

provisions contained in this section, the person guilty thereof shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by confinement in the county jail for not less than ten days nor more than six months.

Acts hereby
repealed.

SEC. 30. The act of the Legislative Assembly of the Territory of Washington, approved February 2, 1888, entitled, "An act in relation to and to prevent the introduction or spread of disease among sheep," and the act of the Legislature of the State of Washington, approved February 26, 1897, and entitled, "An act in relation to, and to prevent the introduction, or spread of disease among sheep and repealing an act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888, and declaring an emergency," are each hereby repealed, and all other acts and parts of acts in conflict with this act are hereby repealed.

Emergency.

SEC. 31. An emergency exists and this act shall take effect immediately.

Passed the Senate March 6, 1901.

Passed the House March 14, 1901.

Approved by the Governor, March 16, 1901.

CHAPTER LXXVII.

[S. B. No. 154.]

PROVIDING FOR DRAINAGE AND SEWERAGE IN CITIES OF THE FIRST CLASS.

AN ACT authorizing cities of the first class to provide for the drainage and sewerage of such cities; the levy and collection of taxes or assessments, and the issuance of bonds to pay therefor.

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

Empowered to
construct, etc.

SECTION 1. Any city of the first class is hereby empowered to provide for the sewerage and drainage of such city; with full power to establish, construct and maintain a system, or systems, therefor; and shall have full jurisdiction and authority to manage, regulate and

control the same. It may establish sewer or drainage districts in conformity to the requirements of the topography of the ground ; and construct in each of said districts a main or trunk sewer ; and such district shall include real estate which can be conveniently sewered or drained into such main or trunk sewer, and which will be benefited thereby. It may provide for the payment for such sewer by a special tax, or by special assessments upon the land included in such district excluding all improvements thereon, whether the same be affixed to the land or not. The city may, from time to time, establish in connection with such main or trunk sewer, sub-sewer districts, and construct and maintain in such districts a sub-sewer, connecting and draining, directly or indirectly, into such main or trunk sewer. Such sub-sewer district shall include all real estate which can be conveniently drained or sewered by the sub-sewer constructed therein, and which will be benefited thereby, and it may provide for the cost of establishing and constructing such sub-sewer by a tax upon all the real property in such sub-sewer district, or by special assessments upon the land included in, and which will be benefited thereby, excluding all improvements thereon, whether the same be affixed to the land or not. The boundaries of such sewer and sub-sewer districts shall be established and fixed by ordinance. Maps, plans and specifications for any main or trunk sewer, and for any sub-sewer, shall be prepared in such manner as said city may by charter or ordinance prescribe; but shall be adopted by ordinance before any assessment or tax to pay for such sewer or sub-sewer shall be levied.

SEC. 2. Such cities may prescribe by general ordinance the mode and manner in which the charge upon the property in the sewer or sub-sewer district shall be assessed and determined for the purpose of paying the cost and expense of establishing and constructing such sewer or sub-sewers: *Provided, however,* That there shall be, in all cities, a provision for a hearing upon objections to the assessment roll by the parties affected

before the council or other legislative body as a board of equalization, which hearing shall be after publication of reasonable notice thereof, such notice to be published in such manner and for such time as may be prescribed by ordinance. Such charge shall be a lien paramount to all other liens, except liens for assessments and taxes, upon the property assessed from the time the assessment roll shall be placed in the hands of the collector. All sewer taxes and assessments levied upon property of the United States, State of Washington, State University, county and school districts and of the city (except streets, avenues, public ways and alleys, which shall not be assessed) shall be paid by the city out of the general fund.

SEC. 3. Such city shall prescribe by ordinance within what time or times such taxes, assessments or installments thereof shall be paid, and may provide for the payment and collection of interest at a rate not to exceed eight per cent. per annum upon all unpaid installments. Such city may prescribe by general ordinance in what manner and to whom such assessments and installments shall be paid, and for the giving of notice of publication for a reasonable time in the official newspaper that the assessment roll is in the hands of the collector, that the taxes or assessments are payable, and the date when the same become delinquent. Such notice shall be a sufficient demand for payment, and it shall be the duty of any person whose property is taxed or assessed for improvements, as herein provided, to pay such tax or assessment before the same becomes delinquent. Taxes, assessments or installments thereof shall, when delinquent, bear such interest and penalty as may by ordinance be prescribed, and such penalty and interest shall be added to and become a part of the assessment lien. Delinquent taxes or assessments shall be enforced and the lien thereof foreclosed in such manner as the city may by ordinance prescribe, and cities of the first class are hereby authorized and empowered to provide for the sale of lands upon which there are

delinquent sewer taxes or assessments for the amount of such taxes, assessments, penalties, interest and cost as may be due, upon reasonable published notice (the time of publication and manner of such notice to be prescribed by general ordinance) the execution and delivery of certificate of sale to the purchaser, and the time, manner and costs of redemption: *Provided, That* ^{Proviso.} said time shall not be less than one year from date of sale; the execution and delivery of tax or assessment deeds; and may, so far as consistent with the laws and constitution of Washington and of the United States, prescribe the effect of such deeds as *prima facie* and conclusive evidence of the validity and regularity of the improvement and tax or assessment proceedings culminating in the issuance of such deeds. Such city may provide for the bringing of suits in court in the ^{Suits.} name of the city to enforce the collection of such taxes or assessments, and the foreclosure of such tax and assessment liens, and for the recovery of costs. In such proceedings; all owners of property upon which there are delinquent taxes, assessments or installments thereof, arising under a single roll may be joined as defendants, ^{Joint defendants.} and all liens for such taxes or assessments may be foreclosed in such action. In such proceedings, it shall be sufficient to allege the passage of the tax or assessment ordinance, the levy of the tax or assessment, the confirmation thereof, and the failure to pay within the time prescribed. The tax or assessment roll and order of confirmation, or authenticated copies thereof, shall be *prima facie* evidence of the regularity and validity ^{Evidence.} of the proceedings connected therewith, and the burden of proof shall be upon the defendants. The decree in ^{Decree.} such proceedings shall be for the amount due and costs, and for the sale of the land therefor. Such city may provide for the issuance of delinquent tax or assessment certificates for any and all delinquent taxes, as- ^{Certificate} sessments, or installments thereof, levied or assessed for the payment of the cost of sewers or sub-sewers, and may provide that such certificates shall bear interest at the prescribed rate, not to exceed fifteen per

