

SESSION LAWS

OF THE

TERRITORY OF WASHINGTON:

AND THE

RESOLUTIONS AND MEMORIALS

OF THE

NINTH REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY, HELD AT
OLYMPIA, 1861-2.

OLYMPIA :
A. M. POE, PUBLIC PRINTER.
1862.

GENERAL LAWS
OF
WASHINGTON TERRITORY.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF IDAHO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that part of Washington Territory south of Nez Perce county, and east of Snake river, be organized into a county called Idaho.

SEC. 2. *Be it further enacted,* That L. Lindsey be and is hereby appointed county auditor; Robert Gray, Robert Burns and — Sانبourn be appointed county commissioners; Jefferson Standifer sheriff; — Parker justice of the peace for said county until the next general election.

Passed, December 20th, 1861.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

CREATING AND ORGANIZING THE COUNTY OF NEZ PERCE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that part of Washington Territory lying within the following boundaries be organized into a county called Nez Perce, to wit: Beginning at the mouth of the Clear Water, thence up the same to the South Fork of the Clear Water; thence with the South Fork to the Lolo creek; thence with the southern boundary of Shoshone county to the summit of the Bitter Root mountains; thence south to the main divide between the waters of the Salmon river and the South Fork of the Clear Water to the Snake river; thence with the Snake river west to the mouth of the Clear Water to the place of beginning.

SEC. 2. *Be it further enacted,* That J. M. Van Valsah be appointed county auditor; A. Creacy, Whitfield Kirtly and — — be appointed county commissioners; Sanford Owens sheriff, and — — justice of the peace for said county until the next general election.

Passed, December 20th, 1861.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

ESTABLISHING AND DEFINING THE BOUNDARIES OF SHOSHONE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the boundaries of Shoshone county shall be as follows, to wit: Beginning at the mouth of the South Fork of the Clear Water, thence south with said river to the Lolo Fork of the same; thence east with said Lolo stream, in an eastern direction to the summit of the Bitter Root mountains; thence north to the main divide between the Palouse river and the North Fork of the Clear Water; thence a western

direction with said main divide to a point from which, running due south, would strike the mouth of the South Fork of the Clear Water, to the place of beginning.

Passed, December 21st, 1861.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE J. W. GRANT TO ESTABLISH A FERRY ACROSS THE DUWAMISH RIVER, IN KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington.* That J. W. Grant, his heirs or assigns be, and they are hereby authorized to establish and keep a ferry across the Duwamish river, in King county, near the point where the Military Road from Fort Steilacoom to Fort Bellingham crosses said river, to the opposite side of said river, commencing at said point, and on the land claim of Joseph Foster, and to land and deposit from each shore of said river, and extending one half mile each way from said point up and down said river on each side thereof; and that said J. W. Grant, have the exclusive privilege of ferrying in King county, within said limits 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 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 J. W. Grant, his heirs or assigns, to receive and collect the same rates of toll for ferryage upon said ferry, as allowed by the commissioners of King county, to C. C. Lewis; *Provided,* That the said county commissioners of King county, at any

regular term of said commissioners' court, shall have power to change the above rates of toll, and when so changed it shall be lawful for said J. W. Grant, his heirs or assigns, to collect and receive ferriage, 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 hereafter provided in this act, to keep a ferry within the limits set out in this act; *Provided*, That the said J. W. Grant, his heirs or 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 J. W. Grant, his heirs or 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, then this act shall be void.

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

Passed, January 3d, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO ABOLISH THE OFFICE OF ASSESSOR IN THE COUNTIES OF SAWAMISH, PIERCE, SNOHOMISH, LEWIS, WHATCOM, CLALLAM, JEFFERSON AND SPOKANE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That hereafter the sheriffs of Sawamish, Pierce, Snohomish, Lewis, Whatcom, Clallam, Jefferson and Spokane counties, shall be ex-officio assessor for the aforesaid counties; and shall receive for performing the duties of assessor, the same compensation heretofore allowed to the assessor, and the office of assessor so far as it relates to said counties, is hereby abolished.

SEC. 2. All acts or parts of acts, conflicting with the foregoing, be, and the same are hereby repealed; *Provided*, That said repeal shall in no manner interfere with the duties and responsibilities of said assessors, heretofore incurred.

Passed, January 3d, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DEFINE THE JUDICIAL DISTRICTS OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the counties of Missoula, Idaho, Nez Perce, Shoshone, Spokane and Walla Walla, shall constitute the First Judicial district.

SEC. 2. The counties of Klikatat, Skamania, Clarke, Cowlitz, Wakiakum and Pacific, shall constitute the Second Judicial District.

SEC. 3. The counties of Chehalis, Lewis, Thurston, Sawamish, Pierce, King, Kitsap, Island, Snohomish, Jefferson, Clalm and Whatcom, shall constitute the Third Judicial District.

SEC. 4. All laws or parts of laws in conflict herewith, be, and the same are hereby repealed.

SEC. 5. This Act to take effect and be in force from and after the first day of April, 1862.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM WALLA WALLA TO FORT COLVILLE, ON THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That J. L. Henck, John Wynn and John Drumhaller be, and they are hereby appointed to constitute a board of commissioners to view and establish a Territorial road from Fort Walla Walla, in Walla Walla county, to Fort Colville on the Columbia river in Spokane county.*

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of John Wynn, on the second Monday of April, 1862, or as soon thereafter as circumstances will permit, and after being duly sworn faithfully to view, and locate said road, on the nearest and most practicable route, as described in section first.

SEC. 3. Said commissioners shall have authority to adjourn from time to time, and from place to place, to fill any vacancy that may occur in said Board; and after their first meeting, as provided in section 2, (two) the said commissioners shall have authority to administer any oath necessary and proper to carry into effect the provisions of this act.

SEC. 4. And the commissioners aforesaid, shall cause a true report of their proceedings to be made, and a true copy of the same to be deposited with the county auditors of Walla Walla and Spokane counties, who shall file and preserve the same; after which said road shall be in every respect a Territorial road, and shall be opened and kept in repair as other Territorial roads.

SEC. 5. Said commissioners shall make their report to the county commissioners of Spokane and Walla Walla counties immediately after they shall have completed their commissions, and the said commissioners shall receive a compensation of \$3 00, (three dollars) per day for their services, while actually employed in the viewing and locating of said road, to be paid out of the county treasuries of their respective counties.

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

Passed, January 4th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF IDAHO.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court is hereby established at the county seat of Idaho county, to be called the District Court of Idaho county.

SEC. 2. Said court shall have exclusive jurisdiction within the county of Idaho, of all matters and causes, except those in which the United States is a party, in the same manner, and to the same extent as is now had and exercised by the district court of the first judicial district, with the same right as to appeals certiorari, and writs of error, from inferior courts; and to the supreme court as is now or hereafter may be provided by law.

SEC. 3. Said court shall be held by the judge of the first judicial district, at the county seat of Idaho county, at such time, or times, as shall be prescribed by the judges of the supreme court.

SEC. 4. The said district judge of the first judicial district shall appoint a clerk of the court, who shall give bonds and security as shall be ordered by said court or the judge thereof, and shall keep his office and records of said court, at the county seat of said county; and said district court shall be a court of record, and the expenses of holding the same shall be payable by the said county of Idaho.

SEC. 5. The various laws now in force, and which may hereafter be enacted, regulating the practice and proceedings in civil actions, and in criminal prosecutions, shall govern the practice and proceedings in said district court of the county of Idaho.

SEC. 6. The said court, or the judge thereof, shall direct the number of grand and petit jurors to be summoned from said county to attend at the several terms of said court, and shall direct the clerk to certify to the auditor of said county the number of grand and petit jurors apportioned to said county, whereupon said jurors shall be selected and summoned in said county, as is now or hereafter may be provided by law for the selection and summoning of jurors to attend upon the district court: *Provided,* That when, from any cause, there shall not be in attendance a sufficient number of grand and petit jurors, or when those summoned shall have been discharged, it shall be competent for the court to order a sufficient number of qualified and competent jurors from the bystanders, or from the body of the county; and the court, after discharging a grand jury, may order one or more grand juries to be empanelled at the same time, provided the same shall, in the opinion of the court, be necessary.

SEC. 7. The number summoned as grand jurors shall not exceed sixteen, and the number of petit jurors summoned shall not exceed twenty four; and the provisions of the act to provide for the manner of selecting and procuring the attendance of jurors at the term of the district court, passed, January twenty-seventh, one thousand eight hundred and fifty-seven, consistent with the foregoing and not modified thereby, shall fully apply to the said district court of the county of Idaho.

SEC. 8. The foregoing sections, which relate to the summoning (of) grand and petit jurors for the terms of said district court of the county of Idaho, shall not be construed to alter, amend or repeal the law now in force in regard to the quota of jurors to be summoned from said county of Idaho, to attend the district court of the first judicial district. But the said county of Idaho, shall not be chargeable in any event for the mileage and attendance of any grand or petit jurors who may be summoned from said county of Idaho, to attend any term of the district court of the first judicial district, but no jurors shall be summoned to attend at the district court of said district, except upon the order of the judge of the district.

SEC. 9. All acts and parts of acts inconsistent with the foregoing, be, and the same are hereby repealed.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF SHOSHONE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court is hereby established at the county seat of Shoshone county, to be called the district court of Shoshone.

SEC. 2. Said court shall have exclusive jurisdiction within the counties of Shoshone and Nez Percés, of all matters and causes, except those in which the United States is a party, in the same manner, and to the same extent, as is now had and exercised by the district court, of the first judicial district, with the same rights as to appeals, certiorari, and writs of error, from inferior courts; and to the supreme court as is now or hereafter may be provided by law.

SEC. 3. Said court shall be held by the judge of the first judicial district, at the county seat of Shoshone county, at such time or times, as shall be prescribed by the judges of the supreme court.

SEC. 4. The said district judge of the first judicial district shall appoint a clerk of the court, who shall give bonds and security as shall be ordered by said court, or the judge thereof, and shall keep his office and records of said court at the county seat of said county; and said district court shall be a court of record, and the expenses of holding the same shall be payable by the said county of Shoshone.

SEC. 5. The various laws now in force, and which may hereafter be enacted, regulating the practice and proceedings in civil actions, and in criminal prosecutions, shall govern the practice and proceedings in said district court of the county of Shoshone.

SEC. 6. The said court, or the judge thereof, shall direct the number of grand and petit jurors to be summoned from each of said counties to attend at the several terms of said court, and shall direct the clerk to certify to the auditor of each of the counties the number of grand and petit jurors apportioned to each county, whereupon said jurors shall be selected and summoned in said counties, as is now or hereafter may be provided by law for the selection and summoning of jurors to attend upon the district courts: *Provided*, That when, from any cause, there shall not be in attendance a sufficient number of grand or petit jurors, or when those summoned shall have been discharged, it shall be competent for the court to order a sufficient number of qualified and competent jurors from the bystanders, or from the bodies of both or either of the counties, and the court, after discharging a grand jury, may order one or more grand juries to be empanelled at the same time, provided the same shall, in the opinion of the court, be necessary.

SEC. 7. The number summoned as grand jurors shall not exceed sixteen, and the number of petit jurors summoned shall not exceed twenty-five; and the provisions of the act to provide for the manner of selecting and procuring the attendance of jurors at the term of the district court, passed, January twenty seventh, one thousand eight hundred and fifty seven, consistent with the foregoing and not modified thereby, shall fully apply to the said district court of the county of Shoshone.

SEC. 8. The foregoing sections, which relate to the summoning grand and petit jurors for the terms of said district court of the county of Shoshone, shall not be construed to alter, amend or repeal the law now in force in regard to the quota of jurors to be summoned from said county of Shoshone to attend the district court of the first judicial district. But the said county of Shoshone shall not be chargeable in any event for the mileage and attendance of any grand or petit jurors who may be summoned from said county of Shoshone, to attend any term of the District Court of the first judicial district, but no jurors shall be summoned to attend at the district court of said district, except upon the order of the judge of the district.

SEC. 9. That the county of Nez Perces shall pay all the expenses of the district court of the county of Shoshone, arising out of cases coming from said county of Nez Perces, including the mileage and per diem of the jurors from said county ; which expenses shall be paid by the Treasurer of said county upon the certificate of the clerk of said court, approved by the judge thereof.

SEC. 10. All acts and parts of acts inconsistent with the foregoing, be, and the same are hereby repealed.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF SPOKANE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court is hereby established at the county seat of spokane county, to be called the district court of spokane county.

SEC. 2. Said court shall have exclusive jurisdiction within the counties of Spokane and Missoula of all matters and cases except those in which the United States is a party, in the same manner and to the same extent, as is now had and exercised by the district court of the first judicial district, with the same right as to appeals, certiorari and writs of error from inferior and to the supreme court, as is now or hereafter may be provided by law.

SEC. 3. Said court shall be held by the judge of the first judicial district, at the county seat of Spokane county, at such time or times, as shall be prescribed by the judges of the supreme court.

SEC. 4. The said district judge of the first judicial district shall appoint a clerk of the court, who shall give bonds and security as shall be ordered by said court, or the judge thereof, and shall keep his office and records of said court at the county seat of said county, and said district court shall be a court of record, and the expense of holding the same shall be payable by the said county of Spokane.

SEC. 5. The various laws now in force, and which may be hereafter enacted, regulating the practice and proceedings in civil actions and in criminal prosecutions, shall govern the practice and proceedings in said district courts of the county of Spokane.

SEC. 6. The said court or the judge thereof, shall direct the number of grand and petit jurors to be summoned from each of said counties to attend the several terms of said court; and shall direct the clerk to certify to the auditor of each of the counties, the number of the grand and petit jurors appointed to each county, whereupon the said jurors shall be selected and summoned in said counties as is now, or hereafter may be provided by law for the selection and summoning of jurors to attend upon the district courts; *Provided*, That when, from any cause, there shall not be in attendance a sufficient number of grand or petit jurors, or when those summoned shall have been discharged, it shall be competent for the court to order a sufficient number of qualified and competent jurors from the by-standers, or from the bodies of both or either of the counties; and the court, after discharging a grand jury, may order one or more grand juries to be empaneled at the same time, provided the same shall, in the opinion of the court, be necessary.

SEC. 7. The number summoned as grand jurors, shall not exceed sixteen; and the number of petit jurors summoned, shall not exceed twenty-four; and the provisions of the act to provide for the manner of selecting and procuring the attendance of jurors at the term of the district court, passed January 27th 1857, consistent with the foregoing, and not modified thereby, shall fully apply to the said district court of the county of Spokane.

SEC. 8. The foregoing sections which relate to the summoning of grand and petit jurors for the terms of the said district court of the county of Spokane, shall not be construed to alter amend or repeal the law now in force, in regard to the quota of jurors to be summoned from said county of Spokane, to attend the district court of the first judicial district. But the said county of Spokane, shall not be chargeable in any event for the mileage and attendance of any grand or petit jurors, who may be summoned from said county of Spokane, to attend any term of the district court of the first judicial district; but no jurors shall be summoned to attend at the district court of said district, except upon the order of the judges of the district.

SEC. 9. That the county of Missoula shall pay all of the expenses of the district court of the county of Spokane, arising out of cases coming from said county of Missoula, including the mileage and per diem of the jurors from said county of Missoula, which expenses shall be paid by the treasurer of said county upon the certificate of the clerk of said court approved by the judge thereof.

SEC. 10 All acts and parts of acts, inconsistent with the foregoing, be, and the same are hereby repealed.

Passed, January 3d, 1863.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO PREVENT THE OBSTRUCTIONS OF RIVERS, CLEARED FOR THE PURPOSE OF DRIVING OR FLOATING TIMBER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That if any person shall purposely obstruct by filling timber or otherwise, a channel of any river within this Territory that may have been cleared for the purpose of driving, or floating logs or other timber, such person, on conviction in any court of competent jurisdiction,

shall forfeit and pay for each offence, a fine not to exceed three hundred dollars, and shall moreover be liable to imprisonment in the county jail for any period not exceeding six months for each offence, or fine only, at the discretion of the jury, and shall in all cases stand committed until all fines and costs are paid.

SEC. 2. If any person shall maliciously disturb any boom by which any person shall suffer loss, or be liable to suffer loss, such person shall, on conviction, suffer the pains and penalties of the preceding section.

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

Passed, January 7th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO PREVENT THE COUNTERFEITING OF GOLD DUST, AND OTHER SPECIES OF GOLD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That if any person shall counterfeit any kind or species of gold dust, gold bullion or bars, lumps, pieces or nuggets of gold, or any description whatsoever of uncoined gold, currently passing in this Territory, or shall alter or put off any kind of uncoined gold, mentioned in this section, for the purpose of defrauding any person, or persons, body politic or corporate, or shall make any instrument for counterfeiting any kind of uncoined gold as aforesaid, knowing the purpose for which such instrument was made; or shall knowingly have in his possession, and secretly keep any instrument for the purpose of counterfeiting any kind of uncoined gold as aforesaid; every such person so offending, or any person or persons aiding or abetting in or about said offence or offences, shall be deemed guilty of counterfeiting, and upon conviction thereof, shall be punished by imprisonment in the penitentiary for a term not less than one year, nor more than fourteen years.

SEC. 2. Every person who shall have in his possession, or receive for any other person any counterfeit gold dust, gold bullion or bars, lumps, pieces or nuggets of gold, or any description whatsoever of uncoined gold, currently passing in this Territory, or entering in anywise into the circulating medium of the Territory, with the intention to utter, put off, or pass the same, or permit, cause or procure the same to be uttered or passed, with intention to defraud any person or persons, body politic or corporate, knowing the same to be counterfeit, and being thereof duly convicted, shall be punished by imprisonment in the penitentiary for a term not less than one year, nor more than fourteen years.

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

Passed, January 11th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO INCORPORATE THE CITY OF WALLA WALLA.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the City of Walla Walla shall be bounded as follows, to wit:

That portion of land known and designated upon the surveys of the United States, in the Territory of Washington, as the south-west and south-east quarters of the south-west quarter of section number twenty, in township number seven, north of range number thirty-six east, Willamette Meridian.

Sec. 2. The inhabitants of the city of Walla Walla, within the limits above described, shall be, and they are hereby, constituted a body politic and corporate, in fact and in law, by the name and style of the "City of Walla Walla," and by that name and style, they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and in all actions whatsoever; may purchase, hold, and receive property, real and personal, within said city for public buildings and city improvements; may lease, sell, and dispose of the same for the benefit of the city; may purchase, hold and receive property, real and personal, beyond the limits of the city, to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also, for work-houses or houses of correction; also, for the erection of water works to supply the city with water; and may sell, lease, and dispose of the same for the benefit of the city, and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

Sec. 1. The government of said city shall be vested in, first, a mayor; second, a recorder; third, a common council, consisting of five members, who shall severally hold their offices until the next annual meeting after their election, and until their successors shall be qualified. There shall also be elected at the same time, a city marshal, city assessor, city treasurer, and city surveyor; and there may be appointed by the city council a city attorney.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

Sec. 1. It shall be the duty of the mayor to communicate to the council, at least once in each year, and oftener, if he shall deem it expedient, a general statement of the condition and situation of the city in relation to its general finances and improvements; to recommend to the common council the adoption of all such measures connected with the police, security of the public health, cleanliness and ornament of the city, and such other improvements of the government and finances as he shall deem expedient; to be vigilant and active in causing the laws and ordinances of the city government to be executed and enforced; to exercise a constant

supervision and control over the conduct and acts of all subordinate officers ; to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as hereinafter mentioned ; and the mayor shall generally perform all such duties as may be prescribed to him by the charter and city ordinances, and the laws of this Territory and the United States.

SEC. 2. The recorder, as to the offences committed within the city, shall have like jurisdiction as is or may be conferred upon justices of the peace, and shall have the same power as a justice of the peace to examine and commit persons brought before him, and charged with the commission of offences within the limits of the city ; to take recognizances to appear and keep the peace, and to issue all such writs and processes as a justice of the peace may lawfully do, and be subject to all the rules governing justices of the peace.

SEC. 3. The recorder shall also have jurisdiction over all violation of city ordinances, hold to bail, fine or commit persons found guilty of any violation thereof.

SEC. 4. The recorder shall also have like jurisdiction as justices of the peace in the collection of debts.

SEC. 5. It shall be the duty of the city marshal, in addition to the duties prescribed to him by the city council, to execute and return all processes issued by the recorder, or directed to him by any legal authority, and attend regularly upon the recorder's court and the meetings of the council ; he may appoint one or more deputies who shall possess the same power and authority as the marshal ; he shall arrest all persons guilty of a breach of the peace, and of a violation of the city ordinances, and bring them before the recorder for trial, and possess superintending control over the peace and quiet of said city.

SEC. 6. It shall be the duty of the assessor in addition to the duties that may be prescribed to him by the common council ; to make out, within such time as the common council shall order, a correct list of all the property taxable by law within the limits of said city, with the valuation thereof, which list, certified to by him, shall be returned by him to the common council ; the mode of making out said list and ascertaining the value of said property, and collecting all taxes, shall be the same as that prescribed by the law for assessing and collecting the Territorial and county taxes.

SEC. 7. It shall be the duty of the city treasurer to receive all moneys that shall come to said city, either by taxation or otherwise, and to pay out the same as provided for by this act; to direct, and to do and perform all such other acts as shall be prescribed to him by the common council. He shall, on the first Monday of January, April, July and October of each year, make out and present to the mayor a full and complete statement of the receipts and expenditures of the preceding three months; which statement the mayor shall cause to be published in manner to be prescribed by law.

SEC. 8. It shall be the duty of the city attorney to attend to all suits, matters and things in which the city may be legally interested; to give his advice or opinion in writing whenever required by the mayor or common council, and to do and perform all such things touching his office as by the common council may be required of him.

SEC. 9. If any person elected to any city office shall remove from the city, absent himself therefrom for more than thirty days, without leave from the common council, or shall fail to qualify within ten days after the day of election, his office shall be deemed vacant.

SEC. 10. The common council shall define the duties of all officers which are not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND THE FILLING OF VACANCIES.

SEC. 1. A general election for all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held on the first Tuesday in April in each year.

SEC. 2. At all elections for city officers, the voters shall vote by ballot, at the time and places designated by the common council.

SEC. 3. No election shall be held in any public drinking house, or any other place where intoxicating liquors are vendued.

SEC. 4. It shall be the duty of the common council to order all elections, to designate the place of holding the same; to give at least ten days' notice thereof, and to appoint inspectors of elections at the place or places of voting. The elections shall be conducted according to the provisions of the act regulating general elections: if any inspector shall fail to attend, the electors present may appoint another in his stead. The returns of all elections shall be made to the common council, who shall publicly examine and declare the result thereof and give certificates of election to the persons having a plurality of votes.

SEC. 5. All vacancies that may occur in the offices provided for, shall be filled in the following manner :

1st. Of the mayor: If by death, resignation or otherwise the office of mayor shall become vacant, a special election shall be called by the common council to fill the vacancy.

2nd. Of the recorder : If by death, resignation or otherwise, the office of recorder shall become vacant, a special election shall be called by the common council to fill the vacancy.

3d. Vacancies occurring in the office of councilman or in any of the city offices other than the offices of mayor and recorder, shall be filled by the common council by appointment.

SEC. 6. All elections for city officers shall continue but one day, and during that day from eight o'clock, A. M., to six o'clock, P. M. The polls may be closed for one hour at noon, at the option of the judges of election.

ARTICLE V.

SECTION. I. The mayor, recorder and common councilmen, and all other officers elected or appointed under this act, shall be qualified within ten days after their election or appointment, and shall enter upon the discharge of their duties; and all officers required to be elected by the people under this act, shall hold their office for one year and until their successors are duly qualified; the term of office to commence ten days after the annual election.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election, and choose a presiding officer from their number, and some suitable person as clerk. In case of the absence of the president, they may elect a president, *pro tempore*, who shall have the power, and perform all the duties of president. They shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members in such manner, and, under such penalties as the council may have previously prescribed. They shall judge of the qualifications, elections, and returns of their own members and the other officers qualified under this act, and determine contested elections. They may determine rules for their own proceedings, punish any member or other person for disorderly conduct in their presence at any meeting of the council, and with the concurrence of two thirds of all members elect, expel any member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause

the yeas and nays to be taken on any question, and entered on the journal, and their proceedings shall be public.

SEC. 3. The mayor and common council shall have power within the city :

1st. To make by-laws and ordinances not repugnant to the laws of the United States, or to the laws of this Territory.

2d. To levy and collect taxes, not to exceed one half of one per cent. per annum, upon all property made taxable by law for county and Territorial purposes. *Provided*, That if any person at any time after the annual assessment, shall commence the sale or barter of any goods, wares or merchandise, within said city, such person shall pay to the city treasurer a tax on such goods, wares or merchandise, proportioned to the amount paid for the city, county and Territorial taxes ; *And Provided further*, That said city council shall not pass any by-laws whatever, that will in anywise preclude any person from bringing into said city and selling any article of produce raised in the territory.

3d. To make regulations to prevent the introduction of contagious and other diseases into the city.

4th. To establish hospitals and make regulations for the government of the same, and to secure the general health of the inhabitants.

5th. To prevent and remove nuisances.

6th. To erect water-works either within or beyond the limits of the corporation, and provide the city with good and wholesome water.

7th. To license, tax, and regulate auctioneers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.

8th. To license and regulate porters, and to fix the rate of portage.

9th. To tax, license and regulate hackney carriages, wagons, carts, drays and omnibuses, and to fix the rate to be charged for the carriage of persons, and the wagonage, cartage and drayage of property.

10th. To license, tax, regulate and restrain bar-rooms, theatrical and other exhibitions, shows and amusements.

11th. To license, tax, restrain, prohibit and suppress billiard tables, tipping houses, gaming and gambling houses, and houses of ill-fame.

12th. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

13th. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

14th. To appoint fire wardens and prescribe their duties, and property guards, and to compel any person or persons present, to aid in extinguishing fires, or for the preservation of property exposed to danger in

time of fire, and by ordinance to prescribe such other powers as may be necessary on such occasions

15th. To establish and regulate a police.

16th. To impose a fine, forfeitures, and penalties for the breach of vide any ordinance.

17th. To erect a work-house, or a house of correction; and to provide for the government and regulation thereof.

18th. To remove all obstructions from the side and cross walks, and provide for the construction, cleaning and repair, of the same as well as all gutters, sewers, water courses and under-ground drainage.

