

LAWS
OF
WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY

IN THE YEAR 1879.

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L A W S

OF

WASHINGTON TERRITORY.

Enacted at the Seventh Biennial Session, which was begun and held at the City of Olympia, the Capital of said Territory, on Monday, the sixth day of October, A. D., 1879, and was adjourned without day on Friday, the 14th day of November, A. D., 1879.

ELISHA P. FERRY, GOVERNOR. FRANCIS H. COOK, President of the Council. GEORGE H. STEWARD, Speaker of the House of Representatives.

AN ACT

TO PROVIDE FOR THE ASSESSING AND COLLECTING OF COUNTY AND TERRITORIAL REVENUE.

CHAPTER I.

1. PROPERTY LIABLE TO TAXATION.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all property, real and personal, within the territory, except the property of the United States, of the Territory of Washington, of municipal corporations, of school districts, of burial grounds, not owned or controlled for speculative purposes, household furniture, to the amount of two hundred dollars in value for each family, all wearing apparel in actual use, and food provided for the family,

not to exceed one year's supply, shall be subject to taxation in the manner hereinafter provided.

CHAPTER II.

DEFINITIONS.

2. TERMS AND PHRASES DEFINED.

SEC. 2. Whenever the terms mentioned in this section are employed in this act, they are employed in the sense hereafter affixed to them, to wit:

First, The word "property" includes moneys, credits, dues, stocks, bonds, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership.

Second, The term "real estate" includes:

1st. The ownership of, claim to, possession of, or right to the possession of land.

2nd. All mines, minerals and quarries, in and under the land, and timber of natural growth on the land, and all rights and privileges appertaining thereto.

3rd. Improvements.

Third, The term "improvements" includes:

1st. All buildings, structures, fixtures, fences, clearings and improvements made, erected upon, or affixed to the land.

2nd. All fruit, nut-bearing, or ornamental trees and vines not of natural growth.

3rd. The term "personal property" includes everything which is the subject of ownership, not included within the meaning of the term "real estate."

4th. The term "full cash value" means the amount at which the property would be appraised if taken in payment of a just debt due from a solvent debtor.

5th. The words "him" or "his" shall be understood to mean "her" or "hers" when property belonging to a female is assessed.

6th. The words, "county," "auditor," "treasurer," "assessor" or "sheriff," when used in this act, shall be understood to apply to each county respectively.

CHAPTER III.

ASSESSMENT OF PROPERTY.

3. PROPERTY ASSESSED AT FULL CASH VALUE.

SEC. 3. All property must be assessed at its full cash value.

4. TAXPAYER TO DELIVER STATEMENT OF PROPERTY WHEN.

SEC. 4. Each taxpayer in the territory must make and deliver to the county assessor, annually, a statement under oath setting forth specifically all the real and personal property situated or being in the territory and owned by him, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of April, subject to taxation, and if a male person over 21 and under 50 years of age, his age (omitting fractions of a year), and the number of the road district and the number of the school district in which he resides.

5. SAME.

SEC. 5. The statement required by section four of this act must be delivered to the county assessor or his duly authorized deputy within ten days from and after the first day of April in each year, Sundays excepted.

6. ASSESSOR TO DESIGNATE HIS OFFICE OR PLACE OF BUSINESS.

SEC. 6. The county assessor of each county must designate by notice published for four consecutive weeks, prior to the first Monday of April in each year, his office or place of business, where either he or his deputy must attend from seven o'clock, A. M., until twelve o'clock M., and from one to five, P. M., for ten days from and after said first Monday in April (Sundays excepted) for the purpose of receiving the statements of taxpayers and taking their affidavits.

7. FORMS FOR STATEMENTS, WHERE KEPT, AND HOW OBTAINED.

SEC. 7. The county auditor, of each county in this Territory, must keep in his office, for the use of assessors and taxpayers, free of charge, blank forms to be known and designated as "Detail Lists of Real and Personal Property," which forms shall contain proper and necessary headings, columns, form of oath to be subscribed and all the necessary matter to aid in making out the statements of taxpayers, and it shall be the

duty of each resident taxpayer, and each resident agent, or attorney for a non-resident taxpayer of the respective county to procure from the auditor a sufficient number of said forms for use in making out his statement or statements.

8. AUDITOR TO PUBLISH NOTICE TO TAXPAYERS.

SEC. 8. The auditor of each county must annually publish for four consecutive weeks, prior to the first Monday of April, a notice to taxpayers, to the effect that the blank "Detail Lists" provided by law, for the use of assessors and taxpayers, are now in his hands for delivery, and that it is by law made the duty of each taxpayer or his agent or attorney, to procure a sufficient number of said blanks for his use, and to make out his tax statement for the ensuing fiscal year, and file the same with the county assessor within ten days from and after the first Monday of April next, with heavy penalty for failure to do so without good and sufficient cause, citing in said note the act and section.

9. ASSESSMENT TO BE MADE WHEN.

SEC. 9. The county assessor must, between the first Monday of April and the first Monday of July in each year, ascertain the names of all taxable inhabitants in his county, and all the property in his county subject to taxation, and must assess said property to the persons who own, claim, or have the possession or control thereof on said first Monday of April, at 12 o'clock, meridian.

10. ASSESSOR TO EXAMINE AND ASSESS PROPERTY.

SEC. 10. After the statements are filed with the assessor as provided in section 5 of this act, or if not so filed within the time prescribed, the assessor must proceed to examine and assess the property in his county as herein provided.

11. ASSESSOR TO REQUIRE A STATEMENT CONTAINING WHAT.

SEC. 11. The assessor must exact from each person a statement on a "Detail List" showing separately:—

1st. All property belonging to, claimed by, or in the possession, or under the control or management of such person not exempt from taxation.

2d. All property belonging to, claimed by, or in the possession, or under the control or management of any firm, of which such person is a member, not exempt from taxation.

3d. All property belonging to, claimed by, or in the possession, or under the control or management of any corporation

of which such person is president, secretary, cashier, or managing agent, not exempt from taxation.

4th. The county in which such property is situated, or in which it is liable to taxation.

5th. A description of all lands, city and town lots, improvements, and personal property, including all vessels, steamers, and other water craft, and deposits of money or gold dust, and the names of the persons with whom such deposits are made, and the place in which they may be found.

6th. Whenever one member of a firm, or one of the proper officers of a corporation has made a statement showing the property of the firm or corporation, another member of the firm, or another officer need not include such property in the statement made by him, but his statement must show the name of the person or officer who made the statement in which said property is included.

12. DETAIL LISTS OR STATEMENTS TO CONTAIN AFFIDAVIT.

SEC. 12. The detail lists or statements, provided for in the preceding section, must have affixed thereto an affidavit, substantially as follows:

TERRITORY OF WASHINGTON, }
 COUNTY OF _____, } ss.

I, _____, do solemnly swear that I am a resident of the county, (naming it); that the above list contains a full and correct statement of all property subject to taxation in the territory which I, or any firm of which I am a member, or any corporation, association, or company, of which I am president, cashier, secretary or managing agent, owned, claimed, possessed or controlled on the first Monday of April, 18—, at 12 o'clock meridian, and which is not already assessed for said year, and that I have not in any manner whatever, transferred or disposed of any property, or placed any property out of said county or my possession, for the purpose of avoiding any assessment upon the same, or of making this statement:

(Signed),

Residence, _____

Subscribed and sworn to before me this _____ day of _____, 18—.

_____,
 _____.

13. GENERAL POWERS OF ASSESSOR.

SEC. 13. Every Assessor shall have power:—

1st. To require any person found within such assessor's

respective county, to make and subscribe an affidavit, giving his name and place of residence.

2d. To subpoena and examine any person in relation to any statement furnished to him, or which discloses property which is assessable in his respective county; and he may exercise his power in any county where the persons whom he desires to examine may be found, but shall not have power to require such person to appear before him in any other county than that in which the subpoena is served upon them. Every person who shall fail to furnish the statement hereinbefore required in this chapter, without a good and sufficient cause, or shall refuse to furnish such statement, or to make and subscribe such affidavit respecting his name and place of residence, or his property, or to appear and testify when requested so to do by the assessor as in this chapter provided, shall, for each and every refusal and neglect, without a good and sufficient cause, and as often as the same is repeated, forfeit to the people of the territory the sum of fifty dollars in lawful money of the United States, to be recovered by action brought in their name by the respective assessor in a justice court. In case such affidavit shall show the residence of the person making the same to be in any county other than that in which it is taken, or the statement shall disclose property in any county other than that in which it is made, the assessor shall, in the respective case, immediately transmit a copy of the same, certified by him to the assessor of the county in which such residence or property is therein shown to be. One-half of the moneys recovered by an assessor, under the provisions of this section, must be paid by him into the treasury of his county for the benefit of common schools, and the other half may be retained by the assessor for his own use.

14. PROPERTY OF PERSON NEGLECTING OR REFUSING TO GIVE STATEMENT, HOW ASSESSED.

SEC. 14. If any person, after demand made by the assessor, neglects or refuses to give under oath the statement herein provided for, or to comply with the other requirements of this act, the assessor must note the refusal on the assessment roll opposite the name of the person so refusing, and must make out an estimate, to the best of his knowledge and judgment, of the value of the property of such person; and the value so fixed by the assessor must not be reduced by the board of equalization, but may be raised by said board, if deemed too low.

15. ACCURATE DESCRIPTION OF PROPERTY—HOW OBTAINED BY ASSESSOR.

SEC. 15. Whenever the assessor deems it necessary to ob-

tain an accurate description of any tract or lot of land in his county, he may require the owner or his agent to furnish the same with any title papers he may have in his possession, and, if, on demand, the owner neglects or refuses to furnish the same, the assessor may employ the county surveyor to make out a description of the boundaries and location thereof, and a statement of the quantity of land therein; and the expenses of such survey must be returned by the assessor to the county auditor, who must add the amount to the taxes assessed upon the property, which amount so added must, when collected by the county treasurer, be paid over to the county surveyor.

16. ASSESSMENT OF UNKNOWN OR ABSENT OWNERS OF PROPERTY.

SEC. 16. If the owner or claimant of any property, not listed by another person, is absent or unknown, the assessor must list and make an estimate of the value of such property.

17. SAME.

SEC. 17. If the name of the absent owner is known to the assessor, the property must be assessed in his name, if unknown the property must be assessed to "Unknown Owners."

18. PROPERTY SITUATED IN ANOTHER COUNTY.

SEC. 18. The assessor, as soon as he receives a statement of any taxable property situated in another county, must make a certified copy of such statement for each county in which the same is situated, and transmit the same by mail to the assessor of the proper county, who must assess the same as other taxable property therein.

19. CONSIGNED PROPERTY.

SEC. 19. All personal property consigned for sale to any person within the territory, from any place out of the territory, must be assessed as other property.

20. TRUSTEES, GUARDIANS, EXECUTORS AND ADMINISTRATORS.

SEC. 20. When a person is assessed as agent, trustee, bailee, guardian, executor, or administrator, his representative designation must be added to his name, and the assessment entered on a separate line from his individual assessment.

21. HOLDERS OF STOCK IN FIRM OR CORPORATION.

SEC. 21. The owner or holder of stock in any firm or corporation, the entire capital or property whereof is assessed, must not be assessed individually for his stock in such firm or corporation.

22. PROPERTY OF FIRM OR CORPORATION ASSESSED WHERE SITUATED.

SEC. 22. The property of every firm and corporation, must be assessed in the county where the property is situated, and must be assessed in the name of the firm or corporation, unless otherwise provided by this act.

23. UNDISTRIBUTED PROPERTY OF DECEASED PERSONS.

SEC. 23. The undistributed or unpartitioned property of deceased persons may be assessed to the heirs, guardians, executors or administrators; and a payment of taxes made by either binds all the parties in interest for their equal proportions.

24. FERRIES AND TOLL-BRIDGES—WHERE ASSESSED.

SEC. 24. Ferries and toll-bridges must be assessed in the county where the toll is collected.

25. VESSELS, WHERE ASSESSED.

SEC. 25. All vessels of every class which are by law required to be registered, licensed or enrolled, must be assessed and the taxes thereon paid only in the county where the owner or part owner thereof resides: *Provided*, That such interest shall be taxed but once.

26. SAME.

SEC. 26. Vessels, registered, licensed, or enrolled out of, and plying in whole or in part in, the waters of this territory, the owners, or part owners of which reside in this territory, must be assessed in the territory and in the county in which the owners or part owners reside, to the value of the respective share, or shares owned by said person or persons: *Provided*, Said vessel is not taxed elsewhere.

27. BOATS AND SMALL CRAFT.

SEC. 27. All boats and small craft not required to be registered, must be assessed in the county where the same are kept.

28. PROPERTY AND MONEY IN LITIGATION.

SEC. 28. Money and property in litigation, in possession of a county treasurer, of a county clerk, court, or receiver, must be assessed to such treasurer, clerk or receiver, and the taxes be paid thereon under the direction of the court.

29. PROPERTY CONCEALED, MISREPRESENTED, ETC.

SEC. 29. Any property willfully concealed, removed, trans-

ferred or misrepresented by the owner or agent thereof to evade taxation, upon discovery, must be assessed at twice its value, as a penalty for such concealment, removal, transfer, or misrepresentation, and the assessment so made must not be reduced by the board of equalization.

30. PROPERTY NOT TAXED IN PREVIOUS YEARS.

SEC. 30. Any property discovered by the assessor or tax collector to have escaped assessment for the last preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year, shall be assessed at double its value.

31. AGENT PERSONALLY LIABLE.

SEC. 31. Any person acting as the agent of another, and having in his possession, or under his control, or management, any money, notes, and credits, or personal property belonging to such other person, with a view to investing or loaning, or in any other manner using the same for pecuniary profit, shall be required to list the same at the real value and such agent shall be personally liable for the tax on the same; and if he refuse to render the list, or swear to the same, the amount of such money, property, notes or credits shall be listed and valued by the assessor according to his best knowledge and judgment, subject to the provisions of section twenty-nine of this act: *Provided*, That said property has not been listed for assessment for the year in which the assessment is being taken.

32. BANKING ASSOCIATIONS, HOW ASSESSED AND TAXED.

SEC. 32. All shares of banking associations, organized within the territory pursuant to the provisions of the acts of congress to procure national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, held by any person or body corporate, shall be included in the valuation of the personal property of such person or body corporate, in the assessment of taxes in the county where such banking association is located and not elsewhere, whether the holder thereof resides there or not, but not at a greater rate than is assessed on other moneyed capital in the hands of individuals.

33. LIST, BY WHOM MADE, ASSOCIATION RESPONSIBLE FOR TAX.

SEC. 33. The principal accounting officer of each banking association shall list the shares of the association as provided in sections 3 and 4 of this act, giving the assessor the name of each person owning shares, and the amount owned by each, and for the purpose of securing the collection of taxes assessed upon

said shares, each banking association shall be liable to pay the same as the agent of each of its shareholders, under the provisions of section thirty-one of this act; and the association shall retain so much of any dividend belonging to any shareholder as shall be necessary to pay all taxes levied upon his shares.

34.

ACTS OF CONGRESS AMENDED.

SEC. 34. If at any time congress shall amend the acts aforesaid, then each assessor shall assess the shares in any such national bank in such manner as to conform to such amended act of congress.

35. REAL ESTATE BELONGING TO RAILWAY COMPANIES—HOW ASSESSED.

SEC. 35. Lands, lots and other real estate situate in the territory belonging to any railroad company or corporation, not exclusively used in the operation of said railroad, shall be assessed and taxed on the same basis as the property of individuals in the several counties where situated.

36. ROAD-BEDS AND HIGHWAYS NOT INCLUDED IN INDIVIDUAL ASSESSMENTS.

SEC. 36. No real estate used by railway corporations for road-beds shall be included in the assessment to individuals of the adjacent property, but all such real estate shall be deemed to be the property of such companies for the purpose of taxation; nor shall real estate occupied or used as a public highway be assessed and taxed as part of adjacent lands from whence the same was taken for such public purpose.

37. LANDS OCCUPIED AND CLAIMED AS THE RIGHT OF WAY OF RAILROAD COMPANIES—HOW ASSESSED.

SEC. 37. The land occupied and claimed exclusively as the right of way for railroads by railroad companies or corporations, with the track and all the substructions and superstructures which support the same, must be assessed as a whole, and as real estate, without separating the same into lands and improvements, at a certain sum per mile; and all such real estate situated in the territory and occupied and claimed by any railroad company as such right of way, shall be deemed to be the property of such company for the purpose of taxation, whether the same be government land or otherwise.

38.

RAILROAD IMPROVEMENTS—HOW ASSESSED.

SEC. 38. The railroad improvements, other than the track and the substructures and superstructures which support the same, whether situated upon the land occupied and claimed as

the right of way or on other lands, must be separately assessed as personal property.

39. ROLLING STOCK OF RAILROAD COMPANIES—HOW ASSESSED.

SEC. 39. The rolling stock of the railroad of a railroad company or corporation, where the railroad is situated wholly in any county in the territory, must be assessed in the county where said railroad is situated; and where the railroad of a railroad corporation lies in several counties in the territory, its rolling stock must be apportioned between them, so that a portion thereof may be assessed in each county, and each county's portion must bear to the whole rolling stock the same ratio which the number of miles of the road in such county bears to the whole number of miles of such road lying in the territory; the officer listing such rolling stock must state specifically the number of freight cars, the number of baggage cars, the number of hand cars, the number of passenger cars, the number of engines, and their respective names, the number and name of all other rolling stock belonging to the respective road, and the number of miles of said road in each county in which it is located; the assessor receiving said statement must make the apportionment between the several counties as herein provided, and forthwith send by mail to the assessor of each county entitled its respective apportionment, together with his estimated value, in the aggregate, of said rolling stock.

40.

SAME.

SEC. 40. The assessors receiving the apportionment and estimated value of the rolling stock, as provided in the preceding section, shall, if they think such estimate the full cash value of said stock, assess their respective apportionment pro rata, according to the number of miles of said railway in their respective county, but if anyone or more of said assessors shall think said estimate either too high or too low, then such assessor shall assess his apportionment according to his best knowledge and judgment.

41. OTHER PERSONAL PROPERTY OF RAILROAD COMPANIES—WHERE ASSESSED.

SEC. 41. All other personal property belonging to railroad companies or corporations, and not heretofore designated, must be assessed in the county in which the same is found by the assessor, or designated by the listing officers.

42. WATER DITCHES AND TOLL ROADS—HOW ASSESSED.

SEC. 42. All water ditches constructed for mining, manufacturing or irrigation purposes, and wagon or turnpike toll

roads, with all improvements attached to such properties, must be listed and assessed as real estate, without separating the land and the improvements, either in the description or valuation of the same, at a certain sum per mile, and all personal property not so attached must be listed and assessed as other similar personal property is listed and assessed.

43. TELEGRAPH AND EXPRESS COMPANIES.

SEC. 43. All property, real and personal, including their franchises, owned by telegraph and express companies, and situated in the territory, must be listed and assessed for taxation and shall be subject to the same levies as the property of individuals, and the same rules that govern other companies or corporations.

44. LANDS USED FOR RAILROAD BEDS, TOLL ROADS, ETC.

SEC. 44. All lands occupied and used as the right of way for railroad beds, tollroad beds and ditches, where said beds or ditches lie in two or more counties in the territory, are subject to the same listing and apportionment as is provided in section 39 and 40 of this chapter for the rolling stock of railroad companies.

45. INSURANCE COMPANIES TO PAY TAXES.

SEC. 45. Every Insurance company doing business in this territory, except joint stock and mutual companies, organized under the laws of the territory, must pay into the territorial treasury an annual tax of two per cent. on the gross amount of premiums collected in the territory during the preceding year.

46. SAME.

SEC. 46. The president or accounting officer of each insurance company doing business in this territory, as provided in the preceding section, must annually furnish the territorial auditor with a statement under oath of the gross amount of premiums received during the preceding year from insurances in the territory, and must pay to said auditor the two per cent. tax upon said amount; upon receipt of said tax levy, the territorial auditor must give or send a receipt to the company or person paying the same, and the said two per cent. so paid, shall be in full for all local and territorial taxes for said year.

47. SAME—STATEMENT ESTIMATED AND TAX PAID—WHEN.

SEC. 47. The statement and tax levy provided for in the preceding section must be estimated for the year prior to the first Monday of April in each year. The statement must be filed with the territorial auditor on or before the first day of

January following, and the tax levy paid on or before said first day of January.

48. DUTY OF TERRITORIAL AUDITOR IN REFERENCE TO INSURANCE COMPANIES.

SEC. 48. It shall be the duty of the territorial auditor, to ascertain as near as possible the names of the several insurance companies doing business in the territory, and their respective place of business or head quarters, and to notify the president or accounting officer of said companies respectively of the provisions of this act in relation to insurance companies.

49. AUDITOR MAY AUTHORIZE GARNISHEE WHEN.

SEC. 49. If any insurance company shall fail to make the annual statement, or pay to the territorial auditor the two percent. tax, as herein provided, after said company has been duly notified by said auditor, as provided in the preceding section, then the territorial auditor may direct any prosecuting attorney in the territory that he may elect, to garnishee any premium money due or to become due from any assured person or persons in said company, and hold the same until such statement is made, and such tax levy paid as herein provided, together with all costs of such garnishee; and the insurance of the person or persons so garnisheed, shall not be affected or invalidated by such act.

50. LANDS CONTAINING MINES, MINERALS, QUARRIES AND TIMBER COVERED—HOW.

SEC. 50. All lands known to contain mines, minerals, quarries, gypsum and natural timber of value, shall be assessed according to their full cash value, which shall include the value of said mines, minerals, quarries, gypsum, and timber; and the assessor shall note on his assessment roll, immediately under the description of said lands, their nature, whether coal mines, gold mines, silver mines, copper mines, iron mines.

51. ASSESSOR MUST SUPERVISE THE VALUATIONS OF HIS DEPUTIES.

SEC. 51. Each assessor must supervise the valuations of his deputies, and correct or change them according to his own judgment, and make them equal and uniform throughout his respective county, according to the true values of lands or other properties assessed.

52. IMPROVEMENTS UPON PUBLIC LANDS, TO BE ASSESSED AS PERSONAL PROPERTY.

SEC. 52. The assessor must assess all improvements upon

public lands as personal property, until the settler thereon has made "final proof;" if, however, in case of pre-emption claims, the entire purchase money has been paid by the pre-emptor, and a certificate issued therefor, the land itself must be assessed, notwithstanding the patent has not issued.

53. ASSESSOR TO NOTE ON DETAIL LIST, TOPOGRAPHY OF LAND—
WHERE.

SEC. 53. When the assessor sets a less value upon any lot, tract or parcel of land, because the same contains a lake, marsh, swamp, gulch or mountain, or for any other cause which he deems injurious to the value thereof, than he sets upon other lands in the same locality, he must note on his assessment roll, immediately under the description of said land, in general terms the topography of said lot or tract of land, sufficient to enable the board of equalization to understand the reason of the discrepancy between the value of lands in the same locality.

54. MORTGAGES AND THEIR SECURITIES—HOW ASSESSED.

SEC. 54. A mortgage, deed of trust, contract, lien or other obligation, by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby, and in case of debts so secured the value of the property affected by such mortgage, deed of trust, contract, lien or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof in the county in which the property affected thereof is situated. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby, shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof: *Provided*, That if any such security or indebtedness shall be paid by any such debtor or debtors after assessment and before the the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

55. CONTRACT NULL AND VOID—WHEN.

SEC. 55. Every contract hereafter made, by which a debtor is obligated to pay any tax assessment on money loaned, or on any mortgage, deed of trust or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

56. MAY DEDUCT UNSECURED CREDITS—WHEN.

SEC. 56. Any person may deduct from his unsecured credits all bona fide debts due and owing by him, whether on account, contract, note, mortgage or otherwise.

57. ASSESSMENT OF ANIMALS TEMPORARILY PASTURING IN ANY COUNTY.

SEC. 57. Whenever any person, residing in any county of this territory, and owning any neat cattle, horses, mules, asses, sheep or goats thereon, shall drive the same from the county where he resides into any other county for the purpose of temporarily pasturing the same during the grazing season or the greater portion thereof, all such animals shall be assessed in the county where the owner resides; and such owner shall note, on his statement of property, whether such stock, or any part thereof, has been moved to any other county for pasturage during the year for which such assessment is being made, or whether it is his intention to so move such stock, naming the county, and the number and kind of stock so moved, or to be moved; the assessor must enter said note on his assessment roll immediately underneath the assessment of said person.

58. DUTY OF ASSESSOR IN COUNTY WHERE STOCK IS TEMPORARILY PASTURING.

SEC. 58. The assessor of the county where stock is found temporarily grazing, as provided for in the preceding section, must list the same with full description of each kind and the number of the same, and for the purpose of making such list, he shall have power, and it is hereby made his duty, to examine on oath the person or persons owning or having charge of such cattle, horses, mules, asses, sheep or goats, touching their number, ownership and from what county they were driven; and shall immediately send a certified copy of said list to the county treasurer of the county from whence said stock was driven, and shall file the original list with the county auditor of his county.

59. DUTY OF AUDITOR AND TREASURER.

SEC. 59. On the first Monday of January in each year, the auditor of each county, with whom has been filed the original list provided for in the preceding section, must make out a demand against the county from which the stock came as shown in said list, for one-half of the tax assessed for county, school, and road purposes, against the property on said list, and must transmit the same to the county treasurer of the county from which said cattle came, and said treasurer must pay over to the

auditor making such demand one-half of all moneys which have been received by him on said assessment, less the costs of collection, taking the auditor's receipt therefor. The auditor receiving said money must immediately pay the same over to the treasurer of his county, and charge him with the amount so paid.

60.

POLL-TAX—WHO ASSESSED.

SEC. 60. Every male inhabitant of this territory, over twenty-one and under fifty years of age, must be assessed and annually pay a poll-tax of two dollars and a road poll-tax of four dollars, except paupers, idiotic and insane persons, and all active fireman who have been a member of any fire company in this territory for a period of one year preceding the assessment of taxes.

61.

ASSESSOR TO COLLECT POLL TAX—WHEN.

SEC. 61. The county assessor must, at the time of making his annual assessment, demand a poll and road poll tax from each person liable therefor, who has neither real or personal property situate in the assessor's respective county and not exempt from taxation, sufficient from which to make said taxes, and if such person shall refuse or neglect to pay his poll taxes, upon demand by the assessor or his deputy, and such person is in the employ of another, the assessor must demand from the person, firm, corporation, or company or agent thereof, having said person in his or their employ, said poll taxes, and from thenceforth said person, firm, corporation, or company shall be liable to the respective county for said poll taxes, and if not paid on demand, must be added to the assessment of said person, firm, corporation or company, and it shall be lawful for such person, firm, corporation, or company, or agent to retain from the wages of any person in his or their employ the sum of two dollars for his poll tax and the sum of four dollars for his road poll tax after demand has been made of him or them for the same: *Provided*, That no demand shall be made by the assessor from any person for poll taxes, who has real or personal property, situate in the assessor's respective county out of which said poll taxes can be made: *Provided further*, That no poll or road poll tax shall be collected from any person residing within the corporate limits of any city in the territory.

62.

BILL OF EMPLOYER, SUFFICIENT RECEIPT FOR POLL TAX.

SEC. 62. Any person, firm, corporation, or company becoming liable for the poll taxes of any person, as provided for in the preceding section, shall, either on his bill of time in settlement, or on a separate piece of paper over the signature of said person, firm, corporation, or company, furnish such person

with a statement to the effect that the amount of his poll taxes, giving the amount of each, for the year (naming it), have been deducted from his wages, and such statement shall be a sufficient receipt against the demand of any person for a road poll or poll tax from him for the year mentioned in said statement.

63. AUDITOR TO FURNISH ASSESSOR WITH BLANK POLL TAX RECEIPTS.

SEC. 63. The county auditor of each county must furnish the assessor of his county annually with blank poll tax receipts for the respective year, numbered consecutively and bearing the official seal of said auditor, which receipts shall have attached to them stubs containing corresponding years, and numbers and amounts, upon which stubs the assessor must enter the names of persons paying their poll taxes to him, and the assessor must return said stubs to the auditor at the time of his settlement.

64. AUDITOR TO CHARGE ASSESSOR WITH BLANK RECEIPTS.

SEC. 64. The auditor must charge the assessor with six dollars for each blank poll tax receipt delivered to him, taking the assessor's receipt for the same, and must allow the assessor six dollars for each of said poll tax receipts returned to him in blank.

65. COMPENSATION OF ASSESSOR FOR COLLECTING POLL TAX.

SEC. 65. Each assessor shall be allowed five per cent. on all moneys collected by him from polls, and he may retain said amount out of the money so collected.

66. ASSESSOR TO PAY POLL TAX MONEY TO COUNTY TREASURER.

SEC. 66. On or before the first Monday of July in each year, the assessor must pay to the county treasurer of his county all money collected by him for poll tax, less the ten per cent. allowed him for collection, taking the treasurer's duplicate receipt therefor, which duplicate receipt he must file with the county auditor, who must credit the assessor with the amount shown by said receipt to have been paid, and charge the treasurer with said amount. The auditor must then settle with the assessor, allowing him credit for all poll tax money paid to the treasurer as shown by said duplicate receipt, for the ten per cent. allowed him on collections, and six dollars each for all blank poll tax receipts returned and must deliver up to the assessor his receipts for said blanks: *Provided*, A sufficient number of said blanks is returned to balance his account, otherwise, said receipts must be returned [retained] by the auditor, until said account is properly balanced, and it shall be unlawful for any board of county commissioners to pay the assessor of its respective

county for assessing the same, until said assessor shall have first settled his poll tax account with the county auditor.

67. POLL TAX MONEY—WHERE APPLIED.

SEC. 67. All poll tax money collected must be applied to the fund, to be used for incidental purposes and the road poll-tax money collected must be expended in the respective road district in which the person paying the same belongs at the time he was assessed.

68. ASSESSOR MUST FURNISH TREASURER WITH STATEMENT OF AMOUNT COLLECTED IN EACH ROAD DISTRICT.

SEC. 68. The assessor must file with the treasurer at the time he pays in the poll tax money collected, a statement giving the number of the respective road districts in which said money was collected, and the amount collected in each district.

69. ASSESSOR TO RETURN UNCOLLECTED ASSESSMENT OF POLL TAX—HOW.

SEC. 69. The county assessor must return on his assessment roll all uncollected poll taxes in the name of the person, firm, corporation or company liable to pay the same.

70. ASSESSOR NOT TO ENTER ON HIS ASSESSMENT ROLL—WHAT.

SEC. 70. The assessor must not enter upon his assessment roll property listed as being situated in another county, except as in this act provided.

71. ASSESSOR TO EXAMINE MORTGAGE RECORDS.

SEC. 71. The assessor must examine the mortgage, lien, and trust deed records, in the auditor's office of his county, and assess all mortgages, lien and trust deeds, given to secure the payment of loans on money, not cancelled on the first Monday of April in each year at 12 o'clock meridian, unless the same has been listed for assessment for the year in which he was assessing.

72. ASSESSMENT TO CONTAIN—WHAT.

SEC. 72. The assessor must enter upon his assessment roll:

1st. The names in alphabetical order of all persons subject to taxation in his county; he may omit the alphabetical order of the names of persons whose poll taxes are charged to any person, firm, corporation or company.

2nd. The number of road and school district of each male resident assessed, who is over 21 and under 50 years of age.

3d. A description of each tract, parcel, lot, or block of land assessed, specifying under separate heads the section, township, and range, except where lots or blocks are situated in any town, village, city, or addition to such town, village or city, the plat or addition of which has been recorded, then the name of said town, village, city, or addition to the same and the number of each lot and block according to the system of numbering said plats or additions respectively.

4th. The number of acres in each tract or parcel of land except lots.

5th. The number of acres in each parcel or tract of land improved.

6th. The number of the road and school district in which each tract, parcel, lot, or block of land assessed lies.

7th. The full cash value of each tract, parcel, lot or block of land assessed.

8th. The full cash value of the improvements on each tract, parcel, lot, or block of land assessed.

9th. The aggregate amount of the personal property of each person, firm, corporation or company assessed, as shown in their respective statements upon their detail lists.

10th. The total valuation of all property assessed to each person, firm, corporation or company.

11th. The amount of road poll tax of each person or firm liable for the same.

12th. The amount of poll tax of each person or firm liable for the same.

73. ASSESSOR MUST ASSESS EACH DESCRIPTION OF LAND SEPARATELY.

SEC. 73. The assessor must assess each description of land separately, and the improvements upon the same separately.

74. COMPLETION OF ASSESSMENT ROLL AND OATH OF ASSESSOR.

SEC. 74. The county assessor of each county must complete his assessment roll on or before the first Monday of July in each year, and file the same with the county auditor, together with his "detail lists," alphabetically arranged, and must take and subscribe an affidavit in said roll before the county auditor or his deputy, substantially as follows, to wit:

TERRITORY OF WASHINGTON, }
 COUNTY _____, } ss.

I, _____, county assessor for said county, do swear that between the first Monday of April and the first Monday of July, eighteen hundred and —, I have made diligent inquiry and examination to ascertain the names of all persons liable to taxation in said county and all the property within said county, subject to taxation, and that I have entered said names on this assessment roll, and have assessed said property equally and uniformly, according to the best of my judgment, information and belief, at its full cash value; that I have faithfully complied with all the duties imposed on the assessor under the revenue laws of said territory to the best of my ability; that I have not imposed any unjust assessment through malice or ill will, nor allowed anyone to escape a just and equal assessment, through favor or reward, and that the foregoing on pages — to —, inclusive, contains said names and assessment as required by law.

(Signed),

County Assessor, for _____, W. T.

Subscribed and sworn to before me this _____ day of _____,
 18 —.

 County Auditor.

CHAPTER IV.

EQUALIZATION OF TAXES.

75. COUNTY COMMISSIONERS TO EQUALIZE TAXES—WHEN.

SEC. 75. The board of county commissioners of each county shall constitute a board for the equalization of taxes for its respective county, and shall annually hold a session for the equalization of assessments and the correction of the assessment roll, which term shall commence on the first day of the regular August term of each year, and continue until such business is completed: *Provided*, That said term shall not exceed two weeks in one county, for this purpose.

76. COUNTY AUDITOR TO ACT AS CLERK OF THE BOARD.

SEC. 76. The county auditor or his deputy shall act as clerk of the board of equalization, and must record in a book to be kept expressly for the purpose, all changes, corrections, additions to, or deductions from the assessment roll, and all alterations of the valuation of property made by the assessor, and

must note down and preserve in said book, substantially, the evidence upon which such addition, deduction or alteration was based, together with all orders made by the board touching said assessment roll, and during the session of the board, or as soon as possible after its adjournment, must enter upon the assessment roll, all changes and corrections made by the board, and attach his certificate thereto, subscribed by him and attested by his official seal, as follows: I, ———, do hereby certify that, as clerk of the board for the equalization of taxes, for the county of ———, I have kept correct minutes of all the acts of the board, touching alterations in the assessment roll for the year 18 —; that all alterations agreed to or directed to be made by the board, have been made and entered in said roll, and that no changes or alterations have been made therein except those authorized by the board.

In testimony whereof, I have hereunto set my hand and official seal, this — day of ———, 18—.

[SEAL.]

(Signed),

—————,
Clerk of the Board for the Equalization of Taxes.

77.

RECORD OF THE BOARD—HOW SIGNED.

SEC. 77. The record of the proceedings of the board for the equalization of taxes must be signed by the chairman thereof and attested by the clerk, with the seal of the board of county commissioners thereto affixed.

78. ASSESSOR AND DEPUTIES TO ATTEND THE SESSIONS OF BOARD.

SEC. 78. The county assessor, and when required by the board, his deputy or deputies, shall attend the sessions of the board and answer all questions put to them or either of them touching the assessment roll, the valuation of property and any other matter appertaining thereto, and may make any statement, or introduce and examine witnesses or questions before the board.

79. GENERAL POWERS OF THE BOARD IN EQUALIZING ASSESSMENTS.

SEC. 79. The board for the equalization of taxes shall, at its session, examine the assessment roll of the county filed for that year, and shall have power to correct the same by directing the clerk of the board to make alterations in the description of lands or other property listed upon such roll when it shall be necessary to make such description conformable to the requirements of this act, and may direct the clerk to make any other alterations in such roll that it may deem necessary to make the same conform to the requirements of this act. The board shall, at said session, hear and determine all matters wherein complaint is made concerning assessments, and may subpoena

- such witnesses, hear and take such evidence in relation to the subject matter pending, as in its discretion it may deem proper, and shall raise or reduce, as the case may require, all appraisements of property found to be below or above the average valuation of property of the same or similar kind as made by the assessor, so as to make taxation equal and uniform, and direct the clerk to enter such raise or reduction upon the assessment roll: *Provided*, That in the equalization of assessments the board shall be governed by the value of the property on the first Monday of April in said year.

80. PROPERTY OMITTED BY ASSESSOR—HOW ENTERED.

SEC. 80. The board must also direct the clerk to place upon and add to the assessment roll any property, real or personal, subject to taxation, which it may discover to have been omitted by the assessor, and must assess the same at a just and uniform value, as compared with the average valuation of property of the same or similar kind as made by the assessor.

81. ANY PERSON, OR HIS ATTORNEY, MAY APPLY FOR CORRECTION—
WHEN.

SEC. 81. During the session of the board for the equalization of taxes and the correction of the assessment roll, any person or his attorney or agent may attend and apply for the correction of any alleged error in the listing or valuation of his property, and a failure to so attend and apply shall bar said person from further recourse in law, as to the valuation, but not as to error in description, or to double assessments.

82. AUDITOR TO FOOT UP COLUMNS AND EXTEND FOOTINGS.

SEC. 82. The auditor, as soon as he has corrected the assessment roll, as directed by the board, must, on or before the first Monday in September, foot up a sufficient number of the columns, and extend said footings, as provided in section 90 of this act, to enable the board to estimate the tax levy.

CHAPTER V.

LEVY OF TAXES.

83. APPORTIONMENT OF FUNDS.

SEC. 83. The board of county commissioners of each county must, at its August session in each year, estimate and determine the amount of money to be raised in its county for

territorial, county, school and road purposes respectively for the year, and such determination must be entered at large in its records.

