—	
Of school lands, act relative to,	31

	PAGE.
SALE—CONTINUED—	
Before confirmation of, affidavit of title to real estate sold, may be filed,	47
Wife may file affidavit claiming the exemption of dwelling house from execution, before confirmation of,	47
SAWAMISH COUNTY—	
County revenue of, act relative to,	28
Boundary between, and Thurston, act relative to,	30
Eastern boundary line of, act defining,	56
SCHOOLS—	
Amendatory act relative to common,	21
SEAT OF GOVERNMENT—	
Act requesting the vote of the people relative to,	66
SECRETARY OF TERRITORY—	
Title papers to site for University to be filed in office of,	17
To forward copy of title papers to site for University to Attorney General,	17
Bond of University Commissioners to be filed in office of,	18
SCHOOL FUND—	
Of Clarke county, act relative to,	24
Of King county, act relative to,	24
Act to increase in certain counties,	42
Portion of certain penalty imposed on sheriff, to go to,	52
SCHOOL DISTRICT—	
Of Olympia, act to create,	27
SCHOOL LANDS—	
Sale of, act relative to,	31
SHEFFIELD, A. H.—	
Appropriation to pay for boarding Territorial prisoners,	122
SHERIFF—	
Of Thurston county to be <i>ex officio</i> assessor of said county,	25
Fees of,	35
Of Pierce county, act relative to convicts placed in his custody,	44
To endorse on execution date of reception,	52
To pay over moneys collected on execution within twenty days,	52
Penalty for not paying over moneys,	52
To execute order of court directing persons convicted of felony, to be delivered into custody of sheriff of Pierce county,	67
To have assistance in executing such order, when necessary,	67
Expenses of sheriffs, how paid,	67
Bill of, to be verified by, and approved by judge,	67
Bill to be paid out of Territorial treasury,	67
<i>Id.</i> , if not paid on presentation, treasurer so to certify, and warrant to draw interest,	67
SHOSHONE—	
Act creating county of,	13
SKAMANIA COUNTY—	
Act relative to sale of school lands not to apply to,	33
SNOHOMISH—	
Act creating county of,	19
SPENCER, SAMUEL—	
Act for relief of,	118
STEILACOOM—	
Act to restrain swine from running at large in town of,	59, 60

	PAGE.
SUPERINTENDENT OF COMMON SCHOOLS—	
Act to create the office of Territorial, and define his duties,	55
SUPERVISORS OF HIGHWAYS—	
Amendatory act relative to,	49
SWINE—	
Act to restrain, from running at large in Walla Walla county, <i>Ib.</i> , in town of Steilacoom,	9, 10 59, 60
T	
TAX—	
Trustees of town of Olympia may levy, for municipal purposes,	15
One mill on every dollar's worth of property to be levied or Territorial pur- poses,	46
TAXES—	
Collection of Territorial and county, in Thurston county,	57
TERRITORIAL CONVICTS—	
Act to provide for safe keeping of, in Pierce county jail,	44
TERRITORIAL REVENUE—	
Tax of one mill to be levied on every dollar's worth of property,	46
THURSTON COUNTY—	
Assessor of, act abolishing the office of,	25
Sheriff of, to be <i>ex officio</i> assessor,	25
Boundary between, and Sawamish, act relative to,	30
Part of Lewis county included within,	33
Revenue derived from license to sell liquor in, to go to school fund,	42
County seat of, act to locate,	48
Collection of Territorial and county revenue in, act regulating,	57
TREASURER, (<i>Territorial</i>)—	
To pay accounts of University Commissioners,	18
Duty of, under act to provide for payment of sheriff of Pierce county for keep- ing convicts,	44, 45, 46
To pay warrants drawn for accounts of Territorial superintendent,	56
Duty of, presentation of warrant for expenses incurred by sheriffs,	67
TRUSTEES—	
Of town of Olympia empowered to levy tax for municipal purposes,	15
TUCKER, EGBERT H.—	
Appropriation to pay for certain services,	78
Amendatory act relative to payment of,	100
UNIVERSITY, TERRITORIAL—	
Located at Seattle,	4
Deed to site for, to be executed,	4
Proceeds of certain lands to be applied to support of,	4
Act of January 30, 1858, relative to, repealed,	4
Act to provide for selection and location of land reserved for,	16
VOUCHERS—	
Of Territorial superintendent of common schools.	56

	PAGE.
WAGON ROAD—	
Wm. Packwood authorized to establish a,	105
C. N. Mullan and R. R. Goodwin authorized to construct,	126
WALLA WALLA COUNTY—	
Act to restrain swine from running at large in,	10
Act relative to sale of school lands not to apply to,	33
West boundary line of, act extending,	59
WATERHOUSE, JOSEPH—	
Appropriation to pay, for certain services,	78
WHARF—	
M. H. Frost authorized to build a,	118
WHATCOM COUNTY—	
County revenue of, act relative to,	28
Act relative to sale of lands not to apply to,	33
WIFE—	
May claim dwelling house as exempt under mortgage in which she did not join,	47
WITNESSES—	
Fees of,	40