19th. To establish and regulate night watch and patrol.

20th. To appropriate for any item of city expenditure, and to provide for the payment of the debts and expenses of the city.

21st. To grade, pave, plank, or otherwise improve, clean, and keep in repair streets and alleys.

22d. To regulate the storage of gunpowder, pitch, tar, rosin, and all other combustible materials, and the use of candles, lamps or other lights in shops, stables and other places. To prevent, remove or secure any fire-place, stove, chimney, oven, boiler, or other apparatus which may be dangerous in causing fire.

23d. To regulate and prescribe the manner of building partition walls and fences.

24th. To impose and appropriate fines forfeiture and penalties for the breach of any ordinance, and provide for the punishment of breaches of the city ordinances; but no fine shall be imposed of more than two hundred dollars, and no offender shall be imprisoned more than thirty days.

25th. To prevent and restrain any riot, noise, disturbance or disorderly assemblage in any street, house or place in the city.

26th. To provide for the collection and receiving by said city, of all moneys authorized by law, or which may be authorized to be assessed and collected for school purposes within said city, which fund so collected, shall be under the control of the city council; and be by them laid out and expended for free schools within said city in such manner as they shall deem most expedient.

27th. To provide for the protection and removal of obstructions in mill creek within the limits of the said city, and for compelling persons who have caused, or permitted to be caused, obstructions therein to remove the same. To provide bridges over the same and such improvements in the channel of said stream as may be deemed necessary or expedient.

SEC. 4. Any ordinance which shall have been passed by the common council, shall, before it becomes effective, be presented to the mayor

for his approbation; if he approves, he shall sign it; if not he shall return it with his objections in writing to the common council, who shall cause the same to be entered in their journal, and shall proceed to reconsider the same. If, after such reconsideration two thirds of the members of the common council shall agree to pass the same, it shall become an ordinance. In all such cases the votes shall be by yeas and nays; and the names of the members voting for or against the same shall be entered in the journal. If any ordinance shall not be returned by the mayor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become effective as if the mayor had signed it.

SEC. 5. All demands and accounts against the city, shall be audited by the council, and shall be paid by the treasurer on the warrant of the president of the council, countersigned by the mayor.

SEC. 6. The president of the council shall exercise the duties of mayor whenever the said office shall be vacant, or the mayor be absent from the city, or from any cause unable to attend to the duties of his office.

SEC. 7. The style of the city ordinances shall be as follows: "The people of the city of Walla Walla, do ordain as follows:"

ARTICLE VI.

OF THE SALARIES OF OFFICERS.

SECTION 1. The mayor shall receive no salary for his services until the city shall contain one thousand inhabitants or more.

SEC. 2. The members of the council shall receive no salary for their services until the city shall contain one thousand inhabitants or more.

SEC. 3. The recorder shall receive the same fees for his services as justices of the peace are entitled to by law for services of a similar nature.

SEC. 4. All other officers provided for in this act, or to be created, shall receive such compensation as may be established by ordinance.

SEC. 5. The salaries of the mayor and members of the common council shall be fixed by ordinance so soon as the city shall contain over one thousand inhabitants as aforesaid.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all bills appropriating money,

imposing taxes, increasing, lessening or establishing licenses, the yeas and nays shall be entered on the journal.

SEC. 2. The mayor may call a special session of the common council at any time, by proclamation, and he shall state to them when assembled, the cause for which they have been convened.

SEC. 3. When two or more persons have an equal and the highest number of votes for the office of mayor or recorder, the common council shall decide the election.

SEC. 4. All resolutions and ordinances calling for appropriations of any sums of money, shall lie over for seven days.

SEC. 5. No member of the city council, shall, during the period for which he is elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 6. The fiscal year of this city shall terminate on the second Tuesday in April in each year.

SEC. 7. The city council shall cause to be published at least one month before the annual election, a full, complete and detailed statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended, classifying each receipt and expenditure under its appropriate head.

SEC. 8. The legislature may at any time alter amend or repeal this charter.

SEC. 9. All laws and parts of laws heretofore passed and now in force in this Territory, in anywise conflicting with the provisions of this act, be, and they are hereby repealed, so far as they shall affect this act.

ARTICLE VIII.

SEC. 1 To carry the foregoing act into effect until the first election to be held on the second Tuesday in April A. D. 1862, the following officers are appointed to fill the offices created by this act for the city of Walla Walla: B. P. Standerfer, mayor; Jas. Gailbreth, recorder; H. C. Coulson, B. F. Stone, B. F. Whitman, D. S. Baker and Mr. Schwabacker, members of the council; Geo. H. Porter, marshal.

Passed, January 11th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

ASSIGNING THE DISTRICT JUDGES OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the Hon. E. P. Oliphant, associate justice, be and is hereby assigned to the First Judicial District, and to reside therein.

SEC. 2. That the Hon. J. E. Wyche be and is hereby assigned to the Second Judicial District, and to reside therein.

SEC. 3. That the Hon. C. C. Hewett, chief justice, be and is hereby assigned to the Third Judicial District, and to reside therein.

SEC. 4. Either of said district judges may hold court in any district other than that to which he was assigned, in case of the absence, sickness or disability of any one of the judges, to hold the regular term or terms of court.

SEC. 5. This act to take effect from the first day of April, A. D., 1862.

Passed, January 11th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

IN RELATION TO THE TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the salary of the Territorial Auditor shall be one hundred dollars per annum, to be paid by the Territorial Treasurer out of any funds not otherwise appropriated, quarter yearly.

SEC. 2. An act to amend an act creating the office and defining

the duties of Territorial Auditor, passed January 28, 1857, be, and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after the 16th January, 1862.

Passed, January 13th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF PIERCE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court be, and hereby is established within and for the county of Pierce, to be called the district court for Pierce county.

SEC. 2. The said court shall have exclusive jurisdiction within said county of all matters and causes, except those in which the United States is a party, in the same manner, and to the same extent as is now had and exercised by the district court of the second judicial district, with the same rights as to appeals, certiorari and writs of error from inferior courts, and to the supreme court, as is now provided and allowed by law.

SEC. 3. Said court shall be held by the judge of the second judicial district at the county seat of Pierce county, upon the fourth Monday of March, and the third Monday of September of each and every year, or at such time or times as shall be prescribed by the judges of the supreme court, or a majority of them.

SEC. 4. The said judge of the second judicial district shall appoint a clerk of the court, who shall give bonds and security as shall be ordered by said court or the judge thereof, and shall keep his office and records of said court at the county seat of said county; and said district court shall be a court of record, and the expense of holding the same shall be payable by the said county of Pierce.

SEC. 5. The various laws now in force, and which may hereafter be enacted, regulating the practice and proceedings in civil actions, and in criminal prosecutions, shall govern the practice and proceedings in said district court of the county of Pierce.

SEC. 6. The county commissioners, at their May session, shall select from the statement of persons qualified, a sufficient number to serve as grand and petit jurors, at each term of said district court for the ensuing year. And the county auditor shall therefrom furnish a list of grand and petit jurors so selected, to the clerk of said county of Pierce : *Provided*, That when, from any cause, there shall not be in attendance a sufficient number of qualified and competent grand or petit jurors, or the regular jurors shall not have been summoned, or shall have been discharged, it shall be competent for the court to order a sufficient number of qualified grand and petit jurors to be summoned from the by-standers, or from the body of the county.

SEC. 7. At least thirty days before the commencement of said terms of court, the clerk shall issue one venire, embracing the names of the grand and petit jurors, specifying which are grand and which petit jurors, commanding the sheriff to summons the persons so named, to attend on the first day of the term of said court.

SEC. 8. The number summoned as grand jurors shall not exceed sixteen, and the number of petit jurors summoned shall not exceed twenty-four ; and the provisions of law providing for the manner of selecting and procuring the attendance of jurors at terms of the several district courts, consistent with the foregoing, and not modified thereby, shall fully apply to the said district court of the county of Pierce.

SEC. 9. The foregoing sections which relate to summoning grand and petit jurors for the terms of said district court of the county of Pierce, shall not be construed to alter, amend, or repeal the law now in force in regard to the quota of jurors to be summoned from said county of Pierce to attend the district court of the second judicial district. But the said county of Pierce shall not be chargeable in any event for the mileage and attendance of any grand or petit jurors who may be summoned from said county of Pierce to attend any term of the district court of the second judicial district ; and no jurors shall be summoned to attend at the district court of said second judicial district, except upon the order of the judge thereof.

SEC. 10. All laws and parts of laws inconsistent with the foregoing be and the same are hereby repealed.

SEC. 11. This act to take effect, and be in force from and after its passage.

Passed, January 14, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO LOCATE A TERRITORIAL ROAD FROM THE HEAD OF PORT ORCHARD BAY, BY THE HEAD OF HOOD'S CANAL, TO INTERSECT THE TERRITORIAL ROAD RUNNING FROM OAKLAND, IN SAWAMISH COUNTY,, TO SABECK, IN KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That G. A. Paige, D. I. Sackman and Mr. Sherwood, of Sherwood's Mills, or any two of them be, and they are hereby constituted a board of commissioners to view out and establish a Territorial road from the head of Port Orchard Bay, by the head of Hood's Canal, to intersect the Territorial road running from Oakland to Sabeck.*

SEC. 2. Said commissioners shall meet at Port Orchard on the first Monday in April, A. D., 1862, or as soon thereafter as practicable, and, after being duly sworn (by any officer authorized to administer an oath) faithfully to perform the duties assigned to them, shall proceed to view and locate and mark out a road on the route designated on the nearest and most practicable route.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and cause a certified copy thereof to be filed with the Secretary of the Territory, and the county auditor of Kitsap and Sawamish counties, within sixty days from the completion of their labors, and when said report is so filed, the said road shall be considered a Territorial road, and shall be opened and kept in repair as other Territorial roads are.

SEC. 4. If, from any cause, one or more of said commissioners shall fail to qualify and act, the remaining members shall appoint some suitable person or persons, who shall have all the powers granted in this act.

SEC. 5. No charge shall be made against either county for services performed under this act, by these commissioners.

Passed, January 14th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT TO CREATE THE OFFICE OF TERRITORIAL SUPERINTENDENT OF COMMON SCHOOLS AND DEFINE HIS DUTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act creating the office of Territorial superintendent of common schools, passed January 31st, 1861, be, and the same is hereby repealed.

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

Passed, January 15th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section (1) of the act to which this is amendatory, shall be so amended as to read as follows: the pilot or pilots of Shoalwater Bay, shall always keep such boat or boats to cruise outside the bar, of not less than thirty tons, carpenters measurement, as may be approved as suitable by the power granting such branch or warrant.

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

Passed, January 16th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every person who shall wilfully and maliciously cut, break, injure or destroy any bridge, mill-dam, canal, flume, aqueduct, reservoir or other structure erected to create hydraulic power or to conduct water for mining or agricultural purposes, or any embankment necessary to the same, or either of them, or shall wilfully or maliciously make or cause to be made any aperture in such dam, canal, flume, aqueduct, reservoir, embankment or structure, with intent to injure or destroy the same, shall, on conviction thereof, be fined in any sum not more than one thousand dollars or be imprisoned in the penitentiary at hard labor not more than two years, or both such fine and imprisonment.

Passed, January 17th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

CONFERRING JURISDICTION ON THE DISTRICT COURT OF PORT TOWNSEND

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court is hereby established at Port Townsend, in the county of Jefferson, to be called the district court of Port Townsend.

SEC. 2. Said court shall have exclusive jurisdiction within the counties of Whatcom, Clalm, Jefferson, Island and Snohomish, of all matters and causes, except those in which the United States is a party or which are under exclusive jurisdiction of the United States Courts, in the same manner and to the same extent, as is now had and exercised by the dis-

district court of the third judicial district, with the same right as to appeals, certiorari, and writs of error from inferior courts, and to the supreme court as is now, or hereafter may be provided by law. *Provided*, nothing herein contained shall be construed so as to prevent the holding of admiralty courts at said Port Townsend, for the said third judicial district.

SEC. 3. Said court shall be held by the judge of the third judicial district at Port Townsend aforesaid, at such time or times as shall be prescribed by the judges of the supreme court, or the judge of said third judicial district, at time or times not named by the said judges of the supreme court.

SEC. 4. The said district judge of the third judicial district, shall appoint a clerk of the court, who shall give bonds and security as shall be ordered by the said court or the judge thereof, and shall keep his office and records of said court at said Port Townsend, and said district court shall be a court of record, and the expense of holding the same shall be payable by the said counties.

SEC. 5. The various laws now in force, and which may hereafter be enacted or become in force, regulating the practice and proceedings in civil actions and criminal prosecutions, shall govern the practice and proceedings in said district court of Port Townsend.

SEC. 6. The said court or the judge thereof, shall direct the number of grand and petit jurors to be summoned from each of said counties to attend at the several terms of said court, and shall direct the clerk to certify to the auditor of each of the counties, the number of grand and petit jurors apportioned to each county; whereupon said jurors shall be selected and summoned in said counties, as is now or hereafter may be provided by law for the selection and summoning of jurors to attend upon the district courts. *Provided*, That when from any cause there shall not be in attendance a sufficient number of grand or petit jurors, or when those summoned shall have been discharged, it shall be competent for the court to order a sufficient number of qualified and competent jurors from the bystanders or from the bodies of all or any of said counties; and the court after discharging a grand jury, may order one or more grand juries, to be empanelled at the same term, provided the same shall, in the opinion of the court be necessary.

SEC. 7. The number summoned as grand jurors shall not exceed sixteen, and the number of petit jurors shall not exceed twenty-four but may be in lesser number of either in the discretion of the judge of said court; and the provisions of the act to provide for the manner of selecting and procuring the attendance of jurors at the terms of the district court, passed, January twenty-seventh, one thousand eight hundred and fifty-

seven, consistent with the foregoing and not modified thereby, shall fully apply to the said district court of Port Townsend.

SEC. 8. The foregoing sections which relate to the summoning of grand and petit jurors for the terms of said district court of Port Townsend, shall not be construed to alter, amend or repeal the law now in force in regard to the quota of jurors to be summoned from said counties, to attend the district court of the third judicial district. But the said counties shall not in any event be chargeable for the mileage and attendance or either, of any grand or petit jurors who may be summoned from said counties, or either of them, to attend any term of the district court of the third judicial district, if held at any other place than Port Townsend aforesaid, and no jurors shall be summoned to attend the district court of said district except upon the order of the said district judge.

SEC. 9. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after the first day of April next, 1862.

Passed, January 20th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

IN RELATION TO CLERKS OF THE DISTRICT COURTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the clerks of the district courts of the Territory of Washington and their deputies be, and they are hereby required to file a duplicate copy of their appointment with the Secretary of the Territory within sixty days from and after their appointment: *Provided,* That the same shall extend to clerks now holding an appoint-

ment, in which latter case, it shall be construed from and after the passage of this act.

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

Passed, January 21st, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

IN RELATION TO QUALIFICATION OF GRAND AND PETIT JURORS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* All qualified electors and householders shall be competent to serve as grand jurors, and all qualified electors shall be competent to serve as petit jurors within the county where they reside, or within any county or district to which such county may be attached for judicial purposes; *Provided,* That civil officers of the United States, justices of the peace, judges of the probate court and judges of the supreme court, attorneys at law, ministers of the gospel, or priests, school teachers, practicing physicians, sheriffs and their deputies, constables, clerks of courts, county and Territorial officers, millers, ferrymen, and all persons more than sixty years of age, shall not be compelled to serve as jurors, and in preparing jury lists, the county commissioners shall omit the names of such persons; but no act of a grand or petit jury shall be invalid by reason of such person or persons aforesaid, serving thereon, if qualified in other respects. Nor shall the disqualification of any member of a grand or petit jury affect the indictment or verdict, unless the juror for that cause was challenged or excepted to, before the rendition of the verdict.

Passed, January 21st, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM THE HEAD OF LITTLE SKOOKUM BAY IN SAWAMISH COUNTY, TO THE COUNTY SEAT OF CHEHALIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That David Forbes, N. G. Terrell, E. Chase of Sawamish county, James Waldrip and George Jones of Chehalis county, be, and they are hereby appointed and constituted a board of commissioners to view and establish a Territorial road, from the head of Little Skookum bay, in sawamish county, to the county seat of Chehalis county, or to the intersection of the present Territorial road, leading down the Chehalis river, to the county seat of Chehalis county.

SEC. 2. Said commissioners, or a majority of them, shall meet at the residence of D. Forbes, in Sawamish county, on the first Monday in May next, or as soon thereafter, as circumstances will permit, and after being duly sworn faithfully to view and locate said road on the nearest and most practicable route, from the head of little skookum bay, by way of Chase's prairie, thence to Anderson's prairie, where the road will intersect the Territorial road leading down the Chehalis to the county seat of the aforesaid county of Chehalis.

SEC. 3. Said commissioners shall have authority to adjourn from time to time, and from place to place, to fill any vacancy that may occur in said board, and after their first meeting and being sworn in, the said commissioners shall have authority to administer any oath necessary and proper to carry into effect this act.

SEC. 4. And the commissioners aforesaid shall cause a true report of their proceedings to be made and a true copy of the same to be deposited with the county auditor of Sawamish and Chehalis counties, who shall file and preserve the same, after which said road shall be in every respect a Territorial road, and shall be opened and kept in repair as other Territorial roads.

SEC. 5. This act shall not be so construed as to make either of the aforesaid counties liable for any expense attending the location of the said road.

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

Passed, January 22d, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT REGULATING FEES AND COSTS IN THE COUNTIES OF SPOKANE, SHOSHONE, NEZ PERCE AND IDAHO.

SECTION 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 in the counties of Spokane, Shoshone, Nez Perces and Idaho:

CLERK OF THE SUPREME AND DISTRICT COURTS.

1st. For filing declaration, petition, pleas, demurrer, affidavit, exhibit, or any other paper in each cause, each,	20
For issuing capias, attachment, execution, certiorari, supersedeas, habeas corpus, information, mandate, writ of error, replevin, and for any other original writ, each	2 00
For entering each writ.	50
For issuing writs of rendition, exponas, or order of sale, every hundred words	20
For entering appearance of either party, personally, or by attorney, charged but once	20
For entering sheriff's return on any writ, for every folio	20
For docketing appeals from justices court	50
For writs of venire, for jury, charged in each cause.	1 00
For receiving panel and swearing jury	50
For swearing witnesses, each	10
For entering claim for each witness for their attendance.	20
For giving order thereof for each witness.	20
For entering judgment, recognizance, special rule, continuance, discontinuance, retraxit, 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, each	2 00
For entering surrender of principal, by bail, exonerator canceling bail bond, discharge of recognizance, issue joined, motion, nonsuit, report of referees, appeals from inferior courts, appeals to higher courts, and acknowledgments each.	2 00
For taking affidavits, each	50
For taking affidavits, with seal attached.	1 00
For writing affidavits per folio.	20

SHERIFF'S

2d. For service of every notice and complaint, and return thereof, on each defendant, besides mileage.....	1 50
For levying each writ of execution, on real or personal property, besides mileage.....	2 00
For service of <i>capias ad satisfaciendum</i> , upon the body of each defendant named in the writ, besides mileage.....	2 00
For every bail bond.....	1 00
For serving writ of possession, without the aid of the county besides mileage.....	3 00
For serving writ of possession, with the aid of the county, besides mileage.....	5 00
For executing a writ of inquiry, and returning the same with inquiry.....	3 00
For copy of any complaint, notice, writ or process necessary to complete a service, for each one hundred words.....	20
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
Percentage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, under one thousand dollars, two per cent.	
Percentage on all sums over one thousand dollars, one per cent.	
For serving declaration in ejection, and return, besides mileage	1 00
For making a deed of land sold on execution, decree, or order of court, to be paid by the grantee.....	6 00
For serving <i>scire facias</i> for each defendant, besides mileage.....	1 00
For calling jury.....	1 00
For calling each witness.....	10
For bringing up a person on a writ of <i>habeas corpus</i> , besides mileage.....	2 00
For each day's attendance on any court of record.....	5 00
For posting each notice of election, besides mileage.....	50
For executing a sentence of death.....	50 00
For each mile necessarily traveled in going.....	50

JUDGE OF PROBATE.

3. For granting letters of administration.....	2 00
For probate of will or testament.....	2 00
For granting letters testamentary.....	2 00
When the same are contested.....	3 00
Taking bonds in any case.....	1 00
Hearing complaints against spendthrifts and lunatics.....	4 00
Appointing guardian.....	1 00
Decree of settlement of an estate.....	1 00
When contested.....	2 00
Order of distribution.....	2 00
Examining inventory of appraisement on bill of sale, and filing the same in office, each.....	1 00
Every writ, or process, under seal.....	1 00
Each order of court on record.....	50
Examining accounts, each hundred words, counting two figures for a word.....	20
Warrant to appraise or divide an estate.....	1 00
Issuing commission.....	1 00
Allowing appeal.....	25
Approving securities in bonds, each.....	50
Assigning dower in real estate.....	2 00
Assigning personal estate to widow.....	2 00
Refusing letters of administration or probate of will, to be paid by the losing party.....	2 00
For every continuance when asked by a party.....	50
Order for the sale of personal estate.....	1 00
Certificate of necessity for the sale of real estate.....	1 00
Order for partition of real estate.....	1 00
Allowing reports on the accounts of executors or administrators.....	1 00
Extending letters of administration.....	50
Decree respecting the probate of will or codicil.....	1 00
A quietus.....	50
Filing each paper.....	25
Administering an oath.....	20
Recording all papers required by law to be recorded, for each hundred words.....	20
Order the appointment of an insolvent estate among the creditors acknowledgment with seal.....	2 00

Entering appointment of executors, administrators or guardians, or other appointments necessary	1 00
Issuing letters of guardianship	1 00
For hearing each contested case, to be taxed as cost against the party in default	5 00
Issuing citations to executors, administrators and guardians	1 00
Copies of papers and of records, each one hundred words	20

COUNTY COMMISSIONERS.

4. For services per diem, besides mileage	6 00
Mileage going to the county seat, for each mile traveled	50

COUNTY AUDITOR.

5 For making out assessment roll to county assessor for each quire such roll may contain	10 00
For making out original tax duplicate for each one hundred words such duplicate may contain, counting every two figures as a word	20
For making out exhibit of receipts and expenditures of county for past year, counting every two figures as a word	20
For each settlement of his accounts, or of any other officer with the county	1 00
For filing each paper, exhibit, or necessary document connected with the duties of his office	20
For attending each regular and special term of board of county commissioners, per diem	6 00
For recording proceedings of board of county commissioners, for each one hundred words	20
For each order drawn on county treasurer	20
For copy of any order drawn upon the order of the board	50
For drawing each receipt	20
For each notice delivered to the sheriff for general or special elec- tions	50
For opening and examining election returns and making abstracts of votes and copies thereof, per diem	6 00
For each certificate of election, to be paid by the parties entitled to the same	1 00
For each order for view of road	25
For taking bonds for county officers and all other persons required by the board or by law, to give bonds, each	2 00

GENERAL LAWS.

39

For taking oaths of county officers and other persons, and certifying to the same.....	1 00
Administering an oath.....	10
For each bond executed by the commissioners to purchase of county property, and other purposes.....	2 00
For each deed executed by county commissioners.....	3 00
For each poll book delivered to sheriff or judges of election....	1 00
For filing each bond, both receipt, bill, order, appointment and petition, report, resignation, deed, affidavit and all other papers required to be put on file.....	20
For issuing each license under seal for grocery, tavern, ferry, or to pedlers, showmen, or managers or owners of circus and all other license, to be paid by the party to whom granted.....	1 00
For entering of license on record.....	25
For entering approval of county commissioners of license granted in vacation in each case to be paid by applicant.....	1 00
For notifying clerk of the district court of the selection of grand and petit jurors, each list.....	1 00
For all writs ordered issued by the board, or required by law, the same fees as are allowed the clerk of the district court for the same service.....	
For reading and entering petition for view of road, to be paid by petitioners.....	2 00
For reading and entering remonstrance against view of road, or petition for damages, each to be paid by the person remonstrating.....	2 00
For entering appointment of road viewers.....	50
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....	50
For certified copy of commissioners proceedings, or parts thereof, for each one hundred words, to be paid by the party requiring such copy.....	20
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.

6. For every protest of a bill of exchange or promissory note....	2 00
Attesting any instrument of writing and seal.....	1 00

GENERAL LAWS.

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

CORONERS.

7. For each inquest he may hold, besides mileage.....	10 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.....	1 00

JURORS.

8. That each grand and petit juror shall be allowed for each day's attendance, if not a talesman.....	3 00
For every mile travel to and from the seat of justice.....	20
Talesman serving as a petit juror, each trial.....	2 00
Talesman serving as a petit juror, each trial, where he may be detained more than one day, per diem.....	3 00
For every day's attendance upon justices of the peace court, besides mileage.....	2 00
For serving an inquest, besides mileage.....	2 00

JUSTICES OF THE PEACE.

9. For a capias or notice.....	1 00
For a warrant in criminal cases.....	1 00
For taking a recognizance of bail.....	2 00
For committing to jail.....	1 00
For every subpœna for one person.....	25
For all persons more than one named in a subpœna.....	20
For entering a judgment on trial.....	1 50
For entering a judgment of confession or default.....	1 00

GENERAL LAWS.

41

For issuing an execution	1 00
For each one hundred words on certified copy of proceedings on appeal, certiorari, or otherwise	20
For every adjournment at the request of either party	50
For entering a rule of reference or copy thereof, each	25
For swearing witnesses, jurors or arbitrators, each	20
For issuing writs of attachment	1 00
For scire facias	1 00
For entering a discontinuance or satisfaction	50
For the acknowledgement of a deed, or other instrument of writing, with a certificate thereof	1 00
For a venire for a jury	1 00
For a writ of restitution	1 00
For taking affidavits, each	50
For every search warrant	1 00
For attending with clerk of the board of county commissioners at the opening of the poll books, per diem	6 00

CONSTABLES.

10. For service of complaint, and notice on each defendant, besides mileage	2 00
For summoning a jury on a dead body, besides mileage	5 00
For service and return of a capias or warrant, besides mileage	1 00
For committing to prison, besides mileage	1 00
For serving an execution on goods, besides mileage	2 00
For all moneys made on execution, five per centum.	
For every day's attendance upon any court of record	5 00
For serving other writs or any process, besides mileage	1 00
For summoning jury before justices of the peace	3 00
All sheriffs, when performing the duties of constables, shall be allowed no other fees than those allowed to constables as above.	