84.

TAX LEVY.

SEC. 84. For the purpose of raising a revenue for territorial, county, school and road purposes, the board shall, at said session, levy a tax on all taxable property in the county as shown by the assessment roll, which tax shall be sufficient in amount to defray the territorial, county, school and road expenses of the county: *Provided*, The territorial tax shall be three mills, the county and school tax shall not exceed eight mills each, and the road shall not exceed six mills on every dollar of taxable property in the county for any one year: *And, provided further*, That the three mills tax for territorial purposes shall be paid into the territorial treasury, except for errors, double assessments and in cases where the collection of taxes are prohibited by injunction of a court having jurisdiction of such cases.

85. TAX TO OPERATE AS A JUDGMENT OR LIEN AGAINST PROPERTY.

SEC. 85. Every tax has the effect of a judgment against the person, and every lien created by this act has the force and effect of an execution duly levied against all property of the person assessed; the judgment is not satisfied nor the lien removed until the taxes are paid.

86.

TAX ON PERSONAL PROPERTY A LIEN ON REALTY.

SEC. 86. Every tax due upon personal property is a lien upon the real property of the owner thereof.

87. TAX ON REAL PROPERTY AND TAX UPON IMPROVEMENTS A LIEN ON BOTH.

SEC. 87. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements upon real estate assessed to other than the owner of the real estate, is a lien upon the land and improvements.

88. PERSONAL PROPERTY OF A PERSON LIABLE AT ALL TIMES FOR TAXES DUE FROM SAID PERSON.

SEC. 88. The personal property not exempt from taxation of any person owing a tax or taxes in any county in this territory, is liable for said tax or taxes, whether it be the same property assessed for said tax or not, and may be attached wherever found in the territory, and sold according to law to pay said tax: *Provided*, That the personal property of said person in the county where the tax is due shall first be sold for said tax.

CHAPTER VI.

DUTIES OF THE COUNTY AUDITOR IN RELATION TO REVENUE.

90. AUDITOR TO ENTER TOTAL TAX IN ASSESSMENT ROLL.

SEC. 90. The county auditor, as soon as he has corrected the assessment roll, as directed by the board for the equalization of taxes, and after the tax levy is made by the board, must enter in a separate column in said roll, the aggregate sum in dollars and cents, rejecting the fractions of a cent of each person's tax to be paid on the property therein enumerated, and the total tax of each person, firm, corporation or company assessed, and must add up and enter the footings of the columns of acres and valuations on each page, and extend the respective footings to the page or pages immediately following his certificate and add up and enter the sum total of such footings, and must, at the time he delivers the duplicate assessment roll to the treasurer, furnish said treasurer with a certified statement of the respective tax levies made by the board, as provided in section 84 of this act.

91. COPY OF ASSESSMENT ROLL AND CERTIFICATE OF AUDITOR.

SEC. 91. The auditor must make a copy of the assessment roll and enter upon said copy, immediately following the extended footings, his certificate as follows, to wit: I, _____, auditor of the county of _____, do hereby certify that I received the assessment roll of the taxable property of said county for the year 18— from the county assessor of said county, on the _____ day of _____, 18—, with his affidavit thereto affixed; that I have entered upon said roll all corrections directed by the board of equalization at its session for the equalization of taxes to be entered upon said roll; that I have reckoned the respective sums due as taxes on said roll, and have added up the columns of valuations, taxes and acreage, as required by law, and that the "duplicate roll" to which this certificate is affixed is a full, true and correct copy thereof, made in the manner prescribed by law. In testimony whereof, I hereunto set my hand and official seal of office this _____ day of _____, 18—.

(Signed) _____,
Auditor for _____ county, W. T.

92. AUDITOR TO PREPARE STATEMENT FOR TERRITORIAL AUDITOR
SHOWING WHAT.

SEC. 92. The county auditor must, on or before the first Monday of September in each year, prepare from the "Assessment Roll" of such year, as corrected by direction of the board of equalization, a statement showing:

- 1st. The total value of all property assessed.
- 2d. The value of all real estate assessed.
- 3d. The value of the improvements thereon.
- 4th. The value of all personal property.
- 5th. The number of acres of land.

93. STATEMENT TRANSMITTED TO TERRITORIAL AUDITOR.

SEC. 93. The auditor must, as soon as such statement is prepared, transmit the same by mail or express to the territorial auditor.

94. TERRITORIAL AUDITOR MUST CHARGE EACH COUNTY WITH TERRITORIAL TAX.

SEC. 94. The territorial auditor must charge each county with the amount of territorial tax due from each county respectively at the rate of three mills on the dollar for the total amount of property in the county as per the auditor's statement of property listed, and the total value thereof.

95. AUDITOR TO ATTEST ALL STATEMENTS MADE BY HIM.

SEC. 95. The auditor must attest, under his hand and seal of office, all statements made by him under the provisions of this act.

96. AUDITOR TO RETAIN ORIGINAL ASSESSMENT ROLL.

SEC. 96. The original assessment roll and detail lists must remain in the office of the county auditor, subject to the inspection of any person during office hours, except during the necessary time that the detail lists may be in the hands of the binder for binding, as provided in section 179 of this act.

97. AUDITOR TO DELIVER COPY OF ASSESSMENT ROLL TO TREASURER.

SEC. 97. On or before the first Monday of October, in each year, the auditor must deliver to the county treasurer the copy of the assessment roll, to be styled and designated the "duplicate assessment roll of the county of——, W. T., for the

year 18—," with his, the said auditor's, warrant thereto affixed in the following words:

TERRITORY OF WASHINGTON, }
COUNTY OF ———. } ss.

The United States of America to ———, county treasurer
for ——— county, W. T.

Greeting: In the name of the United States you are hereby commanded to collect the taxes charged in this "duplicate assessment roll" of said county for the year 18—, as required by law, and if the same are not paid to you on or before the 31st day of December next, at 6 o'clock, p. m., to make sale of the personal or real property of the persons chargeable herein, as required by law, whereof fail not under penalty of law.

Witness my hand and official seal of office this ——— day
of ———, 18—.

County Auditor for ———, W. T.

98. AUDITOR TO TAKE RECEIPT OF TREASURER FOR DUPLICATE
ROLL.

SEC. 98. The county treasurer must receipt to the Auditor for the "duplicate assessment roll" on delivery thereof, which receipt must show the full amount of taxes levied, and the auditor must charge the treasurer with said amount, and file and carefully preserve said receipt.

99. TRANSFER OF ASSESSMENT ROLL FROM ONE TREASURER TO AN-
OTHER.

SEC. 99. If the "duplicate assessment roll" or delinquent tax list is transferred from one treasurer to another or to the sheriff the auditor must credit the one and charge the other with the amount then due on said roll.

100. AUDITOR TO CHARGE THE TREASURER WITH THE AMOUNT OF
SUPPLEMENTAL ASSESSMENT.

SEC. 100. At the time the treasurer and auditor compare the original and duplicate assessment rolls, as provided in Sec. 113 of this act, the auditor must enter upon the original roll all "supplemental assessments" made by the treasurer, and charge the treasurer with the amount of taxes thereof, and at the time of settlement with the treasurer by the board of county commissioners, the auditor must enter the balance of such supplemental assessments and charge the treasurer with the amount of such balance.

101. COUNTY AUDITOR TO FURNISH TERRITORIAL AUDITOR WITH A STATEMENT OF THE TREASURER'S SUPPLEMENTAL LIST.

SEC. 101. The auditor of each county must, immediately after the annual settlement by the board of county commissioners with the county treasurer, transmit to the territorial auditor a statement the same as provided for in section 92 of this act, of the treasurer's "supplemental assessment."

102. AUDITOR TO CHARGE THE TREASURER WITH THE PENALTY ADDED.

SEC. 102. At the time the auditor and sheriff compare the original and duplicate assessment rolls as directed in section 113 of this act, the auditor must charge the sheriff with the amount of penalty added to the delinquent taxes.

CHAPTER VII.

COLLECTION OF TAXES.

103. COUNTY TREASURER TAX COLLECTOR.

SEC. 103. The county treasurer of each county in the territory shall be the collector of taxes for his respective county, except as herein provided for the collection of poll, road poll and road property taxes: *Provided*, That the treasurer shall not be the collector of taxes after the first day of January of each year, but shall, after he has made his comparison with the auditor as provided in section 113 of this act, turn over the duplicate assessment roll to the sheriff of the county, who shall collect the delinquent taxes as in this act provided, and the auditor shall charge the sheriff with the amount of delinquent taxes turned over to him, and shall credit the treasurer with said amount; and the sheriff shall have the ten per cent. penalty for the collection of all the delinquent taxes.

104. DUPLICATE ASSESSMENT ROLL SUFFICIENT AUTHORITY TO COLLECT TAXES.

SEC. 104. The "duplicate assessment roll" with the warrant of the county auditor thereto affixed, shall be full and sufficient authority for the county treasurer to collect the taxes therein levied.

105. TREASURER TO PUBLISH TAX NOTICE.

SEC. 105 The County treasurer, within ten days after the receipt of the "duplicate assessment roll," must publish an official notice, specifying:

1st. That the duplicate assessment roll of the county, for the year 18—, is now in his possession for collection of the taxes levied therein.

2d. That taxes will be delinquent on the 31st day of December, next thereafter, at 6 o'clock p. m. and that unless paid prior thereto, ten per cent. will be added to the amount thereof, as penalty, and interest charged at the rate of 20 per cent. per annum, from date of delinquency, until paid.

3d. The time and place at which payment of taxes may be paid.

106. SAME.

SEC. 106. The notice must be published for four consecutive weeks in the weekly newspaper published in the county, if there be one, or if there be more than one then in the official paper published in the county, or if there be no paper published in said county it shall be the duty of the treasurer to post written notices in at least three public places in said county.

107. NO DEMAND FOR TAXES NECESSARY.

SEC. 107. No demand for taxes shall be necessary, but it shall be the duty of every person subject to taxation under this act, to attend in person, or by agent, or attorney, at the office of the county treasurer and pay his taxes before the same become delinquent, and if not so paid, then the treasurer must collect the same by distraint and sale of property as herein provided.

108. TREASURER OR DEPUTY TO ATTEND AT COUNTY SEAT TO RECEIVE TAXES.

SEC. 108. The county treasurer of each county or his deputy must attend at the county seat at all times during office hours, except on the days of sale of realty for taxes, to receive the taxes not yet paid, and he is also required to receive and collect as far as practicable the taxes remaining unpaid on the delinquent list of any former year or years.

109. TREASURER TO NOTE DATE OF PAYMENT.

SEC. 109. The treasurer must note opposite of the tax paid, and in the column prepared for that purpose, the date of the payment of said tax.

110. RECEIPT TO BE GIVEN.

SEC. 110. The treasurer must give a receipt to the person paying any tax, specifying the amount of the assessment, amount paid, date of payment, year for which the tax was assessed, to whom assessed, county assessed in, by whom paid, and, if required, a description of the property assessed.

111. TAX OF DECEDENTS—HOW PAID.

SEC. 111. The probate judge must require every administrator and executor to pay out of the funds of the estate all taxes due from such estate; and no order or decree for the distribution of any property of any decedent among the heirs or devisees must be made until all taxes against the estate are paid.

112. TAXES DELINQUENT WHEN—PENALTY TO BE ADDED THERETO.

SEC. 112. On the thirty-first day of December in each year, at six o'clock P. M., all unpaid taxes are delinquent, and thereafter the sheriff must collect thereon, at the same time and in the same manner that the tax is collected, ten per cent. additional, as penalty, and interest at the rate of 20 per cent. per annum from said date until paid.

113. TREASURER AND AUDITOR TO COMPARE ASSESSMENT AND DUPLICATE ASSESSMENT ROLLS.

SEC. 113. On the first Thursday of January in each year the treasurer of each county must attend at the office of the county auditor with the duplicate assessment roll, and every item marked "paid" in such duplicate assessment roll must be marked "paid" in the "original assessment roll" with the date of payment of each; and every item marked "error" or "double assessment" in the duplicate must be marked the same in the original: *Provided*, The auditor shall be satisfied that the same are "errors" or "double assessments," and the delinquent taxes must then be extended on each roll into the columns prepared for the same, with the ten per cent. penalty added, and the footings of the delinquent taxes in the original and duplicate rolls must agree.

114. SHERIFF TO DISTRAIN PERSONAL PROPERTY FOR TAXES.

SEC. 114. Immediately after taxes have become delinquent in each year, and the footings are made as required in the preceding section, the county sheriff must proceed to collect the same by distraint and sale of the personal property of the persons whose taxes are delinquent on his list, wherever the same may be found in the territory, but he must first make sale of

the personal property of said persons in the county in which the tax was levied, if any can be found.

115. THE SHERIFF OF ONE COUNTY MAY AUTHORIZE THE SHERIFF OF ANOTHER COUNTY TO COLLECT DELINQUENT TAXES—WHEN.

SEC 115. When the county sheriff, of any county, has good reason to believe that any person, whose tax is delinquent on his list, owns personal property situate in any other county in the territory, and no personal or real property of said person can be found in the county where said tax was levied from which to make said tax, he may authorize the county sheriff of the county in which said personal property is situate, to collect said tax according to law, and the sale of any personal property for such tax, shall be as valid and binding as though made from personal property in the county where the tax was levied.

116. SHERIFF TO FURNISH CERTIFIED COPY.

SEC. 116. Whenever the sheriff of one county shall authorize the sheriff of another county to collect a tax as provided for in the preceding section, the sheriff authorizing said collection must furnish the other with a certified copy of the assessment and tax to be collected, including penalty, interest and costs to date, and the year for which said tax was levied, and that no part thereof has been paid, except, if there be any exceptions.

117. FEES OF SHERIFF FOR COLLECTING TAXES BELONGING TO ANOTHER COUNTY.

SEC. 117. The sheriff collecting a tax under section 115 of this act, shall be entitled to collect an additional amount of ten per cent. on said tax, and the same mileage that he is allowed in similar cases, and retain the same as his fees for collection and returning said collections to the county where the tax was levied.

118. SHERIFF ENTITLED TO 10 CENTS MILEAGE.

SEC. 118. When the sheriff distrains personal property for taxes he may collect mileage at the rate of ten cents per mile for each mile necessarily traveled in going to and returning from the place of sale, and the amount so collected must be entered on the duplicate roll in the column of "mileage".

119. SHERIFF MAY KEEP PROPERTY AT EXPENSE OF OWNER.

SEC. 119. When the sheriff distrains personal property for taxes he may keep it at the expense of the owner until the sale thereof, unless the tax, penalty, interest due and all costs and expenses be sooner paid.

120. SHERIFF MUST GIVE NOTICE OF THE TIME AND PLACE OF SALE.

SEC. 120. As soon as the sheriff distrains personal property for taxes he must give notice of the time and place of sale of the property distrained by posting written or printed notices thereof, in three public places in the county, one of which shall be at the place of sale; the time to be stated in the notice shall not be less than three nor more than ten days from the day of seizure, but he may adjourn the sale from day to day for a period not exceeding three days, and shall adjourn at least once when there are no bidders, and in case of an adjournment for want of bidders, he must post a notice thereof at the place of sale, otherwise a verbal notice shall be sufficient.

121. SHERIFF TO SELL THE LEAST AMOUNT ANY PERSON WILL TAKE.

SEC. 121. The sheriff must sell the least amount of the personal property distrained, or the smallest interest in the same, that any person will take and pay all of the taxes against the person whose property is distrained, whether on real or personal property, or both, including the penalties, interest and all expenses and costs of sale.

122. SHERIFF TO GIVE BILL OF SALE, IF REQUIRED.

SEC. 122. The sheriff must, if required, give a bill of sale in the name of the county in which the tax was levied, of the property or interest purchased, to the purchaser, and such bill of sale shall be valid against all other claims except for taxes.

123. UNSOLD PROPERTY LEFT AT PLACE OF SALE.

SEC. 123. Unsold property may be left at the place of sale at the expense of the owner.

124. SHERIFF TO SELL PERSONAL PROPERTY BEFORE ADVERTISING REALTY.

SEC. 124. The sheriff must sell sufficient of the personal property of a person whose taxes are delinquent, to satisfy said taxes and accrued penalties, interest and costs, before he advertizes the real property of said person for his taxes, and he must use due diligence and search to find said personal property.

125. SHERIFF MAY SELL ANY PERSONAL PROPERTY NOT EXEMPT.

SEC. 125. The sheriff may sell any personal property for delinquent taxes not exempt from taxation and belonging to a person whose taxes are delinquent, whether the same be the identical property assessed or not, and he may sell the same for the unpaid taxes of said person for previous years.

126. TREASURER OR SHERIFF TO NOTE ERRORS AND DOUBLE ASSESSMENTS.

SEC. 126. When the treasurer or sheriff discovers an error or double assessment in the duplicate assessment roll he must note the same in ink, opposite of the "error" or "double assessment" in the column under "remarks," and if a "double assessment," refer to the name or line and page where said assessment is correctly listed.

127. SHERIFF MAY REQUIRE ASSISTANCE—WHEN.

SEC. 127. If the sheriff, or his deputy, be impeded or resisted in the execution of any of the duties of his office, he may require any suitable person or persons to aid him therein, and if any such person refuse to aid the sheriff, or his deputy, when so required to do by either, he or they shall each forfeit and pay the sum of twenty dollars, to be recovered by civil action in any court having jurisdiction of the case; the action to be prosecuted by the county as plaintiff; the amount recovered to be for the use of the common school fund, and the person or persons resisting shall be liable as in case of resisting the sheriff in the execution of civil process.

128. SHERIFF TO CONTINUE RECEIVING TAXES.

SEC. 128. The sheriff shall continue to receive payment for taxes after the same have become delinquent, but he must require all delinquents to pay the penalty, interest and costs as provided in this act.

129. DUTY OF SHERIFF WHEN HE DISCOVERS PROPERTY BEING REMOVED FROM COUNTY OR SOLD.

SEC. 129. Whenever the sheriff shall discover that any person is disposing of or removing from the county any personal property on which a tax has been assessed and not paid, and no real estate is held for said tax, it shall be the duty of the sheriff to immediately proceed to collect the taxes due from the owner thereof whether the same are delinquent or not, by levying upon and making sale of such personal property in the manner herein provided for the collection of delinquent taxes.

130. TREASURER OR SHERIFF MAY CHANGE NAME OF PERSON ASSESSED—WHEN.

SEC. 130. If, during the collection of taxes, the treasurer or sheriff or his deputy shall discover that an error has been made in entering the initials or name of any person, or in the description of his property on the "duplicate assessment roll"

he may correct such error, so that the tax may be collected from the person intended, and the description of property correspond with the property owned by the person taxed.

131. TREASURER OR SHERIFF TO LIST PROPERTY—WHEN.

SEC. 131. Whenever the treasurer or sheriff discovers that any land or other taxable property has been omitted from the last assessment roll in his hands, he must list the same on said roll under the head of, "treasurer's or sheriff's supplemental assessment for the year (naming it)," estimate the tax thereon according to the last levy by the board of county commissioners, and collect said tax the same as other taxes are collected.

132. AFFIDAVIT OF COUNTY SHERIFF.

SEC. 132. On the third Monday of February in each year the county sheriff or his deputy must enter in the "duplicate assessment roll" immediately following his supplemental assessment, the following affidavit and subscribe to the same before the county auditor or his deputy to wit:

TERRITORY OF WASHINGTON, } ss.
 COUNTY———, }

I,———, county sheriff (or deputy as the case may be) do solemnly swear and affirm that I have made due diligence and search to find sufficient personal property subject to levy, belonging to and owned by each person whose tax is now delinquent on this "duplicate assessment roll," and that I have been unable to find any such property from which to make said tax, so help me God.

Subscribed and sworn to before me this —— day of ——
 18——.

County auditor for —— county, W. T.

133. SHERIFF TO COMMENCE SELLING REAL ESTATE—WHEN.

SEC. 133. On the third Monday in March in each year, at 10 o'clock A. M., at the county seat of each county, the county sheriff thereof, or his deputy, must commence the sale at public auction of real estate upon which taxes have been levied and not paid for said year.

134. SAME.

SEC. 134. The sale of real estate for delinquent taxes may be at the office of the county sheriff, or at the court house of the county, as the sheriff may elect, by notice duly given at the time of publication of the delinquent list.

135.

SAME.

SEC. 135. The sheriff must give notice of the sale of real property for taxes by publishing the delinquent list, with total amount of taxes, including penalty, interest and costs, to date of sale, in the weekly newspaper published in the county or supplement thereto, if there be one; or if there be two or more newspapers published in said county, then in the official paper published in said county or supplement thereto, or if there be no paper published in the county, then in some newspaper published in the territory and having a general circulation in the county for which said printing is done, or by posting printed or written notices, in at least six of the most public places in the county, for three consecutive weeks prior to the first day of sale.

136.

SAME.

SEC. 136. Said notices must contain a notification that all real estate, upon which the taxes for the preceding year (naming it) have not been paid, will be sold at public auction, or a sufficient portion thereof to satisfy all taxes, penalties, interest and costs due to the county from the owners thereof for said year; the time and place of such sale; a description of all lands, city and town lots to be sold, and the names of the persons to whom the same are assessed, or to "owners unknown" as the case may be.

137.

QUANTITY OF LAND OFFERED.

SEC. 137. On the day fixed for sale, and on each subsequent day adjourned to, the sheriff, between the hours of 10 o'clock, A. M., and 3 o'clock, P. M., must offer for sale the property advertised, (unless all taxes, penalty, interest and costs against the owner of any specific tract thereof have been previously paid) commencing at the head of the list and continuing alphabetically with the names of the persons whose taxes are delinquent, and must sell to the persons who will take the least quantity of the land offered, or in case an individual interest is assessed, then the smallest portion of the interest, and pay all the taxes, penalty, interest and costs due from the owner of said land for the year in which said taxes are delinquent.

138.

SAME.

SEC. 138. The land assessed to each person, corporation or company, whose taxes are delinquent on said advertised list, must be twice offered for sale, if not sold on the first offer, and if there be no bidder for any parcel or lot, of a sum sufficient

to pay all taxes, penalty, interest and costs, including cost of advertising, that the sheriff is required to collect, by sale of such parcel or lot of land, the same shall be struck off to the county for the whole amount of such taxes, penalty, interest and costs.

139.

SAME.

SEC. 139. When a person offers to take a less quantity than the whole tract, lot or parcel of land offered for sale by the sheriff for delinquent taxes, he must not make his selection from or near the center of any division or sub-division assessed, but must start from one of the descriptive points of said tract or lot, and run his lines so that they will not divide any building situated on said land.

140. WHEN PURCHASER DOES NOT MAKE PAYMENT THE NEXT DAY,
PROPERTY TO BE RESOLD.

SEC. 140. If the purchaser does not pay the taxes and costs before ten o'clock, A. M., of the following day, the property must then be resold, or, if the tax sale has closed, entered as "sold to county."

140*. BID OF PERSONS ONCE REFUSING TO MAKE PAYMENT NOT TO
BE RECEIVED.

SEC. 140*. The bid of any person refusing to make the payment for property purchased by him, must not again be received on the sale of any property advertised in the delinquent list of that year.

141. LANDS SOLD TO COUNTY UNDER THIS ACT—HOW REDEEMED.

SEC. 141. Lands or lots, once advertised and sold for taxes under this act, must not be advertised and sold again for the same taxes, unless by order of the board of county commissioners, but must remain charged to the county sheriff, and may be redeemed by any person by paying to said treasurer all taxes, penalty, interest and costs charged against such lands or lots.

142. WHAT THE SHERIFF MUST ENTER ON DUPLICATE ASSESSMENT
ROLL.

SEC. 142. Whenever the sheriff sells any property for taxes, he must enter in the appropriate columns, on the duplicate assessment roll, the amount of interest and costs, date of sale, to whom sold, or if to county, "sold to county," and whenever property is redeemed, he must enter on said roll the date of redemption, by whom redeemed and amount paid.

*Two sections numbered "140" appear in the original law.

143. SHERIFF TO GIVE PURCHASER CERTIFICATE OF SALE.

SEC. 143. After receiving the amount of the taxes and costs and one dollar for the certificate, the sheriff must give to the purchaser a certificate of sale, dated on the day of sale, describing the land so purchased, stating that it was sold for taxes, the date of sale, the amount paid therefor, and (when known) the name of the person assessed for said taxes. The certificate must be signed by the sheriff, in his official capacity, and shall be *prima facie* evidence of the regularity of all prior proceedings.

144. SHERIFF AND AUDITOR TO COMPARE ROLLS—WHEN.

SEC. 144. Within ten days after the annual sale of lands for taxes the county sheriff must attend with the duplicate assessment roll at the office of the county auditor, and the auditor must enter in the original assessment roll all entries made by the sheriff (including affidavits) since the last day of comparison, and must at the same time charge the sheriff with the amount of advertising as shown by the entries in the duplicate roll, and the amount of interest collected to date.

145. SHERIFF TO ATTACH LIST OF LANDS ADVERTISED—HOW.

SEC. 145. The sheriff must attach to the duplicate assessment roll in an appropriate place, a printed list of the lands advertised for the year in which the taxes on said roll were listed, and must furnish the auditor with a printed list of said lands, and the auditor must attach the same to the original roll.

146. THE PURCHASER ACQUIRES LIEN UPON LAND SOLD.

SEC. 146. The purchaser acquires a lien on the land or lot sold for taxes, for the amount paid by him at the sale, and if he subsequently pay any tax levied upon the same, whether for any year or years previous or subsequent to the sale, he shall have the same lien for the taxes so paid, and he shall be entitled to interest on the amount of all taxes paid by him at the rate of twenty-five per cent. per annum from date of payment.

147. CERTIFICATES ASSIGNABLE.

SEC. 147. The certificate of purchase of any land or lot sold for the taxes assessed thereon, may be assigned by the purchaser, his heirs, executors or administrators to any other person.

148. LAND SOLD TO ACTUAL PURCHASERS—HOW REDEEMED.

SEC. 148. All lands, city or town lots sold to actual purchasers, may be redeemed by the former owner thereof, his assigns in interest, or creditors having a lien thereon, within two years

thereafter, on payment to the purchaser or his assignee, of the amount paid by the purchaser at the tax sale, and interest thereon at the rate of 25 per cent. per annum from the date of sale, and all taxes paid by the purchaser or assignee of the purchaser for taxes on the land prior to, or since the sale, and interest thereon at the rate of 25 per cent. per annum from the day of payment.

149. THE OWNER OF LAND ADVERTISED FOR TAXES MAY STOP THE SALE.

SEC. 149. The owner, or his agent, of any lands, city or town lots advertised for sale for delinquent taxes thereon, may, before the sale thereof, pay all taxes, penalty, interest and costs due from the owner thereof and stop the sale.

150. LANDS HERETOFORE SOLD TO COUNTY TO BE RE-OFFERED FOR SALE—WHEN.

SEC. 150. Land heretofore "sold to county" for taxes must not be advertised again for sale for the same taxes, unless by order of the board of county commissioners duly entered of record in the record of their proceedings, and when so advertised and sold, the entries, taxes, penalties, interest, costs and all transactions, relating to the same must be kept and held separate and distinct from the taxes levied on said lands and the collections of the same under this act.

151. LAND HERETOFORE SOLD TO COUNTY HOW REDEEMED.

SEC. 151. Any person may redeem any tract, lot or parcel of land heretofore sold to the county for taxes, by paying into the county treasurer the amount of taxes, penalty, interest and costs due to the county on such tract, lot, or parcel of land, taking the treasurer's duplicate receipt therefor, and filing the same with the county auditor, who shall enter in his list of "lands sold to county" opposite of the land redeemed, the word "redeemed," and the date of redemption, and, if required, must give the person filing said receipt a certificate of redemption, and the auditor must charge the treasurer with the amount of money shown to have been paid to him by said receipt.

CHAPTER VIII.

152. CONVEYANCE OF REAL ESTATE SOLD FOR TAXES.

SEC. 152. If, within two years after the sale of any tract

or lot of land for taxes, the same has not been redeemed, as in this act provided, the lawful holder of the sheriff's certificate of sale shall be entitled to a deed to the land described in said certificate, and upon the surrender of said certificate to the county sheriff and the payment of all subsequent taxes against said land if there be any, and the redemption of said lands from all former sales to the county not yet redeemed, if there be any, the sheriff must make to the purchaser or his assignee a deed of the property in fee simple, running in the name of the Territory of Washington, and reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed by law for its redemption.

153.

FEES OF SHERIFF FOR MAKING DEED.

SEC. 153. The county sheriff shall be entitled to collect from the person receiving a tax deed an additional sum of three dollars for executing said deed, but the sheriff must pay the person taking the acknowledgment to said deed his fee.

154.

RECITAL IN TAX DEED—PRIMARY EVIDENCE OF WHAT.

SEC. 154. The matter recited in the certificate of sale, must be recited in the deed, and such deed, duly acknowledged or proved is *prima facie* evidence that:

- 1st. The property was assessed as required by law.
- 2nd. The property was equalized as required by law.
- 3rd. The taxes were levied as required by law.
- 4th. The taxes were not paid.
- 5th. At a proper time and place the property was sold as prescribed by law, and by the proper officer.
- 6th. The property was not redeemed.
- 7th. The person who executed the deed was the proper officer.
- 8th. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

155.

WHAT RECITALS ARE CONCLUSIVE EVIDENCE.

SEC. 155. Such tax deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the assessor, inclusive, up to the execution of the deed.

156. DEED CONVEYS ABSOLUTE TITLE.

SEC. 156. A tax deed, executed under this act, conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except when the land is owned by the United States or this territory, in which case it is *prima facie* evidence of the right of possession.

157. ASSESSMENT ROLL AND DUPLICATE ASSESSMENT ROLL—PRIMA FACIE EVIDENCE.

SEC. 157. The assessment roll and the duplicate assessment roll, or a copy thereof, certified by the county auditor or county treasurer or sheriff showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount of taxes, penalty, interest and costs due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes, have been complied with.

CHAPTER IX.

158. ACCOUNTS AND SETTLEMENTS.

SEC. 158. The fiscal year, contemplated in this act, shall commence the first day of May and end on the last day of April in each year.

159. COUNTY TREASURERS TO PAY OVER FUNDS BELONGING TO TERRITORY—WHEN.

SEC. 159. The county treasurer of each county in this territory must, on the first Monday in each month, pay into the territorial treasury, or forward to the territorial treasurer, in such manner as he shall direct, at the expense of the territory, all funds on hand belonging to the territory.

160. COUNTY TREASURER TO SETTLE WITH TERRITORIAL AUDITOR—WHEN.

SEC. 160. The county treasurer of each county in the territory must, on or before the third Monday in April, in each year, make a full settlement with the territorial auditor of his accounts with the territory for the preceding fiscal year, and the territorial auditor must credit the county treasurer with the following amounts to wit:

1st. Amount of money paid to the territorial treasurer during the preceding fiscal year as shown by his vouchers.

2nd. The amount of errors and double assessments in the territorial tax for the preceding fiscal year.

3rd. The amount of expenses incurred in forwarding the territorial funds to the territorial treasurer, if proper vouchers be produced therefor, and such other credits as he is entitled by law to receive.

161. EACH TREASURER MUST RENDER STATEMENT TO TERRITORIAL AUDITOR—WHEN.

SEC. 161. Each county treasurer must, at the time of his annual settlement with the territorial auditor, render a statement verified by his and the county auditor's affidavits or that of their deputies, of all territorial taxes previously credited to his county by the territorial auditor, as delinquent and uncollected, and collected by him after such credit and not previously reported.

162. FEES OF COUNTY TREASURER.

SEC. 162. The county treasurer of each county shall be allowed to retain two per cent. upon all moneys collected by him, and two per cent. upon all moneys paid out by him, as his fees for collecting and disbursing the same, to be paid by the county, except in counties where the treasurers thereof receive a salary in lieu of commissions as their compensation.

163. TERRITORIAL TREASURER MUST GIVE RECEIPT TO COUNTY TREASURER.

SEC. 163. The territorial treasurer must give or send a receipt to the county treasurer entitled thereto for the amount of each payment into the territorial treasury, on receipt of the same, and must, at the same time, deliver a duplicate of every such receipt to the territorial auditor, who must file and preserve the same.

164. TERRITORIAL AUDITOR TO FURNISH ASSESSMENT ROLLS AND DETAILED LISTS.

SEC. 164. The territorial auditor must, on or before the first day of March, 1880, and biennially thereafter, furnish, at the expense of the territory, to the auditor of each county, two "assessment rolls" and two "duplicate assessment rolls," and a sufficient number of "detail lists" of real and personal property for the use of the assessor and taxpayers, with appropriate headings and columns sufficient to correspond with the requirements of this act.

165.

SAME.

SEC. 165. The assessment rolls and duplicate assessment rolls provided for in this preceding section, must each be backed and headed by printed dates and name of the county, for the respective year, and county for which they are intended.

166.

SETTLEMENT WITH TREASURER.

SEC. 166. Each county treasurer must attend with his books and vouchers before the board of county commissioners of his county at its May session in each year and settle his accounts before said board, and in such settlement the board must allow the treasurer the following credits:

1st. The amount of principal and interest paid on county and road orders, subsequent to the last preceding settlement, whether such orders have been fully paid or but partially paid.

2d. Amount paid territorial treasurer during the preceding fiscal year as per voucher.

3d. Amount paid school districts during the preceding fiscal year.

4th. Amount paid road supervisors during the preceding fiscal year.

5th. Amount allowed by law for his compensation, and such other credits as he is entitled by law to receive.

• The sheriff, as tax collector, shall attend at the May term of the board of county commissioners with his books and vouchers, and shall be allowed the following credits in his annual settlement:

All moneys paid by him to the county treasurer for the preceding fiscal year, as per voucher.

6th. Amount of errors and double assessments proven to exist in the duplicate assessment roll.

7th. The 10 per cent. penalty collected on delinquent taxes up to date of sale of real estate, and such other credits as he is entitled by law to receive.

167. AMOUNT OF UNCOLLECTED TAXES TO REMAIN IN THE HANDS OF

THE SHERIFF FOR COLLECTION.

SEC. 167. The amount of uncollected taxes on personal property or polls, and the amount of taxes on "lands sold to county" must remain charged to the county sheriff, who must collect the taxes, costs and interest due on the same by distraint

and sale of personal property as herein provided, whenever he can find personal property belonging to the person assessed and whose taxes are delinquent, out of which to make said taxes, costs and interest, unless the same be sooner paid.

168. AUDITOR TO CHARGE SHERIFF WITH INTEREST COLLECTED.

SEC. 168. The sheriff must enter, in the interest column in the duplicate assessment roll, the amount of interest collected from each person, and the auditor must, on each date of comparison of the original and duplicate rolls, charge the sheriff with the aggregate amount of interest collected by said sheriff since the last date of comparison.

CHAPTER X.

169. MISCELLANEOUS PROVISIONS, INITIAL LETTERS, ABBREVIATIONS AND FIGURES.

SEC. 169. In the assessment of land, advertisements, and sale thereof for taxes, initial letters, abbreviations and figures may be used to designate the township, range, section or part of sections.

170. NO ASSESSMENT ILLEGAL ON ACCOUNT OF INFORMALITY, ETC.

SEC. 170. No assessment or act relating to assessment or collection of taxes is illegal on account of informality, nor because the same was not completed within the time required by law, and no such act shall affect the validity of any taxes, sales or other proceedings for the collection of taxes under this act, or the validity of a tax deed made pursuant to this act.

171. FINES AND PENALTIES GO TO SCHOOL FUND.

SEC. 171. The fines, forfeitures and penalties collected under this act, for a violation of its provisions, must be paid into the county treasury for the use of the general school fund, unless otherwise provided herein.

172. INTEREST AND MONEY FOR ADVERTISING GO TO COUNTY FUND.

SEC. 172. All interest and cost of advertising hereafter collected under this and former acts must be paid into the county treasury for the use and benefit of the county fund.

173. PUBLICATION OF ADVERTISEMENTS AND NOTICES.

SEC. 173. All advertisements and notices provided for in

this act, which are required to be published, including delinquent tax lists, must be published in the weekly newspaper published in the county or supplement thereto, if there be one; if more than one, then in the official paper published in the county or if there be none, then in a weekly paper published in the territory and having the largest circulation in the county for which said publishing is done: *And provided further*, That when the county has no paper published within its limits, the county commissioners shall publish the same in some newspaper published in the territory and having the largest *bona fide* circulation in the county for which said printing is done, or by posting printed or written notices in at least six of the most public places in the county for three consecutive weeks prior to the first day of sale.

174.

SAME.

SEC. 174. In counties where there is no paper published the board of county commissioners of said county must designate some newspaper published in the territory and having general circulation in said county in which the official printing for the county must be done, and for this purpose it must solicit bids to do said printing, or may order written notices to be posted up in the several precincts of said county.

175.

COMPENSATION FOR DOING COUNTY PRINTING.

SEC. 175. The publisher shall be paid for publishing the notices and delinquent tax lists in this act, required to be published, at the rate not to exceed seventy-five cents for each separate description of real estate for the first insertion, and not to exceed twenty-five cents for each subsequent insertion, or at the rate not to exceed one dollar per square of twelve lines nonpareil, where said notice or description equals or exceeds said twelve lines, for the first insertion, and not to exceed the sum of twenty-five cents for each subsequent insertion thereof. Said payments to be made by order of the board of county commissioners, as other indebtedness of the county is paid: *Provided*, The board must not pay a greater amount for advertising the delinquent tax list than is shown by the aggregate amount of costs for advertising charged against the delinquents on the duplicate roll.

176.

COUNTY FUND NOT TO MAKE UP ANY DEFICIENCY.

SEC. 176. The county fund shall not make up any deficiency in the school, road, special or other funds, by reason of taxes becoming delinquent and uncollectible, or for any other cause.

177. ASSESSOR MUST NOT ASSESS—WHEN.

SEC. 177. The assessor must not assess any property to another after the first Monday in April at 12 o'clock, meridian, because said person has purchased the same since that date, nor because said property has changed hands since said date, but every person must be assessed for the property owned or claimed by him or in his possession or control on said day and hour, and the assessor who violates this provision, knowingly, subjects himself to a fine of fifty dollars for each violation.