cent. per annum from the date of issuance, and such certificates shall constitute a lien upon the premises against which the same are issued for the amount of the delinquent tax or assessment and costs. It may provide that such certificates may be foreclosed in the same manner and with the same effect as mortgages upon real estate are foreclosed, or as delinquent tax certificates are foreclosed. It may make such certificates assignable in writing, may guaranty them in whole or in part, and prescribe the time, manner and terms in and upon which the land may be redeemed. Such certificates shall be *prima facie* evidence that the land against which the same were issued was subject to the tax or assessment; that the tax or assessments were properly and regularly levied or assessed, and that the tax or assessment, or installment thereof, for which the certificate was issued was not paid prior to the issuance thereof. The city may prescribe any other means for the enforcement of the payment of delinquent sewer taxes or assessments, or installments thereof, and the foreclosure of the tax or assessment lien, not forbidden by law. Such city may provide that, at the sale of lands for delinquent sewer taxes or assessments, or installments thereof, the lands shall be struck off to it, if there be no bidder therefor of the amount of the delinquent tax or assessment, penalties, interest and costs, and that the certificates of sale and tax or assessment deeds shall be issued and delivered to it, in its name, as purchaser, and may provide for the issuance to itself of all or any of the delinquent tax or assessment certificates, either at the date of delinquency or after a fixed period, and may foreclose the same in its own name: *Provided, however,* That any and all property which such city may acquire through proceedings for the collection of delinquent sewer taxes or assessments, or installments thereof, or the foreclosure of the liens thereof, shall be held in trust for the fund for the creation of which such tax or assessment was levied or assessed; and the city shall provide for the execution of such trust in such manner as may be equitable: *Provided further,* That

Foreclosure.

Certificates assignable.

Prima facie evidence of valid assessment.

Means for enforcing payment.

Proviso.

such city shall not be liable for any sewer or sub-sewer tax or assessment fund, or for any claims or demands whatsoever against such fund except as trustee therefor; and the holders or owners of any claims or demands against such tax or assessment fund shall look only to such fund for the payment thereof, and shall have no claim against said city therefor, except from such fund. The moneys collected or received upon taxes or assessments for sewers or sub-sewers shall be kept as a separate fund and shall be solely for the purposes for which such fund was credited.

SEC. 4. For the purpose of the payment of the cost of such sewers or sub-sewers, such cities may, by ordinance, authorize the issuance of interest bearing bonds or warrants of the sewer or sub-sewer district, which shall include the property liable to assessment for the payment of the cost of such sewer or sub-sewer; and taxes or assessments may be levied and collected as hereinbefore provided for the purpose of paying and retiring such bonds or warrants, together with interest accruing thereon. Such bonds or warrants may be issued and disposed of for such purpose in such manner as may be by law, charter or ordinance prescribed: *Provided, however,* That such bonds or warrants shall not be disposed of for less than par and accrued interest. Such bonds shall be made payable on or before a date not to exceed ten years from and after their date, and may be issued subject to call. They shall bear such interest as may be prescribed, not to exceed eight per cent. per annum, which interest shall be payable annually or semi-annually as prescribed by ordinance. Such bonds or warrants shall be payable only from the funds created by the special taxes or assessments, hereinbefore authorized, upon the property in the sewer or sub-sewer district; and the holder of such bonds or warrants shall look only to such fund for the payment of the principal and interest thereof, and shall have no claim or lien therefor against the city by which the same is issued, except from such fund.

Proviso.

Separate fund.

Bonds.

Disposition of bonds.

Proviso.

When payable.

Rate of interest.

Payable from special funds only.

Cumulative provisions.

SEC. 5. The provisions and remedies provided by this act are and shall be cumulative of existing provisions and remedies, and nothing in this act contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this act.

Passed the Senate February 26, 1901.

Passed the House March 13, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXVIII.

[S. B. No. 174.]

AMENDING BALLINGER'S CODE RELATING TO THE MILITARY CODE.

AN ACT to amend sections 1926, 1929, 1930, 1950, 1953, 1954, 1963, 1981, 1990, 1992, 1993, 2025, 2028, 2046, 2061, of Ballinger's Annotated Codes and Statutes of Washington, relating to the Military Code of the State of Washington, providing for courts of inquiry, and declaring an emergency.

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

Amendments.

Complement.

Allotment.

SECTION 1. That section 1926 of said code be amended to read as follows: "Sec. 1926. In time of peace, the National Guard of Washington shall consist of not less than twelve nor more than sixteen companies of infantry, one troop of cavalry, one battery of light artillery, and such bands, signal corps and medical department as are hereinafter provided for. The said companies, troop and battery may be allotted and stationed in such localities of the state as the necessity and advantage of the service require, in the discretion of the commander-in-chief, with reference to the means of rapid concentration, and may be arranged into regi-