WITNESSES.

11. For every day's attendance upon the supreme or district court, besides mileage	5 00
--	------

For every day's attendance upon county commissioners or probate court, besides mileage.....	3 00
For every day's attendance upon justice of the peace court, besides mileage.....	3 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.....	3 00
For certificate of such entry under a seal of the court.....	2 00
For entering the final admission of an alien to the rights of citizenship.....	5 00
For a certified copy thereof, under the seal of the court.....	5 00

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 in relation to said counties.

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 fifty cents a mile, and only for the distance actually and necessarily traveled in going only.

Sec. 7. All laws and parts of laws in conflict herewith, be, and the same are hereby repealed, so far as the same relates to the counties herein before named.

Passed, January 23d, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO INCORPORATE THE UNIVERSITY OF THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Daniel Bagley, Paul K. Hubbs, J. P. Keller, John Webster, E. Carr, Frank Clark, G. A. Meigs, Columbia Lancaster and C. H. Hale, their associates and successors in office, are hereby constituted a board of regents, a body corporate and politic, with perpetual succession, under the name of the University of the Territory of Washington, by which they may sue, and be sued, plead and be impleaded, in all the courts of law and equity.

SEC. 2. The University shall provide the inhabitants of this Territory, with the means of acquiring a thorough knowledge of the various branches of the literature, science and arts.

SEC. 3. The government of the University, is vested in the board of regents.

SEC. 4. Three regents of the University, shall be elected by the legislature each year, after the first year. The regents at their first meeting, shall determine by lot, whose term shall expire the first year, the second &c., until the term of office of the above board shall expire. In case of a vacancy, when the legislature is not in session, the Governor may appoint.

SEC. 5. The board of regents shall have a corporate seal, and the same alter or break at pleasure; may hold all kinds of estate, real, personal, or mixed, which they may acquire by purchase, donation, devise, or otherwise, necessary to accomplish the object of the corporation.

SEC. 6. The regents, shall have power to enact ordinances, by-laws and regulations, for the government of the University; to elect a President; to fix, increase and reduce the regular number of Professors and and Tutors, and to appoint the same, and to determine the amount of their salaries,

SEC. 7. They shall have power to remove the President, and any Professor or Tutors, when the interest of the University shall require it.

SEC. 8. They shall have power to appoint a secretary, librarian, treasurer, steward, and such other officers as the interests of the institution may require, who shall hold their offices at the pleasure of the board, and receive such compensation as the board may prescribe. *Provided*, That the treasurer shall not in any case, be a member of the board of regents, or board of University commissioners.

SEC. 9. The University shall consist of at least four departments.

1st. A department of literature, science and arts.

2d. A department of law.

3d. A department of medicine.

4th. A military department.

These departments may be organized and such others added, as the regents shall deem necessary, and the state of the University fund shall allow.

SEC. 10. The regents shall provide for the arrangements and selection of a course or courses of study in the University, for such students as may not desire to pursue the usual collegiate course in the department of literature, science and the arts, embracing the ancient languages and to provide for the admission of such students, without previous examination, as to their attainments in said languages, and for granting such certificates at the expiration of such course, or term of such students, as may be appropriate to their respective attainments.

SEC. 11. The immediate government of the several departments shall be intrusted to the President and the respective Faculties; but the Regents shall have power to regulate the course of instruction, and prescribe under the advice of the professors, the books and authorities to be used in the several departments; and also to confer such degrees, and grant such diplomas as are usually conferred and granted by other similar institutions.

SEC. 12. The fee of admission to the regular University course in the department of literature, science and the arts, shall not exceed ten dollars, but such course or courses of instruction as may be arranged under the provisions of section nine of this act, shall be open without fee, to the citizens of this Territory.

SEC. 13. The University shall be open to all persons residents of this Territory under the regulations prescribed by the Regents, and to all other persons under such regulations and restrictions as the board may prescribe.

SEC. 14. The moneys received from the sale of land or otherwise, shall be paid to the treasurer, and so much thereof as shall be necessary for the purpose, shall be expended by the Regents in keeping the University buildings in good condition and repair; also, in meeting the general expenses of the institution. The treasurer shall give bonds in the sum of fifteen thousand dollars, to be approved by the Governor, which shall be increased whenever he may deem the same necessary.

SEC. 15. The board of Regents shall make an exhibit of the affairs of the University in each year, to the Legislature, setting forth the condition of the University, the amount of its receipts and expenditures, the number of students in the several departments, and in the several classes; the books of instructions used, and an estimate of the expenses for the ensuing year.

SEC. 16. The meetings of the board may be called in such manner as the Regents shall prescribe, four of them shall constitute a quorum for the transaction of business, a less number may adjourn from time to time.

SEC. 17. A board of visitors to consist of three persons shall be appointed bi-ennially at the commencement of the collegiate year, by the board of Regents. It shall be their duty to make a personal examination into the state and condition of the University in all its departments, once at least in each year, and report the result to the board of Regents, suggesting such improvements as they may deem important.

SEC. 18. The Regents and visitors of the University shall each receive pay for the actual and necessary expenses incurred by them in the performance of their duties, which shall be paid out of the University fund.

SEC. 19. All orders on the treasurer shall be signed by the secretary and countersigned by the President.

SEC. 20. This act shall not be so construed as to prevent the legislature from making such amendments to the same, as the welfare of the University may require.

Sec. 21. This act shall take effect and be in force from and after its passage.

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT ESTABLISHING A COMMON SCHOOL SYSTEM FOR THE TERRITORY OF WASHINGTON," PASSED JANUARY 24th, 1860.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of each county, be, and they are hereby authorized and directed to appoint a county school superintendent in all cases of vacancies in their respective counties, who shall hold his office, and perform the duties of county school superintendent until his successor is elected and qualified according to law.

SEC. 2. That the said superintendent is hereby authorized and directed to receive district reports of scholars &c., as by law required; and make the district apportionment of funds for the present year, and the county treasurer is hereby directed to pay the funds so apportioned, upon the order of said superintendent.

SEC. 3. The district clerk of the several school districts in each county, is hereby allowed the time of fifteen days, after the first Friday in November of each year, in which to make his report to the county superintendent according to law.

SEC. 4. All parts of the act of which this act is amendatory, in conflict herewith, are hereby repealed.

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

Passed, January 24th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO PROVIDE FOR THE PAYMENT TO THE GENERAL GOVERNMENT OF THE AMOUNT DUE FROM THIS TERRITORY UNDER ACT OF CONGRESS, ENTITLED AN ACT TO PROVIDE INCREASED REVENUE, &C. APPROVED, AUGUST 6TH, 1861, AND TO PROVIDE FOR THE COLLECTION OF THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of \$7,755,33 $\frac{1}{2}$ to be paid to the United States Government, be, and the same is hereby directed to be raised by direct taxation.

SEC. 2. It shall be the duty of the county auditors of the several counties in this Territory forthwith upon the approval by the commissioners of the assessment roll for such county, for the year 1862, to make out and certify to the Territorial auditor, a copy of such assessment roll.

SEC. 3. If, on the first day of July, A. D., 1862, any county in this Territory shall have neglected or failed to deposit with the said Territorial auditor, such certified copy of assessment roll for the year 1862, it shall then be lawful, and the territorial auditor is hereby directed to procure such roll forthwith, by sending a messenger for the same, or in such other method as he shall deem cheapest and most expeditious, and in that case the failing county shall be, and hereby is required to pay the expenses of such messenger, or of procuring said copy of assessment roll.

SEC. 4. In case the Territorial auditor has to send for or procure the copy of any assessment roll as provided in the preceding section, it shall be his duty to certify to the auditor of such county the amount of ex-

pense incurred, and it shall thereupon become the duty of such county auditor, upon the presentation of such certificate, forthwith to draw his warrant upon the treasurer of his county for the payment of the same, and the county treasurer is hereby required to make payment thereof.

SEC. 5. Immediately upon the receipt of the Territorial auditor of copies of the assessment rolls for all the counties in this Territory it shall be, and is hereby made his duty to apportion to each county the proportion of said sum of \$7,755,33 $\frac{1}{3}$, that such county shall pay. *Provided*, that said auditor in making such apportionment, shall apportion to each county the amount of said sum that shall be in proportion to its part of the entire tax of the Territory, for schools, road, county and Territorial purposes—That is to say—if the assessment rolls show that a county pays $\frac{1}{8}$ or other proportion of the entire tax of the Territory, then such county shall be apportioned to pay a like part of the said sum of \$7,755,33 $\frac{1}{3}$.

SEC. 6. It shall forthwith, upon making such apportionment, be the duty of said Territorial auditor to forward to the auditors of the several counties, a certificate of the amount that such county is required to raise, and it shall thereupon be the duty of the county auditor to levy and apportion such amount or tax on the dollar of the taxable property of his county as will be sufficient to liquidate the amount such county shall have been required to pay, and to issue a warrant to the collector, and the said collector shall proceed to collect the said tax in cash in the same manner that Territorial taxes are collected.

SEC. 7. The tax hereby authorized and created shall be called a government tax, and shall be paid by the persons collecting the same to the Territorial treasurer immediately upon its receipt, and the territorial treasurer is hereby authorized to pay the same over to any agent authorized by the United States government to receive the same, and to take and file his receipt therefor.

Passed, January 25th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO INCREASE THE FEES OF JUSTICES OF THE PEACE AND CLERKS OF THE DISTRICT COURT AND JURORS IN THE COUNTY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the fees of justices of the peace, clerks of the district courts and jurors in the county of Walla Walla, be as follows :

JUSTICES OF THE PEACE.

For a <i>capias</i> or notice.....	1 00
For a warrant in criminal cases.....	1 00
For taking a recognizance of bail.....	1 00
For committing to jail.....	1 00
For every subpoena for one person.....	25
For all persons more than one named in a subpoena.....	20
For entering a judgment on trial.....	1 50
For entering a judgment of confession or default.....	75
For issuing an execution.....	1 00
For each one hundred words on certified copy of proceedings on appeal, certiorari, or otherwise.....	20
For every adjournment at the request of either party.....	50
For entering a rule of reference or copy thereof, each.....	25
For swearing witnesses, jurors or arbitrators, each.....	20
For issuing writs of attachment.....	1 00
For <i>scire facias</i>	1 00
For entering a discontinuance or satisfaction.....	50
For the acknowledgement of a deed, or other instrument of writing, with a certificate thereof.....	1 00
For a venire for a jury.....	1 00
For a writ of restitution.....	1 00
For taking affidavits, each.....	50
For every search warrant.....	1 00
For attending with clerk of the board of county commissioners at the opening of the poll books, per diem.....	6 00

JURORS.

SEC. 2. That each grand and petit juror shall be allowed for each day's attendance, if not a talesman..... 3 00

For every mile travel to and from the seat of justice	20
Talesman serving as a petit juror, each trial	2 00
Talesman serving as a petit juror, each trial, where he may be detained more than one day,	3 00
For every day's attendance upon justices of the peace court, besides mileage	3 00
For serving on an inquest, besides mileage	2 00

CLERK OF THE DISTRICT COURT.

SEC. 3. For filing declaration, petition, pleas, demurrer, affidavit, exhibit, or any other paper in each cause, each	25
For issuing capias, attachment, execution, certiorari, supersedeas, habeas corpus, information, mandate, writ of error, or replevin, and for any other original writ, each	2 00
For entering each writ	50
For issuing writs of rendition, exponas, or order of sale, every hundred words	25
For entering appearance of either party, personally, or by attorney, charged but once	25
For entering sheriff's return on any writ, for every folio	50
For docketing appeals from justices of the peace court	25
For docketing each cause, to be charged but once	50
For writs of venire, for jury, charged in each cause tried,	1 00
For receiving panel and swearing jury	50
For swearing witnesses, each	25
For entering claim for each witness for their attendance	25
For giving order therefor to each witness	50
For entering judgment, recognizance, special rule, continuance, discontinuance, retraxit, 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, each	1 00
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	1 00
For taking affidavits, each	50

For taking affidavits, with seal attached each.....	2 00
For writing affidavits per folio of 100 words.....	20
Passed, January 24, 1862.	

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO APPORTION THE REPRESENTATION OF WASHINGTON TERRITORY.

SECTION 1. *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 sooner occur, to wit :

The counties of Whatcom and Island shall elect one in the year 1864 : Jefferson and Clalam shall elect one, in the year 1863 : King and kitsap shall elect one in the year 1863 : Pierce and Sawamish one in the year 1864 : Walla Walla, Missoula and Shoshone shall elect one in the year 1864 : Skamania, Klickatlat, Walla Walla and Spokane shall elect one in the year 1863 : Idaho and Nez Perces shall elect one in the year 1862 : Clarke, Cowlitz, Wahkiakum and Pacific shall elect one in the year 1862 . Thurston, Lewis and Chehalis shall elect one in 1862.

SEC. 2. The representation in the House of Representatives shall be as follows :

The counties of Clallam and Jefferson shall elect one : Jefferson shall elect one : Clarke shall elect three : Cowlitz and Wahkiakum shall elect one : Chehalis and Sawamish shall elect one : Idaho shall elect one : Island shall elect one : Klickatlat and Skamania shall elect one : King shall elect one : Kitsap shall elect two : Lewis shall elect one : Missoula shall elect one : Pierce shall elect two : Pacific shall elect one : Spokaue shall elect one : Shoshone shall elect three : Thurston shall elect three : Walla Walla shall elect three : Whatcom shall elect one : Nez Perces shall elect one.

SEC. 3. All acts in conflict with this act be and the same is hereby repealed.

Passed, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

IN RELATION TO NOTARIES PUBLIC.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Governor shall hereafter appoint as many notaries public for said Territory, as he shall deem expedient, who shall hold their office for the period of three years, and until their successors shall be duly appointed and qualified, and they shall be severally commissioned and engaged thereon according to law.

SEC. 2. Notaries public are hereby authorised within the Territory of Washington to act, transact, do and finish all matters and things relating to protests, and protesting bills of exchange and promissory notes, and all other matters within their office required by law; to take depositions as prescribed by law, and acknowledgments of deeds and other instruments, and to administer oaths.

SEC. 3. Every notary public, before he enters upon the duties of his office, shall provide an official seal, which shall be approved by the Governor, and shall deposit an impression of the same, together with his official oath, in the office of the Secretary of the Territory.

SEC. 4. The Governor may remove any person heretofore, or who may hereafter be appointed a notary public, who has or shall neglect to provide himself with a proper official seal, or who, from any cause, may be incompetent.

SEC. 5. It shall be sufficient for any person acting as notary pub-

lic, to certify an oath to be used in this Territory in any of the courts, or in any manner whatever, to say simply in addition to his name, "Notary Public," and all the courts of this Territory shall consider an oath or affidavit properly certified by an acting notary, without the impression of his seal or other or further addition.

SEC. 7, [6.] This act to take effect, and be in force from and after its passage.

Passed, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

RELATIVE TO THE COLLECTION OF A POLL TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That each male inhabitant of this Territory over twenty one years of age and under fifty years of age, and not by law exempt from poll tax, shall pay a poll tax of two dollars for the use of the Territory and county, forty per cent of the net proceeds to be paid into the county treasury for the use of the county, the remaining sixty per cent of the net proceeds to be paid into the county treasury for the use of the Territory. *Provided,* he shall pay the same to the assessor between the first Monday in March and the first Monday of October in each year, and in default of paying the same to the assessor within the time specified, each such inhabitant shall pay a poll tax of four dollars for the use of the Territory and county, the collection of which shall be enforced by the assessor, whether the name be listed or not, and the assessor shall receive ten per cent of the amount of poll tax by him lawfully collected at any time from the first Monday of October to the first Monday of March in each year.

SEC. 2. No person shall be deemed or held to have paid his poll tax, unless he is able to exhibit a receipt therefor, issued by the Territorial auditor or otherwise prove the payment of the same.

SEC. 3. The Territorial auditor shall immediately after the passage of this act, for the present year (and thereafter before the first Monday of March in each year,) cause proper blank receipts for poll taxes to be printed of a uniform appearance (changing the style thereof each year) and shall cause a number thereof equal to the probable number of inhabitants in each county liable to poll tax, to be immediately forwarded to the county treasurer of each county, who shall sign and number them, or as many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereupon issue them.

SEC. 4. No receipts for poll tax other than those named in the third section of this act shall be used or given for the payment of any such tax, and any assessor who shall receive any poll tax without delivering the proper receipt required by law, shall be deemed guilty of a misdemeanor for such unlawful receipt so delivered, and on conviction thereof shall be punished by imprisonment in a county jail, not less than three months nor more than one year, and by a fine of not less than one hundred nor more than one thousand dollars.

SEC. 5. Upon receiving such executed receipt from the clerk of the board of county commissioners, the officer authorized to collect the poll tax for the time being, shall give a receipt to the clerk for the same, and the clerk shall charge the same to the officers so receiving them. All such receipts delivered shall be filled with the sum of two dollars, and shall be charged to him for each one so delivered, and all such receipts delivered to the assessor after the first Monday of October, in each year, shall be filled out with the sum of four dollars, and four dollars shall be charged to him for each one so delivered.

SEC. 6. On the first Wednesday after the first Monday of October in each year the treasurer, the assessor and the clerk of the board of county commissioners of each county, shall attend at the office of the auditor, and make a settlement with the assessor for all such receipts received by him, and the assessor shall thereupon pay over to the county treasurer all moneys received by him for poll tax, deducting therefrom ten per cent for each dollar so collected, and the assessor shall deliver the receipt of the treasurer, or a duplicate thereof, to the county auditor, and the clerk of the board of county commissioners shall also render to the auditor a statement of the amount of poll tax receipts charged against the assessor; the assessor and his bondsmen shall be held responsible for the payment of the amount received by him and not returned on such settlement to the said clerk, less

ten per cent for the collection thereof, and in default of any payments required of the assessor, the district attorney shall cause suit to be instituted against him and his sureties in the like manner, and with the same penalties as provided for suits against the sheriff and his sureties.

SEC. 7. The board of county commissioners of each county shall exact an additional bond from the assessor with additional sureties, in such penal sums as the said board shall deem necessary to insure the faithful and prompt payment to the county treasurer of all moneys received by such assessor for poll tax.

SEC. 8. The county auditor shall be ex-officio, the clerk of the board of county commissioners, except when a clerk shall be especially elected by such board according to law.

SEC. 9. To enforce the collection of poll taxes, as provided in this act, the assessor may seize so much of every and any species of property right, claim or possession whatever, claimed by any person liable to, and refusing or neglecting to pay his poll tax, or in the possession of, or due from any other person and belonging to such person so refusing to pay such poll tax, as will be sufficient to pay such poll tax, and costs of seizure, and shall and may sell the same at any time or place upon giving a verbal notice one hour previous to such sale; and any person indebted to another liable to poll tax, who shall neglect or refuse to pay the same, may pay the same for such other, and deduct the amount thereof from such indebtedness; the assessor after having deducted the poll tax for which such property was sold and the necessary fees and costs of the sale, shall return the surplus of the proceeds to the owner of the property; a delivery of the property by the assessor to any purchaser at any such sale shall be a sufficient title in the purchaser without the execution of a deed thereof by the assessor.

SEC. 10. The assessor shall on the first Monday of December in each year, settle for all poll taxes collected by him, and shall pay over to the treasurer the amount of poll tax receipts which he shall have received from the auditor, after deducting the fees for collection, which he shall not then exhibit as still remaining uncollected, and on the first Monday in March of each year, the assessor, the treasurer and clerk of the board of county commissioners shall meet and then and there settle with the county auditor for all poll tax receipts signed by the treasurer and delivered to said clerk, and the said clerk and his sureties shall be responsible for all such poll tax receipts delivered to him, which he shall not then return or be able to account for, with receipts or vouchers from the assessor, and the assessor shall then pay over the amount of all poll tax receipts by him received, and not then and there returned, and all the poll tax receipts returned by the assessor and clerk of the board of county commissioners,

shall be transmitted by the county auditor with his annexed statement to the Territorial auditor and no poll tax receipts shall be valid for the coming year, after the first of March in each year.

SEC. 11. Any person or persons who shall pass, sell or transfer or attempt to pass, sell or transfer, or who shall forge or fraudulently issue any receipt or receipts for poll tax, contrary to the spirit and intention of this act, shall be deemed guilty of fraud, and on conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than two years.

SEC. 12. At the settlement with the assessor required on the first Monday in December in each year, it shall be the duty of the county auditor, and he is hereby required to forthwith transmit to the Territorial auditor a certified statement of the amount of all such poll taxes paid over to the county treasurer of his county, up to that time, and he shall deliver a duplicate of such statement to the county treasurer; and on the final settlement, on the first Monday in March in each year, the county auditor shall immediately upon the conclusion thereof transmit a certified statement to the Territorial auditor, stating therein the number of all receipts for poll tax issued by the county treasurer to the clerk of the board of county commissioners, and also the number of such receipts issued by the said clerk to the assessor, and also the number of such receipts returned by the assessor, and also the number of such receipts then transmitted to the Territorial auditor.

SEC. 13. Of the money collected under this act, one and one-half per cent shall be paid to the clerk of the board of county commissioners, and one and one-half per cent shall be paid to the auditor, and after all the expenses of collection are paid, then fifty per cent shall be paid into the county treasury for county purposes, and the remaining sixty per cent shall be paid in for territorial purposes, and one fourth of the money paid into the the Territorial treasury from this source, shall be placed in the common school fund.

SEC. 14. . This act to take effect and be in force from and after its passage.

Passed, January 29th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

RELATIVE TO JURISDICTION OF CIVIL CAUSES IN THE FIRST JUDICIAL DISTRICT OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That for the trial of civil causes, the several courts in the first judicial district of the Territory of Washington, shall have concurrent and not exclusive jurisdiction of civil causes arising in any part of said first judicial district.

SEC. 2. All laws and parts of laws, so far as they conflict with the provisions of 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 28th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

IN RELATION TO THE PRACTICE IN THE DISTRICT COURTS OF THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That in all cases of assessment of all right and interest in and to a mortgage, or any other instrument of writing, and in any judgment recovered, or to be recovered thereon, or either, and judgment shall have been recovered in the name of the assignor, execution may issue in the name of the assignee, upon his assignment being recorded in the office of the clerk of the court, in which the judgment is recovered, and the provisions of this act, shall extend to all judgments heretofore recovered, as well as those hereafter recovered.

Sec. 2. This act to take effect from and after the first day of April, 1862.

Passed, January 29th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AMEND "AN ACT RELATING TO JUSTICES OF THE PEACE AND CONSTABLES, AND THE PRACTICE BEFORE JUSTICES OF THE PEACE," PASSED JANUARY 19th, 1860:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act relating to justices of the peace and constables and the practice before justices of the peace, passed January 19th, 1860, is hereby amended in section 70 to read as follows:

Sec. 70. Before the justice shall commence an investigation of the merits of the cause, by an examination of the witnesses, or the hearing of any other testimony, either of the parties may demand of the justice that the cause be tried by a jury; *Provided,* The party demanding the jury, shall first pay to the justice the amount of six dollars as a jury fee, which shall be paid over by the justice to the jury, on the rendition of their verdict in the case, and taxed as costs against the losing party; *And Provided, also,* That this act shall not apply to cases of forcible entry and detainer nor to criminal actions.

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO PROVIDE FOR THE SAFE KEEPING AND TREATMENT OF INSANE AND IDIOTIC PERSONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Governor and Territorial auditor, his associate, are hereby authorized and appointed to make contracts with any private or public insane institution, for the safe keeping, care and medical treatment in their insane asylums, of all insane persons in this Territory; *Provided,* Such contract can be made on such terms as to them may seem reasonable and just.

SEC. 2. The several probate courts in their respective counties in this Territory, shall have power to appoint guardians to take the care, custody and management of all idiots, insane persons, and all who are incapable of conducting their own affairs; and of their estates real and personal; the maintenance of themselves and families; and the education of their children.

SEC. 3. The probate judge of any county in this Territory, upon application of any person under oath, setting forth that any person by reason of insanity, is unsafe to be at large, or is suffering under mental derangement, shall cause such person to be brought before him, at such time and place as he may direct; and the judge shall cause to appear before him at said time and place, one or more respectable physicians, who shall state under oath in writing, their opinion of the case, which opinion shall be carefully preserved by the said probate judge with the other papers of the case; and if the said physician shall certify to the insanity or idiocy, (as the case may be) of said person, he shall cause them to be taken and placed in charge of such asylum as directed by said Governor and his associate. The probate judge shall also cause inquiry to be made into the ability or inability of such insane or idiotic person to bear the charge or expense for the time they may remain under treatment, and he shall certify the result to the Governor and his associate; and in those cases where the person possesses the ability to pay the expense, the said judge shall cause to be placed in the hands of the Governor, the amount of two months' expenses in said asylum in advance, and regularly every two months thereafter, so long as said person shall continue in said asylum; but the indigent insane shall, in all cases, be maintained at the expense of the Territory.

SEC. 4. The Territory shall, in all cases where the person is indigent, be at the expense of such conveyance and keeping, and in the event of the death of such person, be chargeable with the funeral expenses.

SEC. 5. Paying patients, whose friends or whose property can pay their expenses shall do so in accordance with the contract made by the Governor and his associate with the proprietors of the institution, the charge in all cases shall be reasonable and in proportion to the amount of care and accommodation required by their friends or guardians.

SEC. 6. The Territorial treasurer is hereby authorized and required to pay all properly audited orders drawn by the Governor for the support of indigent, insane or idiotic persons, for whose support and safe keeping, he and his associate may have contracted; *Provided, always,* that before such orders are paid, a copy of such contract such shall be furnished said treasurer.

SEC. 7. All laws and parts of laws so far as the same, conflict with the provisions of this act, are hereby repealed.

SEC. 8. This act shall have full force and effect from and after its passage.

Passed, January 29th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

IN RELATION TO THE MANAGEMENT AND SAFE KEEPING OF THE MONEYS
ARISING FROM THE SALES OF UNIVERSITY LANDS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of University commissioners shall make a full and complete report and statement to the board of regents at their first meeting, of all moneys received and disbursed by the said commissioners in their official capacity; the number and character of all contracts let and unfinished; the amounts, if any, due to and from the University fund; and giving a general and minute detail of all matters and things

pertaining to the financial operations and condition of the University, so as to effect a complete settlement by, and on the part of the said commissioners with the said board of regents.