178. ASSESSOR TO FILE DETAIL LISTS WITH THE AUDITOR.

SEC. 178. The assessor must arrange his detailed lists of statements from taxpayers in alphabetical order, and file the same with the county auditor at the same time that he files his assessment rolls and the auditor must carefully preserve said statement in his office, subject to the inspection of any person during office hours.

179. DETAIL LISTS MAY BE BOUND.

SEC. 179. The board of county commissioners of any county may authorize the auditor to have the detailed lists of statements from taxpayers bound and lettered, if they so elect.

180. ALL TAXES MUST BE PAID IN LAWFUL MONEY.

SEC. 180. All taxes must be paid in lawful money of the United States, unless otherwise provided by law, in the collection of road poll and road property tax.

181. SHERIFF ENTITLED TO ONE DOLLAR FOR TAX CERTIFICATE.

SEC. 181. The county sheriff is entitled to demand and collect from the purchaser, or his assignee, the sum of one dollar for each certificate of purchase of land or town lots at tax sales.

182. SHERIFF ENTITLED TO 10 PER CENT. PENALTY FOR COLLECTING.

SEC. 182. The county sheriff is entitled to the 10 per cent. penalty for collecting the delinquent taxes, and he may retain the same from such collections: *Provided*, That he shall not be entitled to such penalty for lands sold to county and afterward redeemed.

183. FEES OF COUNTY ASSESSOR.

SEC. 183. The board of county commissioners must allow the county assessor the sum of five dollars per day in county

warrants for each day necessarily employed in taking the assessment of his county and making up his assessment roll: *Provided*, That neither the assessor nor his deputy shall be allowed for any work done except between the first Monday in April and the first Monday in July of each year, both days inclusive, and the time necessarily required before the board of equalization.

184. BOARD OF COUNTY COMMISSIONERS MAY ALLOW DEPUTY ASSESSOR—WHEN.

SEC. 184. The board of county commissioners may allow the county assessor one or more deputies, when in the opinion of the board such deputy or deputies are necessary to complete the assessment roll within the time prescribed by law; the board may prescribe the time such deputy or deputies are required, and shall pay to each deputy so employed the sum of four dollars per day for each day necessarily employed during said prescribed time.

185. BOARD OF COUNTY COMMISSIONERS TO ALLOW AUDITOR AND TREASURER AND SHERIFF REASONABLE COMPENSATION—WHEN.

SEC. 185. The board of county commissioners must allow the auditor, treasurer and sheriff a reasonable compensation for comparing the original and duplicate assessment rolls and such other work as they are required to perform, when no compensation is fixed by law for the same; and it shall be the duty of the county commissioners of the several counties, at their regular May term in each year, to exact from the sheriff of the respective counties a good and sufficient bond to the county as tax collector.

186. ASSESSOR, TREASURER AND SHERIFF AND BONDSMAN LIABLE.

SEC. 186. The assessor and sheriff and their bondsman, and the treasurer and his bondsman are each liable for acts of their respective deputies.

187. DEPUTIES TO TAKE AND SUBSCRIBE AN OATH.

SEC. 187. Each deputy appointed by the assessor or treasurer, must take and subscribe an oath similar to those required of the assessor and treasurer, and file the same with the county auditor before entering upon the discharge of their duties.

188. FINES OF OFFICERS FAILING TO DO DUTY.

SEC. 188. Any public officer who shall willfully or negligently fail to perform any duty imposed upon him by this act, shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, to be col-

lected by law in any court having jurisdiction of the case, except in cases when a fine is already imposed herein.

189. AUDITOR AND SHERIFF TO COMPARE ASSESSMENT ROLLS MONTHLY.

SEC. 189. After the annual settlement with the sheriff by the board of county commissioners, the auditor and sheriff must, on the first of each month, or within five days thereafter, compare the original and duplicate rolls, and the auditor must charge the sheriff with the amount of interest collected since the date of the last comparison, and must make the same entries in the original assessment roll as in previous comparisons.

190. ACCOUNTS TO BE KEPT BY COUNTY TREASURER.

SEC. 190. The county treasurer must keep a general account, and an account with each fund, showing the amount of money received into each fund, and for what purpose received, and the amount paid out of each fund, and for what purpose paid, and must, within thirty days after the May session of the board of county commissioners, in each year, publish a financial statement showing the workings and conditions of said accounts during the preceding fiscal year.

191. ACT TO TAKE EFFECT—WHEN.

SEC. 191. This act to take effect and be in force from and after the first day of January, A. D., 1880, but not to apply to the collection of any taxes previously levied.

192. REPEALING CLAUSE.

SEC. 192. The act of 1877, entitled "an act to provide for the assessing and collecting of county and territorial revenue" is hereby repealed, and all other acts or parts of acts and amendments in conflict with the provisions of this act, are hereby repealed.

193. SAVING CLAUSE.

SEC. 193. All taxes, assessed before this act takes effect, must be collected under the act of 1877, entitled "an act to provide for the assessing and collecting of county and territorial revenue," and the amendments thereto, made at this session, and in case of tax deeds given for the redemption of certificates of purchase at tax sales previously made, said deeds must be executed under the act of 1877.

SEC. 194. Immediately after the board of equalization shall have completed their labors for the year, the county auditor shall transmit to the territorial auditor the amount of the

tax levy in the county for all purposes. His certificate shall be substantially in the following form:

OFFICE COUNTY AUDITOR, }
 For _____ COUNTY, W. T. }
 18

I hereby certify that the total amount of taxable property, both real and personal, for the county of _____ and Territory of Washington, for the year 18—, as returned by the county assessor, and examined and approved by the county commissioners, is as follows, to wit: Real property, \$.....; personal property, \$.....; Total, \$.....

I further certify that the total amount of tax levy in said county, for the year 18—, is as follows:

For territorial purposes	_____ mills	.....	\$_____
For county	“	“	.....
For school	“	“	.....
For road	“	“	.....
For poll, etc.	“	“	.....

Witness my hand and official seal.

For,
 _____,
 Territorial Auditor, Olympia, W. T.

SEC. 195. The intention of this act is to the effect that the treasurer shall be the collector for taxes until the first day of January of each year, and the sheriff shall be the collector of all delinquent taxes.

Approved, Nov. 14, 1879.

AN ACT

IN RELATION TO ROADS, FERRIES, BRIDGES, AND TRAVEL ON PUBLIC HIGHWAYS.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington.* That all county roads shall be under the supervision of the board of county commissioners of the county wherein the said roads are located, and no county road shall be hereafter established, nor shall any such road be

altered, or vacated in any county in this territory, except by the authority of the board of county commissioners of the proper county: *Provided*, That this act shall not be construed to interfere with the jurisdiction over roads within the corporate limits of any city, or town which by the charter of said city or town is vested in the corporate authorities of said cities or towns, and when such charter confers upon the corporate authorities of said cities or towns the sole power to expend the road labor and taxes collected within such corporate limits.

SEC. 2. All applications for laying out, altering or locating county roads, shall be by petition to the board of county commissioners of the proper county, signed by at least twelve householders of the county, residing in the vicinity where said road is to be laid out, altered, or located, which petition shall specify the place of beginning, the intermediate points, if any, and the place of termination of said road.

SEC. 3. When any petition shall be presented for the action of the board of county commissioners for laying out, alteration, or vacation of any county road, it shall be accompanied by satisfactory proof that notice has been given by advertisement, posted at the place of meeting of said board and also in three public places in the vicinity of said road or proposed road, thirty days previous to the presentation of said petition to said board, notifying all persons concerned that application will be made to said board at their next term, for laying out, altering, or vacating such road, as the case may be.

SEC. 4. Upon the presentation of such petition, and proof that notice has been given, as provided in the last section, the board of county commissioners may appoint three disinterested householders of the county as viewers of said road, and a surveyor, to survey the same, and shall issue an order directing said viewers and surveyor, on a day to be named in said order, or on their failing to meet on said day, within five days thereafter, to view, survey and lay out, or alter said road.

SEC. 5. It shall be the duty of the viewers and surveyor appointed as aforesaid, after receiving at least five days' previous notice by one of the petitioners, to meet at the time and place specified in the order of the board of county commissioners aforesaid, or within five days thereafter, and after taking an oath or affirmation faithfully and impartially to discharge the duties of their appointments, respectively, they shall take to their assistance two suitable persons as chain bearers, and one marker, and proceed to view, survey and lay out or alter said road as prayed for in the petition, as near as in their opinion a good road can be made at a reasonable expense, taking into consideration the utility, convenience, or inconvenience, and ex-

pense which will result to individuals, as well as to the public, if such road shall be established and opened or altered, and the surveyor shall survey such road under the direction of the viewers, and cause the same to be conspicuously marked throughout, noting the angles and distance. A sufficient number of trees shall be blazed to mark the line of the road plainly. The beginning and termination of such road, and the termination of each mile thereon shall be designated by a tree, if one is found at the point, if not, then by a stone containing at least 1,728 solid inches, if such stone can be found in the vicinity, if not, then by a post of durable wood, at least four inches square and three and a half feet long, and firmly planted not less than eighteen inches in the ground. When posts are used two bearing trees shall be chosen, then the course and distance of each of which from the post, the direction of the tree, and the kind of wood shall be noted by the surveyor. If no stone can be obtained and no tree suitable for bearing trees can be found, the surveyor shall cause a mound to be erected of compact earth around the post, eighteen inches high and four feet square. The beginning and terminating points of the road, whether trees, posts, or stones shall be marked by the letter "R." The termination of each mile shall be marked by a figure indicating the number of the mile from the beginning of the road, followed by the letter "M." The marks required by this section, if occurring on stones, shall be cut legibly, at least one-eighth of an inch deep; if occurring on trees or posts they shall be plainly cut, at least one-fourth of an inch deep, in the solid wood, the bark having been first removed. All bearing trees shall be marked on the side facing the post to which they correspond, with a figure and letter the same as that on the post, cut into the solid wood in the same manner as other trees are required to be marked. The surveyor shall also make out and deliver to one of the viewers, without delay, a certified return of the survey of the said road, and a plat of the same, and the viewers or a majority of them shall make out and sign a report in writing, stating their opinion in favor of or against the establishment or alteration of such road, and set forth the reasons of the same, which report, together with the plat and survey of said road, or alteration, shall be delivered to the county auditor by one of the viewers, on or before the first day of the term of said board then next ensuing, and it shall be the duty of the said board of county commissioners, on receiving the report of the viewers aforesaid, to cause the same to be publicly read twice at the same meeting, and if no remonstrance with a greater number of remonstrators than there are names on the petition, (the names on the remonstrance or petition to be confined to the road district or districts established, or to be established where the proposed change is to be made,) or petition.

for damages be filed, and the commissioners being satisfied that such road will be of public utility, the report of the viewers being favorable thereto, the commissioners shall cause said report, survey, and plat to be recorded, and from thenceforth said road shall be considered a public highway, and the commissioners shall issue an order directing said road to be opened.

SEC. 6. In all cases where any oath or affirmation is required to be taken by any person under the provisions of this act, the same may be administered by the surveyor, or by one of the viewers, who has been previously sworn or affirmed.

SEC. 7. If any person, through whose land county roads may be viewed and marked out, shall feel that he or she would be injured by the opening of the same, such person may make complaints thereof in writing, to the board of county commissioners at the time the report of the viewers, appointed to view said road, is received, and if such complaint be made the county commissioners shall appoint three disinterested householders of the county, who shall meet at such time as may be designated by the county commissioners, or at such time as may be agreed upon by such householders, and after having been duly sworn or affirmed to discharge their duty faithfully and impartially, shall proceed and view said proposed road, the whole distance through the premises of the complainant and assess and determine how much less valuable such premises of the complainant would be rendered by the opening of said road, and they shall report the same in writing to the county commissioners at the next regular term.

SEC. 8. If the board of county commissioners are satisfied that the amount of damage so assessed is just and equitable, and that the proposed road will be of sufficient importance to the public to cause the damages so assessed and determined to be paid by the county, the commissioners shall order the same to be paid the complainant out of the county treasury; but if in the opinion of the county commissioners such proposed road is not of sufficient importance to the public to cause damages to be paid by the county, the commissioners may refuse to establish the same as a public highway, unless the expense or damages, or such part thereof as the commissioners may think proper, shall be paid by the petitioners.

SEC. 9. Any complainant who may conceive himself aggrieved by the assessment of damages, as prescribed by the two preceding sections, may, within twenty days after such report is adopted by the county commissioners, appeal therefrom to the district court of the proper county. Such appeal shall be taken to the district court in the same manner as appeals from justices of the peace, and if the appellant shall fail to recover a judg-

ment more favorable than the report appealed from, he shall pay all costs of the appeal.

SEC. 10. All county roads shall be sixty feet in width, unless the county commissioners shall, upon the prayer of the petitioners for the same, determine on a less number of feet in width.

SEC. 11. When the place of beginning, or true course of any public road shall become uncertain, by reason of the removal of any marked tree, or monument by which such road is designated, or from any other cause, the county commissioners of the proper county may appoint three disinterested householders of the county to review, and if they deem it necessary to straighten such road, and the reviewers shall cause the said road to be correctly surveyed and marked throughout, as in case of a new road, and shall make a return of the survey and plat of such road to the county commissioners of the proper county, the commissioners shall cause the same, if approved, to be recorded as in other cases; and from thenceforth such road surveyed as aforesaid shall be considered as a public highway.

SEC. 12. If any person or persons, through whose lands any public highway is or may be established, shall be desirous of turning such road through any other part of his or their lands, such person or persons may, by petition, apply to the county commissioners of the proper county to permit him or them to turn such road through any other part of his or their land, on as good ground, and without materially increasing the distance to the injury of the public, and on receipt of such petition, accompanied by a sufficient bond, to pay the costs and expenses to be incurred thereby, the commissioners may appoint three disinterested householders as reviewers and a surveyor, who, or a majority of such reviewers, shall proceed to review the ground over which the road is proposed to be turned, and ascertain the distance such road will be increased by the proposed alteration, and make out a report in writing, stating the several distances so found, together with their opinion as to the utility of making such alterations, and if the reviewers, or a majority of them, shall report to the commissioners that the prayer of the petitioner or petitioners is reasonable, and upon receiving satisfactory evidence that the proposed new road has been opened a legal width and in all respects made equal to the old road for the convenience of travelers, the commissioners may declare such new road a public highway, and make record thereof, and at the same time vacate so much of the old road as is embraced in the new, and the person or persons, petitioning for the alteration, shall pay all costs and expenses of the view, survey and return of the alteration.

SEC. 13. If any viewer or viewers shall refuse or neglect to perform the duties required by this chapter, without making satisfactory excuse for such refusal or neglect, he shall be fined by the board of county commissioners in any sum not exceeding ten dollars, to be recovered by an action before a justice of the peace of the proper county, which fine, when collected, shall be paid over, without delay, into the county treasury.

SEC. 14. Upon application being made under the provisions of this chapter for a view or review of any public road proposed to be laid out, altered or vacated, the county commissioners shall, before issuing an order to the viewers, require a bond to be executed by one or more of the petitioners for such view or review, with surety sufficient, to be approved by the commissioners, and made payable to the county in such sums as the commissioners shall direct, not exceeding two hundred dollars, conditioned that, if the prayer of the petitioners be not granted and allowed, the person executing such bond will pay all costs and expenses that may be incurred by reason of such view or review.

SEC. 15. Any person or persons whose land shall be so situated that it has no connection with any public road, may make application in writing to the county commissioners of his county, at a regular term, for a public road leading from his premises to some convenient public road, by first posting three notices fifteen days before said meeting in the district where said road is to be located, and thereupon the commissioners shall appoint three disinterested householders of the county as viewers, and cause an order to be issued directing them to meet on a day named in such order to view and locate a public road according to the application and notices, and to assess the damage to be sustained thereby, and after being duly sworn or affirmed faithfully and impartially to perform the duties of their appointment, and after at least three days' notice given to all persons, through whose land such public road is to be located, such viewers shall proceed to locate and mark out a public road thirty feet wide, from some certain point on the premises of the applicant to some certain point on the public road, so as to do the least damage to the lands through which such public road is located, and they shall also at the same time assess damages sustained by the person or persons owning such land: *Provided*, That no part of the county road tax or fund shall be applied to said road so established.

SEC. 16. The viewers appointed in accordance with provisions of the preceding sections of this act, shall have power to determine in all cases whether or not gates shall be placed at proper points on said road, and assess damages in accordance with that determination.

SEC. 17. The viewers so appointed, or a majority of them, shall make a report to the county commissioners, at the next regular term, of the public road so located by them, and also the amount of damages, if any, assessed by them, and the person or persons entitled to such damages; and, if the county commissioners are satisfied that such report is just, and after payment by the applicant of all costs of locating such road and the damages assessed by the viewers, the commissioners shall order such report to be confirmed, and declare such road to be a public road, and the same shall be recorded as such, and any person aggrieved by the assessment of damages, may appeal within twenty days after such confirmation of the report, to the district court.

SEC. 18. The board of county commissioners shall, as often as they may deem necessary, but not oftener than once a year, divide their respective counties, or any part thereof, into suitable and convenient road districts, and cause a brief description of the same to be entered on the county records.

SEC. 19. The supervisor of each road district in this territory shall, at least ten days before the first Monday in January of each year, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district on the first Monday in January, at two o'clock in the afternoon, at some convenient place in said district to be specified in said notice, for the purpose of electing a road supervisor for the next succeeding year, at which election the old supervisor shall act as chairman if present; if not present, a chairman shall be elected by the voters present. The meeting shall also elect a secretary who shall record the proceedings of the meeting, and all persons in the district, who are required to labor on the roads or who have road taxes to pay, may vote at such election, and the person receiving the highest number of votes shall be considered elected supervisor for that year, who shall within ten days, and before entering upon the duties of said office, take an oath before any officer authorized to administer oaths, or his predecessor in office, to faithfully discharge the duties of his office, and, if required by the county commissioners, shall enter into a bond to the county, with one or more sureties, in any sum not exceeding one thousand dollars, to be approved by the county commissioners, to the effect that he will faithfully account for all money coming into his hands by virtue of his office; but in case any road district shall fail to notify the county auditor in writing that they have elected a supervisor, it shall be the duty of the county auditor to report what districts have failed to elect, to the county commissioners, at their regular February meet-

ing, and they shall appoint supervisors to fill all vacancies in such road districts.

SEC. 20. It shall be the duty of the county auditor to furnish the supervisor of each road district a list of petitioners for county roads, residing in their respective districts, and it shall be the duty of the supervisors to cause said petitioners to perform two days' labor each in opening said road: *Provided*, That any person may in lieu of each day's work to be performed according to this section, pay into the hands of the supervisor the sum of two dollars per day, to be expended in labor on said road in said district.

SEC. 21. The county auditor shall furnish the several supervisors of roads in his county, with their respective road lists, on or before the third Monday in February of each year. Said list shall be properly ruled with the spaces for names and amount and containing directions to supervisors when to return the same.

SEC. 22. It shall be the duty of the board of county commissioners of the several counties, at their February session, to levy and assess a road tax of four dollars on every male person liable to perform labor on the public roads, between the ages of twenty-one and fifty years, except persons that are a public charge, or too infirm to perform labor; also to assess not less than one or more than five mills on every dollar's worth of property as returned by the county assessors, which tax shall be assessed and collected in labor at the rate of two dollars per day, unless he shall elect to pay the same in money: *Provided, however*, That the road property tax of non-residents shall be collected by the county collector of taxes the same as other taxes are collected.

SEC. 23. That the road, poll, and road property tax, of resident tax payers, may be paid in labor on the public roads, as now provided by law, between the first day of March, and the thirtieth day of June of each year: *Provided*, That the county auditor shall be guided by the assessment roll returned by the county assessor in making list for supervisors. *And, provided further*, That said auditor shall not return to the county collector of taxes any road poll, or road property tax for collection, that he is hereby required to send to the supervisor for collection.

SEC. 24. The supervisor must notify every person within his road district, subject to road labor as aforesaid, to perform the work assessed on the public road within his district; and if any person subject to road labor as aforesaid, shall, after three days' notice, either personally or by writing left at his usual

place of abode, or sent by mail to his post office address, by the supervisor, or by any other person by his direction, neglect or refuse to attend by himself or substitute, at the time and place designated by the supervisor, or having attended, shall refuse to obey the directions of the supervisor, or shall pass his time in idleness or inattention to the labor or duties assigned, every such delinquent shall thereby become liable to an additional assessment of twenty-five per cent. of his original tax, and the supervisor shall add the same to the amount on the tax roll, and demand the same as original tax, and upon further refusal to comply with the directions or orders of said supervisor, he shall return the same as delinquent, to be collected as by law provided for delinquent taxes. It shall be the duty of every person, firm, corporation or company, or their agents, who have or may have in his or their employ, persons working for wages, who are liable to perform road labor under the law, whose names are not placed on the list of the road supervisors; to furnish to such supervisors on demand the names of such persons employed by whatever name, number or appellation they are known by such person, firm, corporation or company, or by his or their agent; and it shall also be the duty of such firm, person, corporation or company to retain or cause to be retained from the wages of such person or persons a sufficient amount to pay the tax due from them respectively, and if a sufficient amount is not due to the person or persons so employed, then such person, firm, corporation or company, shall pay to the supervisor on demand whatever sum may be due to such person or persons so employed, and if a sufficient amount shall thereafter become due to such person or persons, it shall be retained and paid to the road supervisor on demand: *Provided*, That such person or persons so employed neglect or refuse to perform their road labor as required by law and the provisions of this act.

SEC. 25. It shall be the duty of each supervisor of roads, on or before the first day of August of each year, to return to the sheriff of his county the road list, with the amount paid thereon, properly endorsed in work or money, as the case may be, each several endorsements placed directly opposite the name of the person so paying it. Said endorsement shall be received by the sheriff in lieu of a road receipt, in the payment of taxes: *Provided*, That all amounts on said lists not endorsed by the supervisor, as paid at the time when said list is returned to sheriff, shall be paid in money at the time provided by law for the payment of other taxes.

SEC. 26. Every person notified to labor on the public roads, under the provisions of this chapter, shall be required to appear at the place appointed by the supervisor, at the hour of

eight o'clock in the forenoon, with such necessary tools and implements as said supervisor may direct, and work industriously and diligently, doing at least eight hours' faithful labor in each day at such work and in such manner as shall be directed by the supervisor; and such supervisor may, if he deem it necessary, order any person (owning the same) to furnish a team of horses, mules, or oxen and wagon, scraper, or plow, to be employed or used on the roads under the direction of the supervisor, who shall allow such person a reasonable compensation for the use of such team, wagon, cart, scraper or plow, in discharge of any labor due from such person.

SEC. 27. The supervisor of roads shall open, or cause to be opened, all public roads which may have been, or may hereafter be, laid out and established according to law, in any part of his road district and shall keep the same in good repair; and if the labor in his district, assessed as provided in section twenty-two of this act, is not sufficient for that purpose, then he shall have authority to assess and call out such an amount of labor as will be sufficient to put the public roads in his district in good repair: *Provided*, That said assessment shall be made as near as possible upon the basis of assessments in section twenty-two; and he shall have authority to purchase for the use of the road district, any plows, scrapers or other implements, which he may think proper, and to enter upon any lands adjoining or near the public road, and gather, dig and carry away, any stone, gravel or sand, and cut down and carry off any trees or wood necessary for the making and repairing of any public road, and to purchase any timber, plank or other material necessary for making or repairing any public road in his district, and to enter upon any land adjoining or lying near any public road in his road district and cut, open, or construct such drains and ditches, as he shall deem necessary for the making or preservation of such roads, doing as little injury as may be to such lands; and any person, stopping or obstructing the drains or ditches so made, shall forfeit the sum of twenty dollars for each offense, to be recovered and appropriated as provided in section twenty-four of this act: *Provided*, That in all suits decided adversely to the supervisor, hereby authorized to be instituted by him, he shall be allowed a credit, in his yearly settlement, of costs he may have been compelled to pay on account of such adverse decision or decisions.

SEC. 28. If any person shall feel aggrieved by the act of any supervisor cutting or carrying away timber or stone as aforesaid, he may make complaint thereof in writing to the county commissioners, at any regular meeting within six months after the cause of such complaint shall exist, and such commissioners shall proceed to assess and determine the dam-

ages, if any, sustained by the complainant, and cause the same to be paid out of the county treasury.

SEC. 29. Every supervisor shall erect and keep up at the forks of every highway and every crossing of public roads within his road district, a guide or finger board, containing an inscription in legible letters, directing the way, and specifying the distance to the next town or public place situated on each road respectively.

SEC. 30. If at any time subsequent to the thirtieth day of June of any year and before the list of the next year shall come into the hands of the supervisor, any public road shall become obstructed by fallen timber, or from any other cause, or any bridge shall be impaired or become dangerous for the passage of teams or travelers, the supervisor of the road district, upon being notified thereof, shall forthwith cause such obstruction to be removed or bridges repaired, for which purpose he shall immediately order out such number of inhabitants of his district as he may deem necessary to remove such obstruction, or to repair such bridge; and all persons so ordered out, shall, after having received one day's notice, be subject to the same restrictions and liable to the same penalties, as if ordered out under section twenty-four of this chapter.

SEC. 31. In all cases where any person shall, under the direction of the supervisor of roads, perform more labor upon the public roads, than may have been assessed upon him under the provisions of this act, the supervisor shall give such person a certificate specifying the amount of extra labor so performed, which certificate may be transferred and received in discharge of the labor of any other person within the same district, to the amount of labor specified in such certificate, or may be received from the holder in satisfaction of labor on the roads in such road district in any subsequent year; for the amount of labor specified therein.

SEC. 32. Every supervisor shall keep an account of the days' work performed on the roads, in payment of road tax, and by whom performed, and also an account of all moneys collected or received by him for road tax, and such supervisor shall each year return his account to the board of county commissioners for examination and settlement, at the February term thereof, and must pay over any moneys in his possession to his successor in office.

SEC. 33. Any supervisor of roads, who shall neglect or refuse to perform the several duties enjoined upon him by this chapter, or who shall, under any pretence whatever, give or sign any receipt or certificate purporting to be a receipt or certificate

for money paid or labor performed, unless the money shall have been paid, or the labor performed prior to the giving or signing of such receipts or certificate, shall forfeit for every such offense not less than five, nor more than fifty dollars, for the use of his county, to be recovered before any justice of the peace having jurisdiction of the same, in the name of the county commissioners; and it is hereby made the duty of the commissioners to sue for the same: *Provided*, That if any supervisor conceive himself aggrieved by the decision of the justice of the peace, he may appeal to the district court as in other cases.

SEC. 34. Every supervisor of roads shall receive for each day necessarily employed in the performance of any of the duties required by this act, over and above the number of days' work required by law to be performed by such supervisor, the sum of two dollars and fifty cents, to be paid out of the road fund in the county treasury, after the report of the supervisor shall have been received and approved by the commissioners. Every person, employed as surveyor under this act, shall receive as compensation, the sum of five dollars per day; each viewer or reviewer the sum of two dollars per day; and each chain carrier and marker the sum of two dollars per day: *Provided*, That no surveyor, viewer, reviewer, chain carrier or marker shall receive any compensation, until he shall certify to the county commissioner that he has been necessarily employed the number of days for which he claims pay, and that he has complied with the requirements of this act: *And, provided further*, That the surveyor may in his report certify to the names and amounts due the persons engaged as chain bearers and markers.

SEC. 35. That when the board of county commissioners of any county have, upon petition, appointed viewers who have viewed and located any public highway or county road, and the same has been surveyed and the minutes of such survey have been recorded in the office of the auditor of the county in which such survey was made, the said public highways or county roads so surveyed, as aforesaid, be, and the same are hereby, declared to be lawful public highways and county roads, to all intents and purposes, regardless of any defect or omission in posting notices or defect in the appointment of such viewers, or in their returns or reports of such view, survey and location: *Provided*, That the minutes of any such survey and location have been recorded as herein specified.

SEC. 36. That in any cause wherein the legality of any county road or public highway shall be contested, the introduction of the record, or a certified copy thereof, showing that the minutes of survey of any such road have been recorded as specified in section thirty-five of this act, the same shall be suffi-

cient proof of location, survey and legality of such road or roads.

SEC. 37. The foregoing provisions of this act shall be understood and construed to include all aliens between the age of twenty-one and fifty years, except those who are too infirm to perform labor, or who are a public charge, or Indians not taxed.

CHAPTER II.

THE ESTABLISHMENT AND REGULATION OF FERRIES.

SEC. 38. The board of county commissioners of any county in this territory may grant a license to any person, entitled and applying therefor, to keep a ferry across any lake or stream within its respective county, upon being satisfied that a ferry is necessary at the point applied for, which license shall continue in force for a term to be fixed by the commissioners, not exceeding five years.

SEC. 39. The board of county commissioners shall tax such sum as may appear reasonable—not less than one, nor more than one hundred dollars per annum for such license, and the person to whom such license shall be granted, shall pay, to the county treasurer, the tax for one year in advance, taking his receipt therefor, and upon the production of such receipt the county auditor shall issue such license under the seal of his office.

SEC. 40. Unless otherwise provided by law, no such license shall be granted to any person other than the owner of the land embracing or adjoining such lake or stream where the ferry is proposed to be kept, unless such owner shall neglect to apply for such license; and whenever application shall be made for a license by any person other than such owner, the board of county commissioners shall not grant the same, unless proof shall be made that the applicant caused notice, in writing, of his intention to make such application, to be given to such owner, if residing in the county, at least ten days before the session of the board of county commissioners, at which application is made.

SEC. 41. Every person intending to apply for a license to keep a ferry at any place, shall give notice of such intention by posting up at least three notices in public places in the neighborhood where the ferry is proposed to be kept, twenty days

prior to any regular session of the board of county commissioners, at which the application shall be made: *Provided*, That when application shall be made for the renewal of a license where the former license has expired, the same may be granted or renewed without previous notice or petition.

SEC. 42. Every person applying for a license to keep a ferry, shall, before the same is issued, enter into a bond with one or more sureties, to be approved by the county auditor, in a sum not less than one hundred, nor more than five hundred dollars, conditioned that such person will keep said ferry according to law; and if default shall at any time be made in the condition of such bond, damages, not exceeding the penalty, may be recovered by any person aggrieved, before any court having competent jurisdiction.

SEC. 43. Every person obtaining a license to keep a ferry shall provide, and keep in good and complete repair, the necessary boat or boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles and other implements necessary for the service thereof; and shall keep a sufficient number of discreet and skillful men to attend and manage the same; and he shall also at all times keep the place of embarking and landing in good order and repair, by cutting away the bank of the stream so that persons and property may be embarked and landed without danger or unnecessary delay.

SEC. 44. Every person obtaining a license, as aforesaid, shall give constant and diligent attention to such ferry, from daylight in the morning until dark in the evening of each day, and shall, moreover, at any hour in the night, if required, except in cases of evident danger, give passage to all persons requiring the same, on the payment of double the rate of ferriage allowed to be taken in the day time; and if he shall at any time neglect or refuse to give passage to any person, or his property, he shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, to be recovered before any justice of the peace having jurisdiction, and he shall, moreover, be liable in an action at law for any special damage which such person may have sustained in consequence of such neglect or refusal; but no forfeiture or damages shall be recovered for a failure or refusal to convey any person or property across such stream, when it is manifestly hazardous to do so, by reason of any storm, flood or ice, nor shall any keeper of a ferry be compelled to give passage to any person or property, until the fare or toll chargeable by law shall have been fully paid or tendered to such keeper.

SEC. 45. Whenever the county commissioners, of any county, shall grant a license to keep a ferry across any lake or stream, such commissioners shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard to the breadth and situation of the stream, and the dangers and difficulties incident thereto, and the publicity of the place at which the same shall have been established; and every keeper of a ferry, who shall at any time demand and receive more than the amount so designated for ferrying, shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, over and above the amount which shall have been illegally received, to be recovered before any justice of the peace having jurisdiction.

SEC. 46. The county commissioners of the several counties are hereby authorized to fix, alter and establish, from time to time, the rates of ferriage to be levied and collected at all ferries now established, or hereafter to be established by law, within or bordering upon the county lines of any of the counties in this territory.

SEC. 47. Every person, licensed to keep a ferry, shall post up, in some conspicuous place near his ferry landing, a written or printed list of the rates of ferriage which are chargeable by law at such ferry, which list of rates shall at all times be written or printed in a plain, legible manner, and posted up so near the place where persons shall pass across such ferry, that the same may be easily read; and if at any time such keeper shall neglect or refuse to post and keep up such list, it shall not be lawful to charge or take any ferriage or compensation at such ferry, during the time of such delinquency.

SEC. 48. All persons shall be received into the ferry boats and conveyed across the stream, over which such ferry shall be established, according to their arrival at the same, and if any keeper of a ferry shall act contrary to this regulation, he shall forfeit and pay the sum of ten dollars for every such offense, to the party aggrieved, to be recovered before any justice of the peace having jurisdiction: *Provided*, That public officers on urgent business, post riders, couriers, physicians, surgeons and midwives shall in all cases be first carried over, when all cannot go at the same time.

SEC. 49. Every person licensed to keep a ferry, according to the provisions of this chapter, shall have the exclusive privilege of transporting all persons and property over and across the stream when such ferry is established, and shall be entitled to all the fare arising by law therefrom: *Provided*, That nothing herein contained shall be construed to prevent any person

from crossing over such stream at such ferry in his own boat, or to take in and carry over his neighbor, when the same is done without fee or charge, and not with intent to injure any person licensed to keep a ferry.

SEC. 50. If any person licensed to keep a ferry shall fail to pay the tax assessed thereon, when due, or shall not provide and keep in good and complete repair, the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof, or shall neglect to employ a sufficient number of skillful and discreet ferrymen, as is provided in section forty-three, of this chapter, within three months from the time license shall be granted, or if such ferry shall not at any time be kept in good condition and repair, agreeably to the provisions of this chapter, or if the same shall be abandoned, disused or unfrequented for the space of six months, at any one time, it shall be lawful for the board of county commissioners of the proper county, on complaint being made in writing, to summon the person licensed to keep such ferry, to show cause why such license should not be revoked, and to decide thereon according to the testimony adduced and the laws of this territory, which decision when made shall be valid to all intents and purposes, subject to be reviewed by the district court: *Provided*, That if any ferry shall be disused by reason of the stream over which the same is established being fordable at certain seasons of the year, or by reason of the travel being subject to periodical fluctuations, it shall not work a forfeiture within the meaning of this section.

SEC. 51. Any person who shall maintain any ferry, and receive ferriage, without first obtaining a license for the same, shall pay a fine of ten dollars for each offense, to be collected for the use of the county, by suit before any justice of the peace having jurisdiction; and any person is hereby authorized to bring such suit: *Provided*, That it shall not be considered unlawful for any person to transport any other person or his property over any stream for hire, when it shall be made evident that there is no ferry, or that the ferry established at such place was not in actual operation at the time, or in sufficient repair to have afforded to such person or his property a safe and speedy passage.

CHAPTER III.

THE ESTABLISHMENT AND REGULATION OF TOLL ROADS.

SEC. 52. Whenever a public road in any county in this territory is or may hereafter be so located that there is little or

no local labor along the line of said road, the board of county commissioners, of the county where such road or any portion of the same is, or may hereafter be located, is authorized to lease such road or any portion of the same, to any person or corporation, to open, improve and keep the same in repair for a period not exceeding ten years, with the right in consideration thereof, to collect and receive tolls for travel thereon, in the manner provided in this chapter

SEC. 53. Whenever it becomes expedient and lawful, under the provisions of this chapter, to lease a public road, or any specific section thereof, the board of county commissioners shall make an order to that effect, specifying therein the termini thereof, and directing the county auditor to cause the same to be published in some weekly newspaper, of general circulation therein, for a period not less than four weeks, and in like manner to give notice therewith that sealed bids will be received at such auditor's office for the leasing of such road, until a particular hour of a certain day thereafter, not more than ten days after the expiration of the publication of such order or notice.

SEC. 54. No bids shall be considered, unless accompanied by a bond executed by two or more sureties, in the sum of two thousand dollars, to be void upon the condition that the bidder, if the lease is awarded to him, will, within ten days thereafter, enter into the contract for keeping the road, and give the bond to secure the performance thereof as hereinafter provided.

SEC. 55. The contract for the lease shall be subscribed by the lessee, and approved by the board of county commissioners and filed with the county auditor. At the time of filing the contract, the lessee shall give a bond to the county, in a sum to be fixed by the board of county commissioners, not less than two thousand, nor more than ten thousand dollars, with two or more sufficient sureties, to be void upon the condition that the lessee will faithfully perform the contract in relation to such road, and comply with the provisions of this chapter concerning the same.

SEC. 56. The sureties in the bond, mentioned in the last section, shall have the qualifications of bail upon arrest, and shall justify in like manner before the county commissioners or the clerk thereof.

SEC. 57. A road, leased under this act, shall be cleared of standing timber and have a track for traveling, of the same width, and be kept in the same order, and the streams or other waters on the line thereof, shall be bridged or ferries established, and shall be made of such grade and of such materials as the contract shall specify.

SEC. 58. No toll shall be collected for travel on such roads, except at a gate, nor unless a sign board be posted at such gate, in full view of the travel on the road, with the rates of toll plainly written or printed thereon. The lease shall specify the number of gates that may be placed on the road, to which it relates, and the location thereof, and thereafter the number of such gates shall not be increased; but the board of county commissioners, upon the application of the lessee, may, at any time, for good reasons, authorize the lessee to change the location of such gates, or any of them.

SEC. 59. The rates of toll that the lessee may collect and receive, shall be specified in the lease, and none other can be charged; and any person who shall pass through a gate upon such road without paying the toll legally charged thereat, or when traveling on such road, shall go around such gate with intent to avoid the payment of such toll, shall be liable to the lessee for three times the amount of such toll; and any lessee of such road, who shall by himself, his agent or servant, collect or receive of any person illegal toll for traveling on such road shall be liable to such person for three times the amount of such toll.