SEC. 2. That for the safe keeping, management and control of the University fund, the board of commissioners, the President of the board of regents, and the treasurer of the University fund, shall constitute a board of directors, and shall have authority to loan said fund, or any portion thereof, at interest for any period of time not less than twelve months, nor more than ten years, in the discretion of the directors; said loan to be secured by deed or mortgage, on real estate; which real estate must be of at least double the value of the amount of money so loaned, and of sufficient value to secure at any and all times, the payment of said loan; *Provided*, That the rate of interest on said loan shall not in any case be less than twelve per cent. per annum, which interest shall be payable semi-annually.

SEC. 3. The interest arising from the loan of the said fund, as set forth in the preceding section of this act, shall be set apart and used in support of the Territorial University, and be under the direction and control of the board of regents; *Provided*, That two thousand dollars of the principal shall be appropriated to the purchase of a library and philosophical apparatus; *And Provided further*, That the balance of the principal shall in all cases remain an irreducible fund.

SEC. 4. The treasurer of the University fund, shall make an annual report to the Legislative Assembly, on or before the fifteenth day of December in each year, of all moneys received and disbursed by him, or by order of the board of directors.

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

Passed, January 29th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AMEND AN ACT, ENTITLED "AN ACT RELATIVE TO THE SALE OF SCHOOL LANDS," PASSED JANUARY 24th, 1861.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section six of the act of which this act is amendatory be made to read as follows:

"SEC. 6. The commissioners shall give bonds jointly and severally in, the penal sum of two thousand dollars, with two or more good and sufficient sureties to be approved by the county auditor, for the safe keeping and faithful disbursement of all moneys which may come into their hands from the sales of lands under this act."

SEC. 2. All laws an parts of laws, in conflict 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 29th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

LOCAL LAWS.

AN ACT

TO INCORPORATE THE DUNGINESS LOG DRIVING COMPANY FOR THE PURPOSE OF REMOVING OBSTRUCTIONS TO DRIVING OR FLOATING LOGS DOWN THE DUNGINESS RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That T. B. Page, James R. Angel, C. E. P. Wood and John Thornton, together with other persons as they may associate with them, be, and are hereby constituted a body corporate and politic, with the right of succession, to sue and be sued, and to hold such property both personal and real as may be necessary and convenient for the purposes of this act.

SEC. 2. Said company shall, within six months after the passage of this act, commence clearing the channel of said Dunginess river, 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 for five miles above its mouth as to allow logs and timber to be floated down to its mouth.

SEC. 3. Said company shall be subject to the control of the Legislature, as to the distance they shall be required to keep open the channel of the river from its mouth; the manner of erecting and controlling their booms, and in all respects so far as may be necessary to define the rights and liabilities of said company, and other persons having dealings with them, or whose rights may be affected by this charter: *Provided* such legislation shall not take away, or impair the privileges granted in this charter to said company.

SEC. 4. Said company, complying with the provisions of this act, shall have the right, and are hereby authorized to charge and collect from any person or persons who may float or drive logs or timber down said stream, any sum they may deem reasonable, not to exceed fifty cents per thousand feet for the period of ten years.

SEC. 5. Said company shall erect at or near the mouth of said river, a substantial and secure boom to catch and collect all logs that may be floated down, and all persons sending down logs to said boom, shall, within a reasonable time, pay the charges upon them, and take them away in accordance with such rules as said company may establish, which rules shall be equal and uniform on all persons.

SEC. 6. All persons driving logs in said river shall, before putting them into water, place a distinct mark on each log cut into the wood, and shall, at the same time, report said mark to the secretary of said company, and have it entered on their books, which mark shall be different from any that may have been previously entered on the company's books, and no person shall be allowed to claim any log or logs in said river or boom unless the foregoing provisions are complied with.

SEC. 7. Said company shall establish an office at some point in the county of Clallam, convenient to said Dungeness river, for the transaction of their business.

SEC. 8. This act to take effect, and be in force from and after its passage.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AUTHORIZE ROBERT W. TRAVERS TO ESTABLISH AND KEEP A FERRY BETWEEN THE POINT UPON WHICH HIS DWELLING HOUSE IS NOW SITUATED, AND PORT DISCOVERY MILL, IN PORT DISCOVERY BAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Robert W. Travers, his heirs and assigns be, and they are hereby authorized to establish and keep a ferry between the point upon which his dwelling house is now situated, and the Port Discovery mill, in Port Discovery Bay, and the said Robert W. Travers, his heirs and assigns shall have the exclusive privilege of ferrying between the aforesaid points within the following limits, to wit: one half mile up and down the bay each way, from the point upon which his dwelling house is now situated, and also, from a point where the Discovery mill is now situated, one half mile up and down the bay each way, for the term of five years from the passage of this act.

SEC. 2. It shall be lawful for the said Robert W. Travers, his heirs and assigns, to charge and collect the following rates of toll: For each foot passenger to or from said points, seventy-five cents.

SEC. 3. The said Robert W. Travers, his heirs and assigns, shall at all times, keep at said ferry a good and sufficient boat for the safe conveyance of passengers, and also, a good and trustworthy hand to work the same without unnecessary delay, and if the said Robert W. Travers, his heirs, or assigns, shall fail to comply with the provisions of this act within sixty days from and after its passage, then this act to be void, otherwise of full force and effect.

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

Passed, January 4th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

AMENDATORY OF AN ACT ENTITLED, AN ACT TO INCORPORATE THE SKOKOMISH LUMBER COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the proviso in section three is hereby repealed, and all of said section three, after the word "feet," be, and is hereby repealed.

SEC. 2. That the privileges embraced in the act to which this is amendatory be, and they are hereby extended to the period of ten (10) years, instead of five, (5) as mentioned in the fourth section of said act.

SEC. 3. That the time for clearing said river be further extended for three years after the passage of this act.

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

Passed, January 6th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council

AN ACT

TO LOCATE AND ESTABLISH A TERRITORIAL ROAD FROM UNION CITY ON HOOD'S CANAL TO THE MOUTH OF THE SATSUP RIVER ON THE CHEHALIS, OR TO THE COUNTY SEAT OF CHEHALIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That E. W. Perrin, David Shelton, J. L. Morrow and Hon. B. F. McFadden or any three of them, be, and they are hereby constituted a board of commissioners to view out and locate a Territorial road, commencing at Union City on Hood's canal, thence on the most practicable route to the mouth of the Satsup river, on the Chehalis, or to the county seat of Chehalis county.

SEC. 2. Said committee shall meet at Union City on Hood's canal on the first Monday in May, A. D. 1862, or as soon thereafter as they can agree on, and after being duly sworn before any officer duly authorized to administer oaths, faithfully to perform the duty assigned to them, shall proceed to view, locate and establish the same on the most practicable route.

SEC. 3. Said commissioners shall make out a true report of their proceedings, and cause a certified copy thereof to be filed with the county auditors of Chehalis and Sawamish counties and the Secretary of Territory, within sixty days from the completion of their labors, and when the report is so deposited, the said road shall be considered a Territorial road, and shall be opened and kept in repair as other Territorial roads are.

SEC. 4. If from any cause one or more of said commissioners shall fail to qualify and act, the remaining members shall have power to appoint some suitable person or persons who shall have all the powers granted in this act.

SEC. 5. No charge shall be made against either county for compensation for their services as commissioners.

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

Passed, January 6th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT IN RELATION TO THE SCHOOL FUND OF CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act passed January 17th, 1861, entitled an act

in relation to the school fund of Clark county, be, and the same is hereby repealed.

Passed, January 9th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN J. K. THORNDIKE AND ELVIRA P. THORNDIKE, HIS WIFE,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between J. K. Thorndike and Elvira P. Thorndike, his wife, be, and are hereby dissolved.

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

Passed, January 7th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE JOHN A. PACKARD HIS ASSIGNS OR HEIRS TO CONSTRUCT AND KEEP A BRIDGE ACROSS THE NISQUALLY RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John A. Packard, his heirs or assigns, be, and they are hereby authorized to construct and keep a bridge across the Nisqually river, at the point where the public highway leading from Olympia in Thurston county to Steilacoom in Pierce county, crosses said river, and at the point where the old bridge built by said Packard, and carried away by the late freshet, stood; and the said John A. Packard 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 as other bridges are, or may be, by the laws of this Territory prescribing the manner in which bridges shall be kept and regulated; and provided further that the counties of Pierce and Thurston, shall at any time before the expiration of the said period of ten years, have a right to take said bridge, upon payment to said Packard, his heirs or assigns a fair valuation therefor, and thereupon all and singular the rights hereinbefore granted to said Packard, his heirs or assigns, shall pass and vest in the said counties of Pierce and Thurston.

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

For a man and horse.....	25
For a horse and carriage.....	50
For one yoke of cattle or span of horses and wagon.....	75
For crossing each additional span of horses or yoke of cattle....	25
For crossing loose stock other than sheep and hogs each.....	10
For crossing sheep and hogs, each.....	5

Provided, That the county commissioners of the counties of Pierce and Thurston, at any regular term of said commissioners court, both agreeing, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for the said John A. Packard, his heirs or assigns to collect and receive toll only according to the rates of toll 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 or keep and maintain a bridge at the point hereinbefore designated: *Provi-*

led, That the said John A. Packard, his heirs and assigns, shall within seven weeks after the passage of this act, construct and complete a good 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 A. Packard, 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 the counties of Pierce and Thurston, then this act shall be void.

SEC. 4. All acts or parts of acts in conflict herewith, be, and the same are hereby repealed.

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

Passed, January 7th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

RELATIVE TO SCHOOL FUND OF CLALAM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all money arising from fines and licenses hereafter paid into the treasury of Clalam county, be, and the same is hereby set apart for school purposes, and shall form a 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 to take effect, and be in force from and after its passage.

Passed, January 10th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

IN REFERENCE TO SHEEP RUNNING AT LARGE IN THE COUNTY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the owners of sheep in the county of Walla Walla, shall be liable for all damages that may be done by sheep on lands fenced and inclosed with a good and substantial fence made for the purpose of turning horses and horned cattle, and not made for the purpose of turning sheep.

SEC. 2. The owners of all sheep running at large in said county, shall be liable to the owners of growing crops or growing hay or other produce of the farm, which may be injured or destroyed by sheep; *Provided,* Said produce at the time of its injury or destruction, shall be within an inclosure reasonably sufficient to turn horses and horned cattle.

SEC. 3. In all instances where sheep are allowed to stray on to inclosed lands and commit injuries to the growing crops or produce of any description, the party injured shall have the right to take and keep said sheep until the damages are paid by the owner or owners thereof; *Provided,* Said sheep shall be properly kept, and notice of their taking shall be given to the owner as soon as may be, when the owner is known, for which keeping and notice the owner of the sheep shall be liable to pay, and the sheep shall not be delivered up until said damages and expenses are paid; and in all instances where the owner is not known to the person taking up the sheep, he shall proceed with them according to the laws regulating strays.

SEC. 4. This act to apply to the county of Walla Walla, and no other, and shall be in force and take effect from and after the first day of April A. D. 1862.

Passed, Jan. 10th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives
A. R. BURBANK,
President of the Council.

AN ACT

TO CHANGE THE TIME OF HOLDING THE SESSION OF COUNTY COMMISSIONERS COURT IN JEFFERSON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of Jefferson county in this Territory, shall hold four regular sessions annually at the county seat of said county, commencing on first Monday of February, May, August and November; at each of which they shall transact any business which may be required by law.

SEC. 2. That the act to change the time for holding the session of county commissioners court, passed January 17 1859, and amended by an act passed January 31st, 1860, be, and is hereby repealed, so far as the same may be in conflict with this act.

Passed, January 10th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

IN RELATION TO THE OFFICE OF ASSESSOR IN KITSAP COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sheriff of Kitsap county in the Territory of Washington shall be ex officio assessor of said county and shall fulfil all the duties required by law to be fulfilled by the assessor of said county, and he shall be governed by all the laws in relation to assessor in said county.

SEC. 2. All acts or parts of acts, in conflict with this act are hereby repealed, so far as the same relates to said county.

SEC. 3. This act to take effect and be in force from and after the the 1st day of July A. D. 1862.

Passed, January 10th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY NOW EXISTING BETWEEN WM. LEGG AND BETSY LEGG HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the bonds of matrimony now existing between William Legg and Betsy Legg 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, January 10th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRINONY EXISTING BETWEEN GEORGE I. COOPER AND LAURA COOPER HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between George I. Cooper and Laura Cooper his wife, be, and they are hereby dissolved.

SEC. 2. The said Laura Cooper is hereby restored to her maiden nam, to wit: Laura Riggs.

Passed, January 10th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED AN AN ACT AUTHORIZING L. H. DAVIS TO ESTABLISH A FERRY ACROSS THE CHEHALIS BIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two, of an act entitled "and act authorizing L. H. Davis to establish a ferry across the Chehalis river, passed January 28th, 1858, be, and the same is hereby amended so as to read; it shall be lawful for the said L. H. Davis his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry :

For each footman.....	10
Man and horse.....	20
Horse and carriage, or cart.....	30
Wagon or carriage with two animals.....	40
Additional span of horses or pair of cattle.....	20
Loose animals other than sheep, goats and hogs.....	6
Sheep, goats and hogs.....	3

The county commissioners' court of Lewis county, shall have power to change the foregoing rates of toll, after one year upon petition of thirty bona fide citizens of Lewis county. But the Legislature may at any subsequent session, alter, or amend the aforesaid ferry rates.

SEC. 2. That section two of the act of 28th January 1858, to which this act is amendatory, be, and the same is hereby repealed.

SEC. 3. That nothing in this act shall be so construed to extend said charter more than ten years from the 28th January 1858.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

AUTHORIZING W. F. DONK AND HENRY TIES TO ESTABLISH A FERRY ACROSS THE CHEHALIS RIVER AT, OR NEAR THE RESIDENCE OF JOSEPH BORST.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. F. Donk and Henry Ties, their heirs and assigns, be, and they are hereby authorized to establish a ferry across the Chehalis river in Lewis county, at the point where the military and Territorial road, crosses said river, at or near the residence of Joseph Borst in said county, and that the said W. F. Donk and Henry Ties, their heirs and assigns, have the exclusive privilege of ferrying upon said river, for the distance of one-half mile up and down the river each way from the crossing of said road, or roads, 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 law of this Territory, prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. It shall be lawful for the said W. F. Donk and Henry Ties, their heirs and assigns, to receive and collect the following rates of toll for ferrriage upon said ferry:

For each footman.....	10
For each man and horse.....	20
For each carriage or cart and horse.....	30
For each wagon, or carriage with two animals.....	40
For each additional span of horses or pair of cattle.....	20
For each loose animal other than sheep, goats and hogs.....	6
For each sheep, goat and hog.....	3

SEC. 3. The county commissioners' court of Lewis county, shall have power to alter the foregoing ferry rates after one year, upon the petition of thirty bonafide citizens of Lewis county. But nothing herein contained shall be so construed as to prevent the legislature from altering or amending the foregoing ferry rates, after passage of this act.

SEC. 4. The said W. F. Donk and Henry Ties, their heirs and assigns, shall at all times keep at said ferry a good and sufficient flat boat and small boat, with a sufficient hand, or hands, to work the same, for the transportation of all persons and their property across said river, without unnecessary delay; and upon proof being made to the county commissioners court of Lewis county, that the said W. F. Donk and Henry Ties their heirs and assigns, have failed, or refused to keep at said ferry good and sufficient boats, with sufficient hand or hands, to work the same, as required in the foregoing, then this act shall be void.

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

SEC. 6. This act to take effect and be in force from the date of its passage.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY BETWEEN JOHN G. SPARKS AND HIS WIFE, REBECCA SPARKS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between John G. Sparks, and his wife Rebecca Sparks 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 11th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO LEGALISE THE OFFICIAL ACTS OF THE OFFICERS OF THE COUNTY OF SHOSHONE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the official acts of the officers of the county of Shoshone, elected under the act to create and organize the county of Shoshone, passed January 9th, 1861, are hereby declared to be legal, any informality of election or qualification, to the contrary notwithstanding.

Passed, January 11th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AMEND "AN ACT TO GRANT TO WM. PACKWOOD AND HEIRS A FERRY
ACROSS THE NISQUALLY RIVER," PASSED JANUARY 29th, 1855.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the limits prescribed in the first section of the act to which this is amendatory, be so changed and amended, as to read as follows: "Commencing at a point one half mile above the crossing of the said Nisqually river, by the public road from Olympia to Steilacoom and extending up said river one mile, on a straight line.

SEC. 2. That in addition to the ferry privilege conferred in said act, to which this is amendatory, in the limits, now as defined in the first section of this act, the said William Packwood and his heirs, are hereby granted the privilege of building and erecting a good and substantial bridge over said Nisqually river, and to charge reasonable rates of toll, to be prescribed by the county commissioners of Thurston county; *Provided,* The said bridge shall be erected and built within eighteen months from the date of the passage of this act and if not so built then this act to be void, and this charter forfeited.

SEC. 3. The privileges granted by this act, and the act to which it is amendatory, limited and prescribed as in the first section hereof, are hereby extended for the term of ten years from and after the passage of this act.

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

Passed, January 10th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN GEORGE W. MADISON AND SARAH MADISON HIS WIFE.

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

SEC. 2. *And be it further enacted,* That the said Sarah Madison, be, and she is hereby restored to her maiden name Sarah Hughs.

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

Passed, January 11th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY HERETOFORE EXISTING BETWEEN JOHN M'LEOD AND EMMA HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* The bonds of matrimony heretofore existing between John McLeod and Emma 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, January 13th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE J. R. BATES TO CONSTRUCT A BRIDGE ACROSS THE SPOKAN RIVER IN SPOKAN COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. R. Bates, his heirs or assigns, be and they are hereby authorized to construct maintain, and keep a bridge across the Spokane river at a point where the Territorial road leading from Walla Walla to Colville on the Columbia river crosses or may cross said river, commencing at a point in the center 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 J. R. Bates, his heirs and assigns, have the exclusive privilege of constructing a bridge in Spokane county, within the above limits, 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 hereafter be by laws of this Territory prescribing the manner in which license bridges shall be kept and regulated.

SEC. 2. That it shall be lawful for the said J. R. Bates, his heirs or assigns, to receive and collect the following rates of toll for crossing upon said bridge, viz.

For each foot passenger.....	25
For each man and horse.....	50
For each pack animal with pack.....	75
For each cart, chaise, gig with two wheels and carriage drawn by one horse.....	1 50
The same drawn by two horses or oxen.....	1 75
For each four wheeled wagon, carriage or buggy with one horse..	2 00
The same with two horses or oxen.....	2 25
For additional horse or ox.....	25
For each pleasure carriage coach, or vehicle for conveyance of persons, with four horses.....	3 00
For each horse, mule, ass or neat cattle.....	25
For each sheep or hog.....	10

But the county commissioners of the county within which said bridge 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 the said J. R. Bates, his heirs and assigns to collect and receive toll only according to the rates of toll fixed by said commissioners.

SEC. 3. The said J. R. Bates, his heirs and assigns, within three years from and after the passage of this act, shall erect and substantially construct said bridge so as to bear with safety, any person, vehicle or animal mentioned; otherwise this act in every part thereof shall be of no validity or effect.

SEC. 4. That no county court or board of county commissioners shall authorize any person except as hereinbefore provided in this act, to construct a bridge or keep a ferry within the limits set out in this act.

SEC. 5. The said J. R. Bates, his heirs or assigns, shall procure a good and sufficient flat-boat within said limits, with sufficient hands to work the same, for the transportation of all persons and their property, across said river without delay, until the completion of said bridge; *Provided*, That the said J. R. Bates shall establish said ferry within eight months from and after the passage of this act, and shall receive the same rates of toll as heretofore allowed, and subject to the same rules and regulations.

Passed, January 14th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

**AUTHORIZING D. W. LITCHENTHALER AND JOHN C. SMITH TO ESTABLISH
A FERRY ACROSS THE SNAKE RIVER.**

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That D. W. Litchenthaler and John C. Smith, their heirs and assigns, be, and they are hereby authorized to establish a ferry across the Snake river at a point opposite the mouth of Powder river, and extending from said point up and down the river one mile each way, and that the said D. W. Litchenthaler and John C. Smith, their heirs and assigns, have the exclusive privilege of ferrying across said river within

the above limits 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 D. W. Litchenthaler and John C. Smith, their heirs and assigns, to receive and collect the following rates of toll for ferrying upon said ferry, to wit :

	\$ 00
For each wagon with two animals attached.....	3 00
For each pleasure wagon with two animals attached.....	2 00
For each hack or sulky with one horse.....	1 50
For each man and horse.....	1 00
For each head of loose animals other than sheep or hogs.....	25
For each animal packed.....	1 00
For each footman.....	1 50
For each sheep, goat or hog.....	10

SEC. 3. That no courts 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 D. W. Litchenthaler and John C. Smith, their heirs and assigns, shall within five months after the passage of this act, procure for said ferry a good and sufficient flat boat, or flat 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 D. W. Litchenthaler and John C. Smith, their 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 Idaho 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 14th, 1862.

JAS. LEO. FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE E. W. PERRIN, G. A. PAIGE AND SUCH OTHERS AS THEY MAY CHOOSE TO ASSOCIATE WITH THEM, TO BUILD A WHARF AT UNION CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That E. W. Perrin, G. A. Paige and others, be and they are hereby authorized to build a wharf at Union City, at such a point as they may deem suitable, not to extend more than two hundred feet beyond low water mark, with the canal.

SEC. 2. The said wharf shall be subject to the laws regulating wharves in this Territory, and shall enjoy all the privileges granted to such wharves.

SEC. 3. Said Perrin, Paige and others, shall have full power to sell, assign or make over any share or shares in said wharf they may deem advisable.

[SEC. 4.] This act to take effect from and after its passage.

Passed, January 14th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council

AN ACT

TO AUTHORIZE ARTHUR QUIGLEY TO CONSTRUCT A BRIDGE ACROSS LAKE RIVER, IN CLARKE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Arthur Quigley, his heirs or assigns, be, and they are hereby authorized to construct and keep a bridge across Lake River, at a point at or near the house of the said Arthur Quigley, where the county road crosses or may cross said river, and the said Arthur Quigley 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 Arthur Quigley, his heirs or assigns, to receive and collect the following rates of toll for crossing upon said bridge :

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

Provided, That the county Commissioners of Clarke 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 Arthur Quigley, his heirs or assigns, to collect and receive toll only according to the rates fixed by said Commissioners.

SEC. 3. That no courts or boards 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 Arthur Quigley, 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 law regulating the construction of bridges and establishing ferries, now, or such as may hereafter be in force, be violated by the said Arthur Quigley, 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 Clarke county, then this act shall be void.

Passed, January 14th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AUTHORIZE GREEN WHITE, G. R. DRIGGS AND THEIR ASSOCIATES
TO ESTABLISH A FERRY ACROSS LEWIS OR SNAKE RIVER

SECTION 1. *Beit enacted by the Legislative Assembly of the Territory of Washington,* That Green White, G. R. Driggs and their associates, be and they are hereby authorized to establish and keep a ferry across the Lewis or Snake river at a point about five miles above the mouth of the Grand Round river, up and down said Snake river, one mile above and one mile below the place selected for said ferry exclusively, for the term of five years from the passage of this act: *Provided,* That said ferry, when so established, shall be under the direction of the county, Commissioners of the county within which the same may be situated, who may make such regulations relating to ferriage fees as they may deem best.

Sec. 2. It shall be lawful for the said G. White, G. R. Driggs and their associates, to collect and receive the following tolls for ferriage:

	\$ 00
For crossing a footman	50
For crossing a man and horse.....	1 00
“ “ a packed animal.....	1 x0
“ ” horses and cattle running in bands, each.....	50
“ “ a wagon with two horses, mules or oxen.....	2 50
“ “ a wagon with four horses, mules or oxen.....	3 50
“ “ a wagon with six horses, mules or oxen	4 50
“ “ a horse and buggy.....	2 50
“ “ sheep or hogs, each.....	15

Sec. 3. That said Green White, G. R. Driggs and their associates shall, within six months from the passage of this act, have constructed good and sufficient boats for ferrying safely persons, animals and property, which said boats shall be properly and skilfully manned by the requisite number of hands to expedite transportation over said ferry.

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

Passed, January 16th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN HENRY E. BRADLY AND ESTHER, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Henry E. Bradly and Esther, his wife, be, and the same are hereby dissolved.

SEC. 2. That the care and custody of Toby Bradly, infant son of said Henry E. Bradly and his wife, be, and the same hereby is assigned to Esther Bradly.

SEC. 3. Said Esther Bradly shall be allowed to take as her name hereafter that of Esther Tallentire.

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

Passed, January 15th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT.

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN PHILANDER CUNNINGHAM, AND HENRIETTA CUNNINGHAM.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between Philander Cunningham and Henrietta Cunningham, be, and the same are hereby dissolved.

SEC. 2. The said Henrietta Cunnignam is hereby restored to her maiden name, to wit, "Henrietta Redin."

Passed, January 16th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT.

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN KIATONA MONSONA AND CATHARINA MONSONA.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between Kiatona Monsona and Catharina Monsona, be, and they are hereby dissolved.

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

Passed, January 16th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO INCORPORATE THE PORT DISCOVERY LOG DRIVING COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That T. B. Page, John F. Tukey, their associates or assigns, be and are hereby constituted a body corporate and politic, with power to sue and be sued, under the name and style of the "Port Discovery Log Driving Company," for the purpose of removing jams and other obstructions to driving or floating logs or timber down Discovery creek, into Port Discovery Bay.

SEC. 2. Said company shall commence within a reasonable time to clear the channel of said creek; and shall, within six months from the passage of this act, have the same cleared from obstructions of jams or drifts from the mouth where it enters Port Discovery Bay, at low tide, to three-fourths of a mile above; and shall, within four years from the passage of this act, in like manner, have the same cleared of obstructions up to the first forks of said creek, otherwise this act to have no force or virtue.

SEC. 3. The said company, whenever, and so far as they may have complied with the provisions of this act, shall have the right, and are hereby authorized to charge and collect from the timber or persons floating down or driving logs or timber in said creek, after, and as the same

is capable of being used for said purpose, between the mouth and the forks aforesaid, any sum they may deem reasonable, not to exceed fifty cents per thousand feet, log measure.

SEC. 4. Nothing shall be so construed in this act as to give to said company the right to use in the prosecution of this work, any timber from lands belonging to James Tucker, whose dwelling house is beside said creek, without the payment of a reasonable sum therefor, before the taking thereof.

SEC. 5. The said company shall have the right of way to or from said creek ; *Provided*, they do not damage any improved lands lying along the banks of said creek.

SEC. 6. The privileges granted by this act to said Page, Tukey and associates and assigns, shall be continued to them in the full enjoyment thereof for the term of ten years from the passage of this act.

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

Passed, January 16th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT.

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN JOHN VAN BIBBER AND RHODA R. VAN BIBBER, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the bonds of matrimony existing between John VanBibber and Rhoda R. VanBibber his wife, be, and the same are hereby dissolved.

SEC. 2. The said Rhoda R. VanBibber is hereby granted the sole custody and control of her children, to wit: Francis Marion, Emma Theresa, and Edith Belle, also, any heir or heirs that may be born the issue of such marriage.

Passed, January 16th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN G. W. L. ALLEN AND ESTHER ALLEN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between G. W. L. Allen and Esther Allen be and they are hereby dissolved.

SEC. 2. The said Esther Allen is hereby restored to her maiden name, Esther Packwood.

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

Passed, January 17th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AMEND AN ACT TO INCORPORAE THE FIRST PRESBYTERIAN CHURCH OF OLYMPIA, PASSED JANUARY 16, 1860.

SECTION 1. *Be it enacted by the Legislaive Assembly of the Territory of Washington,* That an act to incorporate the First Presbyterian Church of Olympia, passed January 16, 1860, is hereby amended in the fourth section, fifth line, by striking out the word "members," and inserting the word "congregation." And by inserting in the sixth line after the word "members" the words "of the church," and striking out the word "said" in the sixth line, and inserting the word "the."

Passed, Jan. 18th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE SANFORD OWENS TO BUILD A BRIDGE ACROSS THE SOUTH FORK OF CLEAR WATER IN NEZ PERCE COUNTY W. T. AT OR NEAR A POINT WHERE THE ROAD LEADING FROM LEWISTON TO ELK CITY, CROSSES THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Sanford Owens, his heirs or assigns be and they are hereby authorized to construct and keep a bridge across the south fork of the south fork of Clear Water, at or near a point where the road leading from Lewiston to Elk City crosses the same; and the said Sanford Owens shall have the exclusive privilege of constructing and maintaining a bridge at the aforesaid point for the distance of one mile up and down said stream, on each side of said 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 proscribing the manner in which bridges shall be kept and regulated.

SEC. 2. That it shall be lawful for the said Sanford Owens, his heirs or assigns, to receive and collect the following rates of toll for crossing upon said road.

	\$ 00
For crossing a footman.....	25
For crossing a man and horse.....	75
For crossing a horse and pack.....	75
For crossing a horse and buggy.....	1 25
For crossing a wagon and two horses.....	1 75
For crossing a wagon and one yoke of oxen.....	1 75
For crossing each additional span of horses or yoke of oxen....	1 00
For crossing loose horses or cattle, each.....	50
For crossing sheep and hogs, each.....	10

Provided, That the county commissioners of Nez Perce county, at any regular term of commissioners' court, shall have power to alter the above rates of toll; and when so altered it shall be lawful for the said Sanford Owens, his heirs and assigns, to collect and receive toll only according to the rates affixed 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 Sanford Owens, his heirs or assigns, shall within twelve months after the passage of this act, have constructed and completed a good strong, sub-

stantial 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 Sanford Owens, 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 Nez Perce county, then this act shall be void.

SEC. 4. The said Sanford Owens, his heirs or assigns, shall within four months after the passage of this act, provide and keep a good and sufficient flat-boat at said point, sufficient to accommodate all travel until such time as they are required by this act to complete said bridge; and said ferry shall be under the same rules and regulations as is provided by law for the government of ferries in this Territory; and the toll of said ferry shall not exceed that allowed for said bridge.

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

Passed, January 21, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE JOHN MESSENGER, WALTER H. MANLY AND THEIR ASSOCIATES TO ESTABLISH AND KEEP A FERRY ACROSS THE SALMON RIVER IN IDAHO COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Messenger, Walter H. Manly, their associates, their heirs and assigns be, and they are hereby authorized to establish and keep a ferry across the Salmon river, at or near the point where the Nez Percés trail crosses the said river, leading to Fort Boise; and shall have the exclusive privilege of ferrying for the distance of one mile up and one mile down said river, from the point selected for said ferry, for the term of five years from the passage of this act. *Provided,* That

said ferry, when so established, shall be under the direction of the county commissioners of the county within which the same may be situated, who may make such regulations relating to ferriage fees, as they may deem best and right.

SEC. 2, It shall be lawful for the said John Messenger, Walter H. Manley, their associates, heirs and assigns, to collect and receive the following rates of ferriage.

	\$ 00
For each footman.....	50
“ “ man and horse.....	1 00
“ “ a pack animal.....	1 00
“ “ horses and cattle running in bands, each.....	50
“ “ wagon with two horses, mules or oxen.....	2 50
“ “ wagon with four horses, mules or oxen.....	3 50
“ “ wagon with six horses, mules or oxen.....	4 50
“ “ a horse and buggy.....	2 50
“ “ sheep or hogs, each.....	15

SEC. 3. That said John Messenger, Walter H. Manly, their associates, shall within six months from the passage of this act, have constructed a good and sufficient boat or boats for ferrying safely persons, animals and property; and said boat or boats shall be properly and skillfully manned by the requisite number of hands to expedite transportation over said ferry.

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

Passed, January 21, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AUTHORIZE GILMORE HAYS AND HIS ASSOCIATES TO ESTABLISH A FERRY
ACROSS THE SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Gilmore Hays and his associates, are hereby authorized to establish a ferry across the Snake river, at a point within one mile from the junction of the clear-water with said river, and that the

said Gilmore Hays and his associates, have the exclusive privilege of ferrying upon said Snake river, within the following limits (to wit) a distance of one mile above, and one mile below the point selected for said ferry, for the period of five years from the passage of this act; *Provided*, That this grant does not conflict with pre-existing rights, or with the prerogatives of the Superintendent of Indian affairs, over Indian reserves within this Territory.

Sec. 2. It shall be lawful for the said Gilmore Hays and his associates, to receive and collect the following tolls for ferriage over said river.

	\$ 00
For each wagon with two horses attached	3 50
“ “ carriage with two horses attached	3 00
“ “ cart or buggy with one horse	2 00
“ “ additional animal	50
“ “ man and horse	1 50
“ “ animal packed	1 50
“ “ footman	50
“ “ animal other than hogs or sheep	50
“ “ sheep or hogs	15

Sec. 3. The county commissioners of Nez Perces county, may at any regular term of their court, alter or amend the rates of toll for ferrying over said river, and the rates so fixed, may be collected by the said Gilmore Hays and his associates.

Sec. 4. The said Gilmore Hays and his associates shall, within eight months from the passage of this act, procure and keep on said ferry a sufficient number of boats and hands to transport persons and property without delay.

Sec. 5. The failure of the said Hays and his associates, to comply with the conditions hereinbefore specified, will render void, the provisions of this act.

Sec. 6. This act to be in force from and after its passage.

Passed, January 22, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OLYMPIA," PASSED JANUARY 28th, 1857.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 4 of article fourth, of the town charter of the town of Olympia, be so amended, as to confer upon the board of trustees of said town, full power and authority to order special elections for the purpose of submitting to a vote of the legal voters of said town, whether a special tax for a certain and specific purpose may be levied, in addition to the tax now annually to be levied for municipal purposes. But no special tax other than the lawful municipal tax levied annually, shall be levied, unless a majority of the legal voters of the town of Olympia, shall by their votes at the said special election, which shall be conducted as hereinafter provided, approve the levying of such special tax.

SEC. 2. When such special election for the purpose of submitting the question of levying a special tax shall be ordered by said board of trustees, they shall cause at least ten days' notice to be given, which notice shall contain the sum proposed to be raised by said Board, the rate proposed to be levied, and the purpose for which said special tax shall be used, with the date and place for holding said special election, and such notice shall be posted in at least ten of the most prominent and public places within the corporate limits of said town, and be published at least once, in one of the newspapers published in said town of Olympia.

SEC. 3. The vote at said special election, shall be by ballot; and the voter shall designate upon his ballot "for" or "against" the tax or words of equivalent import. The mode of conducting said special election, shall in other respects conform to the mode prescribed in article third of said charter, so far as the same may be applicable.

SEC. 4. That the 1st section of this act entitled "an act to amend an act to incorporate the Town of Olympia," passed January 10th 1861, be and the same is hereby repealed.

SEC. 5. Should such special tax levied and collected in accordance with the provisions of this act, exceed the amount absolutely required and used for the special purpose for which the levy was made, the excess remaining in the hands of the Treasurer of said board of trustees, shall be placed to the credit of the School Fund of said district.

SEC. 6. All acts and parts of acts conflicting with the foregoing act be and the same are hereby repealed.

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

Passed, Jan. 22 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN E. SHEA
AND MARY SHEA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between E. Shea, and Mary Shea, be and the same is hereby dissolved.

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

Passed, January 24, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO RE-LOCATE THE COUNTY SEAT OF LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county seat of the county of Lewis be, and the same shall be located upon a certain tract or parcel of land on the land claim of Lewis H. Davis, and now laid out and designated as the town of Claquato. Said lot to be two hundred and fifty feet by one hundred and sixty-one feet: *Provided,* That the said Lewis H. Davis shall comply with the conditions hereinafter prescribed.

SEC. 2. That the said Lewis H. Davis shall cause to be filed and recorded at his own proper expense by the county auditor of said county, a good and sufficient deed with proper covenants of warrantee, conveying said tract to the said county of Lewis, and shall file a good and sufficient bond with two or more sureties in the sum of two thousand dollars, that he will cause to be erected free of expense to said county, upon said tract of land a good and sufficient building affording ample room for the sessions of the county courts of said county, and separate and commodious offices for the sheriff and county auditor of said county, which building shall be completed on or before the first day of January, A. D., 1863.

SEC. 3. The deed and bond mentioned in section second shall be executed by or before March first, A. D. 1862, and be subject to the approval of the present county commissioners of said county, viz: Levi L. Gates, J. C. Davis and Charles F. White, or any two of them, who shall indorse their approval in writing upon said deed and bond, and it shall be unnecessary for the purposes of this act, or the approval of said deed and bond, to convene a special term of said county court.

SEC. 4. As soon as the said deed and bond shall be executed by said Lewis H. Davis, approved by said county commissioners, or a majority of them, and filed in the office of the county auditor of said county, the county seat of Lewis county shall be established at Claquato, upon the tract donated in said deed: *Provided*, That the condition of this act shall be complied with by or before March first, A. D., 1862, and this act shall not be construed as changing said county seat until the fulfilment of the condition hereinbefore recited.

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

Passed, January 23, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council

AN ACT

TO REGULATE THE COUNTY COMMISSIONERS' COURT OF ISLAND COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the county Commissioners of Island county

shall hold their regular terms of court four times in each year, commencing on the first Monday in March, June, September and December.

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

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

RELATIVE TO THE NAVIGATION OF THE CHEHALIS RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Chehalis river in Chehalis and Lewis counties be, and the same is hereby declared navigable from the mouth to the crossing of the Territorial and military road at Claquato, in Lewis county.

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

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE E. H. LEWIS AND EGBERT FRENCH TO ESTABLISH A FERRY ACROSS THE COLUMBIA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That E. H. Lewis and Egbert French, their heirs and

assigns be, and they are hereby authorized to establish and keep a ferry across the Columbia river in Clickatat county, at a point opposite the foot of the Columbia Hill, where the old immigrant trail comes down to the Columbia river, on the Oregon side, and that the said E. H. Lewis and Egbert French, their heirs and assigns, have the exclusive privilege of ferrying in Clickatat county one quarter of a mile up and down the said river, from the point aforesaid, for the term of six years.

SEC. 2. It shall be lawful for the said E. H. Lewis and Egbert French, their heirs and assigns, to receive and collect the following rates of toll for ferrying upon said ferry :

	\$	00
For crossing a footman.....		50
For crossing a man and horse.....	1	00
“ “ horse and buggy, or other vehicle.....	1	50
“ “ each animal packed.....	1	00
“ “ two horses and buggy, or other vehicle.....	2	00
“ “ each extra horse attached thereto.....		25
“ “ one yoke of oxen and wagon.....	2	00
“ “ each yoke of oxen attached thereto.....		50
“ “ loose stock, other than sheep or hogs, each.....		25
“ “ sheep and hogs, each.....		10

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 E. H. Lewis and Egbert French, their heirs and assigns, shall, within twelve months after the passage of this act, procure for said ferry or ferries, good and sufficient flat boats 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 E. H. Lewis and Egbert French, their 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 Clickatat county, then this act shall be void.

SEC. 4. Nothing in this act shall be so construed as to prevent the county commissioners of the county in which the said ferry is located, from regulating and fixing the rates of ferriage, and when the rates are thus fixed, it shall be lawful for the said E. H. Lewis, Egbert French,

and their heirs and assigns, to receive pay for crossing on said ferries according to those rates only.

Passed, January 24th, 1862.

JAS. LEO. FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO INCORPORATE THE NISQUALLY ROAD COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. Longmire, G. C. Blankenship and William Packwood, or either of them, and their associates, are hereby constituted and declared a body corporate and politic, and shall be known as the "Nisqually Road Company," for the purpose of leveling and constructing a road with the necessary bridges and ferries, commencing from a point on the east bank of the Nisqually river near the mouth of the South Fork of Nisqually. Thence in an easterly direction on the most practicable route to a point on the Cowlitz river near where the muddy and Clear forks of said river come together. Thence to Red Lake Valley. Thence to the road leading from Simcoe to the Wenas river, near the mouth of the Natchez river, by such route as they may deem most advantageous for the construction of said road.

SEC. 2. The said company is hereby empowered and authorized to purchase and possess and enjoy all lands goods and chattels and effects of every kind, to any amount not exceeding in value the sum of forty thousand dollars, necessary to carry into effect the object of said corporation, and the same to use and dispose of, and to sue and be sued in any court having competent jurisdiction, and to ordain and establish such regulations as may be necessary for such corporation, subject to the Constitution of the United States, and the laws of this Territory.

SEC. 3. The persons named in the first section of this act, or a majority of them and their associates, shall do and perform all acts necessary to organize and prosecute the business of said company, and shall

keep proper books and records of their proceedings therein, and shall report to the Governor of this Territory a synopsis of their proceedings, within ten months after the passage of this act for the purpose of being laid before the Legislature at their next regular session.

SEC. 4. For the purposes of this act, the said road shall be deemed a Territorial road, saving the corporators their rights therein, with the understanding that the corporators may sell the same to the Territory of Washington, or to the United States, after the period of five years from commencement of work upon said road, for such consideration as shall be assessed by a board of commissioners consisting of three disinterested persons—citizens of this Territory—to be appointed by the Governor of this Territory.

SEC. 5. The said company shall, as soon as they shall have completed a good and sufficient pack trail along the line of said road, be empowered to collect and receive toll as follows :

	\$ 00
For one man.....	1 00
For man and horse.....	2 00
For mules, asses and horned cattle, each.....	1 00
Sheep, goats and hogs, each.....	50
Pack animals.....	1 50
<i>Provided</i> , That when a good and sufficient wagon road shall have been completed upon the line of said trail, the rates of toll shall be as follows:	
For hack or sulkey, with one horse.....	2 00
For wagon with two horses, mules or oxen.....	4 00
And for each additional horse, mule or ox in the team.....	50

SEC. 6. The privileges and immunities herein granted to the said corporation, the "Nisqually Road Company," shall exist and continue in said company for the term of twenty years: *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from altering or amending the above rates of tariff after five years from the passage of this act.

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

Passed, January 24, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO ANEND AN ACT ENTITLED, "AN ACT TO GRANT TO THOMAS COUPE THE RIGHT TO ESTABLISH A FERRY BETWEEN PORT TOWNSEND AND WHIDBY'S ISLAND."

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 an amendment, be amended by striking out the words, "and like stock," also, in section second, to strike out the words "Point William" where it occurs, and insert the words "Point Wilson," and in section third, to read "to be propelled by sails or oars," also, to read in the same section "all passengers and freight," and omit "and animals," also, in section sixth, to strike out the words "or live stock."

SEC. 2. This act to take effect, and be in force from and after its passage: *Provided,* That any future Legislature may modify or repeal this act.

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council

AN ACT

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

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That T. W. Robinson, George W. Hart and John Proebstel, be, and they are hereby constituted 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 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 day of May, A. D., 1862, or as soon thereafter as circumstances will allow, and, after being duly sworn, shall proceed to view and re-locate said road, and shall, within sixty days after

the meeting of said commissioners, make a full and complete return of their doings to the board of county commissioners of Clarke county.

SEC. 3. Said commissioners may, if they deem it for the public good, take to their assistance the county surveyor of said county, who shall make an accurate survey of said road, and return the same to the county commissioners within the time specified for the return of the commissioners' report in section two, of this act.

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE J. T. HICKLIN TO ESTABLISH AND KEEP A FERRY ACROSS THE YAKIMA RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That J. T. Hicklin and his associates, heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the Yakima river between the following points: Commencing at the point where the Ah-ta-tenam empties into the Yakima, and running up said river to where the Nachess intersects with the same, and to land and deposit from each shore of said river, and that the said J. T. Hicklin, and his associates, heirs and assigns, shall have the exclusive privilege of ferrying within the above named limits, for the term of eight years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations and 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 J. T. Hicklin and his associates, heirs and assigns, to receive and collect the following rates of toll for ferrying upon said ferry:

	\$ 00
For each wagon, with two animals attached.....	3 00
Each additional animal attached thereto.....	50

Each hack or sulky with one horse.....	1 50
Each man and horse.....	1 00
Each head of loose animals, excepting sheep goats or hogs.....	50
Each animal packed.....	1 00
Each footman.....	50

But the county commissioners of the county in which said ferry is situated, shall have power to alter the above rates of toll, and when so altered, it shall be lawful for J. T. Hicklin and his associates, their heirs and assigns to collect and receive ferriage only according to the rates fixed by said commissioners.

SEC. 3. The said J. T. Hicklin, his heirs and assigns, shall, within one year from the first day of next June, (1862) 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. This act to take effect, and be in force from and after its passage.

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

AN ACT.

AMENDATORY OF, AND SUPPLEMENT TO AN ACT PASSED AT THE PRESENT SESSION OF THE LEGISLATIVE ASSEMBLY, ENTITLED, "AN ACT CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE COUNTY OF PIERCE."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section eleven (11) of the act which this is amendatory of, and supplemental to, be so amended as to read: This act to take effect and be in force from and after the adjournment of the next term of the District Court of the Second Judicial District of Washington Territory.

[Sec. 4.] This act to take effect from and after its passage.
Passed, January 14th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

FOR THE TRANSMISSION OF RECORDS FROM THE CLERK OF THE SECOND JUDICIAL DISTRICT OF WASHINGTON TERRITORY TO THE CLERK OF THE DISTRICT COURT OF PIERCE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the present Clerk of the Second Judicial District, or the person in whose custody at the time the books, records and papers belonging to cases either civil or criminal, coming from Pierce county, shall be, shall, within two weeks from the close of the next regular term of the District Court for the Second Judicial District, transmit the same to the Clerk of the District Court for Pierce county, and take his receipt therefor.

SEC. 2. The Clerk of the District Court for Pierce county may issue any and all writs and papers necessary to carry into effect any judgment that may appear by said records, books, or papers that might or could be issued by the Clerk of the Second Judicial District, for the enforcement of the same.

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

Passed, January 25th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AMEND AN ACT, ENTITLED AN ACT TO AUTHORIZE GILBERT REYNOLDS AND SOLOMON DODGE TO OPEN AND ESTABLISH A ROAD FROM SHOAL WATER BAY, TO BAKERS BAY, FOR THE TRANSPORTATION OF FREIGHT AND PASSENGERS, PASSED JAN. 18th 1861.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section second of the act to which this is amendatory shall be amended so as to read in first line, "Within two years, instead of within twelve months."

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

Passed, January 25th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT.

TO AUTHORIZE W. D. BIGLOW TO ESTABLISH A FERRY ACROSS SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. D. Bigelow, his heirs and assigns, be, and they are hereby authorized to construct and keep a ferry across Snake river, where the Territorial road leading from Walla Walla City, in Walla Walla county, to Fort Colville, in Spokane county, crosses or may cross the Snake river, and that the said W. D. Biglow, his heirs and assigns shall have the exclusive privilege of ferrying upon Snake river within the following limits: A distance up and down said river, one mile from the point designated for the crossing of said Territorial road across said river, 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 other than is herein mentioned, to keep a ferry within the prescribed limits of this act.

SEC. 3. It shall be lawful for the said W. D. Biglow, his heirs and assigns, to collect and receive the following rates of toll.

	\$ 00
For each wagon, carriage or vehicle with two animals attached.	5 00
For each pleasure wagon with two horses.....	4 00
For each additional animal.....	50
For each cart wagon or carriage with one horse.....	3 00
For man and horse.....	1 50
For each animal packed.....	1 50
For each footman.....	75
For all loose animals other than sheep and hogs each head.....	50
For sheep and hogs each.....	15

But the county commissioners of the county of Walla Walla and Spokane, at any regular term, shall have concurrent jurisdiction over said ferry, and may by the consent of the county commissioners of each of the above counties, change the above rates of toll, and when so changed, it shall be lawful for the said W. D. Biglow, his heirs or assigns, to collect and receive ferriage, only according to the rates of toll fixed by said commissioners.

SEC. 4. The said W. D. Biglow, his heirs and assigns, shall within one year from and after 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, with safety and without unnecessary delay. The failure to comply with all and singular, the conditions hereinbefore specified and enumerated, will render void the provisions of this act.

SEC. 5. This act to take effect, and be in force from and after its passage. *Provided*, That nothing herein contained shall conflict with any rights granted previous to the dates of the passage of this act.

Passed, January 25th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A R. BURBANK,
President of the Council.

AN ACT.

GRANTING THE SHERIFF OF PIERCE COUNTY, TILL THE 17th DAY OF FEBRUARY A. D. 1862, TO MAKE HIS RETURN TO THE COUNTY AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Sheriff of Pierce county, be, and he is hereby granted till the seventeenth day of February, A. D. 1862, to do and perform the acts and things required to be done by him, by the provisions of section seventeenth (17) of an act passed at the first session of the Legislative Assembly, entitled "an act to provide for the assessing and collecting county and territorial revenue," or of any amendment thereto.

SEC. 2. And it shall be lawful, and be the duty of said sheriff, any law, order or statute to the contrary notwithstanding, up to the said seventeenth day of February A. D. 1862, to continue to collect any unpaid taxes that may appear by his transcript and that he may have been commanded to collect, as provided in the fifteenth (15) section of the said act, the title to which is recited in the first section of this act.

SEC. 3. All laws and parts of laws so far as they conflict with the provisions of this act be, and same are hereby repealed.

SEC. 4. This act to take effect and be in force from the date of its passage.

Passed, January 25th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

AMENDATORY OF AN ACT TO CREATE AND ORGANIZE SNOHOMISH COUNTY,
PASSED JANUARY 14th, 1861.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act to create and organize Snohomish county, is hereby amended, by adding a section as section four, to read as follows: The county of Snohomish created by this act, shall be, and remain as heretofore attached to Island county for legislative and judicial purposes; shall in all other respects, compose a county for civil and military pur-

poses, and shall be governed by the same laws, rules, regulations and restrictions as other counties in the Territory of Washington, and entitled to elect the same officers as other counties are entitled to elect.

Passed, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

AN ACT

TO INCORPORATE THE COLUMBIA TRANSPORTATION COMPANY OF THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That for the purpose of facilitating the conveyance of passengers and freight from the seaboard to the interior of the Territory, there shall be, and hereby is created a Transportation Company, with corporate powers, under the name and style of the "Columbia Transportation Company of the Territory of Washington."

SEC. 2. The said Columbia Transportation Company shall consist of T. H. Smith, A. D. Sanders, Milton Aldrich, E. S. Fowler, Dexter Horton, William W. Miller, Peter J. Moorey, A. S. Abernethy, and Charles C. Phillips, as corporators, who, with such other persons as may hereafter be associated with them, or, and also, their heirs, assigns, or successors, shall be, and they are hereby declared to be a body, corporate and politic in fact, and by name of the "Columbia Transportation Company of the Territory of Washington," and by that name they and their successors and assigns, shall and may have continued succession, and shall be a body corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all places and courts whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors, by the same name and style, shall be capable, and have authority to purchase, hold and convey any lands, tenements, vessels, steamers, wagon, cars, goods or chattels necessary or expedient to the objects for which the said company is formed as a corporation, and are hereby clothed with

all the rights, powers and privileges pertaining to corporate bodies, requisite for the purposes aforesaid.

SEC. 3. The capital stock of said Company shall be three hundred and fifty thousand dollars, with power to increase the same to any amount not exceeding two millions of dollars, by a vote of two-thirds of the stockholders of said company. The said capital shall be divided into shares of one hundred dollars each, which shall be deemed and taken to be personal property, and shall be transferable in such manner as may be lawful, and not inconsistent with the by-laws and rules of said company.

SEC. 4. The incorporators aforesaid, or a majority of them, shall open books of subscription to the capital stock of said corporation at such time or times and place or places, as they or a majority of them, may determine: *Provided*, That previous notice of the time and place be given for thirty days in two or more newspapers published in this Territory, and after at least forty thousand dollars of said stock shall be subscribed, shall commence the operations of said corporation, by selecting from their number five persons, who shall select from their number a President, and continue in said capacity, and fulfil all the duties of directors of said Company, until the first Saturday of November, one thousand eight hundred and sixty-two, at which time, and annually thereafter, there shall be elected in manner prescribed by the by-laws of said Company, five directors, and any three of whom shall form a quorum for the transaction of business, and each incorporator or director may designate some person to vote and act as his proxy with full powers, upon any occasion.