SEC. 60. A road leased, as provided in this chapter, is nevertheless to be deemed a highway; but no footman shall be required to pay toll for traveling on such road, nor shall any person, while traveling from one portion of his farm to another, with or without any stock or vehicle, or person in his employ, or in going to, or returning from church, a funeral or an election.

SEC. 61. The board of county commissioners has authority, upon the application of the lessee, to cancel or modify the lease, upon such terms as may be equitable and just and the proper prosecuting attorney may maintain an action against the lessee, in the name of the county, to have such lease declared forfeited, whenever the lessee shall fail or neglect to comply with the provisions thereof, and of this chapter.

SEC. 62. Tolls are only chargeable by the lessee upon the following items, or classes of person or property:

1. Sheep and hogs. *
2. Horses, mules, asses, or neat cattle, whether being used for draught or led or driven loose.
3. A person other than a footman and not traveling in a vehicle.
4. A two-wheeled vehicle, loaded or unloaded.
5. A four-wheeled vehicle loaded or unloaded.

SEC. 63. The rate of tolls to be charged by lessee upon each item or class specified in the last section, is as follows:

1. The basis or unit of toll is the charge for a sheep or hog, to be known as a single toll.
2. For any animal, described in subdivision two of such section, four such tolls may be charged.
3. For any person, described in subdivision three of such section, ten such tolls may be charged.
4. For any vehicles, described in subdivision four of such section, twenty such tolls may be charged.
5. For any vehicle described in subdivision five of such section, forty such tolls may be charged.

SEC. 64. The order, mentioned in section fifty-five, shall specify the number of gates to be placed on the road, the grade of the road, the material for the construction thereof, and the period for which the same is to be let. The bid shall specify the unit or rate of toll upon a sheep or hog which the bidder is willing to accept for keeping the road; and such bid shall be deemed a bid for tolls, as to the other items or clauses mentioned in section sixty-two in the proportion of such unit or rate as specified in section sixty-three.

SEC. 65. Upon opening the bids, the lease shall be awarded to the lowest bidder, having due reference to the fact of which of them is best qualified for the undertaking. The board of county commissioners have the power and it is their duty to reject any or all bids, when there appears sufficient cause, and may subsequently re-offer and let the same.

CHAPTER IV.

TRAVEL ON PUBLIC HIGHWAYS.

SEC. 66. Whenever any persons driving any vehicles, shall meet on any public highway in this territory, whether owned or kept by a corporation or private person, the persons so meeting shall seasonably turn their vehicles to the right of the center of the road, so as to permit each vehicle to pass without interfering with or interrupting the other.

SEC. 67. If any person shall willfully violate the provisions of this chapter, he shall forfeit and pay the sum of five

dollars, for every such violation, to the party injured, to be recovered by a civil action, and such further damage in the same action as such party may directly sustain by reason of such violation.

SEC. 68. That whenever any person, driving a vehicle who shall violate the provisions of this chapter, is at the time in the employ of another, such other person is liable for the penalty herein provided, the same as if he were the driver of such vehicle at the time of such violation; but an election to sue the driver or employer is a bar to an action against the other.

CHAPTER V.

BRIDGES ON PUBLIC ROADS.

SEC. 69. The board of county commissioners of the several counties in this territory are hereby authorized to apply, in their discretion any road moneys in the county treasury, not otherwise appropriated, toward defraying the expenses of building or repairing bridges on any of the county roads within their respective counties.

SEC. 70. The board of county commissioners may appoint some suitable person to superintend the letting and building, repairing and receiving the bridges when done. When a bridge is to be built, said superintendent shall put up three notices in the county, at least twenty days prior to the time of letting such bridges, one of which shall be posted in the neighborhood where the bridge is to be built or repaired, which notice shall state the general plan of said bridge and statement of the proposed repairs; also the time and place of letting the same, which shall be let to the lowest responsible bidder at public outcry, and when said bridge is completed, the superintendent shall give the contractor a certificate for the same—if in his judgment the bridge has been built or repaired according to contract—and make due report thereof to the board of county commissioners, which certificate shall be a voucher to the board to pay the money: *Provided, however,* That whenever, in the discretion of the board of county commissioners, an emergency may require it, they may authorize repairs without such notice.

SEC. 71. Whenever it shall be deemed necessary, by the board of county commissioners of any county in this territory, to erect or repair a bridge over any stream which is a boundary line between two counties. the board of county commissioners

of said adjoining counties, are hereby authorized to unite for the purpose of erecting or repairing such bridge; and when any person or persons interested shall apply in writing to the board of county commissioners of either of the counties interested, such board shall proceed to appoint three viewers, who shall, after being first sworn, to well and faithfully perform their duties as such viewers, proceed to view the bridge proposed to be repaired, or the site designated for such new bridge, and make an estimate of the cost of such repairs or erection, and of their proceedings make due report to the commissioners, together with a plan and specification of such new bridge, or a statement of proposed repairs. If the board shall decide to appropriate the amount necessary for its erection or repairs, they shall submit such estimate of costs, together with the plan of such bridge, or statement of repairs to the county commissioners of the other county interested; and if said commissioners shall approve the same, and agree to defray one-half of the whole sum estimated or appropriated, together with the one-half of the necessary cost of view, then the board of county commissioners, to which application was first made, shall proceed to appoint a superintendent, and build said bridge or make said repairs, as provided in section seventy of this chapter; the one-half of the whole costs and expenses of which shall be a legal claim against and be paid by said adjoining county.

SEC. 72. All acts and parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That an act in relation to roads and highways in the county of Jefferson, approved Nov. 9th, 1877, and an act entitled an act to provide for the collection of road tax, and the maintenance of roads in Kitsap county, approved November 10th, 1879, are hereby declared to remain and be in force, and where, in said acts, reference is made to the general road law, this act shall govern: *Provided, however*, That such repeal, except where it is otherwise provided in this act, shall not affect any act done, or forfeiture incurred, or any right established, accrued or accruing, or taxes levied and assessed before the passage of this act, or suit or other proceeding pending on the day this act goes into effect, save only that the proceedings, thereafter had, shall conform as far as practicable to the provisions of this act, and still further: *Provided*, That taxes heretofore levied and assessed may also be collected under the provisions of the laws hereby repealed, *Provided, further*, That this act shall not be construed so as to repeal any law heretofore passed extending the time for working on public roads in Cowlitz county.

SEC. 73. This act to take effect and be in force from and after January 1st, 1880.

Approved, Nov. 12th, 1879.

AN ACT

TO ESTABLISH DISTRICT COURTS IN THE FIRST AND SECOND JUDICIAL DISTRICTS AND PLACES FOR HOLDING THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington.* That there shall hereafter be held in the first and second judicial districts regular terms of district courts in each year at the times and places hereinafter designated.

SEC. 2. Such courts shall be held: At Vancouver on the second Monday in March and the third Monday in October, and hold three weeks, unless sooner adjourned. At Olympia on the first Monday in February, and the third Monday in September, and hold three weeks unless sooner adjourned. At Kalama on the first Monday in June, and the first Monday in December, and hold two weeks unless sooner adjourned. At the county seat of Pacific county on the second Monday in August, and hold two weeks unless sooner adjourned. At the county seat of Lewis county, on the second Monday in January, and hold three weeks unless sooner adjourned. At Walla Walla on the first Monday in May, and the second Monday in November, and hold three weeks unless sooner adjourned: *Provided,* That the next term of the court at Walla Walla shall be held on the third Monday in November, 1879. At Dayton on the third Monday in June, and the second Monday in January, and hold two weeks unless sooner adjourned. At Colfax on the first Monday in June, and the second Monday in December, and hold two weeks unless sooner adjourned. At Yakima city on the first Monday in April, and the second Monday in October, and hold two weeks unless sooner adjourned. At Spokane Falls, in the county of Spokane, on the fourth Monday in August, and hold two weeks unless sooner adjourned. At Goldendale on the second Monday in May, and the second Monday in November, and hold two weeks, unless sooner adjourned.

SEC. 3. The court held at Vancouver, shall be for the counties of Clarke and Skamania. The court held at Olympia, shall be for the counties of Thurston, Mason and Chehalis. The court held at Kalama, shall be for the counties of Cowlitz and Wahkiakum. The court held at the county seat of Pacific county shall be for the county of Pacific. The court held at the county seat of Lewis county, shall be for the county of Lewis. The court held at Goldendale, shall be for the county

of Klickitat, and the several courts mentioned in this section, shall be held by the Judge of the second judicial district.

SEC. 4. The court held at Walla Walla, shall be for the county of Walla Walla. The court held at Dayton, shall be for the county of Columbia. The court held at Colfax, shall be for the county of Whitman. The court held at Yakima city, shall be for the county of Yakima. The court held at Spokane Falls, shall be for the counties of Spokane and Stevens. The courts mentioned in this section, shall be held by the judge of the first judicial district.

SEC. 5. The courts, herein mentioned, are hereby established as district courts, and they shall have by mandamus, prohibition and certiorari, the supervision and control of all proceedings before probate courts, justices of the peace, and other inferior tribunals. They shall, except where it is otherwise provided, by law, have original and general jurisdiction of all matters at law, and of all cases in admiralty, and of all cases in equity, and of all cases for divorce, and also of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil or criminal, where an appeal or writ of certiorari shall be taken from the judgment or proceedings of a probate court, justice of the peace or other inferior tribunal. They shall also have jurisdiction of all other matters made cognizable therein by any statute. *Provided, however,* That the courts held at the county seat of Lewis county, and at the county seat of Pacific county, and at Goldendale, and at Dayton, and at Spokane Falls, shall not have jurisdiction of causes in which the United States is a party: *And, provided, further,* That the courts held at Vancouver, Olympia and Kalama, shall have jurisdiction in causes in which the United States is a party, arising in the second judicial district, and the courts held at Walla Walla, Colfax and Yakima city, shall have jurisdiction in cases in which the United States is a party, arising in the First Judicial District.

SEC. 6. The judge authorized to hold the courts herein provided for, shall appoint a clerk for each of said courts, and such clerk shall hold his office during the pleasure of said judge, and with the consent of said judge, he may appoint one or more deputies: *Provided, however,* That clerks or deputy clerks heretofore appointed and acting in district courts, held at any of the places designated in this act, shall remain in office until removed by said judge, and the bonds given by them, as such clerks or deputies, shall remain in force during their term of office.

SEC. 7. The clerks or deputy clerks of courts herein mentioned hereafter appointed, shall, before entering upon the duties of his office, take an oath to faithfully perform such duties, and, in

addition thereto, he shall give a bond, with sureties, to the territory, in such sum as the judge appointing him shall require, conditioned to faithfully account for and pay over to the person entitled thereto, all sums of money that may come into his hands by virtue of his office. Such bond must be approved by the judge appointing him. Any person aggrieved by the omission of such clerk or deputy, to fulfill the conditions of his bond, has a right of action in his own name against such clerk and his deputies, on their official bond, for any damages he may have sustained by reason of such omission.

SEC. 8. The offices of the clerks of the courts, established by this act, shall be at the places where said courts are held, and and they shall be kept open at all reasonable hours.

SEC. 9. Each of said courts shall be provided with a seal, if one is not already provided.

SEC. 10. Writs of error, bills of exceptions, and appeals, shall be allowed in all cases from the final decisions of any of the courts, established by this act, to the supreme court of the territory, under such regulations as may be prescribed by law.

SEC. 11. Crimes and misdemeanors, under the laws of the territory, shall be prosecuted and punished in the courts having jurisdiction in the county where the offense was committed, unless a change of venue is ordered.

SEC. 12. If any term of any of the courts, herein provided for, is about to end without dispatching all the business of such court, the judge thereof may by an order entered of record adjourn the holding of such court to any future day, on which he is not required by law to hold a court at some other place, and all causes on the docket of said court not otherwise disposed of, shall stand continued to such adjourned day, and if the terms of any of such courts have ended without dispatching all the business, or if there be a failure to hold any term, or if there is much business accumulating in such courts, the judge of the same may by a warrant directed to the clerk, appoint a special term of court. The clerk shall enter the warrant in the journal of said court. At such special or adjourned term, any civil cause may be tried by consent. Judgment for want of an answer, defaults, judgments by confession, and judgments on awards, may be entered, and any motion or demurrer cognizable by such court, may be heard and determined, whether it was pending at the regular term or not, and such special term, may be adjourned from time to time, during the intervals between the regular terms, as the judge may deem necessary for the dispatch of the business of the court: *Provided, however,* That no grand, or petit jury shall be summoned or required to at-

tend at such special or adjourned term. All judgments, orders, and decrees rendered, and made by such court, at any adjourned or special term, shall have the same force and effect in all respects as if made during a regular term.

SEC. 13. In designating the courts, herein provided for, it shall be sufficient to designate them as "the district court" holding terms at _____, filling the blank by the name of the place in which said court is held.

SEC. 14. That at the close or within a reasonable time thereafter of the terms of courts, the judges holding such courts shall make a certified statement of the expenses necessarily incurred by them, in traveling to and from their respective places of residence, to hold said courts, and, thereupon, the territorial auditor shall audit the same, and he shall draw a warrant on the treasury of the territory for the amount of said expenses and the same shall be paid out of any money in the territorial treasury not otherwise appropriated.

SEC. 15. Any law, on the subject matters of this act, so far as the same shall necessarily conflict with the provisions of this act is hereby repealed. This act also fixes the time of holding district courts in the first and second judicial districts, any law to the contrary notwithstanding: *Provided*, That the provisions of section 14, in relation to expenses of judges, shall not apply to courts having United States jurisdiction.

SEC. 16. This act shall take effect and be in force, from and after, its passage, and approval by the governor.

Approved, Nov. 6. 1879.

AN ACT

TO ESTABLISH DISTRICT COURTS IN THE THIRD JUDICIAL DISTRICT,
AND TO FIX THE TIME AND PLACES FOR HOLDING THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That there shall hereafter be held in the third judicial district regular terms of district courts in each year at the times and places hereafter designated.

SEC. 2. Such courts shall be held:

1. At Seattle on the fourth Monday in January, and third Monday in August, and hold four weeks unless sooner adjourned.

2. At Port Townsend on the fourth Monday in February, and second Monday in September, and hold three weeks unless sooner adjourned.

3. At La Conner on the second Wednesday in January, and the first Wednesday in August, and hold two weeks unless sooner adjourned.

4. At the county seat of Pierce county on the first Monday of June, and the first Monday of December, and hold two weeks unless sooner adjourned.

5. At Snohomish City, in Snohomish county, on the third Tuesday of March, and the second Tuesday of November and hold two weeks unless sooner adjourned.

SEC. 3. The court held at Seattle shall be for the counties of King and Kitsap. The court held at Port Townsend shall be for the counties of Jefferson, Island, San Juan and Clallam. The court held at La Conner shall be for the district embraced within the present boundaries of Whatcom county. The court held at the county seat of Pierce county shall be for the county of Pierce. The court held at Snohomish City shall be for the county of Snohomish.

SEC. 4. The courts herein mentioned are hereby established as district courts and they shall have by mandamus, prohibition and certiorari the supervision and control of all proceedings before probate courts, justices of the peace and other inferior tribunals. They shall, except where it is otherwise provided by law, have original and general jurisdiction of all matters of law, and all cases in admiralty, and of all cases in equity, and of all cases for divorces, and also of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases civil and criminal where an appeal or writ of certiorari shall be taken from the judgment or proceedings of a probate court, justice of the peace or other inferior tribunal. They shall also have jurisdiction of all matters made cognizable therein by any statute: *Provided, however,* That the courts held at the county seat of Pierce county, and at Snohomish City, shall not have jurisdiction of causes in which the United States is a party: *And provided, further,* That the courts held at Seattle, Port Townsend and La Conner shall have jurisdiction in causes in which the United States is a party, arising in the third judicial district.

SEC. 5. The judge authorized to hold the courts herein

provided for shall appoint a clerk for each of said courts, and such clerk shall hold his office during the pleasure of said judge, and with the consent of said judge he may appoint one or more deputies: *Provided, however,* That clerks or deputy clerks heretofore appointed and acting in district courts held at any of the places designated in this act, shall remain in office until removed by said judge and the bonds given by them as such clerks or deputies shall remain in force during their term of office.

SEC. 6. The clerk or deputy clerk of courts herein mentioned, hereafter appointed shall, before entering upon the duties of his office take an oath to faithfully perform such duties and in addition thereto he shall give a bond with sureties to the territory in such sum as the judge appointing him shall require, conditioned to faithfully account for and pay over to the person entitled thereto, all sums of money that may come into his hands by virtue of his office. Such bond must be approved by the judge appointing him. Any person aggrieved by the omission of such clerk or deputy to fulfill the conditions of his bond has a right of action in his own name against such clerk and his deputies on their official bond for any damages he may have sustained by reason of such omission.

SEC. 7. The offices of the clerks of the courts established by this act shall be at the places where said courts are held and they shall be kept open at all reasonable hours.

SEC. 8. Each of said courts shall be provided with a seal, if one is not already provided.

SEC. 9. Writs of error, bills of exceptions and appeals shall be allowed in all cases from the final decisions of any of the courts established by this act, to the supreme court of the territory, under such regulations as may be prescribed by law.

SEC. 10. Crimes and misdemeanors under the law of the territory, shall be prosecuted and punished in the court having jurisdiction in the county where the offence was committed, unless a change of venue is ordered.

SEC. 11. If any term of any of the courts herein provided for, is about to end without dispatching all the business of such court, the judge thereof may, by an order entered of record, adjourn the holding of such court to any future day on which he is not required by law to hold a court at some other place, and all causes on the docket of said courts, not otherwise disposed of, shall stand continued to such adjourned day, and if the terms of any such courts have ended without dispatching all the business, or if there be a failure to hold any term, or if there is much business accumulating in such courts, the judge of the same may, by a warrant, directed to the clerk, appoint a

special term of court. The clerk shall enter the warrant in the journal of said court. At such special or adjourned term any civil cause may be tried by consent. Judgment for want of an answer, defaults, judgments by confession, and judgments on awards may be entered, and any motion or demurrer cognizable by such court may be heard and determined, whether it was pending at the regular term or not, and such special term may be adjourned from time to time, during the intervals between the regular terms, as the judge may deem necessary for the dispatch of the business of the court: *Provided, however,* That no grand or petit jury shall be summoned or required to attend at such special or adjourned term. All judgments, orders and decrees rendered and made by such court, at any adjourned or special term, shall have the same force and effect in all respects as if made during a regular term.

SEC. 12. In designating the courts herein provided for, it shall be sufficient to designate them, as "the district court" holding terms at _____, filling the blank by the name of the place in which said court is held.

SEC. 13. That at the close, or within a reasonable time thereafter, of the terms of courts the judge holding such courts shall make a certified statement of the expenses necessarily incurred by him in traveling to and from their respective places of residence to hold said courts, and thereupon the territorial auditor shall audit the same, and he shall draw a warrant on the treasury of the territory for the amount of said expenses, and the same shall be paid out of any money in the territorial treasury, not otherwise appropriated.

SEC. 14. Any law on the subject matter of this act, so far as the same shall necessarily conflict with the provisions of this act, is hereby repealed. This act also fixes the time of holding district courts in the third judicial district, any law to the contrary notwithstanding: *Provided,* That the provisions of section 13, in relation to expenses of judges, shall not apply to courts having United States jurisdiction.

SEC. 15. This act shall take effect, and be in force, from and after its passage, and approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

RELATING TO AND DEFINING THE PROPERTY RIGHTS OF HUSBAND
AND WIFE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all property of the wife, owned by her before marriage, and that acquired afterwards by gift, bequest, devise or descent, with the rents, issues and profits thereof, is her separate property, and all property owned by the husband before marriage and that acquired by him afterwards by gift, bequest, devise or descent, with the rents, issues and profits thereof, is his separate property.

SEC. 2. All other property acquired after marriage by either husband or wife, or both, is community property, except such as may be acquired as is provided in the first section of this act.

SEC. 3. A full and complete inventory of the separate personal property of the wife shall be made out and signed by her, and she shall also verify the same before an officer authorized to administer oaths, to the effect that the property therein mentioned is her separate personal property, and such inventory must be recorded in the office of the auditor of the county in which the wife resides.

SEC. 4. The filing of the inventory in the auditor's office is notice and prima facie evidence of the title of the wife.

SEC. 5. The husband shall have the management and control of the separate real property of the wife during the continuance of the marriage, but he has not power to sell or encumber or in any way dispose of the separate real estate of the wife or any interest therein without the wife joins with him in selling, encumbering or disposing of the same by executing with him a deed to that effect, and such deed must be acknowledged by her and her husband as provided in the acts concerning the acknowledgement of deeds: *Provided, however,* That all such separate real estate shall be subject to the liens of mechanics and others for labor and material furnished in erecting structures and improvements thereon as provided by law in other cases.

SEC. 6. The separate personal property of the wife shall

not be sold or otherwise transferred or incumbered, unless both husband and wife join in and consent to such sale, transfer, or incumbrance.

SEC. 7. The husband has the management and control of the community personal property with a like absolute power of disposition—other than testamentary—as he has of his separate personal property.

SEC. 8. The husband has the management and control of the community real property, but he shall not sell, convey or incumber the community real estate, unless the wife join with him in executing the deed or other instrument of conveyance by which the real estate is sold, conveyed or incumbered, and such deed or other instrument of conveyance must be acknowledged by him and his wife as deeds of her separate estate are acknowledged: *Provided, however,* That all such community real estate shall be subject to the liens of mechanics and others for labor and materials furnished in erecting structures and improvements thereon as provided by law in other cases.

SEC. 9. The husband has the absolute power of disposition of his separate personal property, but he shall not sell, convey or incumber his separate real estate unless the wife joins with him in executing the deed or other instrument of conveyance, by which such real estate is sold, conveyed or incumbered, and such deed or other instrument of conveyance must be acknowledged by him and his wife as deeds of her separate estate are acknowledged: *Provided, however,* That all such separate real estate shall be subject to the liens of mechanics and others, for labor and material furnished in erecting structures and improvements thereon, as provided by law in other cases.

SEC. 10. The wife may, without the consent of her husband, sell or convey her separate personal property, but where her separate real property is to be conveyed or incumbered, the deed of conveyance or incumbrance shall be void, unless her husband join with her in executing said deed, and the same is acknowledged as other deeds are required by law to be acknowledged.

SEC. 11. A married woman may dispose of all her separate estate, by will, without the consent of her husband, and may alter or revoke the will in like manner as if she were single. Her will must be attested, witnessed and proved in like manner as all other wills. A husband may also dispose of his separate estate, by will, and, in addition thereto, may in like manner dispose of one-half of the community estate.

SEC. 12. Upon the death of either husband or wife, one-

half of the community property shall go to the survivor, subject to the community debts, and the other half shall be subject to the testamentary disposition of the deceased husband or wife, subject also to the community debts.

SEC. 13. In case no testamentary disposition shall have been made by the deceased husband or wife of his or her half of the community property, it shall descend equally to the legitimate issue of his, her or their bodies. If there be no issue of said deceased living or none of their representatives living, then the said community property shall all pass to the survivors, subject to the community debts, and to the exclusion of collateral heirs, the family allowance and the charges and expenses of administration.

SEC. 14. The earnings of the wife are not liable for the debts of the husband.

SEC. 15. The earnings and accumulations of the wife and of her minor children living with her, or in her custody while she is living separate from her husband, are the separate property of the wife.

SEC. 16. The separate property of the husband is not liable for the debts of the wife contracted before the marriage.

SEC. 17. The separate property of the wife is not liable for the debts of the husband, but is liable for her own debts contracted before or after marriage.

SEC. 18. No estate is allowed the husband as tenant by courtesy, upon the death of his wife, nor is any estate in dower allotted to the wife, upon the death of her husband.

SEC. 19. The property rights of husband and wife are hereafter to be governed by this act (unless there is a marriage settlement or post-nuptial agreement, as hereinafter provided, containing stipulations contrary thereto) any act to the contrary notwithstanding.

SEC. 20. All contracts for marriage settlements must be in writing and executed and acknowledged or proved, in like manner as a grant of land is required to be executed and acknowledged or proved.

SEC. 21. When such contract is acknowledged or proved, it must be recorded in the office of the auditor of every county in which any real estate may be situated, which is granted or affected by such contract.

SEC. 22. The recording or non-recording of all such settlements, has a like effect as the recording or non-recording of a grant of real property.

SEC. 23. A minor capable of contracting marriage may make a valid marriage settlement: *Provided*, It be assented to in writing by the person or persons whose consent is necessary to the marriage of such minor.

SEC. 24. The parties to any marriage settlement shall enter into no agreement, the object of which shall be to alter the legal order of descent, either with respect to themselves in what concerns the inheritance of their children or posterity, or with respect to their children between themselves, nor derogate from the rights given by law to the husband, as the head of the family.

SEC. 25. Nothing in this act contained shall prevent the lien of a judgment or decree obtained against the husband, from attaching to the separate real estate of the husband, and the community real estate, if the provisions of law now in force are complied with, as to the filing of such lien in the auditor's office, within the time now fixed by law: *Provided*, That only one-half of the community real estate shall be liable for a debt contracted by the husband before marriage: *And, provided, further*, That nothing in this act shall be so construed as to subject the homestead of husband and wife to such lien, save only to the same extent as now provided by law.

SEC. 26. The husband cannot select a homestead from the separate property of the wife.

SEC. 27. The husband has the right, notwithstanding the provisions in this act, to give, or otherwise convey, to his wife, by direct conveyance, any right, title or interest that he may have in any property, and the wife is not required to acknowledge or execute any such conveyance and she may show in any proceeding affecting such property, that the same is a gift to her, notwithstanding the deed or other conveyance fails to express that it was a gift: *Provided*, That nothing herein contained shall prevent creditors of the husband, when such gift is made to defraud them, from setting such deed or conveyance aside and subjecting such property to other debts.

SEC. 28. If the wife has just cause to apprehend that her husband has mismanaged or wasted or will mismanage or waste her separate property, she may apply to the district court or judge thereof for the appointment of a trustee to take charge of and manage her separate estate; such trustee may, for good cause shown, be from time to time removed by the court or judge thereof and another appointed in his place. Before entering upon the discharge of his trust, he shall execute a bond with sufficient surety or sureties, to be approved by the court or judge thereof, for the proper performance of his duties. In

case of the appointment of a trustee for the wife, he shall account for and pay over to the wife the income and profits of her estate; or the court, in its discretion, or the judge thereof, may in place of a trustee give to the wife full authority to take charge of and manage her own estate to the exclusion of her husband.

SEC. 29. Nothing contained in any of the provisions of this act, or in any law of this territory, shall prevent the husband and wife from jointly entering into any agreement concerning the status or disposition of the whole or any portion of the community property, then owned by them or afterwards to be acquired, to take effect upon the death of either. But such agreement may be made at any time by the husband and wife by the execution of an instrument in writing under their hands and seals and to be witnessed, acknowledged and certified in the same manner as deeds to real estate are required to be, under the laws of the territory, and the same may at any time thereafter be altered or amended in the same manner: *Provided, however,* That such agreement shall not derogate from the rights of creditors, nor be construed to curtail the powers of the district courts to set aside or cancel such agreement for fraud or under some other recognized head of equity jurisdiction, at the suit of either party.

SEC. 30. The rule of common law that statutes in derogation thereof are to be strictly construed has no application to this act. This act establishes the law of this territory, respecting the subject to which it relates, and its provisions and all proceedings under it shall be liberally construed with a view to effect its object.

SEC. 31. This act shall not be construed to operate retrospectively and any right established, accrued or accruing or any thing done prior to the time this act goes into effect shall be governed by the law in force at the time such right was established or accrued.

SEC. 32. All acts and parts of acts in any manner conflicting with the provisions of this act, or on the subject matter thereof, be and the same are hereby repealed.

SEC. 33. This act to take effect and be in force from and after its passage and approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

REGULATING THE REMOVAL OF CERTAIN CAUSES FROM THE DISTRICT COURT HOLDING TERMS AT OLYMPIA TO THE DISTRICT COURT OF LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act passed at the present session of the legislative assembly, entitled "An act supplemental to and amendatory of an act entitled 'an act to establish district courts in the first and second judicial districts, and fix the times and places for holding the same,' approved November 6, 1879," which provides for the removal of certain causes now pending in the district court holding terms at Olympia to the district court of Lewis county, shall not include any civil actions now pending in said district court at Olympia, where the service of the summons is not complete, or where the plaintiff is not entitled to a default, unless there has been a general appearance entered by the defendant. But such causes shall be and remain for trial, judgment and execution in the district court holding terms at Olympia.

SEC. 2. This act shall take effect and be in force from and after its approval by the governor.

Approved, November 14, 1879.

AN ACT

PROVIDING FOR THE REMOVAL OF THE RECORDS OF THE DISTRICT COURT FROM FORT COLVILLE TO SPOKAN FALLS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the office of the clerk of the district court, holding terms at Spokane Falls for the counties of Stevens and Spokane, be and the same is hereby established at Spokane Falls, in said Spokane county, and it shall be

the duty of the clerk of said court to forthwith cause the removal of the records, books and papers belonging to said district court, from Fort Colville to Spokane Falls.

SEC. 2. The expense of such removal shall be borne equally between the county of Stevens and the county of Spokane.

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

Approved, November 14, 1879.

AN ACT

SUPPLEMENTAL TO AND AMENDATORY OF AN ACT ENTITLED "AN ACT TO ESTABLISH DISTRICT COURTS IN THE FIRST AND SECOND JUDICIAL DISTRICT, AND TO FIX THE TIMES AND PLACES FOR HOLDING THE SAME," APPROVED NOV. 6, 1879.

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

SEC. 2. All civil actions now pending in the district courts of the second judicial district, holding terms at Olympia, wherein the subject of the action or some part thereof is situated in said county of Lewis, according to section forty-eight of the civil practice act of 1873, or wherein the cause of action or some part thereof arose in said county, according to section forty-eight of said civil practice act, or wherein service of summons was had upon any defendant in said county of Lewis, shall be transferred by order of the judge of said court to the district court of Lewis county for trial, and shall there be heard and determined in the same manner as though said cause had been originally commenced in said district court of Lewis county, and certified copies of the necessary docket entries must be attached and made part of said transcript: *Provided*, That the clerk of said court is hereby authorized and empowered, under the discretion of the court or the judge thereof, to use a scroll for and as the seal of the office until a seal is obtained.

SEC. 3. That sub-division one (1) of section two of the

act of which this act is amendatory, and to which it is supplemental, be and the same is hereby amended to read as follows: At Vancouver on the second Monday in March and the fourth Monday in October, and hold three weeks, unless sooner adjourned. And that sub-division two (2) of section two of said act be amended so as to read: At Olympia on the second Monday in February and the fourth Monday in September, and hold three weeks, unless sooner adjourned.

SEC. 4. This act shall take effect and be in force from and after it approval.

Approved, November 14, 1879.

AN ACT

CREATING A TERRITORIAL BOARD OF EQUALIZATION AND DEFINING ITS DUTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That there shall be a territorial board of equalization in said territory which shall be constituted as follows, viz: One member of said board from each judicial district of said territory who, together with the territorial treasurer and auditor shall constitute said board, and said territorial auditor shall be ex-officio secretary of said board. The member of said board from each judicial district shall be elected by the people of said judicial district at the biennial election for the year, A. D., 1880, and at each biennial election thereafter; and all the members of said board shall hold their office for a term of two years, and until their successors are elected and qualified. And in case of a vacancy in said board from any cause, the governor shall have power to fill the same by appointment.

SEC. 2. The returns of the election for members of said board of equalization shall be made to the secretary of the territory by the auditors of the various counties of each judicial district, and he shall issue a certificate of election to the person having the highest number of votes in such district.

SEC. 3. The members of said board, before entering upon

the discharge of their duties, shall take and subscribe an oath as follows: "I do solemnly swear that I will support the constitution of the United States, and the organic act of Washington Territory, and that I will faithfully and impartially discharge the duties imposed upon me as a member of the board of equalization of Washington Territory," which oath shall be filed with the secretary of said territory.

SEC. 4. Said board shall meet at Olympia, the capital of the territory, on the third Monday in August in each year and remain in session until the business that may properly come before it is disposed of: *Provided*, That the first session, after the passage of this act, shall not be for a longer time than thirty days, and the subsequent sessions for a longer time than fifteen days, and there shall be but one session each year; a majority of the board shall constitute a quorum.

SEC. 5. At the first meeting of said board, provided for in the preceding section, it shall make and adopt all rules and regulations, necessary to carry into effect the provisions of this act, and not in conflict with the laws of this territory.

SEC. 6. It shall be the duty of said board to make diligent inquiry as to the mode and manner in which the assessors and collectors of the revenue in this territory perform their duties, and if there is reasonable cause to believe that any assessor or collector has failed or refused to perform any of the duties imposed upon him by law, then said board shall at once make a thorough investigation of the matter, and if after such investigation it appears to said board that such officer has failed or refused to fully discharge the duties of his office, the board shall certify the fact to the prosecuting attorney of the district including the county in which the duties of such officer should be performed, with instructions to such prosecuting attorney to institute against such officer the legal proceedings that such officer has rendered himself liable to, by reason of such failure, or refusal. And it shall be the duty of such prosecuting attorney to obey such instructions.

SEC. 7. It shall be a further duty of said board, from time to time to make diligent examination as to whether the assessments made by the assessors of the several counties in this territory are equal and uniform according to location, soil and improvements, productions and manufactures. And to that end said board may examine the original assessment rolls on file in the office of the secretary of this territory, or certified copies thereof, of the different counties, and such other evidence as may be deemed necessary. And said board, may after such examination, and at any time before the county boards of equalization have finally acted upon the assessment rolls, respectively,

of their several counties, equalize such assessments by adding to or deducting from the valuation of taxable property in any county or counties such percentage as will produce relatively equal and uniform valuations, between the several counties of this territory, and the percentage so added to or deducted from the valuations in each of the counties of this territory shall be entered upon the records of said board, and a certified copy of such record shall be transmitted to the several county boards of equalization in this territory before such board shall have, as boards of equalization, acted upon the assessment rolls upon which the addition or reduction is to be made, and every county board of equalization, receiving such certificate, shall at once equalize the assessment roll of their county in accordance with the action of the territorial board, by adding to or deducting from the valuation of property, as it appears in such roll, the percentage prescribed by said board. The deduction or addition so made shall relate back to the time of the original assessment and have the same force and effect as if then made. In all cases where the tax levied on personal property has been collected at the time the assessment was made, and additions made under this act, the tax on such additional amount shall be collected from the owners of such property, and if reductions are made a sum equal to the tax on such reduction shall be returned to the owners of such property in the manner prescribed by the territorial board of equalization.

SEC. 8. If, after hearing all the evidence attainable, the board is still doubtful as to the proper valuation of property in any county it may by unanimous consent of all of its members, empower a member or the secretary of said board to visit such county and make a personal inspection of the property in such county and report the result of such inspection to the board in writing. The person so empowered shall receive no compensation for his services beyond his salary, but all necessary traveling expenses shall be paid to him upon the order of said board in the same manner as the salary is paid: *Provided*, That the action of the county boards of equalization shall not be deemed to be final until the assessment rolls or certified copies thereof have been examined by this board, the result of which shall be forwarded to the several county boards of equalization as soon as possible in order to have the taxes collected.

SEC. 9. The territorial board of equalization shall frame and transmit to the several county boards of equalization the rules by which such boards shall be governed in making the additions and reductions provided for in section 7 of this act, and the rules so framed shall be binding and obligatory upon said boards.

SEC. 10. The said board of equalization shall have power

to issue subpoenas for the attendance of witnesses, or the production of books and papers before it, and any member of the board may administer oaths or affirmations to any witnesses attending before said board. Subpoenas shall be served by the sheriff of any county in this territory upon witnesses within his county.

SEC. 11. The said board of equalization shall collate, in a convenient form, all information that it may acquire in relation to the assessment and collection of revenue, and shall report the same to the governor annually, with such suggestions as it may deem proper to make.

SEC. 12. Each elected member of said board shall receive a salary of five dollars per day for every day engaged in official duties, and mileage of fifteen cents per mile, going to and returning from their place of meeting.

SEC. 13. The salary and mileage of the members of said board, and incidental expenses also, shall be paid by warrant drawn by the territorial auditor upon the territorial treasurer, whose duty it shall be to pay the same out of any moneys in the treasury, not otherwise appropriated.

SEC. 14. Said board shall procure the necessary books and stationery for use in performing the duties imposed upon them by this act, which shall be paid for out of the territorial treasury in the same manner as per diem and mileage of members of said board is paid by the provisions of this act.

SEC. 15. All acts and parts of acts in conflict herewith be and the same are hereby repealed.

SEC. 16. This act to take effect and be in force from and after its passage and approval by the governor.

Approved, November 14, 1879.

AN ACT

TO PREVENT THE SPREAD OF SCAB OR OTHER INFECTIOUS DISEASES AMONG SHEEP, IN THE COUNTIES OF WALLA WALLA, COLUMBIA, WHITMAN, STEVENS, YAKIMA AND KLIKITAT.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That there shall be elected, at the next regular

election in the Territory of Washington, and at each succeeding regular election thereafter, in each of the counties of Walla Walla, Columbia, Whitman, Stevens, Yakima and Klickitat, one qualified elector of each of said counties, who shall be known as sheep commissioner, who shall subscribe an oath, and enter into bonds to the county commissioners, for the faithful performance of his duties, in such sum as the county commissioners shall designate; and it shall be their duty to examine all flocks of sheep, in their respective counties, during the months of November and April, of each year.

SEC. 2. That sheep commissioners shall have the power, if deemed necessary, to summons to his assistance, at any examination, competent persons, as experts, to assist him.

SEC. 3. That sheep commissioners, if upon examination of any sheep, flock or flocks of sheep, shall find them free from scab, or other infectious disease, shall make and deliver to the owner or owners of said sheep, a certificate in writing, stating that, at the date of such certificate, said sheep were in a healthy condition; said certificate shall be recorded in a book kept for that purpose, before it shall be delivered.

SEC. 4. It shall be the duty of the sheep commissioner, to make, within ten days after the examination, as provided in section one of this act, a statement in writing, with his certificate attached thereto, which statement shall set forth the condition of each and every band or flock of sheep, in their respective counties, and shall record the same in a book, provided for that purpose, to be kept on file in the office of the county auditor, of their respective counties.