SEC. 5. The said directors shall elect, and take proper surety, to be determined by the by-laws of the Company, a Secretary and also a Treasurer, and such superintendents as may severally be approved, both as to qualification and surety, by the written consent of a majority of said directors, filed in the archives of said Company.

SEC. 6. The directors shall have power to require the payment of the amounts subscribed as capital stock in instalments not to exceed five dollars on each share at any one time, and at such times as they may direct, and in case of non-payment, after sixty days' notice of any such instalment remaining unpaid, shall have power to sell by public auction to the highest bidder, the share or shares upon which such default may arise, after due notice has been given by publication of sale, for twenty days in one or more newspapers published in this Territory, and in the event of no sale being effected, to forfeit the same to the use of the Company.

SEC. 7. The directors shall also have power to open books, and receive as before provided, subscriptions to the increased capital, or any

amount within the limit prescribed and before provided for, and all such shares shall be subject to the provisions of section six of this act, and the said director shall have power to receive lands steamers, cars or other personal property, as may be necessary to carry out the provisions of this act, in payment for capital stock at such value as said directors may determine.

Sec. 8. The capital stock of said Company may be employed and used for the objects of this act, in transporting passengers and freight by steamboat and railroads, or until such railroads shall be in good running order, by other means of transportation to and from Vancouver City, in Washington Territory, to any point or points on the Columbia or on the Snake river, or on the tributaries of either, to and from, in the discretion of the directors aforesaid.

Sec. 9. For the purpose of carrying into effect this act, the said Company be, and are hereby authorized to survey, locate and occupy, as soon as may be after their organization, suitable landings, not exceeding one and a half acres at each landing, and to build wharves at Vancouver City, and at other suitable points on the said rivers and their tributaries, and to survey, locate, construct, maintain and operate and use two railroads, to-wit: One to commence at a point to be designated about or below the Cascades, or falls of the Columbia river, so called, and to terminate at some point suitable for steamboat landings above said Cascades. The other to commence at some point suitable for steamboat landings about or below the Dalles of the said river, so called, and to terminate at some point suitable for that purpose above said Dalles, in the Territory aforesaid, and said railroads may be located in whole or in part on lands near to said Columbia river, or in whole or in part on the water course of said river. The said railroads shall be located with a width not exceeding forty feet, with as many tracks and rails as may be deemed necessary. And it shall be lawful for said Company and those in their employ, to enter upon all lands and waters for the purpose of surveying and locating such landings and railroads. And when such landings and railroads are surveyed and located, it shall then be lawful for the said Company to enter upon, take possession of, use and occupy any land so designated for such purpose, and it shall be lawful for said Company, and those in its employ, to enter upon lands adjacent to such landings, railroad or railroad survey beyond the limits of said forty feet, for the purpose of erecting depots, buildings, station houses, and fixtures necessary for the operation and business of said roads, and for the purpose of making drains and giving proper directions to water courses, removing obstacles, and to deposit earth, gravel or stone taken from carts, and to

obtain earth, gravel, stone and other material necessary for embankments and structures necessary for the construction and repair of said roads, subject, however, to the payment of such compensation as the Company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter named.

SEC. 10. The landings may be surveyed and located before said railroads shall be surveyed and located, and may be changed and re-located, to better carry out the provisions of this act. Said railroad shall be commenced within two years, and completed in good running order within four years, and until said railroads are completed, passengers and freight may be transported on the public roads (the company repairing the same when necessary,) and if there be no public road between the landings, then it shall be lawful for said company to lay out, and open a road or roads upon the proposed line for railroads, or elsewhere as they may deem best, using the same, as a wagon road, or otherwise to construct a temporary track on lands near to said river, or on the water course of said river, as before provided for said railroads, and the said company shall by advertisement to the public, name the time of the opening of said line of travel.

SEC. 11. Whenever for the purpose before named, any land shall be taken, or used or occupied, or any material taken by said company without agreement with the owner thereof, as to compensation therefor it, shall be lawful and the duty of the district judge, having jurisdiction, or any judge of the supreme court, to appoint three disinterested persons residing in the district, to appraise and make due report and return of their appraisal of the value of the lands or material so used or taken, which shall be filed of record, in the office of the clerk of the district court, and unless appeal be taken therefrom in twenty days by either party, the judgment of the court may be entered in accordance with said report and return, at any term of said court, on motion or of course; *Provided*, That either party may appeal within twenty days after filing of said report and return, by entering written notice with the clerk of the court, who shall docket the cause, setting down the claimant as plaintiff, and company as defendant, and the court shall proceed to ascertain the compensation to be paid as the value of materials or lands taken, and if the amount found shall not exceed the amount appealed from, the claimant shall pay the costs with expenses of any suit, and the judgment of said district court shall be final. And when such compensation so ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title of said land shall rest in said company in fee simple, and a copy of such report or judgment filed in the office of

the auditor of the county in which the lands lie, shall be sufficient evidence of such title. And the said company shall have full power and authority before and pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy, the peaceable and uninterrupted possession of said lands, for all the lawful purposes of said corporation. And they shall not before, or during the pending of such proceeding, until said refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceedings either at law or equity. *Provided*, That in determining the amount of compensation for material or land taken, the increased value of lands of the same owner adjacent thereto, caused by the location of such railroad, or any road or landing of said company shall be considered, and form part of such compensation; *And Provided further*, That if the title of any land taken by the said company, shall be in dispute between claimants against the United States, the compensation therefor shall be ascertained and paid to the person who shall receive the patent therefor, or those claiming under him.

Sec. 12. When said road or roads, or either of them shall be completed, it shall be obligatory on said company, to transport all passengers and freight which may be offered, in their regular order of arrival, and to receive the same at the landings, so far as it shall be practicable, and the charges for freight and passengers, shall be uniform in all cases.

Sec. 13. It shall be lawful for said company to borrow money, sell or mortgage real or personal estate, and to do any and all acts, necessary for the purposes of carrying into effect, the purposes of this act, and to exercise all the rights and privileges incident thereto. This act shall receive a liberal construction, having in view the object of this corporation. And this charter shall not be forfeited because of the non use of any of the privileges granted herein. But the non-completion of the said railroads within two years, shall be cause of forfeiture, as shall also be cause of forfeiture, the transfer of said franchise, or any agreement or combination to charge rates of transportation for freight or passengers, with the "Oregon Steam Navigation Company," or with any owner or owners, of railroads or transportation companies on the Oregon side of the Columbia river, so as to control or monopolise the transportation on the said river, or on the "Cascades or Dalles" Portage.

Sec. 14. All steamers belonging or used by said company and registered in this Territory, shall be subject to taxation for all county, city, district or territorial purposes, in like manner as other personal property.

Sec. 15. The principal office of said company, shall be held at

Vancouver, in Clarke county, where the archives of the company, their books of subscription, and minutes of proceedings duly recorded, shall at all times, be open to the inspection of any stockholders in said Company; *Provided*, That the subscription, prior to the organization of the said company, may be taken at such time and place, as may be determined by a majority of the corporators aforesaid, by their written consent thereto, to be filed of record in the archives of said Company.

SEC. 16. The rules and by-laws of the said Company, shall define the time and manner of declaring dividends, and all other lawful purposes and proceedings of said Company, necessary to an efficient and proper carrying on of the objects of this charter.

SEC. 17. All laws and parts of laws, which may in any manner contravene, or interfere by mis-use or non-use with the location and carrying out of roads, or other matters provided for by this act, be and the same are hereby repealed.

Passed, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN JOHN KINDRED AND SALLY, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the bonds of matrimony existing between John Kindred and Sally, his wife, be, and the same is hereby dissolved.

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

Passed, January 27, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE LYMAN SHAFFER AND W. F. BASSETT TO ESTABLISH A FERRY ACROSS THE SOUTH FORK OF CLEAR WATER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Lyman Shaffer and W. F. Bassett, their heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the South Fork of Clear Water river at or near a point where the main wagon road, leading from Lewistown to Oro Fino crosses the same, and that the said Lyman Shaffer, W. F. Bassett, their heirs and assigns, have the exclusive privilege of ferrying on said river within the following limits, to wit: One mile above and one mile below the point selected for said ferry, for the period of six years from and after the passage of this act: *Provided*, That it does not conflict with rights belonging to the Superintendent of Indian Affairs over Indian reserves in this Territory.

SEC. 2. It shall be lawful for the said Lyman Shaffer, W. F. Bassett, their heirs and assigns, to receive and collect the following rates of toll for ferrying upon said ferry:

	\$ 00
For each wagon and one span of horses, mules or yoke of oxen,	3 00
Each additional span of animals.....	1 00
Each man and horse.....	1 00
For horse and pack.....	1 00
For loose animals, other than sheep and hogs, each.....	50
For sheep and hogs, each.....	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 Lyman Shaffer, W. F. Bassett, their heirs or assigns to collect and receive ferriage only according to rates of toll fixed by said commissioners.

SEC. 3. All acts or parts of acts conflicting with the foregoing is hereby repealed. This act to take effect and be in force from and after its passage.

Passed, January 27, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY EXISTING BETWEEN ELIE SERAULT AND THERESA, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony existing between Elie Serault and Theresa, his wife, are hereby dissolved.

Passed, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO DISSOLVE THE BONDS OF MATRIMONY HERETOFORE EXISTING BETWEEN MORRIS JONES AND ISABELLA, HIS WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the bonds of matrimony heretofore existing between Morris Jones and Isabella, 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, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council

AN ACT

TO AUTHORIZE ORRINGTON CUSHMAN AND HIS ASSOCIATES TO ESTABLISH A FERRY ON THE SOUTH FORK OF CLEAR WATER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Orrington Cushman and his associates are hereby

authorized to establish and keep a ferry over the South Fork of the Clear Water at or near the camp of the Nez Perce chief, Lawyer, on said stream, and that the said Cushman and his associates, after having selected the point on said river for said ferry, shall have the exclusive privilege of one mile above and below the place so selected, for the term of five years from the passage of this act.

SEC. 2. It shall be lawful for the said Orrington Cushman and his associates to collect and receive the following rates of toll for ferriage upon said ferry :

	\$ 00
For each wagon with two horses attached.....	3 00
For carriage with two horses attached.....	3 00
For cart or buggy with one horse.....	2 00
For man and horse.....	1 25
For loose animal, other than hogs or sheep.....	50
For each pack animal.....	1 50
For each footman.....	50
For each sheep or hog.....	10

SEC. 3. The county commissioners of Nez Perce county may, at any regular term of a commissioners' court, alter the rates of toll, and the rates so fixed may be collected by the said Cushman and his associates.

SEC. 4. The said Cushman and his associates shall, within six months from the passage of this act, keep on said ferry a sufficient number of boats, and hands to man them, to transport persons and property over said river without delay.

SEC. 5. The failure of the said Cushman and his associates within six months from the passage of this act [to] comply with its provisions [shall render] this law null and void.

Passed, January 27th, 1862.

JAS. LEO. FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE WILLIAM DELACY AND JARED S. HURD, TO KEEP A FERRY ON SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That William Delacy and Jared S. Hurd, be, and they are hereby authorized to establish and keep a ferry across the Snake River, at a point that the said parties may select, between the mouth of the Powder river, and the mouth of the Grand Round river, and that they have the exclusive privilege of ferrying at said point so selected, for the period of five years from the passage of this act; *Provided*, That this grant shall not interfere with any charter previously given by this Legislative body.

SEC. 2. It shall be lawful for the said William Delacy and Jared S. Hurd, to receive and collect the following tolls for ferriage over said river.

For wagon with two horses attached.....	3 50
For carriage with two horses attached.....	3 50
For cart or buggy with one horse.....	2 00
For each additional animal.....	50
For man and horse.....	1 50
For each animal packed... ..	1 50
For each footman	50
For loose animals other than sheep or hogs	50
For each sheep or hog.....	15

SEC. 3. The county commissioners of any county having jurisdiction, may at any term of a commissioners' court alter or amend the rates of toll as fixed by this act, and the tolls agreed on by said commissioners, shall be collected by the said Delacy and Hurd, and no more.

SEC. 4. The said William Delacy and Jared S. Hurd shall, within six months from the passage of this act, procure and keep on said ferry a sufficient number of boats and hands to transport persons and property without delay.

SEC. 5. The failure of the said Delacy and Hurd to comply with the provisions of this act, will render its provisions null and void.

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

Passed, January 27, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

RELATIVE TO THE SCHOOL FUND OF THE COUNTY OF WALLA WALLA.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That one fourth of all the money collected and paid into the treasury of Walla Walla county for licenses, for bar rooms, billiard tables, tipping houses, 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 the portion set apart in this act for school purposes, but the same shall in all cases, be paid in cash for the uses and purposes hereinbefore mentioned.

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

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

 AN ACT.

TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE THE OREGON STEAM NAVIGATION COMPANY," PASSED DECEMBER 19th, 1860.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three (3) of the act to which this is amendatory, shall be and is hereby so amended, as to read, "the capital stock of said corporation shall not exceed two (2) millions of dollars, and shall be divided into shares of not less of [than] five (5) hundred dollars each, transferable as their by-laws may provide." And the said company shall erect keep and maintain a depot at Vancouver, in Clarke county W. T., at which place the office of the company shall be located, the books kept, and all business appertaining to the management of the company shall be transacted at said place.

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

Passed, Jan. 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO PAY EDWARD LANDER CERTAIN ATTORNEY FEES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be, and hereby is appropriated, the sum of one hundred dollars for the payment of services rendered by Edward Lander, as attorney for said Territory, in prosecuting before the supreme court, the case of "the Territory of Washington against Elleck or Harry Peeps an indian." And that the said Auditor of the Territory is hereby authorized to issue his warrant therefor, which warrant the Treasurer of the Territory is hereby authorized to pay out of any funds in the treasury not otherwise appropriated.

Passed, January 28th, 1862. '

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO INCORPORATE THE WALLA WALLA RAIL ROAD COMPANY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That A. J. Cain, B. F. Whitman, L. A. Mullan, W. J. Terry, C. H. Armstrong, I. T. Abbott, I. T. Reese, S. M. Bald-

win, E. L. Bonner, D. Craig, Wm. A. Mix, Chas. Russell, J. A. Simms, Jesse Drumballer, Jas. Reynolds, D. S. Baker, Geo. E. Cole, S. D. Smith, J. J. Goodwin, Wm. Way, Neil McSlinckey, J. G. Sparks, W. A. George, J. Van Syckle, W. W. DeLacy, A. Seitel, Wm. Ball, B. F. Stone, J. Schwabacker, B. P. Standifer, T. Brown, ——— Tatem, W. W. Johnson, and such other persons as may or shall be associated with them for that purpose, are hereby constituted and created a body politic and corporate by the name and style of the "Walla Walla Rail Road Company" and said Company is hereby empowered to build a continuous railroad, with one or more tracks, and the necessary depots, turn outs, stations and appurtenances for the proper convenient and profitable use thereof, from Walla Walla Landing on the Columbia river, to the city of Walla Walla, in the county of Walla Walla, on such route as said Company shall deem to be most advantageous to the public interests.

Sec. 2. The said Company shall, before the first day of November, A. D., 1863, accurately survey, or cause to be surveyed, the line to be adopted as their line of location, and make, or cause to be made, an accurate plan or map thereof, which shall be duly filed in the office of the Secretary of this Territory, and shall, within said period, and after such survey and exploration, determine and decide upon the route which shall be adopted in making and constructing said road, and shall, within said period, file such determination in the office of the Secretary of the Territory.

Sec. 3. The said Company shall, within five years from the first day of November, 1863, complete and furnish ready for the transportation of passengers and freight a single track of said railroad throughout the entire length thereof.

Sec. 4. The capital stock of said Company shall be three hundred thousand dollars, and divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as said corporation shall, by its by-laws, provide and direct.

Sec. 5. The above named incorporators and such other persons as may be associated with them, shall have power to appoint commissioners whose duty it shall be to open books at Walla Walla and at such other places as they may direct, to receive subscriptions to the capital stock of said corporation, and as soon as the whole capital stock shall be in good faith subscribed, the said commissioners shall appoint a convenient time and place for a meeting of the stockholders of said Company, notice thereof shall be given to each stockholder, either personally or by depositing a proper notice in the post office, directed to each stockholder at his residence or usual place of business, at least thirty days before the

time of such meeting, and by giving one month's printed notice in some newspaper printed at Walla Walla City, and such stockholders as shall attend the meeting so called, either in person or proxy, shall elect by ballot eleven directors for said corporation, and in such election, each share of said capital stock shall entitle the holder to one vote. Two of the commissioners, as appointed by this section, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at such meeting, and shall deliver over the subscription books to said directors.

SEC. 6. The directors chosen in pursuance of the last preceding section shall, as soon as may be after such election, elect from their own number a president and vice president, and in case of the death, resignation or absence of the president, the vice president shall act as president until the next annual election, and if the office of both president and vice president shall be vacant, the board of directors shall fill such vacancy for the remainder of the year, but no person shall be a director unless he be a stockholder owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen.

SEC. 7. The president, vice president and directors shall hold their offices for one year, respectively. The said president and vice president shall be from time to time appointed by the board of directors, and the directors shall be annually chosen at such time and place, and in such manner as may be provided by the by-laws of said Company. The said board of directors shall have power to appoint such clerks, engineers, agents and subordinates as may from time to time be necessary to carry into effect the objects of this act.

SEC. 8. Each stockholder of this company shall be individually liable to the creditors of such Company to an amount equal to the amount unpaid on the stock held by him for all debts and liabilities of such Company, until the whole amount of the capital stock so held by him shall have been paid to the Company. And all the stockholders of said Company shall be jointly and severally liable for all the debts due or owing to any of its laborers and servants for services performed for such corporation, but shall not be liable to an action therefor, before an execution shall be returned unsatisfied in whole or in part, against said corporation, and then the amount due on such execution shall be the amount recoverable with costs againsts such stockholders.

SEC. 9. The corporation hereby created is authorized to purchase, receive, enter upon and hold such lands, streams of water, real and personal estate as may be necessary and convenient in carrying into effect the objects for which this corporation is granted, but all lands, streams and

real estate which are not donations to said Company, shall be purchased by said Company of the owner or owners thereof, at such price as may be agreed upon, and in case such price cannot be agreed upon, then the same shall be acquired by arbitration in accordance with the laws of this Territory.

SEC. 10. It shall be lawful for said Company from time to time, to fix and regulate the fare, tolls and charges to be received and paid for the transportation of persons and property on said road, or any part thereof, but said Company shall in no case take or receive a sum greater than ten cents per mile for the transportation of passengers, nor a sum exceeding forty cents a mile for the transportation of one ton, two thousand pounds, of freight other than live stock or animals.

SEC. 11. It shall be lawful for the directors of said Company to require payment of the sum subscribed to the capital stock thereof at such times, and in such proportions and on such conditions as they shall deem to be necessary to complete the said railroad within the time in this act prescribed. Thirty days' previous notice shall be given of the payments required, and of the time and place of payment; and in case any stockholder shall neglect or refuse to pay in pursuance of such notice, the stock held by him or her and all previous payments made thereon shall be absolutely forfeited to said Company, but the same may be redeemed if, in the opinion of the board of directors, such redemption shall be just, and on such terms as the said board may prescribe.

SEC. 12. The directors of said company shall make an annual report of their proceedings and expenditures verified by the affidavits of the president and at least three directors and shall publish the same in one newspaper published in Walla Walla county.

SEC. 13. The board of directors shall have power from time to time, to make all necessary rules, regulations and by-laws for the government of said company, which are not inconsistent with the laws of the United States, or of this territory, and the same shall be binding and obligatory on such company and on each and every member thereof.

SEC. 14. If the said company hereby incorporated, shall at any time hereafter, obtain, accept or receive the grant of any banking power or privilege, or shall become possessd of any such power in whole or in part, either solely or jointly, with any other person or persons, or by the omission or addition of any name or names, or in like manner shall obtain, accept, or receive the grant of any other privilege or franchise not granted or contemplated by this act then all the rights, franchises, and powers hereby granted shall cease, and the said corporation shall thereby be dissolved; *Provided*, That nothing herein contained shall be construed to

prevent the said corporation from acquiring rights of way to the extent limited by this act, or lands necessary for the road-bed and fixtures of the said road, with the grant of all necessary streams and water courses and supplies of water necessary to the construction, maintenance and use of said road, nor to prevent the said corporation from receiving grants of land from the United States Government or from individuals, for the benefit and use of said corporation, or to take and acquire the same by due course of law, under the right of eminent domain or otherwise, when not otherwise inconsistent with the provisions of this act.

SEC. 15. The powers and privileges granted by this act, shall not be exercised or enjoyed by the incorporators therein named, or by their successors, unless said corporation shall, within the period of five years after the passage of this act, in good faith commence and carry forward with all reasonable despatch, active operations to accomplish and permanently secure the objects proposed by the terms specified herein.

SEC. 16. In case the corporation herein created fulfil the terms and condition herein specified, this charter shall continue in effect and force until January 1st, A. D. 1880, subject to such amendments as may be deemed necessary.

SEC. 17. This act to take effect and be in force from and after its passage.

Passed, January 28, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO LEGALIZE THE TRANSACTIONS OF THE BOARD OF COUNTY COMMISSIONERS, HAD AT THE CITY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the action of the board of county commissioners otherwise legal, shall not be considered as illegal and void by reason of their being held at Walla Walla city.

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

Passed, January 23, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO INCORPORATE THE " PUGET SOUND AND COLUMBIA RIVER RAILROAD COMPANY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Peter J. Moorey, J. B. Webber, P. Keach, Lafayette Balch, Thomas Chambers, S. McCaw, J. W. Nye, Lewis Lord, Richard Covington, John Aird, Lewis Sohns, Geo. W. Hart, C. Lancaster, T. J. Demarco, Geo. Woods, Enoch S. Fowler, Paul K. Hubbs, H. Z. Wheeler, J. P. Keller, A. A. Denny, H. L. Yessler, Chas. Plummer, W. W. Miller, A. J. Chambers, Jas. Biles, H. D. Huntington, Chas. Holman, Cyrus Walker, Frank Clark, Wm. M. Morrow, and all such persons as shall hereafter become stockholders in said company hereby incorporated shall be a body politic, by the name and style of the " Puget Sound and Columbia river railroad company," with perpetual succession, and under the name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons, may make and use a common seal, and alter or renew the same at pleasure, and by their said corporate name and style shall be capable in law of contracting and being contracted with, shall be and are hereby invested with all the powers, privileges, immunities and franchises, and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.

SEC. 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate, a railroad with one or more tracks, or lines of rails, commencing at Steilacoom in Pierce county on Puget Sound, and running thence " to " Vancouver city in Clarke county.

Sec. 3. The capital stock of said Company shall consist of fifteen millions of dollars, and may be increased to fifty millions of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said Company shall be vested in thirteen directors, who shall be chosen by the stockholders of said Company, in the manner hereinafter provided, who shall hold their offices one year after their election, and until others shall be duly elected and qualified to take their place as directors, and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their members to be the President of the Company. The said board of directors shall have power to appoint all necessary clerks of business of said Company.

Sec. 4. The said Company are hereby authorized by their agents, surveyor or engineers, to cause such examinations and surveys to be made of the ground and country between all the points mentioned in the second section of this act, as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct the said railroad, and it shall be lawful for the said Company to enter upon, and take possession of, and use all such lands and real estate as may be necessary to the construction of, and maintenance of the said railroad, its depots, water stations, side tracks, machine shops, engine houses, and buildings, all appendages necessary to the construction and working of said rail road; *Provided*, That all lands or real estate entered upon, taken possession of, and used by said Company for the purpose and accommodation of said railroad, or upon which the aforesaid railroad shall have been located or determined by the said corporation, shall be paid for by said Company in damages, if any be sustained by the owner or owners thereof by the use of the same, for the purposes of the said railroad, and all lands entered upon and taken for the use of the said corporation, which are not devoted to said corporation at such prices as may be mutually agreed upon by said corporation, and the owners of said lands or real estate; and in case of disagreement the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads, canals, or other public works.

Sec. 5. The time of holding the annual meeting of said company, for the election of directors shall be fixed and determined by the by-laws of said Company, and at all meetings such stockholders shall be entitled to vote in person or lawful proxy, one vote for each share of stock he she or they may hold bonafide in said Company, upon which all installments called, have been paid.

Sec. 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom after a

meeting duly called by thirty days' notice in two or more newspapers, published in Washington Territory, are hereby authorized to open subscription books for said stock, at Steilacoom and Vancouver, and shall keep such books open until one hundred and fifty thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed, at the time of subscribing. Said commissioners shall immediately thereafter, call a meeting of the stockholders by giving thirty days' notice, in such newspapers as may be deemed necessary, and at such meeting it shall be lawful to elect the directors of said Company, and when the directors of said Company are chosen, the said commissioners shall deliver said subscription books, with the sums of money received by them as commissioners, to said directors. No person shall be a director in said Company, unless he shall own at least one share of the capital stock.

SEC. 7. That the right of, and the real estate purchased for the right of way by said Company, whether by mutual agreement or otherwise, or shall become the property of the Company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands as a compensation of the same, become the property of said Company in fee simple.

SEC. 8. The corporation may take and transport on said railroad any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them: May fix and establish and receive such rates of toll for all passengers and property transported upon the same as the said directors shall establish. The directors are hereby authorized and empowered to make rules and by-laws, regulations or ordinances, that they may deem necessary and expedient to accomplish into effect the provisions of this act, and further transfer assignments of the stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws of said Company.

SEC. 9. The directors of said Company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional capital stock, or any part thereof, at such times as they may deem it for the interest of said Company, and all instalments required to be paid on the stock originally to be taken, and what may be taken to increase the said capital, shall be paid at such times and in such sums as the directors may prescribe.

SEC. 10. In case of the death or resignation of the president or vice president, or any director, at any time between the annual election, such vacancies may be filled for the remainder of the year, whenever they

may happen, by the board of directors ; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president and vice president *pro tem.*, who shall have and execute such powers and functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be made on any day in pursuance of this act, it shall not invalidate such election, and the corporation for that cause shall not be dissolved, but such election shall be held at any other time as directed by the by-laws of said corporation.

SEC. 11. Said Company shall have power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed at either terminus, or at any point at which it may cross the same, within this Territory, upon such terms as may be mutually agreed upon between said railroad corporations so connecting, and for that purpose, full power is hereby given to said Company to make and execute such contract with any other Company that may secure the object of such connection : *Provided,* That no cars shall run upon the line or track of the road constructed by the Company hereby incorporated, except at the points of crossing or intersecting the same.

SEC. 12. Said Company is hereby authorized from time to time to borrow such sum or sums of money as may be necessary for completing and furnishing and operating the said railroad, and to assume and dispose of the bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding seven per centum per annum, for any amount so borrowed and mortgage the corporation property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said Company for the purposes aforesaid, and the directors of said Company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said Company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said Company may see fit to adopt ; and all sales of stock bonds that may be made at less than par value, shall be good and valid and binding upon such corporation as if such bonds had been sold for the full amount thereof.

SEC. 13. This act shall be deemed a public act, and shall be favorably construed for all purposes therein expressed and declared, in all courts and places whatsoever, and shall be in force from and after its

passage; *Provided*, Said railroad shall be commenced within three years, and completed within ten years from the passage of this act.

Passed, January 28th, 1865.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE W. W. DELACY AND HIS ASSOCIATES, TO KEEP A FERRY
ON THE SALMON RIVER.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That W. W. DeLacy and such others as may be associated with him, their heirs and assigns, be, and are hereby authorized to keep a ferry on the Salmon river, at a point about five miles above the mouth of Slate creek, or at a point where the trail from Lewiston, crosses said Salmon river, and that the said W. W. DeLacy, his associates, their heirs and assigns, shall have the privilege of ferrying said Salmon river at the point above named, within the following limits, to wit: a distance up and down said river, of two and a half miles from said ferry, for the term of four years from the passage of this act; *Provided*, That the 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. No courts or boards 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 said W. W. DeLacy, his heirs and assigns, to receive and collect the following rates of toll for ferriage upon said ferry.

	\$ 00
For each wagon, carriage, or vehicle with two animals attached . .	4 00
“ “ additional animal	50
“ “ cart, wagon, or vehicle with one horse	2 00

" " man and horse.....	1 50
" " animal packed.....	1 50
" " footman	50
" " loose animals other than sheep, hogs or goats.....	25
" " sheep, hogs or goats, each.....	10

SEC. 4. Said W. W. DeLacy, his associates, heirs and assigns, shall, within one year from 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 county commissioners of the county in which said ferry is located, shall have the power to change the above rates of toll, at any regular term of court, which rates, when changed, shall be collected at the above ferry.

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

Passed, January 27th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

AN ACT.

TO LOCATE THE COUNTY SEAT OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the County Seat of Walla Walla county, be, and is hereby located at Walla Walla City, in said county.

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

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

AN ACT.

TO AUTHORIZE GEORGE A. TYKEL AND HIS ASSOCIATES, TO GRADE THE BLUFF ON SNAKE RIVER, IN CONSTRUCTING A WAGON ROAD AND PACK TRAIL OVER THE SAME, AND ESTABLISHING A FERRY OVER SAID SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That George A. Tykel, and his associates, be, and are hereby authorized to grade the bluffs of Snake river, 'in the construction of a wagon road and pack trail at the most accessible localities they may select, and establish ferries adjacent thereto, across said Snake river between the points to wit: the mouth of Powder river, and a point two miles below Disaster Chutte, formed by the junction of the two channels around Rocky Island, in the middle said Snake river, with the exclusive privilege for a distance of two miles above and below the sites selected for said ferries and grades, for the term of ten years; *Provided,* That the privilege herein granted, shall not encroach upon the rights and immunities of any other persons previously granted, but shall be limited in extent by the bounds of such grant; and that said ferries when so established, shall be under the direction of the commissioners of the county within which the same may be situated, to make such regulations relating thereto, as may be legal and proper.

SEC. 2, It shall be lawful for the said George A. Tykel and his associates to collect the following toll for ferriage fees.

	\$ 00
For crossing each person	50
“ “ horse and rider	1 00
“ “ wagon	1 50
“ “ pack animal	1 00
“ “ horses, mules, or cattle, loose	50
“ “ sheep, hogs, or other small animals	15

SEC. 3. That said George A. Tykel and his associates shall, within four months, commence grading said bluff and construction of ferries thereto, and shall have the same completed within six months after the passage of this act, and keep said ferry or ferries, well and skillfully managed, with the requisite number of hands for the safe and expeditious transportation of persons and property over said Snake river.

SEC. 4. This act to take effect and be in force from the date of its passage.

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE THE DIRECTORS OF SCHOOL DISTRICT NO. SIX, IN CLARKE COUNTY, TO LEVY A SPECIAL TAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Directors of School District No. six, in Clarke county, be and they are hereby authorized, to levy a special tax of not to exceed three and one-half mills on the dollar's valuation of the taxable property in said district, as returned by the assessor of the city of Vancouver, for the year 1861.

SEC. 2. All acts in conflict with the provisions of this act are hereby repealed.

Passed, January 23th, 1862.

JAS. LEO. FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE RICHARD HOLMES AND JAMES CLINTON, TO ESTABLISH A FERRY ACROSS SALMON RIVER IN IDAHO COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Richard Holmes and James Clinton, their heirs and assigns, be, and they are hereby authorized to establish and keep a ferry on Salmon river, at or near a point where the Indian trail leading from Lapwai to the Grand Round valley crosses the same, and shall have the exclusive privilege of ferrying for the distance of one mile up and one mile down said river, from the point selected for said ferry, for the term of five years from the passage of this act: *Provided,* That said ferry when so established shall be under direction of the county commissioners of the county within which the same may be situated, who may make such regulations relating to ferriage fees as they may deem best.

SEC. 2. It shall be lawful for the said Richard Holmes and James Clinton and their heirs or assigns to collect and receive the following tolls for ferriage.

	\$ 00
For each footman	50
For each man and horse.....	1 00
For each pack animal	1 50
For each wagon with two horses, mules or oxen.....	2 50
For each wagon with four horses, mules or oxen.....	3 50
For each wagon with six horses, mules or oxen.....	4 50
For each horse and buggy.....	2 50
For sheep and hogs, each.....	15

SEC. 3. That said Richard Holmes, James Clinton, their heirs and assigns shall within six months from the passage of this act, have constructed good and sufficient boats for ferrying safely, persons, animals and passengers, which said boats shall be skillfully manned by the requisite number of hands, to expedite transportation over said ferry.

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

Passed, January 29th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO AUTHORIZE JOHN DRUMHALLER TO ESTABLISH AND KEEP A FERRY ON
THE MAIN CLEAR WATER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That John Drumbhaller and his associates, heirs and assigns, be, and they are hereby authorized to establish and keep a ferry across the main Clear Water, within the following limits, commencing at a point where the Indian trail ascends the bluff on the north side of the main Clear Water near where said bluff runs down to the river about two miles above Lewiston, and running from said point up said river, to the upper end of the flat through which said trail runs before ascending the bluffs before mentioned, and to land and deposit on either shore; and that the said John Drumbhaller, his associates, heirs and as-

signs, shall have the exclusive privilege of ferrying between the points aforesaid, including both shores, for the term of six years from the passage of this act: *Provided*, That when said ferry, when so established, shall be subject to the same regulations and 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 John Drumhaller and his associates, heirs and assigns, to receive and collect the following rates of toll upon said ferry.

	\$ 00
For each wagon, or carriage with two animals attached.....	3 00
For each additional animal attached thereto.....	50
For man and horse.....	1 50
For animal packed.....	1 00
For each head of loose animals, excepting sheep, goats or hogs..	50
For sheep goats or hogs each,.....	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 commissioners' court regulate and fix the rates of ferriage to be received by said John Drumhaller and his associates, heirs and 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 29th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council

AN ACT

TO AUTHORIZE JOHN A. PACKARD AND S. A. HACKETT, THEIR HEIRS, AS ASSOCIATES OR ASSIGNS, TO BUILD AND MAINTAIN A PLANK ROAD ACROSS THE NISQUALLY BOTTOM, IN PIERCE AND THURSTON COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That* John A. Packard and S. A. Hackett and their

heirs, associates and assigns, be and they are hereby authorized to construct, maintain and keep in repair for the period of ten years from the passage of this act, a plank road across the Nisqually bottom, in Pierce and Thurston counties. Said road to be constructed on the public highway, leading from Steilacoom, in Pierce county, to Olympia, in Thurston county, between the bluffs on either side of the Nisqually river, or upon such other ground between said bluffs as said Packard and Hackett, or their heirs, associates, or assigns, may select: *Provided*, That the same, when completed, shall connect with said public highway, either at the foot or head of said bluffs, and in case the connection shall be at the head of said bluffs, or either of them, then that as good a road shall be constructed from the foot to the head of the same as at present there is on the road or public highway heretofore referred to: *And provided, further*, That said road, when completed, shall be so constructed as to connect with a good, safe and substantial bridge across the Nisqually river.

SEC. 2. This act shall not hinder the proper authorities from laying out alongside said plank road when constructed, one or more roads if the public convenience shall require them.

SEC. 3. If, at any time, said plank road may be necessary for the convenience of the traveling public, it shall be lawful for the proper authorities of Pierce and Thurston counties, or the Territory, to appropriate the same to the use of said counties or the Territory, by first paying to the owner or owners, the value of the same at the time such appropriation shall be made; said value to be determined by three disinterested persons, or a majority of them, one of them to be selected by the owner or owners, the other by the counties or Territory, and the two persons selected as aforesaid, shall choose a third.

SEC. 4. Said Packard and Hackett, their heirs, associate or assigns, shall when, and not till a good, substantial, and safe plank road is completed over said bottom, and all other requirements of the first section of this act shall be fully complied with, be entitled to receive such compensation in tolls as may be reasonable: *Provided*, That nothing in this act shall be so construed as to prevent the commissioners' court of the counties of Pierce and Thurston, both agreeing, or the Legislative Assembly of the Territory of Washington, at any time after six months from the completion of said road, to regulate the rates of toll.

SEC. 5. The owners of said road, when completed, shall put up and keep in some conspicuous place, at each end of said road, a list of charges, which shall not be changed oftener than once in three months, and said notice shall name the person or persons to whom such charge may be paid.

SEC. 6. Any person wishing to cross said road when completed under the provisions of the foregoing act, shall first pay to the person named in said notice, or his agent, the amount charged in said list of charges.

SEC. 7. This act shall be forfeited, and of no validity unless said road shall be completed and finished, and all the requirements of the first section complied with on or before the first day of July, A. D., 1863.

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

AN ACT

TO AUTHORIZE W. GREENVILLE AND HIS ASSOCIATES TO ESTABLISH AND KEEP A FERRY AT OR NEAR THE MOUTH OF SLATE CREEK, ON SALMON RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That W. Greenville and his associates be and they are hereby authorized to establish and keep a ferry across the Salmon river, at or near the mouth of Slate Creek, up and down said Salmon river one half mile above, and half a mile below the place selected for said ferry, exclusively for the term of five years from the passage of this act: *Provided,* That said ferry, when so established, shall be under the direction of the county commissioners of the county within which the same may be situated, who may make such regulations relating to ferriage fees as they may deem best.

SEC. 2. It shall be lawful for the said W. Greenville and his associates to collect and receive the following rates of toll for ferriage:

	\$ 00
For crossing a footman.....	50
For crossing a man and horse.....	75
For crossing a pack animal.....	75
For crossing horses and cattle running in bands, each.....	50
For crossing a wagon with two horses, mules or oxen.....	2 50

For crossing a wagon with four horses, mules or oxen.....	3 50
For crossing a wagon with six horses, mules or oxen.....	4 50
For crossing a horse and buggy.....	2 25
For crossing sheep or hogs, each.....	15

Sec. 3. That said W. Greenville and his associates shall, within six months from the passage of this act, have constructed good and sufficient boats for ferrying safely persons, animals and property, which said boats shall be properly and skilfully manned by the requisite number of hands to expedite transportation over said ferry.

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

Passed, January 29th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

AN ACT

TO REPEAL AN ACT ENTITLED "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. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled, "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 Pierce county jail," passed January 24th, 1861, be, and the same is hereby repealed. And the Governor is hereby authorized to make such disposition of the Territorial prisoners now confined at Steilacoom, as the interests of the Territory may demand: *Provided,* That nothing herein contained shall be so construed as to prevent said E. H. Tucker from receiving the payment provided for in the act hereby repealed up to the time this act shall take effect.

SEC. 2. This act to take effect and be in force from and after the first day of May, 1862.

Passed, January 29th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

MEMORIALS.

MEMORIAL

FOR A WEEKLY MAIL ROUTE IN THE WALLA WALLA COUNTRY.

To the Honorable, the Post Master General of the United States :

Your Memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the people now living in the eastern portion of this Territory are laboring under great inconvenience and expense from the fact of there being no mail facilities to the northward and eastward of the town of Walla Walla.

The great extent and richness of our gold fields, together with the unequalled grazing and farming lands east of the Cascade range of mountains, justifies the belief that there will be soon many thousand permanent settlers engaged in farming and mining in that portion of our Territory. In view of these facts, your memorialists would pray that a weekly mail route be established between the town of Walla Walla and Fort Colville, and also, a weekly mail route be established between Walla Walla and Pierce City, via Lewiston. A weekly mail should also be es-

tablished between Lewiston and Florence City, situated in the far-famed Salmon River mines.

We would also respectfully request that a daily mail route be established between Vancouver City and Walla Walla, thus connecting with the overland daily mail between Sacramento City, Cal., and Olympia, W. T.

Passed, January 6th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

TO EXTEND PUBLIC SURVEYS.

To the Congress of the United States :

The Legislative Assembly of the Territory of Washington beg leave to represent, that there are vast tracts of agricultural lands within the county boundaries of Spokane and Missoula, over which the public surveys of the Government have not been extended. Upon these lands, a large number of our citizens are located, who have erected houses and opened farms. We therefore ask congress to make an appropriation, which will be sufficiently large to extend this much needed survey over the counties to which we refer.

Passed, Jan. 6th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives
A. R. BURBANK,
President of the Council.

MEMORIAL

RELATIVE TO APPOINTMENT OF INDIAN AGENT IN THE SPOKANE COUNTRY.

To the Congress of the United States :

The Legislative Assembly of the Territory of Washington beg leave to represent, that a large number of Indians residing in the vicinity of Colville and Spokane have no agents to look after their interest or morals, and with whom no treaty has been made by the Government for lands which they claim. We would most respectfully urge that your honorable body authorize a treaty to be made with said tribes, and appoint an agent to take care of the interests of said Indians.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

ASKING FOR AN ADDITIONAL LAND OFFICE AT WALLA WALLA CITY.

*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, represent, that great inconvenience exists to the settlers on the public lands in the counties of Walla Walla, Spokane, Shoshone, Missoula, Nezperce and Idaho, 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 Walla Walla, in Walla Walla county.

Passed, January 6th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

TO FORTIFY THE MOUTH OF COLUMBIA RIVER.

*To the Honorable, the Senate, and House of Representatives,
in Congress Assembled:*

Your Memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the mouth of Columbia river, from its exposed position, and from its increasing commerce as the inlet and outlet of very extensive and important country, ought to be protected by fortifications, and they would further represent that Cape Disappointment affords a highly commodious and advantageous site for such fortifications.

Therefore, your Memorialists would recommend to your Honorable bodies that such fortifications be proceeded with at the earliest practicable time.

Passed, January 11th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

RELATIVE TO ESTABLISHMENT OF WEEKLY MAIL ROUTE BY STEAMER
FROM OLYMPIA TO SEABECK, ON HOODS' CANAL.

To the Honorable, the Congress of the United States :

Your Memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the town of Seabeck, on Hood's Canal, Kitsap county, and the country adjacent, is becoming rapidly settled on account of its agricultural and lumbering resources : That the mail communication by land with the capital of the Territory is not adequate to the wants of the citizens of Seabeck and Hood's Canal : That a weekly mail by steamer is absolutely necessary to the promotion of the interests and welfare of the citizens of Seabeck and Hood's Canal. Your memorialists would therefore pray your honorable body to make such appropriation as may be necessary to the establishment of a

weekly mail by steamship on said route, and your Memorialists, as in duty bound, will ever pray, &c.

Passed, January 11, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
 A. R. BURBANK,
President of the Council.

MEMORIAL

TO THE POSTMASTER GENERAL IN REFERENCE TO THE MAIL ROUTES
 EAST OF THE CASCADE MOUNTAINS.

To the Honorable Postmaster General :

We your Memorialists, the Legislative Assembly of the Territory of Washington, do respectfully represent, that whereas, there has been a weekly mail route between the Dalles and Fort Colville, via Walla Walla, and that that portion of the service on this route between Walla Walla and Colville has been discontinued, we do respectfully present the following facts for your consideration, viz :

Walla Walla county has now about one thousand inhabitants. There are five thousand men in the country north of Colville, whose only American office is that of Colville:

There are now at least five thousand miners in the Nezperces country east of Walla Walla: and,

That there will be fifty thousand people in the country east of the Cascades before the close of the ensuing summer:

There has been a semi-weekly line of steamers running with through connections between Portland and Walla Walla, which semi-weekly line is to be increased to a daily line on the re-opening of navigation on the Columbia in February:

We would, in view of these facts, respectfully urge upon the Post Office Department the increase of the present mail service between Portland and Walla Walla to a daily line. The increase of the mail service between Walla Walla and Colville to semi-weekly service:

The establishment by Congress of a new mail route from Walla

Walla via Lewiston and Pierce City to Elk City, distance 200 miles, and a branch route from Lewiston to Florence City, distance 85 miles with provisions for carrying a weekly mail on all the lines extending east from Walla Walla:

Also, a semi-monthly service between Walla Walla and the Hell Gate Ronde, distance 350 miles, over the road recently constructed by Lieut. John Mullen.

Passed, January 13, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council,

MEMORIAL

ASKING FOR THE ESTABLISHMENT OF CERTAIN MAIL ROUTES.

*To the Honorable Senate and House of Representatives,
in Congress Assembled:*

We, your Memorialists, the Legislative Assembly of the Territory of Washington, do respectfully represent to your honorable body that, in view of the fact of the rich deposits of gold in the country lying east of the Cascade Mountains in this Territory, which country has now within its limits more than five thousand men engaged in gold mining, which number will be increased to more than fifty thousand men during the ensuing summer, which population have no facilities whatever for the delivery of the United States mail amongst them.

We, your memorialists, would respectfully request your honorable body to establish the following mail routes:

A mail route from Walla Walla via Lewiston and Pierce City to Elk City, distance about 200 miles, weekly service.

A branch route from Lewiston to Florence City, about 85 miles, a weekly service.

A route from Walla Walla via Antoine Plant's, and the Cœur de

Alene Mission to Hell Gate Ronde, distance 350 miles, semi-weekly service.

Passed, January 13, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

RELATIVE TO THE JUDGES AND COURTS OF THE TERRITORY OF WASHINGTON.

*To 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 the existing state of the Districts and Courts of this Territory consequent upon an allowance of three Judges only, and the immense territory forming each district, and the restriction of one place only in each district, for the holding of the Court, works a grievance to the people tantamount to a denial of justice.

Wherefore, your memorialists pray that two additional Judges be appointed for the Territory, and that in any event, the existing laws be so amended as to require the holding of the United States courts in such places as the Legislature may prescribe.

Your Memorialists cannot too strongly urge upon the consideration of your honorable bodies, their prayer to be relieved from an evil which is producing now the most serious consequences. Civil remedies are set at naught, and crimes can only be punished by the summary and effectual mode not recognized by law.

Passed, January 20, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL.

RELATIVE TO THE MAIL ROUTE TO WHATCOM AND BELLINGHAM BAY.

To the Honorable Post Master General of the United States.

The Legislative Assembly of the Territory of Washington, would most respectfully represent, that under the contract last let, to carry the United States mail on Puget Sound in mail steamers, it was provided that the mail be carried in said steamers, to the Post Office at Whatcom on Bellingham bay. That the present contractors do not comply with the terms of their contract in as much as the mail is not carried to Whatcom in steamers, but is sent irregularly and not as often as the contract provides for, from Port Townsend, a distance of fifty miles in small sail vessels or boats, so that there is no certainty whatsoever, as to the time of arrival and departure of the mails at Whatcom. That this irregularity and failure of the mails is a source of great annoyance and inconvenience to about three hundred persons who get their mail matter at the Whatcom Post Office. Also, that there is no regular mail delivered at San Juan Island, where there are over 100 inhabitants. Your Memorialists would respectfully represent, that the Island of San Juan lies directly upon the route between Whatcom and Victoria, and would not increase the length of route No. 12772, on which the present mail contract was let, and would most respectfully pray your honor, that San Juan be inserted in the schedule, as a point at which the mail should be delivered, and that the evils herein complained of be abated; and that said contractors be ordered to carry said mail according to contract, in a steamer of suitable size.

Passed, January 21st, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

MEMORIAL.

PETITIONING FOR OCEAN MAIL SERVICE.

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 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 ocean mail service from San Francisco to Puget Sound. That on said waters are numerous thriving settlements, several United States Military Posts, the Custom House, and various offices of federal officials on duty in said Territory.

That the withdrawal of said ocean mail service has been attended with serious inconveniences to our people, and to the Government itself, its various officials and agents.

That the experience of the past winter has demonstrated the unreliability of "the overland mail," during several months of the year during the winter season, the roads over which said mails have to be transported to reach our people, are impassable, in consequence of floods and frozen streams, bridges and roads washed away, and the fact is, that since December 1st 1861, or thereabouts, by that route the people north of the Columbia river have had *no* mail, instead of a daily mail.

Your memorialists therefore, pray your honorable bodies to grant an appropriation which will secure to the people of Washington Territory, at least semi monthly *mail* communication with San Francisco, and as in duty bound etc.

Passed, Jan. 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

RELATIVE TO THE LUMBER INTEREST OF THE TERRITORY OF WASHINGTON

To the Senate and House of Representatives of the United States of America, in Congress assembled

Your memorialists, the Legislative Assembly of the Territory of Washington respectfully represent :

That the Bays and Inlets of Puget Sound, are bordered by dense forests of timber, rendering the clearing for agricultural purposes almost

impossible, and at least, very unprofitable. That a considerable number of mills for the manufacture of lumber, have at a great expense, been erected thereon, yet requiring their use for a century or more, to materially change the forest that is very densely standing throughout the whole of the Territory west of the Cascade mountains, in a range of several hundred miles. The said mills are now supplying more or less, the entire world with lumber, and are desirous to continue their industry in accordance with the laws, and with the enterprise of American citizens.

Wherefore your memorialists pray that your honorable bodies will enact such a law as to facilitate the industry, by allowing the use of timber from the Government lands, upon the payment of a reasonable sum per acre, or per thousand feet of timber so obtained, having due regard to the interests of the territory and the nation.

Passed, January 23, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

MEMORIAL.

ASKING CONGRESS TO PASS AN ACT ALLOWING TWO PLACES FOR THE HOLDING OF THE COURT IN THE THIRD JUDICIAL DISTRICT.

To the Honorable, the Senate and the 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 rapid increase of our population East of the Cascade Mountains, caused by the recent and extensive gold discoveries; has made it absolutely necessary to re-district the Territory for Judicial purposes. And whereas, in said re-districting it was necessary to divide the first Judicial District into two Districts, and consolidate the second and third Judicial District into one District to-wit: the third District: And whereas said third District embraces an extent of territory over one hundred and fifty miles square, and contains the seat of Government of said Territory, (Olympia) and the port of entry on Admiralty Inlet, (Port Townsend,) and said seat of Government and port of entry being almost one hundred miles apart, which facts together with inconvenient and tedious means of travel in this new and densely timbered country, renders any one place in said third District, for holding the district court for United States business, entirely inadequate

to the wants of the country, and to hold said court in only one place, would amount in many instances, to a denial of justice.

Therefore, your memorialists would respectfully ask your honorable bodies, to pass an act allowing and requiring the Judges of the Supreme Court of this territory, to fix two places for holding court for United States business in the said third district.

Passed, January 21, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

MEMORIAL

RELATIVE TO CARRYING THE U. S. MAILS TO COVELAND ISLAND COUNTY

To the Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, would represent that in the original contract for mail service by steamer on Puget Sound, it was contemplated carrying the mail to that place has been for the most part, carried in small sailing crafts from Port Townsend to Whidby's Island, and by land thence to Coveland. That during the winter season, the weather is frequently so inclement that the mail cannot be landed on the Island by that conveyance, and the people are deprived of its benefits. Your memorialists would respectfully ask that the mail may be carried by steamer to Coveland, as the only safe and certain means under the present route. If however, said course cannot be adopted, that a separate contract may be awarded for semi-weekly mail from Port Madison to Coveland, via. Muckleteo and Utsalady, where the number of residents justify the establishment of offices.

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTIONS.

RESOLUTION

RELATIVE TO COLLECTION OF DIRECT TAXES

Resolved by the House, the Council concurring, That the Territory of Washington assume the assessing and collecting of the Direct Tax apportioned to this Territory by act of Congress.

Passed, January 4th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION

RELATIVE TO TROOPS, &C.

WHEREAS, the almost entire withdrawal of the small military force heretofore placed by the Government for the protection of this Territory, has left many portions of the Territory exposed to imminent danger from the outbreak of savages within, and inroads upon us from savages with-

out the Territory: AND WHEREAS, Forts Townsend, Bellingham and Chehalis have, for a long time been unoccupied by troops, and are much exposed, therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That the Commander of the forces of the United States on the Pacific coast is hereby respectfully memorialized to cause the aforesaid posts to be occupied for the purposes of protection before named.

That a copy of this resolution and memorial be forwarded to the Commander of the Department of the Pacific.

Passed, January 28th, 1862.

JAS. LEO. FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION

RELATIVE TO EXPENSES INCURRED BY SERGEANT-AT-ARMS AND WITNESSES BEFORE THE UNIVERSITY COMMISSIONERS.

Be it resolved by the Council, the House of Representatives concurring, That the same fees allowed witnesses for their attendance upon the District Court be allowed the following named witnesses for their attendance before the joint committee appointed to investigate accounts of University Commissioners, viz: H. Butler, F. Mathias, A. P. Delin, M. Hitchcock, H. Adams, C. Gorton, J. Settle, T. S. Russell, H. A. Atkins, D. Graham and H. L. Yessler. Also, that the sum of twenty two dollars be allowed D. P. Wallace, Sergeant-at-Arms, for summoning said witnesses, which several sums the Treasurer of the University Fund is hereby authorized to pay, and should the Secretary of the Territory, at any time after the payment, as herein provided for, has been made, refund said amount, or any part thereof, to the Territory, then, and in that case, such sum so refunded, shall be applied to University Fund.