SEC. 5. The sheep commissioner, shall, at any time, upon complaint under oath being made to him, that any sheep within his county is infected with scab, or other infectious disease, proceed at once to examine the sheep so complained of, and if such sheep are found to be so infected, then the certificate of the soundness of such sheep, which may have been issued, shall be annulled and he shall enter on the margin of the record of such certificate, the word "annulled" and the date thereof: *Provided*, That upon complaint being made as provided herein, and the same being found to be frivolous, or malicious, then the party making such complaint shall pay all of the costs of such examination,

SEC. 6. That no sheep shall be permitted to enter any county, named in this act, until the same shall have been examined by the sheep commissioner, of the county which they wish to enter, and a certificate of the healthfulness of such sheep is issued by the said sheep commissioner to the owner or owners thereof.

SEC. 7. It shall be the duty of the sheep commissioner, when notified that the owner or owners of any sheep wish to move the same into his county, to proceed, as soon as may be, to examine said sheep; and, if found in a healthy condition, he shall deliver to the owner or owners thereof a certificate to that effect; whereupon such sheep shall be permitted to enter his county: *Provided*, That no sheep shall enter any of the counties mentioned in this act until such certificate has been obtained.

SEC. 8. If any person or persons shall drive or cause to be driven into any of the counties mentioned in this act, without first having obtained a certificate of the healthfulness of such sheep, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than two hundred and fifty or more than five thousand dollars, and in default of payment shall be committed to the county jail, at hard labor, until such fine and costs are paid.

SEC. 9. Any person or persons, now or hereafter, having ownership of or in any sheep infected by scab or any other infectious disease, shall keep the same secure from contact with other sheep, and shall not be permitted to move or drive the same upon any highway, byway or across any range where other sheep are liable to range or be driven: *Provided*, That the owner or owners of such sheep, so infected, may move the same, by first obtaining a written permission of the sheep commissioner of the county wherein he wishes to move them, which permission shall state the manner in which they are to be moved and the place to which they are to be moved, and the route designated: *Provided*, That the sheep commissioner shall not give permission to any person or persons to move any sheep so infected across any range where healthy sheep are accustomed to range. Any person or persons violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than two hundred and fifty, nor more than two thousand dollars.

SEC. 10. The sheep commissioner and his assistant shall each be allowed as compensation for their services, at the rate of three dollars per day, for the time actually occupied in the performance of their duties, and ten cents per mile for the distance necessarily traveled by him in examining the sheep of his county, which compensation shall be paid by the owner or owners of the sheep so examined, each according to the number of sheep possessed.

SEC. 11. The county commissioners of the several counties shall, at their next regular session, after the passage of this

act, appoint a sheep commissioner, who shall serve until the next general election, and until his successor is elected and qualified.

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

SEC. 13. This act to take effect and be in force from and after January 1, 1880.

Approved, November 3, 1879.

AN ACT

TO PROVIDE FOR THE CODIFICATION OF THE LAWS OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Elisha P. Ferry is hereby appointed code commissioner of Washington Territory.

SEC. 2. The said code commissioner herein appointed is hereby authorized and required to collect and thoroughly revise and codify all the statute laws of the Territory of Washington which are, or may be in force, at the close of the present session of the legislature. For this purpose it is hereby made the duty of said code commissioner so to group together all correlative and similar statutes, classifying and arranging the various subjects under appropriate titles, to bring together and correctly incorporate the various amendments into the original acts, rejecting all repealed, redundant, inoperative and obsolete sections, laws or parts of laws; and furthermore to make such alterations and amendments as shall reconcile all contradictions, correct and supply omissions in figures, letters, words and sentences; and to do and perform all other needful acts as shall enable the said code commissioner effectually to reduce and bring into a written, intelligible and systematic form, the statute laws of this territory, and to make such additions as may be thought necessary for a complete and perfect code for the Territory of Washington.

SEC. 3. That it shall be the duty of the said code commissioner, in codifying and arranging the laws under proper parts, titles, divisions and subdivisions under the provisions of this act, to complete and perfect the same that such code of law shall be made to cover and embrace the whole body of substantive law of the Territory of Washington. The said code shall be arranged and presented by the said code commissioner, under four general parts or divisions substantially as follows:

1. The political code of Washington.
2. The civil code of Washington.
3. The code of civil procedure.
4. The penal code, embracing the code of criminal procedure.

SEC. 4. The said code commissioner is hereby authorized and empowered to prepare a brief syllabus to each of the several laws and subdivisional titles of laws in said codification, together with such concise and appropriate marginal notes for, and to the various sections, as shall afford easy and ready reference to all distinctive points and subjects embraced therein; and furthermore to prepare such annotations or "foot-notes," furnishing references to decisions, and correcting seeming contradictions in the laws as shall be deemed useful and expedient.

SEC. 5. The laws so revised, codified and arranged shall, when published, be embraced in one or more volumes of convenient style and shall be known as the "Washington Code," and no other title by legal reference shall be necessary for their designation.

SEC. 6. The said code commissioner shall, during the first ten days of the next bi-ennial session of the Legislature A. D. 1881, submit to that body, said code of laws in printed form. The said code commissioner shall receive such compensation for his services and other expenses incident to his labors and duties as such commissioner as the legislative assembly shall hereafter fix upon, to be paid out of the general fund of the territory.

SEC. 7. Said code commissioner shall have power to employ a clerk, for a period not longer than twelve months, at a salary not exceeding seventy-five dollars per month, and the territorial auditor is hereby authorized to draw a warrant on the territorial treasury for the amount which the said commissioner may certify as due to said clerk for the service hereinbefore mentioned.

SEC. 8. Before entering upon his duties as provided in

this act, the code commissioner shall take and subscribe to an oath before the secretary, faithfully to perform the duties and obligations of said code commissioner. Should any vacancy occur in the office of commissioner, from any cause, and before the commissioner shall have completed his labors, the governor of this territory is hereby authorized to fill such vacancy by appointment, and the person so appointed shall have full power and authority to act in fulfillment of the provisions of this act, and shall be subject to all the obligations and requirements herein imposed.

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

Approved, November 14, 1879.

AN ACT

IN RELATION TO PROSECUTING ATTORNEYS, DEFINING THEIR DUTIES AND FIXING THEIR COMPENSATION IN THE COUNTIES OF WALLA WALLA, COLUMBIA, WHITMAN, YAKIMA, SPOKANE AND STEVENS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That, at the general election in one thousand eight hundred and eighty, for delegate to congress, and every two years thereafter, there shall be elected by the qualified voters of the counties of Walla Walla, Columbia, Whitman, Yakima, Spokane and Stevens, one prosecuting attorney for each of said counties, except the counties of Spokane and Stevens, who shall have one prosecuting attorney jointly, who shall be a practicing attorney-at-law, and have the qualifications of an elector, and shall reside and be an inhabitant of the county or district for which he is elected.

SEC. 2. Each of the said prosecuting attorneys shall continue in office for the term of two years from and after January first, one thousand eight hundred and eighty-one, and until his successor is elected and qualified.

SEC. 3. The prosecuting attorney, heretofore elected in and for the first judicial district, and now exercising the duties of his office as prosecuting attorney under an act entitled "An act

in relation to prosecuting attorneys, defining their duties and fixing their compensation," approved October 31, 1877, shall continue in office until the first day of January, one thousand eight hundred and eighty-one and they shall be governed by and compensated as in said act provided.

SEC. 4. The county auditors, of the said several counties, shall make out under their hand and the seal of their office, a certificate showing the number of votes given in their respective counties, for each person for prosecuting attorney, and transmit the same to the secretary of the territory, and said votes shall be canvassed by said secretary, and he shall issue a certificate of election to the person receiving the highest number of votes in each of said counties or district, and the person so receiving the highest number of votes in said counties or district, shall be the prosecuting attorney of said county or district, and he shall be commissioned by the governor. The county auditor shall transmit the certificate of the votes herein required, to said secretary within four weeks after said election.

SEC. 5. Every prosecuting attorney, before entering upon the duties of his office, shall take and subscribe an oath faithfully to discharge the duties of his office as prosecuting attorney for the county or district for which he was elected, such oath shall be in writing, certified by an officer authorized to administer oaths, and it shall be filed in the office of the secretary of the territory, and, moreover, said prosecuting attorney shall give the Territory of Washington a bond in the sum of two thousand dollars, with good and sufficient surety, conditioned that he will faithfully discharge the duties of his office according to law, which bond shall be approved by the judge of the first judicial district of the territory and filed in the office of the secretary of this territory with said oath of office.

SEC. 6. Each prosecuting attorney shall be the legal advisor of the board of county commissioners of his county or district; he shall also prosecute all criminal and civil actions, in which the territory is a party, the jurisdiction of the action being in his county or district, or in which his county or district is a party; defend all suits brought against the territory, the jurisdiction of which is in his county or district; and all suits brought against the county or district in which he was elected. He shall prosecute all forfeited recognizance, bond and action for the recovery of debts, fines, penalties and forfeitures accruing to the territory, the jurisdiction of which is in his county or district or accruing to the county or district in which he is elected.

SEC. 7. Each prosecuting attorney shall, when required by the board of county commissioners of his county or district or

by the president of such board, give to such board of county commissioners, in writing if so required, his legal opinion touching any subject which such board of county commissioners may be called or required to act upon, relating to the management of county affairs.

SEC. 8. Each prosecuting attorney is hereby required to give legal advice, when requested, to all county and precinct officers and directors and superintendents of common schools in his county or district, in all matters relating to their official business; and when so required he shall draw up in writing all contracts, obligations and like instruments of an official nature for the use of said officers.

SEC. 9. It shall be the duty of the prosecuting attorney to visit once, in each year, the offices of the county auditor of his county or district, and he shall then examine the official bonds of all county and precinct officers on file in such office, and it is made his duty to report to the board of county commissioners any defect in the bonds of any public officers in such county or district. He shall also, once in each year, examine the public records and books of the auditor, assessor, treasurer, superintendent of common schools, and sheriff of his county, or district, and report to the board of commissioners of his county or district, any failure, refusal, omission or neglect of such officers to keep such records and books as required by law. He shall also report to the grand jury, having been selected from his county or district, any failure, refusal, omission or neglect of any auditor, treasurer, assessor, superintendant of common schools, or sheriff, to keep the records and books required by law.

SEC. 10. Whenever a petition for divorce remains undefended in his county or district, it shall be the duty of the prosecuting attorney of said county or district to resist such petition.

SEC. 11. No prosecuting attorney shall be employed in, or allowed to conduct any suit for a divorce, on the part of the petitioner or applicant in the courts of this territory, nor shall any prosecuting attorney be allowed to resist a petition for a divorce in any case remaining undefended, if the attorney for the petitioner is a partner in the practice of law, or keeps his office with such prosecuting attorney; but in all such cases, the court, or judge before whom the case is to be heard, shall appoint an attorney to resist the petition, who shall be entitled to a fee of ten dollars, which shall be deducted and paid from the salary of the regular prosecuting attorney.

SEC. 12. No prosecuting attorney of any of said counties or district, shall receive any fee or reward, from any person or

persons, on behalf of any prosecution for any of his official services, except as provided in this act, nor shall he be engaged as counsel for a party in any civil action depending upon the same facts as a criminal prosecution.

SEC. 13. Each prosecuting attorney of said counties or district shall, on the thirty-first day of December in each year, make the governor of the territory a report, setting forth the amount and the nature of business transacted by him in that year, with such other statements and suggestions as he may deem useful.

SEC. 14. When any prosecuting attorney fails, from sickness, or other cause, to attend a term of the district court of the county for which he was elected, or is unable to perform his duties at such term, the court or judge may appoint some qualified person to discharge the duties for such term; and the person so appointed shall receive a compensation to be fixed by the court, to be deducted out of the territorial salary of such prosecuting attorney, not exceeding, however, one fourth of the quarterly salary of such prosecuting attorney.

SEC. 15. When a vacancy occurs in the office of the prosecuting attorney in any of said counties or districts it shall be the duty of the governor to appoint some qualified person to discharge the duties of the office until the next general election for delegate to congress, and until another prosecuting attorney shall be elected and qualified: *Provided*, That the person so appointed shall be duly qualified as provided in section one of this act.

SEC. 16. Each prosecuting attorney, elected under this act, may appoint one or more deputies, not to exceed two, who shall have the same power in all respects as their principal. The appointment shall be in writing, and be signed by the prosecuting attorney, and shall be filed in the office of the auditor of the county where the court is held. He may revoke the appointment of any deputy at will, by writing, filed in the same office. Each deputy, before entering upon his duties, shall take the oath of office, which shall be indorsed on his appointment. The prosecuting attorney may take from each of his deputies a bond with sureties for the faithful performance of his duties; but the prosecuting attorney and the sureties on his bond shall be liable for all the official acts of each deputy: *Provided*, Such deputy shall receive his compensation from his principal, and no additional fees or salary shall be allowed any prosecuting attorney for such purpose.

SEC. 17. The prosecuting attorney in each of said counties shall be the public prosecutor therein. He shall attend the district courts held in his county or district, for the trans-

action of criminal business, and conduct, on behalf of the territory, all prosecutions for public offense.

SEC. 18. The prosecuting attorneys, when not in attendance upon the district court, shall institute proceedings for magistrates, for the arrest of persons charged with, or reasonably suspected of public offences, when he has information that any such offense has been committed; and for that purpose shall attend upon the magistrates in cases of arrest when required by them: *Provided*, That said prosecuting attorney shall not be required to travel over ten miles to attend upon such cases. The prosecuting attorney shall also attend before, and give advice to the grand jury whenever cases are presented to them for their consideration, and shall draw all indictments when required by the grand jury. It shall be the duty of the prosecuting attorneys, created by this act, to carefully tax all cost bills in all criminal cases arising in their respective counties, and they shall take care that no useless witness fees are taxed as part of such cause, and that the officers authorized to execute process, tax no other or greater fees than the fees allowed by law: *Provided*, That, if they are not present at the trial of any criminal cause, before any justice of the peace, and the cost bill in such last cause is lodged with the county commissioners for such payment, the said prosecuting attorney shall have the right to review and retax the same, and it is made his duty so to do, if the board of county commissioners deem the bill exorbitant or improperly taxed.

SEC. 19. Each prosecuting attorney, elected under this act, shall receive a yearly salary of three hundred dollars, to be paid quarterly out of the territorial treasury, out of any funds in the treasury not otherwise appropriated, upon presentation to the territorial treasurer of the proper warrant therefor, which warrant shall be paid in its regular numerical order. He shall also receive the sum of one hundred dollars yearly, payable quarterly, where the population of his county or district is one thousand or less, and for any additional number of inhabitants above one thousand, at the rate of seventy-five dollars per thousand, and every fraction of one thousand over five hundred, to be paid by the county or district out of any money in the county treasury, not otherwise appropriated. He shall also be entitled to receive, for all amounts collected by him for the territory or for his county or district, ten per cent. on the amount collected.

SEC. 20. The fees heretofore allowed district attorneys, under an act entitled "an act in relation to prosecuting attorneys, defining their duties and fixing their compensation," approved, October 31, 1877, shall go to the county treasury of

the several counties or districts named above, when the prosecuting attorney of said counties or district performs the services which heretofore, under said act, were performed by the prosecuting attorney of the first judicial district.

SEC. 21. All acts and parts of acts, heretofore enacted, in any manner conflicting with the provisions of this act, be, and same are, hereby repealed: *Provided, however,* That nothing herein contained shall be construed as affecting or repealing any act or part of an act referring to prosecuting attorneys for the second and the third judicial districts of the territory.

SEC. 22. This act shall take effect and be in force from and after its approval by the governor.

Approved, November 13, 1879.

AN ACT

TO PREVENT AND PUNISH GAMBLING.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That each and every person, who shall deal, play or carry on, open or cause to be opened, or who shall conduct, either as owner, proprietor, employe, whether for hire or not, any game of faro, monte, roulette, rouge et noir, lansquenette, rondo, vingt-un (or twenty-one), poker, draw poker, brag, bluff, thaw, tan, or any banking or other game played with cards, dice, or any other device, whether the same be played for money, checks, credits, or any other representative of value, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500) and shall be imprisoned in the county jail until such fine and costs are paid: *Provided,* That such persons so convicted shall be imprisoned one day for every two dollars of such fine and costs: *And provided further,* That such imprisonment shall not exceed one year: *And still further provided,* That any one who shall carry on any chuck-a-luck, bunko, strap, sling, pannel house or other swindling games shall be deemed guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding five years for such offense.

SEC. 2. All notes, bills, bonds, mortgages, or other securities, or other conveyances, the consideration for which shall be money, or other things of value, won by playing at any of said games, shall be void and of no effect, as between the parties to the same and all other persons, except holders in good faith, without notice of the illegality of such contract or conveyance.

SEC. 3. All persons losing money or anything of value at or on any of said games, shall have a cause of action to recover from the dealer or player winning the same or proprietor for whose benefit such game was played or dealt, or such money or things of value won, the amount of the money or the value of the thing so lost.

SEC. 4. Every person who shall let or rent any room or building for a gaming house, or house of illfame, or for rent or hire, shall permit any game to be dealt upon his premises prohibited by the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars.

SEC. 5. It shall be lawful for any person letting or renting any house, room, shop or other building whatsoever, or any boat, booth, garden, or other place, which shall, at any time, be used by the lessee or occupant thereof, or any other person, with his knowledge or consent, for gambling purposes, upon discovery thereof, to avoid and terminate such lease, or contract of occupancy, and to recover immediate possession of said boat, building or other place above mentioned by an action at law for that purpose, to be brought before any justice of the peace of the county in which such use shall be permitted.

SEC. 6. Any person who shall suffer or permit any of the acts or things forbidden by, or made punishable by this act to be done or carried on in any house, room or shop, or other building whatsoever, or any boat, booth, garden, or other place of which he is the owner, or in the possession of which he is entitled, under this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500,) and be imprisoned in the county jail until such fine is paid.

SEC. 7. It shall be the duty of each prosecuting attorney, sheriff, constable, city or town marshal, or public officer, to inform against and diligently prosecute any and all persons whom they shall have reasonable cause to believe guilty of a violation of the provisions of this act.

SEC. 8. Any officer named in the preceding section, who shall refuse or willfully neglect to inform against and prosecute

offenders against this act, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than fifty, nor more than five hundred dollars, and the court before which such officer shall be tried, shall declare the office, or appointment held by such officer vacant for the balance of his term.

SEC. 9. If any person, who shall have been summoned as a witness on the part of the prosecution, shall fail or refuse to attend at the time fixed for trial, without a reasonable excuse, the person so failing or neglecting shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not less than twenty-five days, nor more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 10. All fines and forfeitures under the provisions of this act shall be recovered by an action at law to be brought in the name of the Territory of Washington, and all such fines and forfeitures, except costs, shall be paid into the county treasury, and constitute a part of the school fund.

SEC. 11. No person shall be deemed guilty of gambling under the provisions of this act who shall play at any game of chance or skill for amusement or pastime only, and not for gain to himself or another.

SEC. 12. This act shall take effect and be in force from and after its approval by the governor.

Approved, November 13, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO LIENS,"
APPROVED NOV. 8, 1877.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That an act entitled an act relating to liens, approved November 8th, 1877, be and the same is hereby amend-

ed as follows: That is to say, section two of chapter one of said act shall be and the same is amended so as to read: Section 2. Such liens may be enforced by a suit in admiralty *in rem*, or by a suit in equity. In case of a suit in admiralty *in rem*, the law regulating proceedings in admiralty shall govern.

SEC. 2. Section three of chapter two of said act shall be and the same is amended so as to read: Section 3. Every person performing labor upon, or who shall assist in obtaining or securing sawlogs, spars, piles and other timber, has a lien upon the same for the work or labor done upon, or in obtaining or securing the same, whether such work or labor was done at the instance of the owner of the same or his agent. The cook in a logging camp shall be regarded as a person who assists in obtaining or securing the timber herein mentioned.

SEC. 4. Section nine of chapter two of said act shall be and the same is amended so as to read: Section 9. Every person, within thirty days after the close of the rendition of the services, or after the close of the work or labor mentioned in sections three and four of this act, claiming the benefit hereof, must file for record with the county auditor of the county in which such sawlogs, spars, piles and other timber was cut, or in which such lumber was manufactured, a claim containing a statement of his demand, and the amount thereof, after deducting as near as possible all just credits and offsets, with the name of the person by whom he was employed, with a statement of the times and conditions of his contract, if any, and in case there is no express contract, the claim shall state what such service, work or labor is reasonably worth; and it shall also contain a description of the property to be charged with the lien, sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or some other person, to the effect that the affiant believes the same to be true.

SEC. 5. Section twelve of chapter two of said act shall be and the same is amended so as to read: Section 12. No lien provided for in this chapter binds any sawlogs, spars, piles or other timber or any lumber for a longer period than twelve calendar months, after the claim as herein provided has been filed, unless a civil action be commenced in a proper court, within that time, to enforce the same.

SEC. 6. Section twenty-three of chapter three of said act shall be and the same is amended so as to read: Section 23. Every original contractor, within sixty days after the completion of his contract or other termination thereof, and every person, save the original contractor, claiming the benefit of this chapter, must, within sixty days after the completion of any build-

ing, improvement or structure, or after the completion of the alteration or repair thereof, or after he has ceased to labor thereon from any cause, or after he has ceased to furnish materials therefor, or after the performance of any labor in a mine or mining claim, file for record with the county auditor of the county, in which such property or some part thereof is situated, a claim containing a statement of his demand, after deducting all just credits and offsets, with the name of the owner, or reputed owner, if known, and also the name of the person by whom he was employed, or to whom he furnished the materials, with a statement of the terms, time given and conditions of his contract, and, also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of himself, or some other person, to the effect that the affiant believes the claim to be just.

SEC. 7. Sections one, two, four and five of this act shall take effect and be in force from and after the approval of this act, and section three of this act shall take effect on and after the first day of January, A. D., 1880.

Approved, Nov. 3, 1879.

AN ACT

TO CREATE THE OFFICE OF FISH COMMISSIONER FOR THE COLUMBIA RIVER, TO LICENSE THE TAKING OF SALMON IN THE COLUMBIA RIVER AND ITS TRIBUTARIES AND TO ENCOURAGE THE ESTABLISHMENT OF HATCHING HOUSES ON THE WATERS OF THE COLUMBIA RIVER FOR THE PROPAGATION OF SALMON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a fish commissioner for the Columbia river and its tributary waters be appointed by the governor, who shall hold his office for two years and until his successor is appointed and qualified, who shall be a resident of one of the counties bordering upon said river. Said commissioner shall exercise a general supervision over the fisheries of said river, within this territory, consider and report upon the introduction, production and culture of food fish, especially the salmon; co-operate with the fish commission of the state of

Oregon, make report to the legislative assembly at each regular session thereof, as hereinafter more particularly prescribed, and perform such other duties as may be hereafter imposed. Before entering upon his duties he shall execute a bond to the Territory of Washington with two or more sureties, to be approved by the governor, in the sum of \$10,000, conditioned for the faithful performance of his official duties, and the disbursement, according to law, of all money coming into his hands. Said commissioner may appoint deputies, not to exceed one for each county bordering upon said Columbia river, for whose action he shall be responsible upon his official bond.

SEC. 2. It shall not be lawful to take or fish for salmon for traffic, barter or sale in the waters of the Columbia river and its tributaries with either of the appliances regulated and prescribed by the act entitled "an act regulating salmon fisheries in the waters of the Columbia river and its tributaries," without first having obtained a license therefor. The rates of said license shall be as follows: The owner or owners of each and every boat engaged in taking or catching salmon upon said river and its tributaries, with a gill net, shall pay ten dollars for a license for one season. For each and every sein used in fishing for salmon upon said waters, the owner or owners shall pay for such license for one season ten dollars. For each wier or trap used in catching or taking salmon in said river or its tributaries, the owner or owners shall pay for a license for a season fifty dollars. For each and every dip net used for fishing for salmon in said river and its tributaries, the owner or owners thereof shall pay an annual license of two dollars. Each and every net tender or fisherman fishing or taking salmon with a gill net shall be required to pay five dollars for a license for the season. Licenses issued under this act shall be untransferable and shall be good for the whole season, upon any of the waters of said Columbia river.

SEC. 3. The licenses aforesaid, shall be prepared by said fish commissioner, and attested by his official seal. The commissioner shall register the number thereof, to whom issued and for what purpose. Owners of boats receiving licenses shall cause to be painted in plain, conspicuous figures, upon both sides of the outside of their respective boats, three inches below the washboard, the number borne upon the license of said boat. A failure or neglect to permit such register number upon such boat, as herein prescribed, shall subject the owner or owners thereof to a penalty of ten dollars, to be recovered in an action before a justice of the peace. The commissioner shall be entitled to charge the following fees, viz: Twenty-five cents for each license to a fisherman; fifty cents for a boat; one dol-

lar for a sein or fish trap of any kind and twenty-five cents for a dip net, which fees shall be reserved out of the moneys by him received for the licenses issued.

SEC. 4. Any person or persons who, by the foregoing provisions of this act, shall be required to take out a license, shall do such act, or use such boat, sein, gill net, weir, or trap, dip-net, or fish with gill net, without having first taken out such license therefor as herein required, shall be liable to a penalty of fifty dollars for each and every offense, and shall, moreover, be required to pay the license fee required by law, to be recovered before a justice of the peace or other court having competent jurisdiction.

SEC. 5. Any proprietor, managing agent, foreman or employe in charge of any cannery upon said Columbia river, employing a fisherman, to whom no license has been issued, or knowingly purchasing salmon from any person using a boat, sein, net or fish trap, for which a license is required, without having first taken out said license, shall be liable to a penalty of fifty dollars for each and every offense, to be recovered before a justice of the peace.

SEC. 6. All moneys received for license herein referred to, excepting the fees for issuing the same, shall constitute a fund and be exclusively applied to the assistance of a hatching house or houses on the said Columbia river or its tributaries. Any person or persons or incorporated company who shall furnish satisfactory evidence to the said fish commissioner that a hatching house or houses has or have been established by such person or persons or company, and have actually hatched salmon, with which said Columbia river is or has been stocked and supplied, the said commissioner shall forthwith pay over to such person or persons or company the said funds: *Provided*, If there be two or more of such hatching houses in operation by different persons or companies, then such funds shall be distributed pro rata according to the number of hatched salmon: *And, provided further*, That said fund shall not be disbursed in part or in whole without the approval of the governor.

SEC. 7. The person or persons making complaint of any violation of the provisions of this act by the failure to take out a license, as herein required, or to do and perform other acts herein prescribed shall, upon conviction of the party accused, be entitled to one-half of the penalty recovered. All fines and penalties hereby or herein imposed shall be enforced and collected as other fines and penalties are by law enforced or collected, and justices of the peace or other officers recovering such fines or penalties, after payment of one-half of such penalty so collected to the complainant shall forthwith pay the remaining

half to the fish commissioners, to be applied to the establishment of or assistance of hatching houses as provided in section six of this act.

SEC. 8. The said fish commissioner shall biennially, on the 15th day of September, make a report to the governor to be submitted to the legislative assembly, which report shall exhibit the amount of moneys received from licenses, penalties and other sources, and how applied, the condition, progress, success, etc., of the hatching houses, hints, suggestions, or information on the subject of food fish propagation and such matter as may be valuable in legislation for the protection or preservation of food fishes and the salmon fisheries of the Columbia river.

SEC. 9. Any person or persons or incorporated company who shall receive from the fish commissioner the funds created by this act, or any portion thereof, shall first execute a bond to the Territory of Washington, with two or more sureties, to be approved by the governor, in the sum of \$10,000, that all moneys coming into his or their hands under the provisions of this act shall be used for the propagation of salmon, and for no other purpose, and shall make a sworn report to the governor on or before the first of January of each year thereafter of the amount of money received and how expended and the probable amount of salmon hatched by such person or persons during the year.

SEC. 10. This act shall take effect and be in force from and after its approval.

Approved, November 14, 1879.

AN ACT

IN RELATION TO MORTGAGES ON CERTAIN KINDS OF PROPERTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That mortgages may be made upon all kinds of personal property, and upon the rolling stock of a railroad company, and upon all kinds of machinery, and upon boats and vessels, and on growing crops, and on portable mills and such like property.

SEC. 2. A mortgage of personal property is void as against creditors of the mortgagor or subsequent purchasers, and incumbrances of the property for value and in good faith, unless it is accompanied by the affidavit of the mortgagor that it is made in good faith, and without any design to hinder, delay, or defraud creditors, and it is acknowledged and recorded in the same manner as is required by law in conveyance of real property.

SEC. 3. A mortgage of personal property must be recorded in the office of the county auditor of the county in which the mortgaged property is situated, in a book kept exclusively for that purpose: *Provided*, That property in transit, for the purpose of this act, shall be deemed to be situated in the county to which it is being moved: *And, provided further*, That a mortgage on any vessel or boat, or part of a vessel or boat, over twenty tons burden, shall be recorded in the office of the collector of customs, where such vessel is registered, enrolled or licensed and need not be recorded elsewhere.

SEC. 4. A mortgage of personal property, where a debt for the security of which the mortgage has been given, has become due, or if the debt is not yet due, and the mortgagee has reasonable ground to believe that his debt is insecure, and that by allowing the property longer to remain in the hands of the mortgagor, he would be in danger of losing his debt or security, may have the property taken from the possession of the mortgagor, and sold in the manner provided in this act.

SEC. 5. The interest of the mortgagor, subject, however, to the lien of the mortgagee, may be sold under any process of law, issuing out of any district court or justice of the peace court, in this territory: *Provided, however*, That if the party, who has said mortgage, reside in this territory, or has an agent therein, and the same is known to the officer executing such process, he shall serve upon him or his agent personally, or by mailing to him, or to his agent, if their postoffice is known, a notification of the intended sale, at the time such mortgaged property is seized under said process, or within five days thereafter. Said property shall not be sold within less than thirty days after its seizure and the officer, executing such process, must post in three public places, near the place where the said property is to be sold, a notice of the time and place of such sale, at the time he seizes said property under said process.

SEC. 6. Any mortgage of personal property, when the debt to secure which the mortgage was given is due, may be foreclosed by notice and sale as herein provided; or it may be foreclosed by action in the district court having jurisdiction in the county in which the property is situated.

SEC. 7. The notice must contain a full description of the property mortgaged, together with time and place of sale, also a statement of the amount due, and must be signed by the mortgagee or his attorney.

SEC. 8. Such notice shall be placed in the hands of the sheriff or other proper officer, and shall be personally served, in the same manner as is provided by law for the service of a summons: *Provided*, That if the mortgagor cannot be found in the county where the mortgage is being foreclosed, it shall not be necessary to advertise the notice or affidavit in a newspaper, but the general publication directed in the next section shall be sufficient service upon all the parties interested, and such notice shall be sufficient authority for the officer to take such property into his immediate possession.

SEC. 9. After notice has been served upon the mortgagor, it must be published in the same manner, and for the same length of time as required in cases of the sale of like property on execution, and the sale shall be conducted in the same manner.

SEC. 10. The purchaser shall take all interest which the mortgagor had in the said mortgaged property upon which the said mortgage operated.

SEC. 11. The officer, conducting the sale, shall execute to the purchaser a bill of sale of the property, which bill of sale shall be effectual to carry the whole title and interest purchased, and if any balance of the purchased price remain it shall be disposed of in the same manner as surplus proceeds of sales are on execution.

SEC. 12. The right of the mortgagee to foreclose, as well as the amount claimed to be due, may be contested by any person interested in so doing, and the proceedings may be transferred to the district court, for which purpose an injunction may issue if necessary.

SEC. 13. Where the debt is not due for which the mortgage is given, and the mortgagee has reasonable cause to believe that the mortgaged property will be destroyed, lost, or removed, he shall have the right to an immediate action in the district court of the county having jurisdiction where the property is situated, for the recovery of his debt, and the court may make any order it may deem fit, in order to secure said property so as to make the same available for the satisfaction of said debt.

SEC. 14. Any person having mortgaged personal property, who shall remove the same from the county where it was situ-

ated at the date of the mortgage, before it is duly released, or without the consent in writing of the mortgagee, or who shall sell or dispose of the same, or any interest therein, where he parts with the possession thereof or who shall secrete the same, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail for a term not exceeding three years.

SEC. 15. That an act entitled "an act relating to mortgages on personal property," approved November 12, 1875, and all acts amendatory thereof, are hereby repealed: *Provided, however,* That such repeal shall not affect any act done, or forfeiture incurred, or any right established, accrued or accruing, or suit, or proceeding pending, save only that the proceedings hereafter had shall conform as far as practicable to the provision of this act.

SEC. 16. This act to take effect and be in force from and after its approval.

Approved, November 10, 1879.

AN ACT

TO PROVIDE FOR THE INSPECTION AND MEASUREMENT OF LOGS, AND THE FORMATION OF LUMBER DISTRICTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That for the purpose of inspecting and regulating the measurement of logs, lumber districts are established, the number and location of which shall be designated by the governor; said lumber districts not to exceed twelve in number.

SEC. 2. The governor shall appoint an inspector for each of said lumber districts, who shall be styled lumber inspector of district no. (designating the proper district). He shall, at the time of his appointment, be a citizen of this territory, and reside within the lumber district for which he is appointed. His term of office shall be for two years, and shall commence on the first Monday of January next following his appointment, but the incumbent shall hold until his successor

is appointed and qualified. All vacancies in such office shall be filled by like appointment, and if such vacancy occurs before the expiration of the term, it shall be filled for the residue of the term only.

SEC. 3. The governor shall, at his discretion, have the power, upon receiving a petition signed by six master loggers of the same lumber district, to the effect that the Lumber Inspector of that district is in any way derelict in his duty, to remove the same, and to appoint a successor to fill the unexpired term.

SEC. 4. Each lumber inspector shall, upon entering upon the duties of his office, take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge and ability, and execute to the county in which his office shall be kept, a bond with three or more ample sureties, to be approved by the treasurer of said county and by the district judge in whose judicial district the said county is located, in the sum of three thousand dollars, conditioned that he will faithfully perform his duties as lumber inspector of district no. (giving the number), and deliver to his successor in office all bills, papers, journals, books and other effects appertaining to his office. Such oath of office and bond shall be filed with the county treasurer, and any person feeling himself aggrieved may commence an action in his own name on said bond in like manner as actions are brought on other official bonds.

SEC. 5. The inspectors of lumber districts shall keep their respective offices at the places designated by the governor when making their respective appointments.

SEC. 6. Each such inspector may divide his district into such sub-districts as he may deem best, and for each such sub-district, as well as for any specific purpose, may appoint one or more deputies for whose conduct and fidelity in the discharge of his duty, as such, he shall be responsible upon his official bond. Each of said lumber inspectors shall have power and authority to administer oaths to his several deputies, or for any purpose relating to the duties of their office.

SEC. 7. Each lumber inspector shall in person or by deputy, at the request of any owner of logs, scale or measure the same. After such scaling or measurement, he shall make a bill stating therein the number of logs, the number of feet, board measure, contained in such logs, and at whose request the same were scaled or measured, and to whom scaled or measured, a copy of which he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks,

if any, as they occur upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained, and of the correctness of such scaling or measurement, in all the courts of this territory, except in favor of the inspector or deputy inspector who made the same.

SEC. 8. Each lumber inspector and his deputies shall, in scaling or measuring logs, make such allowance for hollow or crooked logs as would make them equal to good, sound, straight and merchantable logs, and all logs that are straight and sound are to be measured at their full size inside the bark at the small end, allowing for the rise. Each lumber inspector shall require of each of his deputies, at the end of each month, a correct account of all the logs measured or scaled by him during the month next preceding, and he shall immediately enter such account upon the books of his office. In measuring or scaling all logs the "new Scribner" scale shall be the scale used by such inspectors, and lumber shall be scaled every forty feet.

SEC. 9. Each lumber inspector shall be entitled to receive the following fees for services, viz: Five cents per thousand feet for measuring or scaling and making out survey bills for all logs he is called upon to measure or scale; and in all cases such fees shall be paid by the party employing him to scale or measure said logs.

SEC. 10. All logs shall be scaled at the place where they are boomed, ready for towing.

SEC. 11. All sales and all contracts for sales of logs, cut in any of the lumber districts so designated by the governor, shall be void unless the same shall have been scaled or measured as herein provided by the said lumber inspector or their deputies, and a scale-bill thereof made and certified to as herein provided, and shall have been delivered to the owner of said logs.

SEC. 12. Such scale-bill shall constitute the basis by which all logs are bought and sold within any of said districts, in so far as relates to the quantity thereof.

SEC. 13. Each lumber inspector shall file, with the auditor of the county in which his office is located, a correct account of all the logs measured or scaled by him during the month next preceding, who shall immediately enter such account upon a book kept in his office for such purpose.

SEC. 14. Each lumber inspector shall also report to the legislature, within ten days after the meeting thereof, the amount of logs scaled or measured by him in his district for

the two years previous to the date of his report: *Provided*, That no lumber district under this act shall be established in the counties of Walla Walla, Columbia, Whitman, Spokane, Stevens, Clarke, Klickitat, Skamania and Yakima.

SEC. 15. This act shall take effect and be in force from and after the first day of January, 1880.

Approved November 11, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO DEEDS," APPROVED, NOVEMBER 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section five of the act relating to deeds, approved, November 9, 1877, be amended to read as follows: Acknowledgments of deeds, mortgages and other instruments in writing may be taken, in this territory, before a judge of the supreme court, or the clerk thereof, or the deputy of such clerk, before a judge of the district court in this territory, or the clerk thereof, or the deputy of such clerk, or before a judge of the probate court, or the clerk thereof, or before a justice of the peace, or a county auditor, or the deputy of such auditor, or a qualified notary public.

SEC. 2. All deeds, mortgages, or other instruments in writing, which, prior to the passage of this act, may have been acknowledged before either of the foregoing named officers, or deputies, or before the clerk of any court, or his deputies, heretofore established by the laws of this territory, are hereby declared legal and binding: *Provided*, That such acknowledgments conform to the laws relating to acknowledgments in force at the time the same were taken.

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

Approved, November 3, 1879.

AN ACT

REGULATING SALMON FISHERIES ON THE COLUMBIA RIVER AND ITS
TRIBUTARIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful to take or fish for salmon in the Columbia river or its tributaries by any means whatever in any year hereafter during the months of March, August and September, nor at the weekly close times in the months of April, May, June and July; that is to say, between the hours of six o'clock in the afternoon of each and every Saturday, until six o'clock of the afternoon of Sunday following; and any person or persons catching salmon in violation of the provisions of this section, or purchasing salmon so unlawfully caught, shall, upon conviction thereof, be fined in a sum of not less than five hundred dollars nor more than one thousand dollars, for the first offense, and for each and every subsequent offense, upon conviction thereof, shall be fined not less than one thousand dollars, to which may be added, at the discretion of the court, imprisonment in the county jail for a term not exceeding one year.

SEC. 2. It shall not be lawful to fish for salmon in the Columbia river or its tributaries, during the said months of April, May, June and July, with gill-nets, the meshes of which are less than four and one-eighth inches square, nor with seines whose meshes are less than three inches square, nor with weir or fish traps whose slats are less than two and one-half inches part. Nothing herein contained, shall prevent fishing in said river or its tributaries with dipnets during the fishing season as established and defined by section one of this act. Every trap or weir shall have, in that part thereof where the fish are usually taken, an opening at least one foot wide extending upwards from the bottom toward the top of the weir or trap five feet, and the netting, slats and other material used to close such aperture while fishing, shall be taken out, carried upon shore, and there remain during the said months of March, August and September, and the weekly close time in the months of April, May, June and July, as prescribed in section one of this act, to the intent that, during said close time, the salmon may have free and unobstructed passage through such weir, trap, or other structure, and no contrivance shall be placed in any part of such

structure which shall tend to hinder such fish. In case the enclosure, where the fish are taken, is furnished with a board floor, an opening extending from the floor five feet toward the top of the wier or trap shall be equivalent to extending the said opening from bottom to top. Any person or persons violating the provisions of this section or encouraging its violation, by knowingly purchasing salmon so unlawfully caught, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined, for the first offense, not less than five hundred dollars nor more than one thousand dollars, and for each subsequent offense shall, on conviction, be fined not less than one thousand dollars, to which may be added imprisonment in the county jail for a term not exceeding one year.

SEC. 3. The person or persons making complaint of any violation of the provisions of this act, shall, upon conviction of the offender, be entitled to one-half the fine recovered, and any prosecuting attorney who shall, upon complaint being made to him of the violation of this act, fail to prosecute the party accused, shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be fined in the sum of five hundred dollars for each and every offense.

SEC. 4. This act shall not be so construed as to interfere in any way with any establishment or enterprise for the propagation of salmon, whether by the United States government or any regularly organized company or society for that purpose, located or operated upon said Columbia river or any of its tributaries.

SEC. 5. It shall be unlawful for the proprietor of any saw mill, on the Columbia river or any of its tributaries, or any employe therein, to cast the saw dust made by such saw mill or suffer or permit such saw dust to be thrown or discharged in any manner into said river or its tributaries below the Cascades of the Columbia river. For each and every willful violation of this section, the party guilty of such violation shall be liable to a fine of fifty dollars for each and every such offense, to be recovered before a justice of the peace of the proper county.

SEC. 6. Any party convicted of any violation of the provisions of this law, shall be sentenced to pay the fine and costs adjudged, and in default of paying or securing the payment thereof, he shall be committed to the county jail until such fine and costs are paid or secured, until he shall have been imprisoned one day for every two dollars of such fine and costs; but execution may at any time issue against the property of the defendant for whatever sum may be due of such fine and costs. Upon payment of such fine or costs, or the balance after deducting the commutation by imprisonment or securing the same,

the party shall be discharged. All fines and penalties, collected for violation of this act, shall constitute a fund for the maintenance of hatching-houses for the propagation of salmon, and be disbursed in accordance with the provisions of an act entitled "an act to encourage the establishment of hatching-houses for the propagation of salmon in the waters of the Columbia river."

SEC. 7. All fines and penalties hereby or herein imposed shall be enforced and collected as other fines and penalties; and jurisdiction to enforce such fines not herein given to the justices' courts shall be vested in the district court of the proper county.

SEC. 8. This act shall take effect from and after its approval.

Approved, Nov. 14, 1879.

AN ACT

TO DECLARE CERTAIN PERSONS HABITUAL DRUNKARDS AND TO PROTECT THEM AND OTHERS, IN PERSON AND PROPERTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person addicted to the excessive use of intoxicating liquors may, upon complaint thereof, made as is hereinafter provided, be adjudged a habitual drunkard.

SEC. 2. Either the father, husband, mother, wife, son or daughter of any person addicted to the excessive use of intoxicating liquors, or any person in the interest of the relative aggrieved or of the general public, may make complaint to the probate judge of the county, wherein such person so addicted resides, that the person complained of is a habitual drunkard, and that, in consequence thereof, such person is squandering his earnings or property or that he neglects his business or that he abuses or maltreats his family, which complaint must be verified by the oath of the complainant to the effect that the same is true.

SEC. 3. Upon filing of the complaint, duly verified, the probate judge shall cause a copy thereof to be served upon the accused forthwith, and shall summon him to appear and answer, giving at least ten days' notice, and if upon the hearing of the evidence, the allegations of the complaint are sustained, such judge shall, in open court, declare the accused to be a habitual drunkard, and shall cause the proceeding to be entered in full upon the records of his court.

SEC. 4. The same fees shall be allowed to the probate judge, and the sheriff or constable, in all proceedings under the foregoing section of this act, as is allowed by law for like processes and services, and like fees for witnesses as in civil cases before justice of the peace; and if the complaint is not sustained, the person making the complaint shall pay the costs; and in case the complaint is sustained, the person accused shall pay the costs.

SEC. 5. Any person who shall sell or give any intoxicating liquors to any habitual drunkard, as defined in the foregoing section of this act, shall be deemed guilty of a misdemeanor and on conviction thereof, by any court having criminal jurisdiction, shall be fined in any sum not less than fifty dollars or more than three hundred dollars, or be imprisoned in the county jail, not less than one or more than six months, at the discretion of the court.

SEC. 6. Any person who shall be injured in person or property or means of support, by any habitual drunkard, as defined by this act, while in a state of intoxication, or in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors to such habitual drunkards, have caused his intoxication in whole or in part, and such person selling or giving such intoxicating liquors as aforesaid, shall be liable severally or jointly for all damages sustained, and the same may be recovered in a civil action. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use, and all damages recovered by a minor under this act, shall be paid either to such minor or to such person in trust for him or her, as the court may direct.

SEC. 7. This act shall take effect and be in force from and after its approval.

Approved, November 14, 1879.

AN ACT

TO PROTECT THE INMATES OF INSANE ASYLUMS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That henceforth there shall be no censorship exercised over the correspondence of the inmates of insane asylums, except as to the letters to them directed, but their other postoffice rights shall be as free and unrestrained as are those of any other resident, or citizen of this territory, and be under the protection of the same postal laws; and every inmate shall be allowed to write one letter per week, to any person he or she may choose. And it is hereby made the duty of the superintendent to furnish each and every inmate of each and every insane asylum, both public and private, in the Territory of Washington, with suitable material for writing, enclosing, sealing, stamping and mailing letters, sufficient for the writing of one four-page letter a week: *Provided,* They request the same, unless they are otherwise furnished with it; and all these letters shall be dropped by the writers themselves, accompanied by an attendant, when necessary, into a postoffice box, provided by the territory, at the institution, in some place easily accessible to all the patients; and the contents of these boxes shall be collected at least as often as once in each week, by an authorized postoffice agent; and it is hereby made the duty of the superintendent of every insane asylum in the Territory of Washington, both public and private, to deliver or cause to be delivered to said person, any letter or writing to him or her directed: *Provided,* The physician in charge does not consider the contents of such letter dangerous to the mental condition of the patient.

SEC. 2. That in the event of the sudden or mysterious death of any inmate of any insane asylum, either private or public, in the Territory of Washington, such fact shall be reported by the superintendent thereof to the coroner of the county in which such death occurs, or to the nearest justice of the peace therein, and a coroner's inquest shall be held as provided by law in other cases. And in all asylum investigations, the testimony of any person offered as a witness, whether sane or insane, shall be competent, and the court and jury shall be the sole judges of the credibility of such testimony.

SEC. 3. That any person refusing or neglecting to comply

with, or willfully and knowingly violating any of the provisions of this act, shall, upon conviction thereof, be punished by imprisonment in the penitentiary for a term not exceeding three years, or by fine not exceeding five hundred dollars, or both at the discretion of the court, and shall be ineligible to any office in the institution afterwards: *And, provided further,* That the expense of said coroner's inquest shall be paid by the territory out of the fund appropriated for the support of the hospital for the insane.

SEC. 4. All acts and parts of acts inconsistent with any of the provisions of this act are hereby repealed.

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

Approved, Nov. 10, 1879.

AN ACT

TO ENABLE COUNTIES TO BORROW MONEY TO PAY THEIR INDEBTEDNESS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any county in this territory that shall become or shall have become indebted in any amount greater than can be provided for and paid out of the annual revenue for the current year, the board of county commissioners of such county may, if it so elects, borrow money, on the credit of said county, sufficient to pay such indebtedness, not exceeding the sum of ten thousand dollars.

SEC. 2. All money borrowed under the provisions of this act shall be payable in annual installments, and the rate of interest thereon shall in no case exceed ten per cent. per annum.

SEC. 3. When the board of county commissioners of any county in this territory shall deem it necessary to borrow money under the provisions of this act, it may, by an order entered at large on the records of said board, direct the county auditor of such county to give notice thereof by publication at least four weeks in any newspaper in general circulation in said county,

inviting sealed proposals at the next session of said board, to loan to such county any or all of the money deemed necessary to pay such indebtedness and the annual rate of interest asked therefor.

SEC. 4. The board of commissioners of any such county shall, on the first day of the next regular session thereof, after giving the notice provided for in section three of this act, publicly and in the presence of all persons presenting such sealed proposals, open the same and shall, on said day, or on any subsequent day, of the same session of the board, declare which of said proposals shall be accepted by it, and the said board shall have the right to reject any or all such proposals: *Provided*, That when it shall become necessary for any county to borrow any sum greater than ten thousand dollars, to pay any such indebtedness, the board of county commissioners shall submit the question to the qualified electors of such county, at any general election, by an order for that purpose entered of record, and if a majority of such qualified electors shall, after a canvass of all the votes cast upon such question, be in favor of such loan, the board of commissioners shall proceed to advertise for proposals and make such loan in the same manner and under the same restrictions provided in this section: *And, provided further*, That no county shall incur an indebtedness under the provisions of this act exceeding the aggregate sum of ten thousand dollars.

SEC. 5. When the board of county commissioners shall accept any proposals for the loan of any sum of money, such board shall enter into a written contract in duplicate, which shall be executed by the chairman of such board, attested by the auditor of said county, under his hand and official seal, specifying the sum of money so loaned, the annual rate of interest and whether the same shall be paid annually or otherwise, and when the principal or any part thereof shall fall due, one of which contracts shall be entered at large on the records of such board and the other shall be delivered to the person loaning such money, his agent or attorney: *Provided*, That no sum of money borrowed under the provisions of this act shall bear a greater rate of interest than ten per cent per annum, nor shall the same be borrowed for a longer period than ten years.

SEC. 6. When any money shall have been borrowed under the provisions of this act, the board of county commissioners of such county shall annually set apart and reserve a sufficient amount of the revenue of the county to pay any installments of the principal and interest which may fall due during the current year: *Provided*, That the provisions of this act shall only apply to the counties of Klickitat, Lewis, Yakima, Chelalis and Thurston.

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

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED NOV. 8, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the first sub-division of Sec. 394, be amended so as to read as follows: A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

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

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ENCOURAGE THE CULTIVATION OF OYSTERS," APPROVED, NOVEMBER 6, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "an act to amend an act entitled an act to encourage the cultivation of

oysters," approved, November 6th, 1877, be and the same is hereby amended as follows: That section seven of said act be amended so as to read as follows: "Section seven. From and after the approval of this act, it shall not be lawful for any person, who is not at the time an actual inhabitant and resident of this territory, and who has not been for six months, next preceding, an actual inhabitant or resident as aforesaid, to take or gather oysters either on his own account or on account of others for sale or transportation, in any of the rivers, bays or waters of this territory; and, on conviction, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or to imprisonment in the county jail for a period not exceeding six months, nor less than one month, or both, at the discretion of the court."

SEC. 2. That section eight of said act be amended so as to read: "That it shall not be lawful for any person to rake for or gather oysters in any of the rivers, bays or waters of this territory, with a dredge or instrument so called, or be employed upon any canoe, boat or vessel engaged in the taking of oysters by the process of dredging in any of the waters aforesaid, not above the lowest ebb tide, and, on conviction thereof, shall be fined in any sum not exceeding the sum of fifty dollars, or to imprisonment in the county jail for a period not exceeding twenty days, nor less than ten days, or both in the discretion of the court."

SEC. 3. That section nine of said act be amended so as to read: "That it shall not be lawful for any person to rake, scrape or gather oysters in any of the rivers, bays or waters of this territory, for any purpose whatever, from the fifteenth day of May until the first day of September of each year, and, on conviction thereof, shall be fined in any sum not exceeding the sum of fifty dollars for each offense, or to imprisonment in the county jail for a period not exceeding twenty days, nor less than ten, or both, at the discretion of the court."

SEC. 4. That section ten of said act be amended so as to read: "Section ten. That it shall not be lawful for any person to destroy oysters taken from the natural beds by assorting or culling them on land or shore and leaving the small oysters there to die; but in all cases the small oysters shall be returned to their natural beds or to private beds for cultivation; and if any person shall offend against the provisions of this section or in any way wantonly destroy the small oysters, he shall, on conviction thereof, be liable to a fine for each offense, or imprisonment, as prescribed in section two of this act."

SEC. 5. That any person or persons, being a citizen or citizens of the United States, who shall discover any bed or

beds of oysters in any bay or arm of the sea bordering upon this territory, that has not been before discovered, shall, by right of said discovery, be entitled to the exclusive right or privilege of gathering or dredging oysters on said bed or beds for the term of five years. The person, or persons, making such discovery, who desires to avail himself of the rights and privileges hereby granted, shall be required to designate the place and area of the bed or beds so discovered, with the stakes or other artificial marks, and shall make affidavit before the county auditor of the county in which such discovery has been made, that he located the premises so discovered, accompanied by a description and diagram of the same, which shall be filed in the office of said county auditor: *Provided*, That the restriction and protection of the discoverers shall be ten acres.

SEC. 6. That it shall not be lawful for any person to gather oysters by any means on any beds located in accordance with the preceding section, except at the option and by the permission of the party or parties holding the same, under a penalty of \$500 fine for so offending, or imprisonment, to be recovered in a civil action, to be brought in the name of the territory.

SEC. 7. That all acts and parts of acts of a general nature in conflict with the provisions of this act, be and the same are hereby repealed.

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

Approved, Nov. 14, 1879.

AN ACT

TO FIX THE NUMBER OF MEMBERS OF THE LEGISLATIVE ASSEMBLY
AND TO APPORTION THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the council shall consist of twelve members and the house of representatives of twenty-four members.

SEC. 2. That the apportionment of members shall be as follows: In the council: The county of Walla Walla shall constitute the first district. The county of Columbia shall constitute the second district. The county of Whitman shall constitute the third district. The counties of Walla Walla, Columbia, and Whitman shall constitute the fourth district. The counties of Stevens, Spokane, and Yakima shall constitute the fifth district. The counties of Klickitat, Skamania and Clarke shall constitute the sixth district. The counties of Clarke, Wahkiakum and Cowlitz shall constitute the seventh district. The counties of Pacific, Chehalis and Pierce shall constitute the eighth district. The counties of Thurston and Lewis shall constitute the ninth district. The county of King shall constitute the tenth district. The counties of Mason, Kitsap, Jefferson, Clallam and Island shall constitute the eleventh district. The counties of Snohomish, Whatcom and San Juan shall constitute the twelfth district. Each of the aforesaid districts shall elect one member to the council. In the house of representatives: The county of Walla Walla shall constitute the first district. The county of Columbia shall constitute the second district. The county of Whitman shall constitute the third district. The counties of Stevens and Spokane shall constitute the fourth district. The county of Yakima shall constitute the fifth district. The county of Klickitat shall constitute the sixth district. The county of Clarke shall constitute the seventh district. The counties of Klickitat, Clarke and Skamania shall constitute the eighth district. The counties of Cowlitz, Pacific, Lewis and Wahkiakum shall constitute the ninth district. The counties of Pierce, Thurston and Chehalis shall constitute the tenth district. The county of Thurston shall constitute the eleventh district. The county of Pierce shall constitute the twelfth district. The county of King shall constitute the thirteenth district. The counties of King and Kitsap shall constitute the fourteenth district. The county of Whatcom shall constitute the fifteenth district. The counties of Snohomish, Island and San Juan shall constitute the sixteenth district. The counties of Mason, Jefferson and Clallam shall constitute the seventeenth district. The first district shall elect two members to the house of representatives, and the second district shall elect three members to the house of representatives. The third, ninth and thirteenth districts shall each elect two members to the house of representatives. The counties of Walla Walla and Whitman shall constitute the eighteenth district, and shall elect one member to the house of representatives. Every other district shall elect one member to the house of representatives.

SEC. 3. This act shall take effect from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

TO AMEND SECTION 460, CHAPTER 41, OF AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED, NOV. 8, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Section 460, of chapter 41, of an act entitled "An act to regulate the practice and proceedings in civil actions," approved, November 8, 1877, be, and the same is hereby amended by adding thereto the following: "*Provided,* That the written admission of service of the party, his agent or attorney, and of the clerk, shall be equivalent to personal service."

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

Approved, Nov. 14, 1879.

AN ACT

IN RELATION TO ASSIGNMENTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any assignee or assignees of any judgment, bond, specialty, book-account or other chose

in action, for the payment of money by assignment in writing, signed by the person authorized to make the same, may, by virtue of such assignment, sue and maintain an action or actions in any court of law or equity as the case may require, in his or her name, against the obligor or obligors, debtor or debtors therein named, notwithstanding the assignor may have an interest in the thing assigned: *Provided*, That any debtor may plead in defense a counter-claim or an off-set, if held by him against the original owner, against the debt assigned, save that no counter-claim or off-set shall be pleaded against negotiable paper assigned before due, and where the holder thereof has purchased the same in good faith and for value, and is the owner of all the interest therein.

SEC. 2. This act shall apply to all assignments heretofore or hereafter named.

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

Approved, Nov. 14, 1879.

AN ACT

TO AMEND SECTION SEVENTEEN OF AN ACT RELATING TO COUNTY AUDITOR, APPROVED, NOVEMBER 29TH, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section seventeen of an act of the legislative assembly of the Territory of Washington, entitled "an act relating to county auditor," approved November 29th, 1869, be and the same is hereby repealed, and in lieu thereof said section shall read as follows: Section 17. He shall, at least once in each year, make out and post in three of the most conspicuous places in the county, a synopsis of the financial condition of the county.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved, November 13th, 1879.

AN ACT

FOR THE ENCOURAGEMENT AND SUPPORT OF MINING AND MANUFACTURING.

WHEREAS, Mining and manufacturing industries are greatly beneficial to the public and should be encouraged and supported in this territory; now, therefore:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person or persons, or company now incorporated, or that may hereafter become incorporated under the laws of this territory, for the purpose of mining or manufacturing, shall have the right to purchase or appropriate and take possession of and divert from its natural channel, and use and hold the waters of any river, creek or stream in this territory that may be required for the mining and manufacturing purposes of any such person or persons, corporation or corporations, and to construct all dams, canals, reservoirs, ditches, pipes, flumes and aqueducts, suitable and necessary for the controlling, directing and running such waters to their mines or manufacturing establishments of any such person or persons, corporation or corporations, where the same may be intended to be utilized for such purposes: *Provided,* That no such appropriation or diversion of the waters of any such river, creek, or stream, from its natural channel; nor shall any such dam, canal, reservoir, ditch, pipe, flume or aqueduct, be constructed to the detriment of any person or persons, corporation or corporations, occupying the lands or being located below the point or place of such appropriation or diversion on any such stream or its tributaries, or above or below such dam, canal, reservoir, ditch, pipe, flume or aqueduct, or of the owners of the lands, through which the waters run in the natural course for the deprivation of the same, or the owners of the land through or upon which such dam, canal, reservoirs, ditch,

pipe, flume or aqueduct, may pass through or over, or be situated upon, unless just and adequate compensation be previously ascertained and paid therefor.

SEC. 2. That the mode of proceeding to appropriate, take possession of and divert such waters and to build such dam, canal, ditch, reservoir, pipe, flume or aqueduct, as prescribed in section one of this act, when the parties cannot agree upon the purchase thereof, shall be the same as prescribed in chapter four of an act to provide for the formation of corporations, approved, November thirteenth, eighteen hundred and seventy-three, except that the amount of the benefits accruing to the residue of the property of the same individual or corporation, by reason of the use made of that taken, to be estimated by the parties assessing the damages, shall be deducted from the value of the property taken.

SEC. 3. That all acts or parts of acts heretofore passed that conflict with the provisions of this act are hereby repealed.

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

Approved, November 14, 1879.

AN ACT

TO AUTHORIZE THE PURCHASE OF BOOKS FOR THE TERRITORIAL AUDITOR AND TERRITORIAL TREASURER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and fifty dollars be, and the same is hereby appropriated, or so much thereof as is necessary, for the purchase of a new set of books for the territorial auditor, and one hundred dollars, or so much thereof as is necessary, for the purchase of a new set of books for the territorial treasurer. On presentation of the vouchers to the territorial auditor, he shall issue a warrant upon the territorial treasurer for the amount therein named, and said treasurer shall pay the same, as other territorial warrants are paid.

SEC. 2. That all cost-bills, and all accounts against the Territory of Washington, shall be audited by the territorial auditor, the accounting officer of the territory.

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

Approved, Nov. 14, 1879.

AN ACT

TO DISPOSE OF CERTAIN PERSONS HELD IN CUSTODY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all persons now imprisoned by order of the district courts of this territory, who were found not guilty of the offense with which they stood charged, in consequence of insanity, and the court deeming it unsafe to the community to discharge them, and so ordered their confinement in prison under the provisions of the statute then in force, be sent to the asylum provided by the territory for the insane, and there safely kept until cured or otherwise discharged by authority of law.

SEC. 2. The district court, or judge thereof, which had cognizance of, and tried the case, is hereby authorized and required to make an order requiring the sheriff of the county, where the party is confined, to transport such insane person, without delay, to the said asylum, and the superintendent of said asylum is required to receive such persons in said asylum and care for them as he cares for other insane patients: *Provided,* That in no case shall the territory be chargeable for the transportation and keeping of such insane persons when such insane persons may have sufficient property, real or personal, to defray the expense of said transportation and keeping at the asylum; but if such insane persons are not able to pay the expense of such transportation, then such expense shall be paid by the territory in the same manner as is usually paid for the transportation of insane persons.

SEC. 3. This act to take effect and be in force from and after its approval by the Governor.

Approved, Nov. 11, 1879.

AN ACT

TO PROVIDE FOR THE CORRECTION OF ERRORS IN THE SPELLING AND PUNCTUATION OF THE ACTS OF THE PRESENT LEGISLATIVE ASSEMBLY.

WHEREAS, It will be impossible for the committee on enrolled bills hereafter to examine all bills coming into their hands with sufficient care to insure absolute correctness, therefore:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the secretary of the territory and the public printer be and they are hereby authorized and instructed to correct any and all errors in the spelling and punctuation of all acts of the present legislative assembly, before the same are published.

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

Approved, November 14, 1879.

AN ACT

SUPPLEMENTAL TO, AND EXPLANATORY OF CHAPTER 2, OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION OF CITIES," APPROVED, NOVEMBER 9, 1877, AND TO DECLARE CERTAIN INCORPORATIONS THEREUNDER, VALID.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Section 1, of chapter 2, of an "Act to provide for the incorporation of cities," approved, November 9, 1877, be amended so as to include after the words, "including any acting or de facto city," and as supplementary

thereto, the following words: "Or any city or town incorporated under the provisions of any act of the Legislative Assembly of this Territory, whether called a city or town, and whether incorporated directly under such act or acts, or by some authority therein specified, to declare such incorporation or any town or city exercising corporate powers," and said Section 1, chapter 2, shall read, with the foregoing supplementary provision included therein and forming a part thereof.

SEC. 2. That the word "city," contained in the act herein supplemented, shall be construed to mean, include, and be synonymous with the word "town."

SEC. 3. That the act of any city or town, or place exercising corporate powers, which have heretofore followed chapter 2, of the act entitled "An act to provide for the incorporation of cities," approved, November 9, 1877, in attempting to organize thereunder, and all acts legally done after such organization, is hereby declared legal, valid, and binding.

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

Approved, Nov. 10, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO TERRITORIAL AUDITOR," APPROVED, NOVEMBER 29, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two (2) of An act entitled "an act in relation to territorial auditor," approved November 29, 1871, be and the same is hereby amended and made to read as follows: It shall be the duty of the territorial auditor to publish once in some weekly newspaper at the seat of government having the largest circulation in the territory, on the third week of April, July, October and January of each year, the quarterly settlement of the territorial treasurer showing the total amount of money received by said treasurer, the number and date of the warrants paid, to whom paid, and the amount

on hand at the date of said settlement. He shall also publish in the same notice the amount of warrants drawn on the territorial treasurer since the last notice, the amount of each warrant, to whom drawn and for what particular service.

SEC. 2. That section four (4) of said act be made to read as follows: Section 4. The territorial auditor shall have authority to appoint a deputy who, before entering upon the duties of his office, shall take and subscribe an oath faithfully to perform the duties of said office, which oath shall be endorsed on the appointment and filed in the office of the territorial treasurer. Said appointment may be revoked at the pleasure of the territorial auditor. The territorial auditor shall be held responsible on his official bond for all the official acts of his said deputy, and he shall also be individually responsible for the salary or compensation paid or to be paid said deputy, and no part thereof shall be paid by the territory. All the books, papers, letters and transactions pertaining to the office of the territorial auditor shall be open to the inspection of the public generally during office hours.

SEC. 3. That section seven (7) of said act be and the same is hereby amended to read as follows: Section 7. The territorial auditor shall receive an annual salary of twelve hundred dollars; and to provide for incidental expenses of his office, consisting of office rent, stationery, lights, fuel, postage stamps, etc., he shall receive the further sum of two hundred dollars per annum, which amounts shall be paid in quarterly installments, by warrant drawn on the territorial treasurer in like manner as other territorial indebtedness is paid.

SEC. 4. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

IN RELATION TO JUDGES OF THE DISTRICT AND PROBATE COURTS,
AND JUSTICES OF THE PEACE, PRACTISING AS ATTORNEYS AT
LAW.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no district or probate

judge, or justice of the peace, shall act as attorney, or counselor, in a court of which he is judge, or in an action or proceeding removed therefrom to another county or in an action or proceeding from which an appeal may lie to his own court.

SEC. 2. No judge, or justice of the peace, in this Territory, shall have a partner, acting as attorney or counsellor, in any court over which said judge or justice presides.

SEC. 3. All acts and parts of acts heretofore enacted in relation to any subject matter treated of in the provisions of this act, are hereby repealed.

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

Approved, Nov. 3, 1879.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT IN RELATION TO LICENSES, APPROVED, NOV. 13TH, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of an act entitled an act in relation to licenses, approved, November 13th, 1873, be and the same is hereby amended so as to read as follows: That if any person shall hereafter sell any goods, wares or merchandise, at auction or public outcry, or shall sell or barter such goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket, or other package carried on foot, without first having obtained a license therefor, from the board of county commissioners of the county in which such goods are sold or bartered, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five or more than fifty dollars, and shall stand committed to the county jail of the county in which said conviction may be had, until such fines and costs of prosecution shall be paid, or they may be discharged by due course of law: *Provided,* That this act shall not be so construed as to apply to any sea-going craft, or to administrators or executors selling property of deceased persons or to private individuals selling their household property or furni-

ture or farming tools, implements, or live stock, or any produce grown or raised by such person, either at public auction or private sale.

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

Approved, Nov. 14, 1879.

AN ACT

FIXING THE RATE TO BE PAID FOR PUBLIC PRINTING AND PROVIDING FOR THE AUDITING OF THE ACCOUNTS OF PUBLIC PRINTER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the compensation for incidental printing for the legislative assembly shall be as follows: For composition seventy-five cents per thousand ems, printers' measurement; for press-work seventy-five (75) cents per token; for paper, actual cost; for paper binding, actual cost.

SEC. 2. That William Hughes, Beriah Brown, Sen., and the territorial auditor, be and they are hereby appointed and constituted a board to audit the accounts of C. B. Bagley for incidental printing.

SEC. 3. That the territorial auditor shall draw his warrant on the territorial treasury in favor of C. B. Bagley for incidental printing as audited by said board, or a majority thereof, which amount shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. That William Hughes, Beriah Brown, Sen., and the territorial auditor be and they are hereby allowed for their services the sum of five (5) dollars per diem, each, for the time actually employed upon said board, to be audited and paid in the same manner that other accounts against the territory are audited and paid: *Provided,* The total amount shall not exceed twenty dollars.

SEC. 5. All acts and parts of acts conflicting with this act be, and the same are hereby repealed.

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

Approved, Nov. 11, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO NOTARIES PUBLIC," APPROVED, OCT. 31, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section thirteen of an act approved October 31, 1877, in relation to notaries public, be and the same is hereby amended so as to read as follows: "The territorial auditor shall, upon presentation to him by the secretary of the territory of bills or vouchers for postage, the purchase or printing of blanks, commissions, circular letters, instructions, acts, (and other incidental expenses) of the secretary's office, audit the same and draw his warrant upon the territorial treasury against the said special fund for the amount allowed by him in favor of the secretary of the territory, and the territorial treasurer shall pay the same out of the said special fund only.

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

Approved, Nov. 13, 1879.

AN ACT

TO PROVIDE FOR THE RECOVERY OF DAMAGES FOR INJURIES CAUSED BY THE USE OF INTOXICATING LIQUORS.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. Every husband, wife, child, parent, guardian, employe, or other person, who shall be injured in person or property, or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or

her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors have caused the intoxication in whole, or in part, of such person; and any person or persons owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that intoxicating liquors are to be sold therein, or who, having leased the same for other purposes, shall knowingly permit therein the sale of any intoxicating liquors, shall, if any such liquors sold or given therein, have caused in whole, or in part, the intoxication of any person, be liable, severally or jointly, with the persons selling or giving the intoxicating liquors as aforesaid, for all damages sustained, and the same may be recovered in a civil action, in any court of competent jurisdiction. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use; and all damages recovered by a minor under this act shall be paid either to such minor or to such person in trust for him, and on such terms as the court may direct. In case of the death of either party the action and right of action to or against his executor or administrator shall survive.

SEC. 2. No license for the sale of intoxicating liquors shall hereafter be granted without the consent in writing of the owner or lessor of the building or premises in which the business is to be conducted; and the paper containing such written consent shall be kept on file by the officer issuing such license.

SEC. 3. Any owner or lessor of real estate, who shall pay any money on account of his liability incurred under this act, for any act of his tenant, may in a civil action recover of such tenant the money so paid.

SEC. 4. This act shall not be so construed as to make any owner or lessor of any building or premises held under lease, at the date of the passage of this act, liable under the provisions hereof, for any damage resulting from the lawful sale or giving away of spirituous or intoxicating liquors on said premises during the term of said lease.

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

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT APPROVED NOV. 13, 1873, ENTITLED AN ACT TO PROVIDE FOR THE FORMATION OF CORPORATIONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all corporations, authorized to do business in the territory, and who have been, or may hereafter be organized, for the purpose of erecting and maintaining flumes or aqueducts to convey water for consumption or for mining, irrigation, milling or other industrial purposes, shall have the same right to appropriate lands for necessary corporate purposes, and under the same regulations and instructions as are provided for other corporations in the act to which this is amendatory, and such corporations organized for such purposes, in order to carry out the object of their incorporation, are authorized to take and use any water not otherwise legally appropriated or legally claimed.

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

Approved, November 14, 1879.

 AN ACT

TO REGULATE ACTIONS OR PROCEEDINGS TO RECOVER, OR AFFECTING REAL ESTATE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person, having a valid subsisting interest in real property, or a right to the possession thereof, may recover the same by action in the district court of the proper county, to be brought against any person in possession or claiming an adverse interest therein.

SEC. 2. The plaintiff in such action shall set forth in his complaint, the nature of his estate, claim or title to the prop-

erty and the defendant may set up a legal or equitable defense to plaintiff's claims and the superior title, whether legal or equitable, shall prevail.

SEC. 3. The receipt of a receiver of any United States land-office in the territory, of the entry or purchase of any tract or tracts of land, shall be prima facia evidence in any court in this territory, that the title of the lands mentioned or described in such receipt is in the person or persons named therein.

SEC. 4. In all cases, where real estate has been or may hereafter be sold in pursuance of law by virtue of an execution, or other process, it shall be the duty of the sheriff, or other officer, making such sale, if the land be not redeemed according to law, to execute and deliver upon demand to the purchaser or other person entitled to the same, a deed of conveyance of the real estate so sold, upon payment of his fees for the same, or in case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed shall have been executed, then the incumbent of such office, at the time such deed shall be demanded, shall execute a deed of the premises so sold and unredeemed, to the purchaser or person entitled to the same, and such deed shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the same had been made by the sheriff or other officers making the sale.

SEC. 5. All acts or parts of acts, necessarily inconsistent with the provisions of this act, are hereby repealed.

Approved, November 14, 1879.

AN ACT

CONCERNING PROCLAMATIONS ISSUED BY THE GOVERNOR.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That when the governor is authorized or required by law to issue a proclamation, payment for publishing the same shall be made out of the territorial treasury.

SEC. 2. The territorial auditor is hereby authorized to

draw a warrant on the treasury in favor of the person entitled to the same for such publication.

SEC. 3. The amount allowed any newspaper for the publication of a proclamation shall not exceed the sum of fifteen dollars.

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

Approved, Nov. 14, 1879.

AN ACT

TO AUTHORIZE THE ADOPTION OF CHILDREN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any inhabitant of this territory, not married, or any husband and wife, jointly, may petition the probate court of their proper county for leave to adopt a minor child, not theirs by birth, and for a change of name of said child; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents, who is not hopelessly insane or a confirmed drunkard. If there be no such parents, or if the parents be unknown, or shall have abandoned such child, or if such parents, or either of them, are hopelessly insane, or a confirmed drunkard, then, by the legal guardian; if there be no such guardian, then by a discreet and suitable person, appointed by said court, to act in the proceedings, as the next friend of such child: *Provided, however,* That, if the parents are living separate and apart, the consent of both is not required, but such consent may be given by the parent having the care, custody and control of such child.

SEC. 2. That, if the petition be filed by husband and wife, the court shall examine the wife separate and apart from her husband, and shall refuse leave for such adoption, unless the court shall be satisfied, from such examination, that the wife of her own free will and accord desires such adoption.

SEC. 3. That, upon the compliance with the foregoing provisions, if the court shall be satisfied of the ability of the petitioner, or petitioners, to bring up and educate the child

properly, having reference to the degree and condition of the child's parents, and shall be satisfied of the fitness and propriety of such adoption, the court shall make an order setting forth the facts, and declaring that, from that date, such child, to all legal intents and purposes, is the child of the petitioner or petitioners, and that the name of the child is hereby changed.

SEC. 4. That by such order the natural parents shall be divested of all legal rights and obligations in respect to such child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them, and shall be, to all intents and purposes, the child and legal heir of his or her adopter or adopters, entitled to all the rights and privileges and subject to all the obligations of a child of the adopter or adopters begotten in lawful wedlock: *Provided*, That on the decease of parents who have adopted a child or children under this act and the subsequent decease of such child or children without issue, the property of such adopting parents shall descend to their next of kin, and not to the next of kin of such adopted child or children.

SEC. 5. That an act entitled "An act relative to adoption," approved November 12, 1875, be and the same is hereby repealed: *Provided, however*, That no right or privilege established under said act shall be impaired in any manner by such repeal.

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

Approved, November 10, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO CRIMES AND PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES," APPROVED, NOVEMBER 10TH, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the act of the legislative assembly, approved November tenth, one thousand, eight hundred and seventy-three, entitled "An act relative to crimes and punishments and proceedings in criminal cases," be and the

same is hereby amended so that section fifty-three of said act shall read as follows: Section 53. If any person shall steal a horse, mare, gelding, foal or filly, ass or mule, or any one or more head of neat cattle, or any one or more head of sheep of any value, or if any person shall receive or buy any horse, mare, gelding, foal or filly, ass or mule, or any one or more head of neat cattle, or any one or more head of sheep, that shall have been stolen, with intent, by such receiving or buying, to defraud the owner, or if any person shall conceal any person guilty of stealing any of said property, knowing him to be the person who stole the same, or if any person shall conceal any horse, mare or gelding, foal or filly, ass or mule, or any one or more head of neat cattle, or any one or more head of sheep, knowing the same to have been stolen, any person so offending shall be deemed guilty of an offense against the laws of the Territory of Washington, and, upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than ten, nor less than one year; or, in the discretion of the court, the offender may be imprisoned in the county jail not exceeding one year, or fined not exceeding one hundred dollars, or both.

SEC. 2. This act shall take effect and be in force from and after its approval by the governor.

Approved, Nov. 11, 1879.

AN ACT

TO APPROPRIATE MONEY FOR THE UNIVERSITY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one thousand, five hundred dollars is hereby appropriated for the year commencing January 1, 1880, and ending December 31, 1880, five hundred dollars for the purchase of philosophical instruments, and books of reference, and the sum of one thousand dollars for tuition; and for the second year ending December 31, 1881, the sum of one thousand dollars for tuition out of any money in the territorial treasury not otherwise appropriated, in aid of the territorial university.