Passed, January 29th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A R. BURBANK,
President of the Council.

RESOLUTION

RELATIVE TO PRINTING THE DECISIONS OF THE SUPREME COURT.

Resolved by the Legislative Assembly of the Territory of Washington, That the Public Printer be, and is hereby directed and required to print and embody in the volume of the Laws, the Decisions of the Supreme Court of this Territory, with the Opinions of the Judges thereon, as reported by Elwood Evans, Esq.

Passed, January 28th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION.

RELATIVE TO THE ELECTION OF PUBLIC PRINTER.

Resolved That the Council and House of Representatives meet in Joint Convention, for the purpose of electing a Public Printer, on Monday, the 6th day of January, 1862.

Passed, January 2d, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION.

RELATIVE TO JOINT COMMITTEE CONCERNING UNIVERSITY COMMISSIONERS.

Resolved by the Council, the House concurring, that a joint committee of eight be appointed, Messrs. Burbank and Caples on the part of the Council, and Messrs. Beaty, Gardiner, Ruth, Lombard, Holbrook,

RESOLUTIONS.

and Wilson on the part of the House, to investigate the accounts of the Board of University Commissioners. Also deed of site, together whether a higher price has been paid on contracts in land, than in money, and report in detail or otherwise, to the Legislative Assembly. The committee to have power to send for accounts, papers and witnesses, in case they deem it necessary. The Board of Commissioners are hereby directed to lay before said committee all accounts, papers, deed of site, contracts, and any matter or acts of theirs, in their official capacity.

Passed, January 11th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

RESOLUTION.

RELATIVE TO JOINT CONVENTION FOR THE PURPOSE OF ELECTING 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 twentieth day, of January 1862, at eleven o'clock a. m., for the purpose of electing one Territorial Auditor and Librarian, one Territorial Treasurer, and three Capitol Commissioners; also, to elect any or all other Territorial Officers that may be found necessary and proper at that time.

Passed, January 13th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council.

RESOLUTION.

RELATIVE TO THE ADJOURNMENT OF THE LEGISLATIVE ASSEMBLY, AND THE INTRODUCTION OF NEW BUSINESS.

Resolved by the House, the Council concurring, that there shall be no more new business introduced in either branch of the present Legisla-

tive Assembly, after Monday January 27th, 1862. And that this Legislative Assembly, do adjourn *sine die*, on Thursday, 30th day of January 1862, at half past 7 o'clock, A. M.

Passed, January 25th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION

RELATIVE TO THE PAY OF MILEAGE TO W. W. JOHNSON.

Resolved that the Secretary be requested to pay W. W. Johnson, the mileage as allowed by law, to members of the Legislature.

Passed, January 3d, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION

RELATIVE TO PAYING CERTAIN PERSONS SUMMONED BEFORE THE UNIVERSITY COMMITTEE.

Resolved by the House, the Council concurring, that his excellency, L. J. S. Turney, be, and he is hereby requested to pay the expenses of certain persons, who have been summoned to appear before the University committee.

Passed, January 24th, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives.
A. R. BURBANK,
President of the Council.

RESOLUTION

RELATIVE TO ADJOURNMENT OVER THE HOLIDAYS

Resolved by the House, the Council concurring, That the Legislative Assembly adjourn on Tuesday, the 24th inst., to meet on Thursday, the 2d day of January, A. D., 1862.

Passed, December 24th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives.

A. R. BURBANK,

President of the Council

RESOLUTION

RELATIVE TO RECEPTION OF GOVERNOR'S MESSAGE.

Resolved by the Council, the House concurring, That the two Houses meet in Joint Convention to-morrow morning at ten o'clock, for the purpose of hearing any communication His Excellency, the Governor, may deem necessary to lay before the Legislative Assembly of the Territory of Washington.

Passed, December 18th, 1862.

JAS. LEO FERGUSON,

Speaker of the House of Representatives

A. R. BURBANK,

President of the Council

RESOLUTION

RELATIVE TO APPOINTING COMMITTEE TO VISIT UNIVERSITY BUILDING.

Resolved by the House of Representatives, the Council concurring, That a committee of five, three from the House, and two from the

Council, be appointed to visit the University at the town of Seattle-King county, make a thorough examination of the buildings, premises and all thereto pertaining, and make report at early convenience.

Resolved, That the President of the Board of University Commissioners pay the necessary expense arising therefrom, and charge to University account

Passed, December 21st, 1862.

JAS. LEO FERGUSON,
Speaker of the House of Representatives
A. R. BURBANK,
President of the Council

CERTIFICATE.

TERRITORY OF WASHINGTON, }
SECRETARY'S OFFICE. }

I, L. JAY S. TURNEY, Secretary in and for the Territory of Washington, hereby certify that this volume contains true and perfect copies of the Laws, Memorials and Resolutions, passed at the Ninth Session of the Legislative Assembly of said Territory, began and held at Olympia, on the 2d day of December, A. D., 1861, and closed on the 30th day of January, A. D., 1862, as appears from the originals on file in said office.



In witness whereof, I hereunto set my hand, and affix the seal of said Territory, at Olympia, this 21st day of August, A. D., 1862, and of the Independence of the United States the eighty-seventh.

L. JAY S. TURNEY,

Secretary W. T.

INDEX

TO

GENERAL LAWS.

A

	PAGE.
APPORTIONMENT—	
Act to apportion the representation of Washington Territory,	51
ASSESSOR—	
To abolish the office of assessor in the counties of Sawamish, Pierce, Snohomish, Lewis, Whatcom, Clallam, Jefferson and Spokane,	6
Shall collect poll tax, and enforce the payment of the same, within a certain time,	53
Shall deliver receipt on payment of poll tax,	54
Penalty for receiving poll tax without delivering receipt,	54
Shall give receipt for blank poll tax receipts,	54
Shall meet with certain officers to make a settlement,	54
Shall make a settlement on the first Monday in October of each year, for all poll tax receipts received by him, mode of settlement,	54
Shall give additional bond to the county commissioners for the prompt payment of the poll taxes collected by him,	55
Shall enforce the payment of poll taxes, mode of,	55
Shall, on certain days, settle for all poll taxes collected by him,	55
Shall pay over to the county treasurer all moneys received for poll taxes,	55
Shall meet with certain officers to settle with the county auditor,	55
ASSIGNEE—	
Execution may issue in the name of,	57
ASSIGNING—	
The District Judges of Washington Territory,	35

	PAGE
AUDITOR (County.)	
Shall certify to Territorial Auditor a copy of county assessment roll,	47
Shall draw his warrant for expenses incurred by messenger, and by the Territorial Auditor for county assessment roll,	48
Shall levy and apportion such amount of tax, as will be necessary to liquidate the portion of the Government tax his county shall be required to pay,	49
Shall issue a warrant to the collector for the collection of Government tax,	49
Shall settle on first Monday of December in each year for poll tax receipts, mode of,	55
Shall be ex-officio the clerk of the board of county commissioners,	55
Shall forward certified statement to Territorial Auditor of the amount of poll taxes paid over to the county treasurer,	56
Shall forward certified statement regarding the poll tax receipts, to the Territorial auditor,	56
AUDITOR (Territorial.)	
Act relative to Territorial auditor, fixing salary of,	26
May send a messenger for county assessment rolls,	47
Shall certify to county auditor the amount of expenses incurred by messenger sent for assessment roll,	47
Shall apportion to each county the proportion of the Government tax that such county shall pay	48
Shall forward to the county auditor a certificate of the amount of Government tax that such county shall be required to pay,	43
Shall sign blank poll tax receipts, and forward them—to act with the Governor in taking care of the insane,	69
B	
BOUNDARIES—	
Of the county of Idaho,	3
Of the county of Nez Perce,	4
Of the county of Shoshone—act establishing and defining,	4
C	
CITY—	
Of Walla Walla, incorporation of,	17
CIVIL CAUSES—	
Act relative to Jurisdiction of civil causes in the first judicial district of Washington Territory,	67
CLALLAM—	
To establish the office of assessor in the county of Clallam,	6
CLERK—	
Of county commissioners, shall meet with certain officers to make a settlement with the assessor,	64
Shall meet with certain officers to settle with county auditor,	55
Of District Court, act in relation to—shall file copy of their appointment with the Secretary of the Territory,	30
In the counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	55
In Walla Walla county, fees of,	60

	PAGE.
Of School District—is allowed a certain time to make his report to the county School Superintendent,	50
COLLECTOR—	
Shall collect poll taxes,	48
Disposition of the poll taxes so collected,	49
COMMON SCHOOLS—	
Act abolishing the office of Territorial Superintendent of,	29
Act to amend act establishing a Common School system,	46
CONSTABLES—	
In the counties of Spokane, Nez Perce, Shoshone and Idaho, fees of,	41
Act to amend act relating to justices of the peace and constables, and the practice before justices of the peace,	64
CORONERS—	
In the counties of Spokane, Nez Perce, Shoshone and Idaho, fees of,	40
COSTS—	
Fees and, (See Fees.)	35
COUNTERFEITING—	
Act to prevent counterfeiting gold dust and other species of gold,	15
COUNTY OF IDAHO—	
Act to create and organize the,	3
Of Nez Perce, act to create and organize the,	4
Counties required to pay the expenses of the messenger sent by the Territorial auditor for the assessment rolls,	47
COUNTY AUDITOR—	
In the counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	39
Duties of (See Auditor.)	
Shall be <i>ex officio</i> the clerk of the board of county commissioners,	65
COUNTY COMMISSIONERS—	
In the counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	39
To appoint county school superintendent in cases of vacancy,	46
Shall exact additional bond from the assessor for the prompt payment to the county treasurer of the poll taxes collected by him,	56
Shall give bonds for the safe keeping, &c., for the moneys derived from the sale of school lands,	62
COUNTY TREASURER—	
Duties of, (See Treasurer.)	
COURTS, (District,)	
Of the County of Idaho—act creating District Court at the county seat,	9
Of the county of Shoshone—act creating District Court at the county seat,	10
Of the county of Spokane—act creating District Court at county seat,	12
Of the county of Pierce—act creating District Court at county seat,	26
Of Port Townsend—act creating District Court at county seat,	30
Act relative to the practice in the District Courts,	67
COURT, (Probate.)	
To appoint guardians for insane and idiotic persons,	46
COURTS—	
In the first Judicial District shall, for the trial of civil causes, have concurrent jurisdiction only,	67

CRIMES—

Act to amend act relative to crimes, and punishment of,	30
---	----

D

DISTRICT COURT—

Of the county of Idaho, act creating,	9
Of the county of Shoshone, act creating,	10
Of the county of Spokane, act creating,	12
Of the county of Pierce, act creating,	26
Of Port Townsend, act creating,	30
Clerks of, shall file copy of their appointment with the Secretary of the Territory,	32
Act relative to practice in the District Courts of the Territory of Washington,	57

DISTRICT JUDGES—

Act assigning the,	25
--------------------	----

DISTRICTS, (*Judicial.*)

To define the Judicial Districts of Washington Territory.	7
---	---

DUST, (*Gold.*)

To prevent the counterfeiting of,	15
-----------------------------------	----

E

EXECUTION—

May issue in the name of assignee.	57
------------------------------------	----

F

FEES AND COSTS—

Act to amend act regulating fees and costs in the counties of Spokane, Shoshone, Nez Perce and Idaho,	35
Clerks of Supreme and District Courts,	35
Sheriffs,	36
Judges of probate,	37
County Commissioners,	38
County auditors,	38
Notaries public,	39
Coroners,	40
Jurors,	40
Justices of the peace,	40
Constables,	41
Witnesses,	41
Milage of officers and other persons,	42
Act to increase the fees of certain officers in Walla Walla county,	49
Justices of the peace,	49
Jurors,	49
Clerk of the District Courts	50

G

GOLD—

Act to prevent the counterfeiting of gold dust and other species of gold, 15

GOVERNMENT TAX—

Act to provide for the payment to the General Government of the amount due from this Territory under Act of Congress entitled, "An act to provide increased revenue, &c., approved August 6th, 1861, and to provide for the collection of the same." 47

GRAND JURORS—

Act in relation to qualification of, 33

I

IDAHO—

Act creating and organizing the county of, 3
 Establishing District Court of the county of, 9
 Act to amend an act, regulating fees and costs in the county of, (See Fees.) 35

IDIOTIC PERSONS, (*See Insane.*)

INCORPORATION—

Of the City of Walla Walla, 18
 Of the University of the Territory of Washington, 43

INSANE—

Act to provide for the safe keeping and treatment of insane and idiotic persons, 59
 Governor and Territorial Auditor are authorized to make contact for the keeping of, 59
 Probate court to appoint guardians for, 59
 Probate Judge to examine persons charged with being unsafe on account of insanity, 59
 Shall certify result to Governor, 59
 Insane persons who are able to pay the expenses of their keeping, &c., shall pay the same, 59
 Indigent insane shall be maintained at the expenses of the Territory, 59
 Territorial Treasurer shall pay the orders of the Governor for the keeping, of, &c., 90

J

JEFFERSON—

To abolish the office of assessor in the county of, 6

JUDGES, (*District.*)

Act assigning the District Judges of Washington Territory, 25

JUDGES, (*Of Probate.*)

In the counties of Spokane, Nez Perce and Idaho, Fees of, 37
 Duties of, (See Probate Judge.)

JUDICIAL—

Act defining Judicial Districts of Washington Territory, 7

JURISDICTION—

Act conferring jurisdiction upon District Court of the county of Idaho, 9

	PAGE.
Act conferring jurisdiction upon the District Court of the county of Shoshone,	10
Act conferring jurisdiction upon the District Court of the county of Spokane,	12
Act conferring jurisdiction upon the District Court of the county of Pierce,	26
Act conferring jurisdiction upon the District Court of Port Townsend,	30
Act relative to jurisdiction of civil causes in the first judicial district of Washington Territory,	57
Execution may issue in the name of the assignee,	57
JURORS—	
Act in relation to qualification of grand and petit jurors in counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	40
In the county of Walla Walla, fees of,	49
JUSTICES OF THE PEACE—	
In the counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	40
In the county of Walla Walla, fees of,	49
Act to amend act relative to justices of the peace and constables, and the practice before justices of the peace, (See practice.)	58
L	
LEWIS—	
To establish the office of Assessor in the county of,	6
LANDS, (School.)	
Act to amend act relative to the sale of,	62
M	
MANAGEMENT—	
Act in relation to management and safe keeping of the moneys arising from sale of University lands,	60
MILEAGE—	
Of officers and other persons in the counties of Spokane, Shoshone, Nez Perce and Idaho,	42
MISSOULA—	
Act creating District Court for the counties of Spokane and Missoula,	13
MONEYS—	
See Management and University.	
N	
NEZ PERCE—	
Act creating and organizing the county of,	4
Act creating District Court for counties of Shoshone and Nez Perce,	11
Act to amend an act regulating fees and costs in the county of,	35
NOTARIES PUBLIC—	
In the counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	39
Act in relation to,	52
Governor to appoint for three years,	52
Are authorized to act within the Territory,	52

	PAGE.
To file impressions of their official seals with Secretary of Territory,	51
Governor may remove,	51
Certificates of Notaries Public shall be valid and of effect without the impression of their seals,	52

O

OFFICERS—

Of the county of Idaho, appointed,	3
Of the county of Nez Perce, appointed,	4
Of the City of Walla Walla, appointed,	24

OBSTRUCTIONS—

Act to prevent the obstructions of rivers,	14
Penalty for obstructing rivers,	14
Penalty for obstructing booms,	15

P

PENALTY—

For obstructing rivers,	14
For obstructing booms,	15
For counterfeiting gold dust or other species of gold,	15
For having in possession counterfeit gold dust, &c.,	16
For assisting in passing counterfeit gold dust,	16
For breaking and destroying bridges, mill dams, canals and other water works,	30
For receiving poll taxes by the assessor without giving receipts,	54
For fraudulently issuing poll tax receipts,	58

PIERCE—

To abolish the office of assessor in the county of,	6
Act creating District Court for county of,	26

PETIT JURORS—

Act relative to qualification of,	33
-----------------------------------	----

PILOTAGE—

Act amending act establishing pilotage on Columbia river and Shoalwater Bay,	29
--	----

PILOTS—

On Columbia river and Shoalwater Bay shall keep boats of certain capacity,	29
--	----

POLL TAX—

Act in relation to the collection of,	53
Disposition of,	56

PORT TOWNSEND—

Act creating District Court of,	30
---------------------------------	----

PRACTICE—

Act relative to the practice in the District Courts of the Territory of Washington,	57
Execution may issue in the name of the Assignees,	57

	PAGE.
Act to amend act relating to justices of the peace and constables, and the practice before justices of the peace,	59
Either party may demand a jury trial,	58
Party demanding jury trial shall pay jury fee,	58
Jury fees shall be taxed against the losing party as costs,	58
PROBATE COURT—	
To appoint guardians for insane and idiotic persons,	59
PROBATE JUDGE—	
To examine persons charged with being unsafe on account of insanity,	59
Shall certify to Governor result of such examination,	59
Q	
QUALIFICATION—	
Act in relation to qualification of grand and petit jurors,	33
R	
REPRESENTATION—	
Act to apportion the representation of Washington Territory,	61
RIVERS—	
Act to prevent obstruction of,	14
ROADS—	
Act to locate and establish a Territorial road from Walla Walla to Fort Colville, on the Columbia river,	8
Act to locate a Territorial road from the head of Port Orchard bay by the head of Hood's Canal, to intersect the Territorial road running from Oakland, in Sawamish county, to Seabeck, in Kitsap county,	28
Act to locate a Territorial road from the head of Little Skookum Bay, in Sawamish county, to the county seat of Chehalis county.	34
S	
SALES—	
Act to amend act relative to sales of school lands,	62
Act relative to management and safe keeping of moneys arising from sale of University Lands,	60
SAFE KEEPING, (See Sales.)	
Act to provide for the safe keeping of insane and idiotic persons,	59
SAWAMISH—	
To abolish office of assessor in the county of,	6
SCHOOL LANDS—	
Act relative to sale of,	62
SCHOOLS—	
Act abolishing office of Territorial Superintendent of Common Schools,	29
Act to amend act establishing Common School system,	46
SHOSHONE—	
Establishing and defining boundaries of,	4
Act creating District Court of the county of,	10
Act to amend an act regulating fees and costs in the county of,	35

	PAGE.
SPOKANE—	
To abolish office of assessor in county of,	6
Act creating district court for county of,	12
Act to amend an act regulating fees and costs in county of, (See Fees.)	35
SUPERINTENDENT—	
Of Common Schools, duties of,	46
Territorial, act abolishing office of,	29
T	
TAX, (Government.)	
Act to provide for the payment to the General Government of the amount due from this Territory,	47
TAX, (Poll.)	
Act relative to the collection of a,	63
Disposition of,	56
TERRITORIAL AUDITOR—	
See Auditor,	
TERRITORIAL ROADS—	
See Roads.	
TERRITORIAL TREASURER—	
See Treasurer.	
TREASURER, (County.)	
Required to pay certain funds to order of county superintendent of common schools,	46
To pay warrant of county auditor for expenses incurred by messenger sent by Territorial auditor for county assessment rolls,	48
Shall meet with certain officers to make a settlement with the assessor,	64
Shall meet with certain officers to settle the accounts of the county auditor,	55
TREASURER, (Territorial.)	
To pay Government tax over to the agent of the United States Government,	48
To pay the orders of the Governor for keeping the insane,	60
TREATMENT—	
Of insane and idiotic persons, act providing for,	59
U	
UNIVERSITY—	
Of the Territory of Washington, incorporation of,	43
Act in relation to the management and safe keeping of the moneys arising from the sales of University lands,	60
W	
WALLA WALLA—	
Incorporation of the City of,	17
Fees of certain officers in the county of Walla Walla,	49
WHATCOM—	
To establish the office of assessor in county of,	6
WITNESSES—	
In counties of Spokane, Shoshone, Nez Perce and Idaho, fees of,	41

I N D E X

T O

L O C A L L A W S , M E M O R I A L S ,

A N D

R E S O L U T I O N S .

AN ACT to incorporate the Dungiess Log Driving Company,	63
“ Amending an act creating the Skokomish Lumber Company,	66
“ In relation to sheep running at large in Walla Walla county,	71
“ Changing the time of holding county commissioner’s courts in Jefferson county,	72
“ In relation to the office of assessor in Kitsap county,	73
“ Legalizing the acts of the officers of the county of Shoshone,	77
“ Authorizing certain persons to build a wharf at Union City,	83
“ Incorporating the Port Discovery Log Driving Company,	87
“ Amending an act incorporating the First Presbyterian Church of Olympia,	89
“ Amendatory of an act incorporating the City of Olympia,	94
“ Re-locating the county seat of the county of Lewis,	95
“ Fixing the times of holding county commissioners’ courts in the county of Island,	96
“ Declaring Chehalis river navigable to the town of Claquato,	97
“ Incorporating the Nisqually Road Company,	99
“ Authorizing a review and re-location of a certain road between Vancover and the east line of Clark county,	101
“ Supplemental to and amendatory of an act conferring jurisdiction upon the District court of the county of Pierce,	103
“ Requiring the transmission of records, &c., to the county of Pierce,	104

	PAGE.
" Amending an act authorizing Gilbert Reynolds and Solomon Dodge to open a road from Shoal Water to Bakers Bay,	105
" Giving the Sheriff of Pierce county till the 17th of February to make his return,	107
" Amendatory of an act organising the county of Snohomish,	107
" Incorporating the Columbia Transportation Company,	108
" Amendatory of the act incorporating the Oregon Steam Navigation Company,	118
" Authorising the payment of attorney's fees to E. Lander, Esq.,	119
" Incorporating the Walla Walla Rail Road Company,	119
" Legalizing the action of the county commissioners of Walla Walla,	123
" Incorporating the Puget Sound and Columbia Transportation Company,	124
" Relocating the county seat of Walla Walla county,	129
" Authorizing directors of schools in the county of Clarke to levy a special tax,	131
" Authorizing John A. Packard and others to construct a plank road across the Nisqually bottom,	133
" Repealing a certain act, and in relation to the safe keeping of Territorial convicts,	136

BRIDGES—

An act authorising John A. Packard to construct and keep across Nisqually river	69
Act authorising J. R. Bates to construct across the Spokane,	80
Authorising Arthur Quigley to construct across Lake river, in Clarke county,	83
Authorising Sanford Owens to construct across South Fork of the Clear water in Nez Perce county,	90

DIVORCES—

Act divorcing J. K. and Elvira P. Thorndike,	68
" Wm. and Betsy Legg,	73
" George J. and Laura Cooper,	74
" John G. and Rebecca Sparks,	77
" Divorcing George W. and Sarah Madison,	79
" John and Emma McLeod,	79
" Henry E. and Esther Bradley and P. and H. Cunningham,	86
" Kiatona and Catharina Monson,	87
" John and Rhoda R. Van Bibber,	88
" G. W. L. and Esther Allen,	89
" E. and Mary Shea,	95
" John Kindred and Sally his wife,	113
" E. and A. T. Serault, and M. and I. Jones,	115

FERRIES—

Act authorizing Robert W. Travers to establish a ferry on Port Discovery Bay,	65
Act amendatory to act authorising L. H. Davis to keep a ferry across the Chehalis,	74
Act authorising a ferry across the Chehalis near J. Borsts,	75
Act amending Wm. Packwood's charter across the Nisqually,	78
Act authorising Litchenthaler and Smith to Ferry on Snake river,	81
Act authorising G. White and G. R. Driggs to ferry across Snake river,	85
act authorising a ferry by Messenger and Manly across Salmon river,	91
Act authorising G. Hays to keep a ferry across Snake river,	92
Act authorising E. French to keep a ferry on the Columbia,	97

	PAGE.
Act amending an act authorising T. Coupe to ferry between Port Townsend and Whidby's island,	101
Act authorising J. T. Hicklin to keep a ferry on the Yakima,	102
Act authorising W. D. Biglow to keep a ferry on the Snake,	105
Act authorising L. Shafer and W. T. Bassett to ferry on the South Fork of Clear Water,	114
Act authorising O. Cushman to ferry on the South Fork of Clear Water,	115
Act authorising W. DeLacy and J. S. Hurd to ferry on Snake river,	117
Act authorising W. DeLacy to keep a ferry on Salmon river,	128
Act authorising George Tykel to ferry on Snake river,	130
Act authorising R. Holmes and J. Clinton to ferry on Salmon river,	131
Act authorising J. Drumballer to ferry on the main Clear Water,	132
Act authorising W. Greenville to ferry on Salmon at mouth of Slate Creek,	135
ROADS—	
Act establishing from Union City to mouth of Satsup,	66
Act authorising G. A. Tykel to grade bank of Snake river,	130
SCHOOL FUND—	
Act repealing an act in relation to in Clarke county,	67
Act in relation to in Clalam county,	70
Act in relation to in Walla Walla county,	118
MEMORIALS—	
Asking for a weekly mail route in the Walla Walla country,	157
Asking for the extension of the public surveys,	158
Asking for the appointment of an Indian agent,	139
" a Land Office at Walla Walla,	139
" Fortification at mouth of Columbia river,	140
" For mail route from Olympia to Seabeck by steamer,	140
To P. M. General in relation to mail routes east of Cascades,	141
Asking for the establishment of certain mail routes,	142
In relation to the judges and courts of this Territory,	143
" a mail route to Whatcom and Bellingham Bay,	144
" to ocean mail service,	144
" to the lumber interest of this Territory,	145
" to the places for holding courts in each district,	146
" to carrying U. S. mails to Coveland,	147
RESOLUTIONS—	
Relative to collection of the direct tax,	149
In relation to troops for the forts of this Territory.	149
In relation to the Decisions of the Supreme Court,	151
" to election of public printer,	151
" to committee of investigation of University Commissioners,	151
" to election of Territorial officers,	152
" to the adjournment of the Legislature,	152
Requesting Secretary to pay mileage to W. W. Johnson,	153
" pay for persons summoned before University committee,	153
Relative to adjourning over the holidays,	154
Relative to Governor's Message,	154
Appointing committee to visit University,	154