SEC. 2. The said sum of one thousand dollars shall be ex-

pended only for the payment of salaries of professors and teachers, and shall be drawn from the treasury by warrant of the territorial auditor, in equal quarterly amounts, commencing on the 1st day of January, 1880, in favor of the treasurer of the board of regents: *Provided*, That the sum of five hundred dollars for apparatus may be drawn at any time.

SEC. 3. The treasurer shall be required to give a bond to the territory, with sureties to the satisfaction of the board of regents, in the penal sum of five thousand dollars, conditioned upon the faithful discharge of his trust.

SEC. 4. This act shall take effect upon its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT RELATING TO THE SUPPORT OF THE POOR," APPROVED, JAN. 21, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Section 7 of an act entitled, "An act relating to the support of the poor," be amended to read as follows: When application is made by any pauper, to the board of county commissioners of any county in the territory for relief, it shall be necessary for said commissioners to require of said pauper satisfactory evidence that he has been a resident of said county for six months immediately preceding the day upon which such application was made.

SEC. 2. Each of the commissioners shall be an ex-officio agent, authorized to contract during vacation of the board, for the support of any poor person found in his county during such vacation.

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

Approved, Nov. 10, 1879.

AN ACT

TO REQUIRE THE BOARD OF PILOT COMMISSIONERS OF THE COLUMBIA RIVER AND BAR TO PAY A PORTION OF THE MONEY IN THEIR HANDS INTO THE TERRITORIAL TREASURY.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That the board of pilot commissioners for the Columbia river and bar are hereby authorized and required to pay into the treasury of the territory the sum of one hundred and thirty dollars, being a portion of a balance of the contingent fund remaining in the hands of said board.

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

Approved, November 14, 1879.

AN ACT

TO PROVIDE A SYSTEM OF REVENUE TO BE PAID BY CERTAIN FOREIGN CORPORATIONS AND THE MANNER OF COLLECTING THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all foreign corporations hereinafter mentioned, doing business in this territory, shall pay a revenue as hereinafter provided.

SEC. 2. Every such corporation or the agent thereof, or any person presuming to act as the agent for such corporation, before engaging in the business of life, fire or marine insurance, or brokerage corporations, or sewing machine manufacturing corporations, shall obtain from the county auditor of the county in which such agent, or person, presuming to act as agent for any such corporation, a license, which license shall be for a period of not less than six, nor more than twelve months, upon the payment to the county treasurer of any such county where

such agent, or person presuming to act as agent, for such corporation, does business, and for such license, any such corporation, agent, or person presuming to act as such agent for the said corporation, shall pay a tax or license of fifteen dollars for six months, and thirty dollars for one year.

SEC. 3. That every person acting as the agent, or presuming to act as agent for any such corporation in this act named, before paying the tax and procuring the license herein named, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any court having competent jurisdiction, shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in the county jail any length of time, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. All fines recovered under the provision of this act shall be paid into the county treasury for the benefit of common schools of such county.

SEC. 5. This act shall take effect and be in force from and after the first day of January, 1880.

Approved, November 13, 1879.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT OFFERING A BOUNTY FOR KILLING WILD ANIMALS, APPROVED, JANUARY 19, 1863.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled an act offering a bounty for killing wild animals, approved, January 19, 1863, be amended so as to read as follows:

“SEC. 2. That the county commissioners of the several counties, of this territory, are hereby authorized to offer and pay out of the county funds of the county treasury a bounty for the scalps of cougars, or panthers, black bears, wild cats, and black and gray wolves and musk rats.

“SEC. 3. The bounty provided for, in section one, of this act, shall not exceed for each scalp as follows: For each cougar, or panther, not more than five dollars; for each black bear,

not more than four dollars; for each black or gray wolf, not more than five dollars, and for each wild cat not more than two dollars, and for each musk rat, caught within fifty yards of any dike or dam, not less than 10, or more than 20 cents.

“SEC. 4. Whenever, in the opinion of the board of county commissioners, it shall be necessary to offer a bounty as provided in this act, they shall so order in open court, and cause the order to be spread upon the minutes of the session. Said order shall fix the rate to be offered by the county for scalps and may contain anything else necessary for carrying out and not inconsistent with the provisions of this act.

“SEC. 5. It shall be the duty of the county auditor, whenever the county commissioners shall order that a bounty shall be paid, as provided in the preceding section, to give notice of the order of the board by posting or causing to be posted one notice in each precinct in the county; said notice shall state the amounts fixed by the board per scalp for each animal and the moneys in which said bounty may be obtained.

“SEC. 6. Whenever any person shall have any scalp of any animal named in this act upon which they wish to obtain bounty, they shall present the same to the county auditor, whose duty it shall be to examine the same and ascertain if they have both ears upon them, and such person shall also present to the auditor, a bill verified by affidavit that the animal or animals were killed within the county, and that it is just and correct; said bill shall be audited by the county auditor, and presented to the board of county commissioners at their next regular meeting, whose duty it shall be to order the same paid out of the treasury in like moneys as other claims against the county. It shall also be the duty of the auditor to keep a book provided for the purpose, in which he shall enter the names of all persons presenting scalps, the number and kind presented, and after allowance by the board, the amount allowed to each person, which book shall be presented, together with all scalps, at each regular session for their examination and approval.

“SEC. 7. It shall also be the duty of the county auditor at each regular session of the board of county commissioners, and in their presence, to destroy all scalps that he may have received during the preceding quarter.

“SEC. 8. The county commissioners may, at any regular term of court, revoke their orders offering bounty for scalps.

“SEC. 9. It shall be the duty of all persons, availing themselves of the privileges of this act, to dry and otherwise prepare such scalps before presenting the same to the county auditor, that they are in good condition for preserving until the

regular meeting of the county commissioners, and if said scalp or scalps are not in good condition for so keeping, the auditor may refuse to receive the same until they are so dried or prepared.

“SEC. 10. This act shall not be so construed as to affect, in any manner, any certificate given or order drawn before the passage of this act.

“SEC. 11. All acts or parts of acts in any manner conflicting with the provisions of this act be and the same are hereby repealed.

“SEC. 12. This act to take effect and be in force from and after its passage and approval by the governor.”

Approved, Nov. 14, 1879.

AN ACT

REGULATING APPEALS FROM THE DECISIONS OF COUNTY COMMISSIONERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the district courts shall hear and determine appeals, from any decisions of the board of county commissioners, whenever the person aggrieved by such decision has filed, within twenty days after the rendition of such decision, with the auditor of the county, a notice of appeal, stating in substance that he appeals from such decision, and also stating the term of the district court when such appeal is to be prosecuted.

SEC. 2. The taking of such appeal shall not operate to stay proceedings unless a bond is filed with the county auditor in the sum of one hundred dollars, with sureties to be approved by the county auditor, and conditioned for the performance of any judgment to be rendered by the said district court, and a larger sum may be fixed by the district court, or judge thereof, whenever it shall appear satisfactorily that the bond given is insufficient in amount.

SEC. 3. It shall be the duty of the auditor, after such no-

tice of appeal is filed, to transmit to the district court a transcript of said notice, and such papers and record entries as may be required by the appellant, or his attorney, upon being paid or secured his fees therefor, and upon the receipt of such transcript, the district court shall be deemed to have acquired full jurisdiction of the cause and hear and determine the same without the intervention of a jury, at the first term which convenes more than twenty days after the filing of said notice of appeal.

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

Approved, Nov. 10, 1879.

AN ACT

DEFINING LIBEL AND PROVIDING FOR THE PUNISHMENT THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a libel is a defamation of a person made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath or expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or any defamation made public as aforesaid, designed to blacken and villify the memory of one who is dead, and tending to scandalize or provoke his surviving relatives or friends.

SEC. 2. Every person who makes, composes, dictates or procures the same to be done, or who publishes or willfully circulates such libel, or in any way knowingly and willfully aids or assists in making, publishing or circulating the same, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

SEC. 3. An indictment for libel need not set forth any extrinsic facts, for the purpose of showing the application to the party libeled, of the defamatory matter on which the indictment is founded; but it shall be sufficient to state generally, that the same was published concerning him, and the fact that it was so published, must be established on the trial.

SEC. 4. In prosecutions for libel the truth thereof may be

given in evidence to the jury, and if it appear to them that the matter charged as libelous was a crime punishable by fine or imprisonment and was true, and that the same was published with good motives and for justifiable ends, the defendant shall be acquitted.

SEC. 5. The delivering, selling, reading, or otherwise communicating a libel, or causing the same to be delivered, sold, read or otherwise communicated to one or more persons, or to the party libeled, shall be deemed a publication thereof.

SEC. 6. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 5, 1879.

AN ACT

REQUIRING PACKED, BARRELED OR CANNED FISH PUT UP IN THIS TERRITORY TO BE MARKED IN A CERTAIN WAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all barrels, packages or cans containing fish caught within this territory, and packed, barreled or canned therein, shall be marked by label or otherwise, in plain letters with the name of the place where said salmon were caught, and also the name of the territory, in full, and the name of the party or parties putting up the same, and for each package, barrel, part of a barrel or can not so marked, the person or persons, whose duty it is to mark the same, shall be subject to a penalty of not less than ten dollars, to be recovered by action brought by any person first informing in a court having jurisdiction, and one-half of the sum recovered, shall go into the common school fund of the county where the offense was committed, and the other half to the informer.

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

Approved, Nov. 14, 1879.

AN ACT

TO REGULATE THE BUILDING OF WIRE FENCES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall be unlawful for any person or persons, to construct, keep, or maintain, a fence of barbed or other wire, without securely fastening to the posts above the wire a substantial pole, rail, or plank, at least four and one-half feet above the ground, or a ditch three feet deep and at least three feet wide on the top, with said wire securely fastened to posts, set in the embankment or ditch, seven feet from the bottom of the ditch.

SEC. 2. Any person violating any of the provisions of this act shall be liable in damages, in double the amount of the injury sustained, to be recovered in any court having jurisdiction thereof, to be paid to the person whose property shall have been injured.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved, Nov. 5, 1879.

AN ACT

EXEMPTING FIREMEN AND MEMBERS OF FIRE DEPARTMENTS FROM CERTAIN DUTIES AND OBLIGATIONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an active member of a duly organized fire or hook and ladder company in this territory, or one who has served as such in this territory for seven years continuously, prior to the passage of this act, and any one who is an active member of the fire department of any city, town, or village, shall not be required to serve on any jury, should they elect to be excused from serving, and on such election they shall be excused by the court from serving as jurors.

SEC. 2. Hereafter no capitation tax of any kind shall be levied, assessed or collected on or from the persons mentioned in the first section of this act: *Provided, however,* That the presumption shall be that a person is not a member of a fire company or a fire department mentioned in said section, until he shall satisfy the officer levying, or who is collecting said tax, of such fact by producing and showing to such officer a certificate to that effect certified to by the presiding officer of the fire department to which he belongs, or certified to by the chief or other principal presiding officer of the company to which he belongs, but such certificate must be certified to within the year preceding: *Provided,* That if a person has served seven years, as herein provided, a certificate to that effect bearing any other date shall be sufficient.

SEC. 3. Any person ceasing to be an active member of such company, or failing to comply with the rules and regulations of such fire department or company, shall forfeit his right to enjoy the privileges and benefits conferred by this act, and it shall be his duty to surrender his certificate upon demand being made therefor by any proper authority.

SEC. 4. When a fire department has been organized, the certificate, mentioned in section two of this act, shall be provided by and issued by such department.

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

Approved, Nov. 11, 1879.

AN ACT

TO FIX THE TIME FOR HOLDING THE REGULAR TERMS OF PROBATE COURTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a regular term of the probate court of each county shall be held at the county seat thereof, commencing on the fourth Monday in January, March, May, July, September and November in each year.

SEC. 2. That section six, of chapter one, of an act entitled "An act defining the jurisdiction and practice in the probate

courts of Washington Territory," approved, November eleventh, 1873, and said section, as amended by an act entitled "An act to amend an act entitled an act defining the jurisdiction and practice in the probate courts of Washington Territory," approved, November eleventh, one thousand, eight hundred and seventy-three, which last act was approved, November 9th, 1877, be and the same are hereby repealed.

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

Approved, Nov. 3, 1879.

AN ACT

CONFERRING UPON FOREIGN CORPORATIONS CERTAIN POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all foreign corporations doing business in this territory are authorized to appropriate land for corporate purposes to the same extent, and under the same restrictions, rules and regulations as are prescribed by law for domestic corporations in the act of the legislative assembly of Washington Territory, approved November 13, 1873, entitled "An act to provide for the formation of corporations."

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

Approved, Nov. 10, 1879.

AN ACT

FOR THE BETTER PROTECTION OF BRIDGES IN THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person or persons,

riding or driving faster than a walk, over any bridge located on any county or territorial road, composed of one or more spans, upon conviction thereof, shall be fined in any sum not to exceed ten dollars nor less than five dollars, to be collected by any court having competent jurisdiction thereof; and all moneys, so collected, shall be paid into the county treasury and become a part of the school fund, *Provided*, That this section shall apply *only* to bridges over thirty feet in length.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved, November 10, 1879.

AN ACT

TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE REVISED
ROAD LAW.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That immediately after the close of the present session of the legislative assembly the territorial auditor be and he is hereby authorized and directed to have printed and bound, in pamphlet form, 500 copies of the revised road laws of the territory for distribution among the several counties, by the territorial auditor, as soon as the same shall have been printed and delivered.

SEC. 2. The auditor shall advertise in some newspaper, at the seat of government, four consecutive weeks, for sealed proposals to do said printing and binding, and shall let the contract to the lowest responsible bidder. He shall audit the accounts of the person who performs the work and draw a warrant on the territorial treasurer in payment of the amount so audited and allowed, and the treasurer shall pay the same out of any moneys in the general fund of the treasury not otherwise appropriated.

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

Approved, Nov. 14, 1879.

AN ACT

RELATING TO LIENS OF FARM LABORERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person who shall do labor upon any farm or land, in tilling the same or in sowing or harvesting, or laboring upon, or securing or assisting in securing, or housing any crop or crops sown or raised thereon during the year in which said work or labor was done, such person has a lien upon all such crop or crops as shall have been raised upon all or any of said land, for said work and labor.

SEC. 2. The liens provided for in this act are preferred liens, and are prior to any other lien or incumbrance upon said crop or crops, except that the interest of any lessor in any portion of the crops raised where the premises is leased in consideration of a share of the crop raised, shall not be subject to such lien.

SEC. 3. Any person claiming the benefit of this act must, within thirty days after the close of said work and labor, file for record with the county auditor of the county in which said work and labor was performed, a claim which shall be in substance in accordance with the provisions of section 9, of an act entitled "An act relating to liens," approved Nov. 8, 1877, so far as the same may be applicable to the provisions of this act, which claim shall be verified as in said section 9 provided.

SEC. 4. All the rights secured to the holders of liens upon logs, under the provisions of chapter two of said act, approved, Nov. 8, 1877, shall inure to the benefit of those holding liens under the provisions of this act, and the said lien-holders hereunder, shall have the same right to have their liens recorded, the same rights of foreclosure, of joinder of parties, of judgment over against the person primarily liable, and against any person who shall injure or impare their lien or any of their rights as are secured to the holders of liens upon logs under the said act, approved, Nov. 8, 1877.

SEC. 5. This act to take effect from and after its passage and approval by the governor.

Approved, November 14, 1879.

AN ACT

TO ESTABLISH AND PROTECT THE RIGHTS OF MARRIED WOMEN.

SECTION 1. All laws which impose or recognize civil disabilities upon a wife, which are not imposed or recognized as existing as to the husband, are hereby abolished: *Provided*, That this shall not confer the right to vote or hold office upon the wife, except as is otherwise provided by law; and for any unjust usurpation of her natural or property rights she shall have the same right to appeal, in her own individual name, to the courts of law or equity for redress and protection that the husband has.

SEC. 2. Henceforth the rights and the responsibilities of the parents in the absence of misconduct, shall be equal, and the mother shall be as fully entitled to the custody, control and earnings of the children as the father; and in case of the father's death, the mother shall come into as full and complete control of the children and their estate as the father does in case of the mother's death.

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

Approved, November 14, 1879.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN OFFICIAL SHORT-HAND REPORTER FOR THE DISTRICT COURTS," APPROVED, NOVEMBER 6TH, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the act of the legislative assembly of Washington Territory, entitled "An act to provide for the appointment of an official short-hand reporter for the district courts," approved, November 6, 1877, be and the same is hereby repealed.

Approved, November 10, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE TERRITORIAL LIBRARY," APPROVED, JANUARY 31, 1867.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of said act be amended so as to read as follows: The territorial library of this territory shall be kept by a librarian, who shall be appointed by the governor, subject to confirmation by the council of the legislative assembly, whose term of office shall be for two years, commencing on the 1st Monday in January next following his appointment, and in case of vacancy the governor shall appoint a librarian to fill the unexpired term. Section six of said act to be amended by adding after the last word now in said section, the words: "But no books so taken shall be allowed to be taken outside of the city of Olympia," and all persons violating this section shall forfeit to the territory an amount equal to five times the value of the book so taken, to be collected as hereinafter prescribed: *Provided, however,* That on an order of the court or judge, any law book may be taken out of said library beyond the city of Olympia.

SEC. 2. After section 25 of said act insert the following section: Section 26. The judge of the supreme court, or a majority of them may exchange or sell such law books and public documents as to the said judge may seem conducive to the best interest of the said library, and the said judge shall buy with the proceeds of such sale or sales, or shall receive in exchange for books so exchanged, such books as they shall direct.

SEC. 3. Section 27. It shall be the duty of the official supreme court reporter to deposit with the librarian such supreme court reports, of this territory, as the territory is by law entitled to, receiving his receipt for the same. The librarian shall forward to all persons, in this territory, entitled by law to receive such reports, an annual copy of the same, as well as to the library of congress and to the libraries of the several states and territories practicing a like comity with this territory. His account for expenses of transporting the same shall be paid out of the territorial treasury, by warrant drawn by the territorial auditor, who shall receive proper vouchers for the same.

SEC. 4. Section 28. The librarian is hereby authorized

to pay reasonable freight and other charges upon books or other documents sent to the library, and to buy such fuel, stationery, wrapping paper, twine, stamps, etc., as may be found necessary for the use of said library, not exceeding the sum of one hundred dollars for any two years—taking proper vouchers therefor, and upon presentation of said vouchers, the territorial auditor shall, at the end of each quarter, issue a warrant upon the treasurer of the territory in favor of the librarian for the amount so found due.

SEC. 5. Section 29. All acts and parts of acts heretofore passed in relation to the territorial library, conflicting with this act, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its approval by the governor.

Approved, November 14, 1879.

AN ACT

TO AMEND AN ACT, ENTITLED "AN ACT TO REGULATE THE GOVERNMENT OF THE HOSPITAL FOR THE INSANE," APPROVED, NOV. 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to regulate the government of the hospital for the insane," approved November 9, 1877, be and the same is hereby amended as follows: That the figures "\$2,500," in the sixth line of section twenty of said act, be stricken out, and the figures "\$2,200," substituted in lieu thereof; that the words and figures "one steward, \$1,000" in the seventh line of said section twenty, be stricken out, and the words and figures "one accountant, \$1,300," be substituted in lieu thereof; that the figures "\$900" in the eleventh line of said section twenty, be stricken out, and the figures "\$1,000" substituted in lieu thereof.

SEC. 2. That section 23, of said act, be amended to read as follows: The board of trustees shall have power to make all purchases necessary to carry into effect the provisions of this act, and shall, as often as it may deem necessary, but not oftener than three times in each year, advertise, for two consecutive weeks in two or more newspapers published in the ter-

ritory, for sealed bids for the furnishing of such supplies as may be deemed, or as it may deem, best to purchase at the time, and said board shall let the contract for such supplies to the lowest responsible bidder, and said board shall have power to erect all necessary buildings and make all necessary repairs to the buildings of the institution.

SEC. 3. That to section 24 of said act, is added the following: *And, provided further,* That said board of trustees be empowered to purchase in the name, and for the Territory of Washington, the spring and land upon which the same is situated, from which the supply of water for the hospital for the insane is now taken, or the right of the territory to the use of said water for all time to come; and also to purchase, in the name and for said territory, a suitable fertile piece of ground for garden purposes; said grounds, and said spring, or the right of the use of the water therefrom, not to exceed the aggregate sum of \$1,000.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act to take effect and be in force from and after the 16th day of November, 1879.

Approved, Nov. 14, 1879.

AN ACT

IN RELATION TO THE ORGANIZATION OF NEW COUNTIES AND THE CHANGES IN COUNTY LINES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* When it is intended to apply to the legislature for the passage of an act to create a new county, notice of such intention shall be published four successive weeks in some weekly newspaper, having general circulation, published in the county or counties from which a portion of the new county is to be taken, and if none is published in said county or counties, notice thereof shall be posted at the front door of the court house of each of the counties out of which the new county is proposed to be formed, and at three of the most public places in that part of the territory of each county intended to be embraced in the new county, at least thirty days before the application is made, which notice shall set forth the

names of the counties, out of which the new county is to be formed, the metes and bounds proposed for the new county, and the place at which it is proposed to locate the county seat.

SEC. 2. When a county line is proposed to be changed, a notice thereof shall be posted at the front door of the court house, of each county whose line is proposed to be changed, for at least thirty days before such application is made.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act to be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

TO PROVIDE FOR THE RECORDING OF ARTICLES OF INCORPORATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That every article of incorporation, and every certificate of the appointment of an agent of any corporation hereafter filed in the office of the secretary of the territory, shall be recorded by said secretary.

SEC. 2. Articles of incorporation and certificates of the appointment of agents heretofore filed in the office of the secretary of the territory shall be recorded by said secretary upon request of any person interested in such corporation.

SEC. 3. The fees for recording, under the provisions of this act, shall be the same as are allowed by law to the secretary for certified copies of papers on file in his office.

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

Approved, Nov. 10, 1879.

AN ACT

TO APPROPRIATE MONEY TO PAY FOR INDEXING THE LAWS.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That the sum of \$50 be and the same is hereby appropriated out of the notarial fund in the territorial treasury to pay for the labor necessarily done or procured by the secretary of the territory in indexing the laws of the present session of the legislative assembly of the Territory of Washington.

SEC. 2. On presentation to the territorial auditor of a certificate of the secretary of the territory that the said laws have been indexed, he shall draw his warrant on the territorial treasury for the sum of \$50 in favor of the said secretary.

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

Approved, Nov. 14, 1879.

 AN ACT

APPROPRIATING MONEY FOR IMMIGRATION PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and fifty dollars be and the same is hereby appropriated annually out of any money in the territorial treasury, not otherwise appropriated, for incidental expenses and printing of the territorial board of immigration.

SEC. 2. The territorial auditor is hereby authorized to issue warrants, payable in equal quarterly amounts, upon the treasurer in favor of the president of the board of immigration commission: *Provided,* Fifty dollars of said appropriation be paid annually to the chairman of said board of immigration.

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

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED, NOV. 8, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section three hundred and fifty-one, sub-division five, of chapter thirty-one, of an act entitled "An act to regulate the practice and proceedings in civil actions," approved, Nov. 8, 1877, be amended so as to read: To a farmer one span of horses or mules, with harness, or two yoke of oxen with yoke and chains, and one wagon; also farming utensils actually used about the farm, not exceeding in value two hundred dollars in coin.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

IN RELATION TO ACKNOWLEDGMENTS OF DEEDS, MORTGAGES, AND OTHER INSTRUMENTS OF WRITING TAKEN IN FOREIGN COUNTRIES, BEYOND THE LIMITS OF THE UNITED STATES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That acknowledgments of all deeds, mortgages, and other instruments in writing, that are required to be acknowledged by any law of this territory, may

be made and taken in any foreign country beyond the limits of the United States, before any minister plenipotentiary, charge d'affairs, consul general, vice consul or commercial agent, appointed by the government of the United States, or before the proper officer of any court of said country, or before the mayor or other chief magistrate of any city, town or other municipal corporation therein.

SEC. 2. The person, or officer, taking such acknowledgment, shall certify the same by a certificate written on, or annexed to said mortgage, deed, or instrument, which certificate shall be under his official seal, if any he has, and such certificate shall recite in substance, that the deed, mortgage, or instrument, was acknowledged by the person or persons whose name, or names, are signed thereto as grantor, or principal before him as such officer, with the date of such acknowledgment.

SEC. 3. Such certificate shall be prima facie evidence of the facts therein recited, and on such certificate, such deed, instrument or mortgage shall be admitted to record in the auditor's office of the proper county, with like effect as if the same was acknowledged in this territory, before an officer authorized to take acknowledgments of deeds; and certified copies of such deeds, mortgages, or other instruments of writing, certified by the auditor of the county where recorded, shall be received in evidence to the same extent, and with like effect as certified copies of deeds acknowledged within this territory are received in evidence, when certified by such auditor.

SEC. 4. That all deeds, mortgages, and other instruments at any time heretofore acknowledged according to the provisions of this act, are hereby declared legal and valid.

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

Approved, Nov. 3, 1879.

LOCAL AND PRIVATE LAWS.

LOCAL AND PRIVATE LAWS.

AN ACT

TO AMEND THE CHARTER OF THE CITY OF WALLA WALLA.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the corporate limits of the City of Walla Walla shall be as defined by an act of the Legislature of Washington Territory, entitled, "An Act to extend and define the Corporate limits of the City of Walla Walla," passed Nov. 11th, 1871, and approved Nov. 27th, 1871.

SEC. 2. The inhabitants within the City of Walla Walla are hereby constituted and declared to be a Municipal Corporation by the name and style of the "City of Walla Walla" and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The City of Walla Walla has power to assess, levy, and collect taxes for general municipal purposes, not to exceed one-half per centum per annum upon all property both real and personal within the city which is by law taxable for Territorial and County purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special mu-

nicipal purposes, exclusive of assessments for improvements as hereinafter provided in sections five, seven, eight and ten of this act, shall not exceed in any year one and one-half per centum on the property assessed.

SEC. 4. The City of Walla Walla shall have power to make regulations for prevention of accidents by fire. To organize and establish fire departments, ordain rules for government of the same. To provide fire engines and other apparatus and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year one-fifth of one per centum upon the taxable property within the city, and on petition of the owners of one-half of the ground included within any prescribed limits within the city to prohibit the erection within such limits any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar and iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to such prohibition.

SEC. 5. The City of Walla Walla has power to purchase, or condemn and enter upon and take any lands within, or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses, or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth per centum in any year. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may be hereafter dedicated to public use, by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property executed in the manner that may be prescribed by ordinance shall be held to extinguish all rights and claims of said city on the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 6. The City of Walla Walla has power to provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property

within the limits of the city for the benefit of such lights, which limits shall be fixed by the City Council each year before levying any tax authorized by this section, and all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 7. The City of Walla Walla shall have power to provide for clearing, opening, graveling, improving and repairing of streets and highways and alleys, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk; also to regulate cellar ways, and cellar lights or sidewalks within the city, and to provide for clearing the streets, also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax for not less than four, nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except persons that are a public charge; also a special tax on property of not less than two, nor more than six mills on every dollar's worth of property within the city, which taxes shall be expended for the purposes specified in this section, and the officers of the county shall not levy or collect any ward tax, or ward poll tax upon the inhabitants or property within the city.

SEC. 8. The City of Walla Walla shall have power to construct and repair sidewalks and to curb, pave, grade, macadamize and gutter any street or streets, highway or highways, alley or alleys therein, or any part thereof and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expense of such improvement, and for such purpose may establish assessment districts consisting of a portion, or the whole of any such street or streets, highway or highways, alley or alleys, or of several streets, highways and alleys as may be deemed advisable. But unless the owners of more than one-half of the property subject to assessment for such improvement, petition the Council to make the same, such improvement shall not be made until a majority of five-sevenths of all the members of the Council by vote assent to making of the same.

SEC. 9. The City of Walla Walla shall have power to cause any lot of land within their limits on which water at any time becomes stagnant to be drained or filled up, and to cause any vault upon any lot or block within the city to be cleaned when necessary and in case of failure, or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the City Council, with reference to such matters after such notice, as in such ordinance or resolution may be prescribed, the work necessary may be done at the

expense of the city, and the amount so expended shall be assessed as a tax upon such property and shall be collected as other assessments.

SEC. 10. The city of Walla Walla shall have power to provide for the survey of the blocks and streets of the city and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways and alleys and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvements authorized by this section sufficient to make compensation for all property condemned or damaged, and to authorize or forbid the location and laying down of tracks for railways and street railways on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley, or public place, upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries, arising from re-grade of streets in Section 124 of this act.

SEC. 11. The City of Walla Walla shall have power to erect and maintain water works, or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city at a general or special election, or five-sevenths of the members of the City Council by vote assent thereto.

SEC. 12. The City of Walla Walla shall have power to construct, or authorize the construction of such water works without the limits of the city, and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains, used in and necessary for the construction, maintenance and operation of the same, and over the stream, or source from which the water is taken for five miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 13. If the right to construct and operate such water works is granted to private individuals or incorporated companies by said city, it may make such grant to inure for a term of not more than twenty-five years, and may authorize such individual or company to charge and collect from each person

supplied by them with water, such water rent as may be agreed upon between said persons or corporation in building such works. And said city is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 14. Said city is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works, and if it shall authorize the construction and operation thereof by individuals or private corporations, it may confer by ordinance upon such person or persons, or corporation, the said power to take and appropriate private property for such purpose.

SEC. 15. The City of Walla Walla shall have power, at the regular time for levying taxes in any year, to levy and collect a special tax not exceeding one-half of one per centum upon the taxable property within the limits prescribed as hereinafter provided for the purpose of constructing such water works: *Provided*, No such tax shall be levied for the purpose of aiding any private individual or corporation, and when such work shall have been constructed, said city shall have power to assess and collect, from time to time, in such manner as the City Council may deem equitable, from each tenement, or other place supplied with water, such water rent as may be deemed reasonable, and at the regular time for levying taxes in each year to levy and collect in addition to the tax already authorized by this Section, a special tax on taxable property within the limits prescribed as hereinafter provided, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works, and if the right to build, maintain and operate such water works shall be granted to private individuals or corporation by the city, and the city shall contract with such individuals or corporation for a supply of water for any purpose, said city shall levy and collect each year a special tax sufficient to pay off such water rent to such individual or company: *Provided*, That said taxes shall not exceed one-half of one per centum upon the taxable property within the limits of the benefits and protection of such works, which limits shall be fixed by the City Council each year before levying any tax authorized by this Section. And all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 16. The City of Walla Walla shall have the power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or

other diseases, therefrom, to suitable hospitals provided by the city for that purpose; to provide for their support, restraint and employent of vagrants and paupers; to restrain and punish any disturbance, or any unlawful or indecent practices.

SEC. 17. The City of Walla Walla shall have power to make regulations and pass ordinances preventing domestic and other animals running at large; and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceeding, or may authorize their destruction.

SEC. 18. The City of Walla Walla shall have power to regulate, license, and tax all carts, drays, wagons, carriages, coaches, and omnibuses, and other vehicles kept for hire, and to fix the rates thereof; to license, tax, and regulate, or prohibit theatrical shows, and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, brokers, and pawn-brokers; to license, regulate and restrain drinking saloons, and beer shops, and breweries or other places where intoxicating or other beverages are sold, or disposed of in less quantities than one quart: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits, or malt liquors for medical purposes; to license, tax and regulate Chinese wash-houses, and to prescribe and designate places for carrying on the same. And to license and tax all hotels, livery stables, business houses, and wholesale and retail establishments of every kind and description, *Provided,* That no tax shall be imposed, or license required for the sale inside of said city of any of the natural products of the country; nor shall license be required of wheel-rights, carpenters, black-smiths, boot and shoe makers, tailors, milliners and dress makers.

SEC. 19. The City of Walla Walla shall have power to establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers, as may be necessary, which officers shall have full power and authority to make arrests with or without warrants within or without the limits of the city; to summon aid and to exercise all powers necessary and requisite for the prevention of crime, or apprehension of offenders, and in all cases where arrests are made for offenses tried under the general laws of the Territory before Justices of the Peace, or other Territorial courts, such police officers shall be entitled to receive the same fees as sheriffs, or constables, for the same services.

SEC. 20. The City of Walla Walla shall have power to

prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame, or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation and keeping of gunpowder, or other combustibles, and to provide, or license magazines for the same; to prevent and punish fast or immoderate riding or driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets, or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein.

SEC. 21. The City of Walla Walla shall have power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

SEC. 22. The City of Walla Walla shall have power to establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

SEC. 23. The City of Walla Walla shall have power to borrow money on the credit of the city for any purpose within the authority of the corporation, including the payment of any existing debt, but the indebtedness of the city must not exceed in the aggregate the sum of twenty thousand dollars, and any debt or liability incurred in excess of said sum of twenty thousand dollars shall be invalid and void.

SEC. 24. The city of Walla Walla shall have power to adopt proper ordinances for the government of the city, and to carry into effect the power given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars or imprisonment for not more than thirty days or both; or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment, or committed in default of payment of any such fine, upon the streets or public squares during the term thereof.

SEC. 25. The city of Walla Walla shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other power and privilege not here specifically enumerated as are incident to municipal corporations of like charter and degree not inconsistent with the laws of the United States or of this Territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER III.

GOVERNMENT.

SEC. 26. The power and authority hereby given to the City of Walla Walla by this act shall be vested in a Mayor, and Common Council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 27. The Common Council shall consist of seven members. They shall be elected for two years and shall hold their office until their successors are elected and qualified: *Provided*, That at the first annual election three of the seven members shall hold their offices for one year only, and if such city be divided into two or more wards, the Council shall make an equitable apportionment of the members holding for different periods among the several wards, and when such apportionment is made, the members to hold for two years, shall be chosen by lot, in the presence of the Mayor and Council: *Provided, however*, That the members of the Council elected under the present charter of said city shall continue to hold their said office for the term specified in said charter, and until their said terms of office shall expire as by said charter provided.

SEC. 28. The Mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

SEC. 29. There shall be elected, as hereinafter specified, a Justice of the Peace, Marshal, Clerk, Attorney, Treasurer, Health Officer, City Surveyor, Street Commissioner and an Assessor, who shall be officers of the municipal corporation. The Marshal shall be elected by the qualified voters of the corporation, and shall hold his office for one year, or until his successor is elected or qualified. The common Council shall annually, at the first regular meeting thereof, after the qualification of the members elected at each annual city election, designate and appoint one of the Justices of the Peace for the precinct within which said city is situated who shall have duly been elected and appointed and qualified as required by law, who shall be the Justice of the Peace of the city, and shall keep his office therein, and shall have jurisdiction over all crimes defined by any ordinance of the city, and of all other actions brought to enforce or recover any penalty, forfeit declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and

to pronounce judgment in accordance therewith. All civil or criminal proceedings before such Justice of the Peace, under and by authority of this act, shall be governed and regulated by the general laws of this Territory relating to Justices of the Peace, and to their practice and jurisdiction, and shall be subject to review in the District court of the proper district by certiorari or appeal the same as other cases. The Attorney, Clerk, Treasurer, Health Officer, Surveyor, Street Commissioner and the Assessor shall be elected by the Common Council at the meeting above specified, and they shall be liable at any time to be removed by the Council for malfeasance, inattention or incompetency.

SEC. 30. No person is eligible to any office in such municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this Territory, and who has not resided in said city for the six months next preceding such election or appointment.

CHAPTER IV.

ELECTIONS.

SEC. 31. There shall be a general election for all city officers, required to be elected under this act, on the second Monday of July of every year.

SEC. 32. No person is qualified to vote at any election under this act who does not possess the qualifications in Section 30 of this act for officers, and who, if under fifty years of age, has not paid either a poll or property tax in such city for the fiscal year then last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote. And all officers required to be elected by this act, except those elected by the Common Council, shall be elected by the qualified voters of this city.

SEC. 33. That at all elections for city officers the vote shall be by ballot at the time and place designated by the Common Council.

SEC. 34. The City Clerk, under the direction of the Council, shall give ten days' notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in said city, of such general election,

the officers to be elected, the place designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 35. All elections shall commence at nine o'clock, A. M., and continue until five o'clock of the same day without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 36. Judges and clerks of election must possess the qualifications of voters in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice required by Section 35, of this act, shall not invalidate any election otherwise legal.

SEC. 37. On the first regular meeting of the Council next after such election the return thereof shall be canvassed by the City Council, and a written statement of such canvass shall be made and signed by the presiding officer of the Council, and attested by the Clerk and immediately filed with the Clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected and to which office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the City Council shall give notice to the several persons so having the highest and an equal number of votes, to attend the Council chamber at an appointed time, and the said Council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 38. After such statement of the canvass is filed, the Clerk shall make and sign within two days thereafter a certificate of election for each person declared thereby to be elected and deliver the same to him on demand.

SEC. 39. A certificate of election is primary evidence of the facts therein stated, but the Council is the final judge of the qualifications and election of the Mayor and its own members. A contested election for any other office must be determined by the Council according to the laws of the Territory, regulating proceedings in contested elections for County officers.

SEC. 40. The term of office of every person elected to of-

office under this act shall commence on the tenth day after the canvass of the election returns by the Council and terminate accordingly, except as otherwise provided by this act, and by such time such person must qualify by taking and filing the oath of office and give such official undertaking for the faithful performance of his duties, as may be required, or he shall be deemed to have declined, and the office considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 41. All officers elected under this act, before entering upon the duties of their office, must take and file with the Clerk an oath of office to the following effect: "I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office of——, during my continuance therein, so help me God." If the person affirms, instead of the last clause there must be added "and this I promise under the pains and penalties of perjury."

SEC. 42. All laws of this Territory regulating and governing general elections and proceedings and matters incidental thereto shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 43. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required. The office of the Mayor, Clerk, Treasurer, and Assessor and Collector, shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of Marshal and Justice of the Peace shall be deemed vacant whenever the incumbent shall be absent from the city for the period of twenty days. The office of Councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the Council unless absent upon leave of the Council first obtained.

SEC. 44. A vacancy in any office shall be filled by the Council at a regular meeting.

SEC. 45. An officer appointed to fill a vacancy must, with

in five days after being notified of the appointment by the Clerk, qualify therefor as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER VI.

ON THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 46. The City Council shall possess all the Legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 47. The Council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the Mayor at any time upon a day's notice given to each of the members.

SEC. 48. A majority of the members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 49. The Council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings and on the call of any one of its members must cause the yeas and nays to be taken and entered in the journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 50. The Council may punish any member for disorderly conduct at any meeting or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a two-thirds vote expel a member.

SEC. 51. The Mayor is ex-officio President of the Council and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the Council, and determine the order of business, subject to such rules, and to an appeal to the Council. If the Mayor should be absent at any meeting of the Council, the Council must appoint one of their own number President to serve during the meeting or until the Mayor attends.

SEC. 52. On the tenth day next following any general election there must be a regular meeting of the Council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 53. A majority of the whole number constituting the Council as then provided by law is a majority of the Council or members thereof within the meaning of this act and not otherwise, unless expressly so provided. The concurrence of the majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 54. The Mayor is the executor of the corporation. It is his duty annually, at the first regular meeting in July, to communicate by message to the Common Council a general statement of the condition and affairs of the corporation, and to recommend adoption of such measures as he may deem expedient and proper, and to make special communications to the Council from time to time as he may think proper and useful.

SEC. 55. The Mayor shall take and approve all official undertakings which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract, and when he approves such undertaking he must immediately file the same with the clerk.

SEC. 56. He shall perform such other duties and exercise such other authority as may be prescribed by this act, any city ordinance, or any law of the United States or of this Territory.

SEC. 57. Any ordinance which shall have passed the Council, shall, before it becomes a law, be presented to the Mayor for his approval. If he approves he shall sign it, if not, he shall, within ten days, return it with his objections in writing to the Council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, five-sevenths of the members of the Council shall agree to pass the same, it shall become a law.

SEC. 58. During any temporary absence of the Mayor from the city, or if he be unable for any reason to act, the Council shall elect one of their members who shall be the acting Mayor, and perform all the duties of such office during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 59. The City Attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the Mayor or Council, but the city may employ additional counsel when deemed advisable by the Council.

SEC. 60. It shall be the duty of the Clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the City Council. The Clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 61. All demands and accounts against the city must be presented to the Clerk with the necessary evidence in support thereof, and he must submit the same to the Council, who shall, by a vote, direct whether the same shall be paid or any part thereof as they may deem it just and legal.

SEC. 62. When the Council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the Clerk must draw a warrant upon the Treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the Mayor and attested by the Clerk.

SEC. 63. The Clerk must keep proper books of account, showing therein all sums appropriated, the date thereof, and out of what fund, the date and amount of all warrants drawn thereon and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.

SEC. 64. The Treasurer is receiver of taxes and must receive and keep all money that shall come to the city by tax-

tion or otherwise, and pay out the same upon the warrant of the Mayor, attested by the Clerk.

SEC. 65. The Treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

SEC. 66. The Treasurer must make a report of the receipts and expenditures to the Common Council at the first regular meeting in the month of January and July of each year, which report shall be published in any newspaper published in the city.

SEC. 67. The Assessor must annually make a correct list of all the property subject to taxation by the city with the valuation thereof and certify and return the same to the Clerk.

SEC. 68. A person feeling himself aggrieved by any such assessment either in the valuation or listing of the property may apply in writing to the Council to have such assessment revised, and if the Council deem the same erroneous they must correct it. The party applying for such correction may be examined as a witness in relation to the matter if he desire it, or the Council require it.

SEC. 69. The assessment of property must be made in the manner prescribed by law for assessing property for Territorial and County taxes. But the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed may be prescribed by ordinance, and the time of making such assessment and the return thereof and of applying to the Council for a revision thereof must be prescribed by ordinance.

SEC. 70. The Marshal is a peace officer and must execute all process issued by the Justice of the Peace of the City, or directed to him by any magistrate of the Territory. He must attend regularly upon the court of said Justice of the Peace and meetings of the Council. He has power by and with the approval of the Council to appoint one or more deputies who shall possess the same power. He shall make arrests for breach of the peace, or for commission of a crime within the city limits with or without warrant as a peace officer may do under the laws of the Territory. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the City Prison, or House of Correction unless otherwise prescribed by ordinance.

SEC. 71. The Marshal must keep a correct record of all arrests made by him, or his deputies, showing the time, cause

or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the City Council.

SEC. 72. The Justice of the Peace of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and with such conditions as the Council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the Treasurer monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 73. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 74. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 75. The official books and papers of any officer mentioned in this act may be inspected at any time by a committee of the Council appointed for that purpose.

CHAPTER IX.

ORDINANCES.

SEC. 76. The style of every ordinance shall be, "The City of Walla Walla does ordain as follows." All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage and adoption the concurrence of a majority of all the members of the Council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 77. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer and the Clerk, and all those of a general or permanent character, and those imposing any fine, penalty or forfeiture shall be published in some newspaper of general circulation within the city.

and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture to show that no such publication was made, and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

CHAPTER X.

COLLECTING OF ASSESSMENTS FOR STREET GRADES AND IMPROVEMENTS.

SEC. 78. The City Council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvements thereof, as authorized by Sections five, six, seven, eight, nine and ten, of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the City Surveyor, and the said survey, diagram and estimate, shall be filed in the office of the City Clerk for the inspection of all persons interested therein, and a notice of the intention to grade, pave, or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the paper doing the city printing. Such notice must specify the street or part thereof to be improved or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 79. If, within ten days from the final publication, two-thirds of the persons in number owning property on said street or alley and representing one-half of the property in said street or alley shall file with the City Clerk a petition remonstrating against said improvement, grade or alteration, the same shall not be further proceeded with.

SEC. 80. If no such remonstrance be made and filed as provided in the last section, the Council, at its earliest convenience thereafter, and within six months from the publication of such notice, may establish the proposed grade or make the proposed improvement.

SEC. 81. In all cases when the Council shall, by ordinance, order the improvement of any street or alley, or the alteration of the grade of any street, and the cost thereof has been duly estimated as herein provided, they shall, before proceeding with the execution of the work, cause an appraisement of the lots and land abutting on said street adjacent to said improvement and assessable for the cost thereof as follows: An assessor shall be appointed and sworn to appraise all lots or parts of lots or lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling or

other improvement shall be assessed pro rata on said lots or parts thereof or lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the City Council by ordinance, and a tabulated statement thereof shall be made out by the City Clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the paper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known; the number and frontage of each lot, part of lot, or other land; the number of the block, if numbered, and the value of said lots or parts respectively.

SEC. 82. Any person feeling himself aggrieved by such appraisalment and assessment, may apply to the City Council at its first sitting after the publication of said notice for a modification of said assessment, and the City Council shall amend the same as to them may seem just.

SEC. 83. When the tabulated statement, as provided in the preceding section has been approved by the Council, the same shall be recorded in the office of Auditor and Recorder of Walla Walla county in the book of Liens on Real property, and shall be and remain a lien on the lots or parts of lots, or lands described therein for the several sums assessed thereon respectively, and as fast as the said several assessments are paid, the City Clerk is authorized and required to enter on the said County Record of said liens a release thereof, which shall be made in the margin of said record opposite the lot or land so released, and the said land shall be henceforth discharged from said lien.

SEC. 84. When the City Council shall have duly approved of said assessment and apportioned the cost of said improvement, they shall by ordinance establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the paper doing the city printing that said assessment is due and payable to the City Treasurer as aforesaid. The City Clerk shall furthermore make out and deliver to the Treasurer a copy of said appraisalment and assessment, who shall proceed to collect the same in the same manner as other city taxes except as herein otherwise directed.

SEC. 85. If, within ten days after the publication of said last named notice, the sum assessed upon any lot or part thereof is not wholly paid to the City Treasurer, the City Council may at any time thereafter order a warrant for the collection of the same to be issued by the City Clerk directed to the City Marshal.

SEC. 86. Such warrant must require the person to whom

it is directed to forthwith levy upon the lot or parts thereof upon which the assessment is unpaid and sell the same, in the manner provided by law for selling real estate for delinquent taxes and return the proceeds of such sale, less his fees, to the City Treasurer, and the warrant to the Auditor with his doings endorsed thereon, together with the receipt of the City Treasurer for the proceeds of such sale.

SEC. 87. The person executing such warrant shall immediately make a deed for the property sold therein to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately, may redeem the same upon the terms and conditions provided in the next section.

SEC. 88. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale, to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 89. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest the estate in the property is thereby restored to such owner or successor in interest, but if made by a lien creditor the amount so paid shall form part of his lien and bear like interest.

SEC. 90. A sale of real property under the provisions of this Chapter conveys to the purchasers, (subject to redemption) all the estate or interest therein of the owner whether known or unknown.

SEC. 91. The fees and per centage to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the Council by ordinance, and shall be added to and form part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such per centage and costs and fees.

SEC. 92. All money paid or collected upon assessment for the improvement of streets or alleys shall be kept as a separate fund and in no wise used for any other purpose whatever; all money so assessed from the time of being entered in the docket of liens shall bear interest at the legal rate until paid or collected.

SEC. 93. If upon the completion of any improvement of any street or alley it is found that the sum assessed therefor is insufficient to defray the costs thereof, the City Council must ascertain the deficiency and declare the same by ordinance, and when so declared the City Clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement the same shall be repaid to the parties owning the property or their representatives.

SEC. 94. For the purpose of making the appraisement and assessment specified in Sec. 81 of this Chapter, the City Council may establish assessment districts, consisting of the whole of any street or streets or parts thereof benefited by said improvements.

SEC. 95. Whenever any lot or part thereof, shall be sold for more than the sum assessed thereon, including costs of sale, the surplus must be paid to the City Treasurer and the person executing the warrant must take a separate receipt therefor and file it with the City Clerk, and thereafter the owner, or his legal representatives shall, on application to the City Council, be entitled to a warrant therefor.

SEC. 96. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 97. The Assessor shall annually make out a list of the names of all persons within the city liable to pay a road poll tax as provided in Section seven, of this act, and at the time of making said list, the Assessor shall demand from each person the road poll tax levied for said year by the Council, and if said road poll tax is then paid, the Assessor shall mark the same "paid" on said list, and give to the person so paying a receipt therefor, and the said list shall be returned to the City Council with the return of his assessment of property, and he shall pay over to the City Treasurer the money received by him, and file his receipt therefor with the City Clerk. The said poll tax list shall be given to the City Treasurer and he shall at once

proceed to collect the unpaid poll road tax thereon, from the persons named on said list. The Treasurer shall also place upon said list, the names of all persons found within the city liable to pay such poll tax who shall fail to produce a receipt for the payment of a road poll tax for the current year. He shall demand the amount due from each person named upon the list, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale: *Provided*, That any person may pay said poll tax in work upon the streets of the city under the direction of the Street Commissioner, at the rate of two dollars per day. Any person having men employed either for himself or a company, shall, when required, provide a list of the names of all such persons so employed liable to pay such road poll tax, and if such employer or agent of the employer shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then such employer or his company shall be liable for the amount of the road poll tax of his or their employes, and shall pay the road poll tax due by such men, or the men so employed, on being notified in writing by the Treasurer.

SEC. 98. Whenever any general or special tax has been levied as provided and authorized by Chapter two of this charter, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid, or collected, and shall be a lien from said date upon any real property owned by the party assessed.

SEC. 99. The Council must provide by ordinance within what time all taxes levied as provided and authorized by the provisions of Chapter two of this act, may be paid to the Treasurer, and all taxes not paid to the Treasurer within such time, are thereafter delinquent taxes and shall be collected as such, and ten per cent. in addition and interest at ten per cent. per annum.

SEC. 100. Within five days from the expiration of the time limited for paying taxes to the Treasurer, the Treasurer must return the tax roll to the Council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 101. The Council must thereafter order the City Clerk to deliver the tax roll to the City Marshal and issue and annex thereto a warrant under the seal of the city and directed to the City Marshal, commanding him to proceed, and forthwith to collect the delinquent taxes upon said roll in the manner provided by law, and pay the same to the Treasurer, less his fees and costs of collecting, and return the warrant with his

doings thereon to the City Clerk together with the receipt of the Treasurer, for all moneys collected thereby and paid to the Treasurer.

SEC. 102. Such warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property and shall have the force and effect thereof against any person or corporation against whom such taxes are levied or charged on the tax roll, and shall be executed and returned in like manner, except as in this Chapter otherwise provided.

SEC. 103. If personal property be found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied upon any real property of the person, firm, or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and executing the warrant.

SEC. 104. In case of delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot or part thereof of such property for the tax levied thereon and selling it separately.

SEC. 105. All taxes heretofore levied by the City of Walla Walla and remaining unpaid or delinquent may, by order of the Council, be collected from the person, firm, or corporation, whether known or unknown, against whom the same was charged or levied by warrant, in the manner and with the effect provided in this Chapter for the collection of delinquent taxes.

SEC. 106. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such deed shall have the effect provided in Section Ninety of this act.

SEC. 107. Real property sold for taxes, as provided in this Chapter, may be redeemed by the owner or his successor in interest, or any person having a lien by judgment, decree, or mortgage on such property, or any part thereof separately sold, within three years from the date of the deed therefor, and upon the terms and conditions, and with the effect provided in Chapter nine of this act in the case of sales of real property for delinquent assessments for the improvement of streets; and such delinquent tax may be paid by such lien creditors in the same manner, and with like effect as a delinquent assessment as provided in Sections Eighty-eight and Eighty-nine of this act.

SEC. 108. Whenever any real or personal property sold for delinquent taxes shall bring more than the amount of such tax,

with interest and the costs and charges of collection, the surplus must be paid to the City Treasurer, and the person executing the warrant must take a separate receipt for such surplus and file the same with the City Clerk on the return of the warrant. At any time thereafter the owner of the property sold or his legal representative is entitled to a warrant upon the Treasurer for such surplus.

SEC. 109. Section Ninety-six shall apply to the sale of real property for delinquent taxes, and in the case of the sale of personal property for such taxes the true consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant must specify such consideration and the name of the purchaser.

SEC. 110. The Council may provide by ordinance within what time a warrant for the collection of delinquent taxes must be returned, and may order an *alias* warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for the collection of delinquent taxes must be made on the warrant and collected as part of the tax. The Council may prescribe by ordinance the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the Treasury of the city.

SEC. 111. All property subject to levy on execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxes as provided by this charter, whether the same be exempt or not. The City Marshal shall, on entering upon the discharge of his duties as Tax Collector, give a bond to the City of Walla Walla, in the sum to be fixed by the Council, not less than two thousand dollars, conditioned for the faithful performance of his duties as Collector, and that he will pay over all moneys collected by him as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 112. The City of Walla Walla is not bound by any contract, or in any way liable thereon unless the same is authorized by a city ordinance and made in writing and by order of the Council signed by the Clerk, or some other person in behalf of the City. But an ordinance may authorize any officer, or agent of the City, naming him, to bind the City without a

contract in writing for the payment of any sum of money not exceeding fifty dollars.

SEC. 113. The City of Walla Walla shall be liable to any one for any loss or injury to person or property growing out of any casualty or accident happening to any such person or property on account of the condition of any street or public ground therein. But this section does not exonerate any officer of such city, or any other person from such liability when such casualty, or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence, or willful misconduct of such officer, or person in any other respect.

SEC. 114. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose made by an ordinance; and an ordinance making an appropriation of money must not contain a provision upon any other subject, and if it does, such ordinance as to such provisions shall be void, and not otherwise.

SEC. 115. A member of the Council for words uttered in debate therein shall not be questioned in any other place.

SEC. 116. The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

SEC. 117. In any action, suit, or proceedings in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion of the Council, such discretion or judgment when exercised or declared is final and cannot be reviewed or called in question elsewhere.

SEC. 118. The City Council is hereby authorized to grant the right to use the streets of said city for the purpose of laying gas pipes intended to furnish the inhabitants of said city with light, to any person or association of persons for a term not exceeding twenty-five years, and the Council may adopt such rules and regulations in granting such exclusive right as they may think proper and as shall not be inconsistent with law.

SEC. 119. In making a deed for real property sold for delinquent taxes, it is not necessary to recite or set forth the proceeding prior to the sale, but it is sufficient, if it substantially

appear from such deed, that the property was sold by virtue of a warrant from the city for a delinquent tax and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The style of a warrant for the collection of delinquent taxes shall be in the name of such city.

SEC. 120. The Mayor and Councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 121. All real property within the limits of the City of Walla Walla not laid off in blocks at the time of making any assessment authorized by this act, must be assessed at the cash value per acre or fraction thereof as the case may be.

SEC. 122. The City Council may divide the city into not less than three or more than seven wards, and shall apportion the members of the City Council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 123. No street, highway or alley shall be extended, widened, altered or vacated, except on petition to the City Council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated.

SEC. 124. When the grade of any street, highway or alley shall have been established by authority of the City of Walla Walla, and any person or persons shall have built, or made improvements on such street, highway or alley, and the city shall afterward change the established grade, or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage, and when the parties interested are unable to agree with the City Council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the Mayor, one by the owner or owners of the property, and one by the two appointed, or in case of their disagreement, by the City Council. Said appraisers shall be sworn to faithfully execute their duties according to the best of their ability. They shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damage sustained, over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the Clerk of the District court of the district embracing the city, and if

no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed, and upon filing a precipe therefor the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the Clerk shall, upon filing a written precipe therefor by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be the plaintiff and the city shall be the defendant. The usual pleadings in a civil action may be filed in such special pleadings as the court shall allow, and the issues thus formed shall be tried as other civil actions. The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced, otherwise the costs shall be taxed against the parties claiming damages.

Sec. 125. When private property shall have been condemned and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, as provided in Section ten of this act, the assessment upon the various lots or parcels of lands so charged and the appraisement of damages to be paid to the owner of the property condemned shall be made by three persons, one of whom shall be appointed by the Mayor, one by the owner or owners of property subject to assessment, and one by the owner or owners of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment after ten days' notice so to do, which notice shall be given in the manner prescribed in the ordinance providing for such condemnation of property, either or both such appointments shall be made by the City Council. The persons so appointed shall be sworn; shall proceed in making the assessments, and shall report within the time and in the manner prescribed for appointments in the preceding section. Their award shall be final unless objection is made within twenty days from the time of the return thereof to the Clerk of the District court. Any party aggrieved by the award may, upon filing a precipe therefor, have the case docketed for trial at the next term of the court. When the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair assessments upon property, the city shall be plaintiff and the owner of the property defendant. The issue shall be made up, the case tried and determined, and costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city and all costs of the appraise-

ments and other proceedings under this section shall be added to the gross amount to be raised by assessment, and collected from the several property-holders in the same proportion as said gross amount and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 126. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the City Council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this Territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 127. The act of the Legislative Assembly of the Territory of Washington, entitled "An act to provide for the incorporation of cities," Approved Nov. 9, 1877, so far as the same relates to the city of Walla Walla, inconsistent with the provisions of this act is hereby declared to be inoperative.

SEC. 128. All city ordinances passed in pursuance of the act mentioned in Section 127 and in force when this act takes effect, and not inconsistent therewith, shall be and remain in full force after this act takes effect and thereafter, until repealed by the City Council, and all rights vested, or liabilities incurred, under any former charter or amendment thereto, of said city of Walla Walla, or any ordinance of said city when this act takes effect shall not thereby be lost, impaired or discharged. The City of Walla Walla is hereby authorized to have from fifty (50) to one hundred (100) copies of this charter printed and bound in pamphlet form, for the use of said citizens of Walla Walla, and to pay for the same out of any funds in the city treasury.

SEC. 129. This act to go into effect on the 1st day of January, 1880.

Approved, Nov. 8, 1879.

AN ACT

TO INCORPORATE THE CITY OF GOLDENDALE.

• ARTICLE I.

OF BOUNDARIES AND POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Goldendale 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 half of the south-west quarter of section number sixteen, and the south half of the south-east quarter of section number seventeen, and the north-east quarter of section number twenty, and the north-west quarter of section number twenty-one, the same being in township number four north, of range number sixteen east of the Willamette meridian.

SEC. 2. The inhabitants of the city of Goldendale, 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 Goldendale," 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 equity, and in all suits and actions whatsoever; may purchase, acquire, receive and hold property, real, personal and mixed, for the use of the city; may lease, sell and dispose of the same, for the benefit of the city, may purchase, acquire, receive and hold real property 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 or 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.

SECTION 1. The government of said city shall be vested in a mayor, a common council consisting of five members, a city marshal and a city recorder, who shall be ex-officio city assessor and clerk of the board of common council, who shall be elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. There shall be a city treasurer to be appointed by the council with the approval of the mayor, who may be one of the members of the council, and who shall hold his office during the pleasure of the council; and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officer appointed under this section except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year, and oftener if he shall deem it advisable, a general statement of the condition of the city, as to its finances, government and property, and to recommend the adoption of such means as he may think advisable to promote its interests and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints which may be made or preferred upon oath against any of them, for a 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, and the cause sufficient, shall have power to declare the office of the person so com-

plained against to be vacant, and the same shall be filled as is hereinafter provided; 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 the United States and this territory.

SEC. 2. The recorder shall, within the limits of the city, have all the powers of a justice of the peace; he shall, also, have jurisdiction over all violations of city ordinances; hold to bail, fine or commit persons found guilty of any violation thereof; he shall, also, as ex-officio assessor, within such time as shall be by ordinance provided, make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof, and the names of the persons liable to be taxed therefor. The mode of making out said list, ascertaining the value of the property and collecting the taxes, shall, as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting territorial and county taxes; and he shall, as such assessor, discharge such other duties as may, by ordinance, be prescribed. He shall, also, as ex-officio clerk, be the custodian of the records and seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council, and shall keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may, by ordinance, be provided.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the recorder's court, and execute and return all mesne and final process issuing from the recorder. He shall arrest all persons guilty of a breach of the peace or a violation of any city ordinance and bring them before the recorder for trial, and shall exercise control over the peace and quiet of the city. He shall, also, discharge such other duties as may be, by ordinance, prescribed. He shall collect city taxes. He may appoint as many deputies as he shall see fit; each appointment to be approved by the mayor.

SEC. 4. The city treasurer shall receive and carefully keep all moneys belonging to the city, and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements, showing the source from which the moneys came and the persons to whom it was paid, with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall at the end of each fiscal year and as much oftener as the council shall require make out and present

to the council a full and correct statement of the expenditures and receipts of the preceding year, or of the time since the last preceding account or statement was made. He shall, also, perform such other duties as may, by ordinance, be prescribed.

SEC. 5. If any person elected to, or holding any city office, shall, without leave of the council, absent himself from the city for more than thirty days, or if he shall remove from the city, or fail to qualify within ten days after he shall have been elected, his office shall be deemed vacant, and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 6. The common council shall, by ordinance, define the duties of all officers not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SECTION 1. A general election for all officers of this corporation required by this act to be elected shall be held on the first Monday in April in each year.

SEC. 2. All elections shall be by ballot at such places as shall be designated by ordinance.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least ten days' notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the territory. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council at its next meeting after the election, which meeting shall be held on the second Monday in April, when the vote shall be publicly examined, and the board of trustees shall declare the result; the city clerk shall thereupon give certificates of election to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be determined by the council by vote.

SEC. 4. All vacancies shall be filled by the common council by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Elections for city officers shall continue but one day and the polls shall be open from one o'clock in the morning until four o'clock in the evening. The polls may be closed from 12, until 1 o'clock, at the option of the judges.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and common councilmen, recorder and marshal, 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; the term of office of the mayor, recorder, marshal and councilmen to commence ten days after the election.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election, and choose one of their number as presiding officer. 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 of the other officers elected or appointed under this act, and determine contested elections. They may establish 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 the members elect may for good cause expel a 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 all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city:

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

2. To levy and collect taxes not exceeding 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 goods, wares or merchandise within said city, such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year after he shall so commence, proportioned to the amount levied or assessed for city purposes for the year: *And, provided further*, That no tax shall be levied on the value of articles, the growth and produce of the territory, which are brought into said city and sold.

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

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

5. To prevent and remove nuisances.

6. To erect water works either within or beyond the limits of the city, and to provide the city with water for the extinguishment of fires and the use of the inhabitants.

7. To license, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawn-brokers, saloons or places for the retailing of spiritous, malt, or fermented liquors, bar-rooms or billiard tables, theatrical or other exhibitons, shows and amusements, runners for hotels or vessels, porters, teamsters, hackmen, draymen, truckmen, and fix the rates of portage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rates to be charged for the carriage of persons and property.

8. To prevent hogs or other live stock from running at large within the limits of the city.

9. To provide for the prevention and extinguishment of fires, and to organize a fire department.

10. To appoint fire wardens and prescribe their duties, and to compel any person or persons present to aid in extinguishing fires or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine, forfeiture or penalty for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed sixty days: *Provided, further*, That in case of inability or refusal to pay a fine, ten days' imprisonment may be imposed for each two dollars of the fine and costs: *And, provided further*, That prisoners may be required to labor under such regulations and restrictions as may by ordinance be prescribed.

13. To erect a work-house or house of correction, and provide for the government and regulation thereof.

14. To remove all obstructions from streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repair of the same, as well as all sewers, gutters, water courses and under-ground drainage, and to require parties owning or occupying premises to clean and remove obstructions from streets, alleys, cross and sidewalks, adjoining their property, or the premises occupied by them, and to levy a discriminating tax on persons and property particularly benefited by the construction or repair of streets, side and crosswalks, sewers, gutters and drains, either with or without a general tax for general benefit of such works.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a night watch and patrol, and to provide a city jail.

17. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of three thousand dollars no further debt shall be created except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

18. To regulate the storage of gun powder, saltpetre.

pitch, tar, rosin, petroleum, kerosene and all other combustible materials; and the use of candles, lamps, fire or other lights in shops, stables and other dangerous places; to regulate, prevent, remove or secure any fire place, stove pipe, chimney, defective flue, oven, boiler or other apparatus, which may be dangerous in causing fire.

19. To prescribe the manner of building party walls and fences.

20. To prevent or restrain any riot, disturbance or disorderly assemblage, or any indecent conduct in any street, house or place in the city.

21. To provide for the collection and receiving by the city of all money authorized by law, or which may be authorized to be assessed and collected for school purposes within the city, which, when collected, shall be under the control of the mayor and council, and be by them laid out in establishing and supporting schools in said city in such manner as they shall deem most expedient.

22. To provide for the collection and receiving, by said city, of all poll taxes, all road taxes and road labor, and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

23. All moneys received for licenses, fines and taxes, shall be paid into the city treasury, and constitute its general funds: *Provided*, That this shall not include money collected for road or school purposes.

24. The mayor and common council shall also have power by ordinance to license, regulate or prohibit bawdy or whore-houses in the city, and shall have power to pass ordinances for the punishment of persons guilty of publicly using obscene language within the city.

SEC. 2. Any ordinance which shall have been passed by the common council shall, before it becomes valid, be presented to the mayor for his approbation; if he approves it he shall sign it, if not he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then re-consider the same. If on such re-consideration three members of the council shall vote for the same it shall become an ordinance. In all such cases the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance within seven days after it has been presented to him for his approval it shall become effective as if the mayor had signed it.

SEC. 3. All demands 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. 4. The president of the council shall exercise the duties of mayor whenever 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. 5. The style of city ordinances shall be as follows: "The people of the city of Goldendale do ordain as follows:"

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION 1. Neither the mayor or members of the council shall receive any salaries for their services. The recorder shall receive the same fees for his services as justices of the peace are entitled to by law for similar services. But no part of the same shall be paid by the city.

SEC. 2. All other officers provided for in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions or ordinances, calling for appropriations of any money, shall lie over for seven days.

SEC. 3. The mayor may at any time call a special session of the common council, by proclamation or special notice to the councilmen, and he shall state to them, when assembled, the cause for which they have been convened.

SEC. 4. No member of the council shall, during the pe-

riod for which he shall have been elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 5. The fiscal year of the city shall terminate on the last day of February in each year, and the city council shall, at least one week before the annual election, cause to be published a complete and full detailed statement of all moneys received and expended by the corporation during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

SEC. 6. This act may be amended or repealed at the pleasure of the legislature.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act, until officers can be duly elected at the first election day herein provided for, the following named persons are hereby appointed to the several city offices namely: Thomas Johnson, mayor; W. L. Ames, recorder and ex-officio city assessor and city clerk; Homer Sears, John J. Golden, W. B. Chatfield, Justin Scammon and D. B. Gant, common councilmen, who shall hold their offices until said election and until their successors are elected and qualified.

SEC. 2. All acts and parts of act in any manner conflicting with any of the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

TO EXTEND AND DEFINE THE CORPORATE LIMITS OF THE CITY OF
PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Port Townsend, in Jefferson county, shall include within its limits all of sections, one, two, eleven and twelve, in township thirty north, range one west, Willamette meridian, including the water fronting the same, to the middle of Port Townsend bay, all in said county; and also including all wharves, quays, piers and landing places extending from said city into the waters of Puget Sound.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 3, 1879.

AN ACT

TO AMEND THE CHARTER OF THE CITY OF SEATTLE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act of the legislative assembly, approved, November 12th, 1875, entitled "An act to amend an act entitled an act to incorporate the city of Seattle, approved, December 2nd, 1869," shall be and the same is hereby amended as follows—that is to say: Section 8, of said act, as amended by an act entitled "An act to amend the charter of the city of Seattle," approved, November 9th, 1877, shall be and the same hereby is further amended so as to read follows, to-wit: Section 8. The city of Seattle shall have power to construct and repair sidewalks, and to curve, pave, grade, macadamize and gutter any street or streets, highway or highways, alley or alleys therein, or any part thereof; and to levy and collect a special tax, or assessment on all lots and parcels of land fronting on such street or streets, highway or highways, alley or

alleys, or any part thereof, sufficient to pay the expense of such improvement, and for such purpose may establish assessment districts, consisting of all lots and parcels of land fronting on a portion or the whole of any such street or streets, highway or highways, alley or alleys, as may be deemed advisable: *Provided, however,* That all such assessment districts shall, in all cases, extend back to the middle of the block fronting on such proposed improvement, and all lots or parcels of land as far back as the middle of the blocks fronting on such improvement, shall be deemed and be taken to front on such street or highway; and in the case of alleys, all lots and parcels of land in the block, through which any such alley may run, shall be deemed to front on such alley: *And, provided further,* That in all assessments and levies to pay the expense of any such improvement, the improvements on real property shall be assessed and taxed at the reasonable value of such improvements, and shall be deemed and taken to be part of the real property on which they are located. But unless the owners of more than one-half of the property subject to assessment for such improvement, petition the council to make the same, such improvement shall not be made until a majority of five-sevenths of all the members of the council, by vote, assent to making of the same. And the expense of improvements heretofore made in accordance with the provisions of this section, as hereby amended, or in accordance with the provisions of law, then in force, and not paid prior to the passage of this amendment, shall be assessed and collected as herein provided, notwithstanding any prior assessment upon any other or different basis than herein provided, and such prior assessment, or any attempt to collect the same, shall be no bar to a recovery in any suit or proceeding to collect the amount due for such improvements upon the basis of assessments herein provided; and all assessments and levies of taxes heretofore made in accordance with the provisions of this section, as hereby amended, or in accordance with the provisions of law in force at the time of making any such assessment or levy, shall be deemed and taken to be legal and valid, and of binding effect from the date of such levy or assessment.

SEC. 2. None of the provisions of this act shall be so construed as to conflict with any of the provisions of any act passed at the present session of the legislative assembly legalizing any of the ordinances, levies or assessments of said city of Seattle.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved, Nov. 13, 1879.

AN ACT

AMENDATORY OF AN ACT ENTITLED "AN ACT TO AMEND THE CHARACTER OF THE CITY OF WALLA WALLA," APPROVED, NOVEMBER 8, 1879.

SECTION 1. That the terms used in section nineteen of said act as follows: "Within or without warrants," shall read, "with or without warrants."

SEC. 2. That the word "proceeding" in section thirty of said act shall read "preceding," in place of "proceeding."

SEC. 3. That the word "as" between "time" and "such," in the sixth line of section forty, of enrolled bill, shall be stricken out.

SEC. 4. In section forty-three, in enrolled bill, in tenth line thereof, between the word "of" and "councilman," insert in lieu of the word "the," the word "such."

SEC. 5. Before the word "ordinance" preceding the words "Sec. 76," insert "Chapter 9" in place of "Chapter 8," and for the words "Chapter 9," read "Chapter 10" and for the words "Chapter 10," read "Chapter 11," and for the words "Chapter 11," read "Chapter 12."

SEC. 6. The word "per" before "rata" shall read "pro," in section eighty-one.

SEC. 7. The word "proceeding" in section eighty-three shall read "preceding," and in the same section the word "irrespectively" shall read "respectively," and in the same section the word "apposite" shall read "opposite."

SEC. 8. The word "dings" in section one hundred and one, shall read "doings," and in section one hundred and six, insert the word "deed" between the words "such" and "shall," and in section one hundred and twenty-two, between the words "city" and "not," where the word "with" occurs, insert in lieu of the word "with," the word "into," and between the word "prison" and the word "the," in section seventy, insert the word "or," and where the word "action" occurs after the word "preceding" and before the word "provided," in section one hundred and twenty-five, insert the word "section."

SEC. 9. That the public printer and secretary of the territory, in the printing of said act, are authorized to correct the printed bill so as to conform to the provisions of this act as well as to correct any misspelled words in said act, and this act shall take effect from and after its approval.

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF OLYMPIA," APPROVED, NOVEMBER 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 1, of article one, of the act to which this is amendatory, be amended to read as follows: Section 1. That the town of Olympia shall be bounded as follows: Commencing at the north-west corner of section 27, township 18 north, range 2 west; thence running north on section line until it intersects the north boundary line of B. F. Brown's donation claim; thence east, to intersect the north and south line between section 1 and 2, township 18 north, range 2 west; thence south to north-east corner of section 26, township 18 north, range 2 west; thence west to place of beginning. That section one of article two be so amended as to read as follows: Section 1. All that part of the town lying north of Fifth street and west of Cherry street, shall constitute ward No. 1; all that part of the town lying west of Cherry street and south of Fifth street shall constitute ward No. two (2), and all that part of the town lying east of said Cherry street shall constitute ward No. three. That section 5 of article 3, be amended by adding the following to said section: "*And further provided,* That any legal voter of the town having failed to register, shall be allowed to vote, upon making affidavit before the judge of election, that he is otherwise, in all respects, a qualified voter of said town."

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

Approved, November 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF VANCOUVER," APPROVED JANUARY 29, 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That subdivision twenty-six, of section thirty-two, chapter five, of an act of the legislative assembly of the Territory of Washington, entitled "An act to incorporate the city of Vancouver," approved January 29, 1868, be and the same is hereby amended so as to read as follows: 26. To make regulations and pass ordinances preventing domestic and other animals from running at large in the city limits, and to authorize the impounding and sale of the same, to pay the expenses of such impounding, and of the keeping and sale thereof under such regulations and upon such notice as the council may by ordinance provide: *Provided,* That no such animal or animals shall be sold except upon at least four days' notice of the time and place of such sale, be first given, by posting a written notice thereof, in some conspicuous place at the post office in said city.

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

Approved, Nov. 10, 1879.

AN ACT

TO REPEAL AN ACT, ENTITLED "AN ACT TO EXTEND AND DEFINE THE CORPORATE LIMITS OF THE CITY OF PORT TOWNSEND," APPROVED, NOV. 3, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to extend and define the corporate limits of the city of Port

Townsend," approved, November 3, 1879, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved, November 10, 1879.

AN ACT

TO LEGALIZE CERTAIN ORDINANCES OF THE CITY OF SEATTLE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That ordinance No. 175, passed by the council, and approved by the mayor of the city of Seattle, on the 14th day of December 1878, and ordinance No. 176 passed by the council and approved by the mayor of said city on the 2nd day of January 1879, be and the same are each hereby declared to be valid ordinances of said city of Seattle, and of binding effect from the said dates of the approval of the same by said mayor respectively.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 10, 1879.

AN ACT

TO ORGANIZE SPOKANE COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of the Territory of Washington, included within the following limits be and the same is hereby organized into a county to be known and called Spokane county, viz: Commencing at a point

where the section line between section twenty-one (21) and twenty-eight (28), in township fourteen (14) north, range twenty-seven (27) east, Willamette meridian, Washington Territory, strikes the main body of the Columbia river on the west side of the island; thence west to the mid channel of the Columbia river; thence up the mid channel of the Columbia river to the Spokane river; thence up the mid channel of the Spokane river to the Little Spokane river; thence north to the township line between townships twenty-nine and thirty; thence east to the boundary line between Washington and Idaho Territories; thence south on said boundary line to the fifth standard parallel; thence west on said parallel to the Columbia guide meridian; thence south on said meridian to the fourth standard parallel; thence west on the fourth standard parallel to the range line between ranges twenty-seven (27), and twenty-eight (28); thence south on said range line to the section line between sections twenty-four (24) and twenty-five (25), in township fourteen (14) north, range twenty-seven east, Willamette meridian; thence west to the place of beginning.

SEC. 2. That W. C. Gray, John H. Wells and Andrew Lafevre, are hereby appointed a board of commissioners to call a special election for the election of county officers for said county, and to appoint the necessary judges and inspectors therefor, notice of which election shall be given and the said election conducted and returns made to the commissioners aforesaid, who shall canvass the returns and declare the result in the same manner as county canvassers are now required to do by law. There shall be elected at such election in said county, one auditor, one treasurer, one sheriff, who shall be ex-officio assessor, one probate judge, one superintendent of common schools, one coroner, and three county commissioners. Such officers shall hold their offices respectively until the second Monday in January 1881, and until their successors are elected and qualified. Each of said officers, before entering upon the duties of his office, shall take the oath of office required of other officers in like position in other counties. The board of county commissioners so elected shall fix the amount of the bonds to be given by the auditor, treasurer, sheriff, probate judge and school superintendent of said county, and approve the same. Said election shall be held on the second Monday in December 1879, and said board of county commissioners shall hold a special meeting at the county seat of said county, on the first Monday in January 1880, to fix the amount of the bonds aforesaid and for the transaction of other business. No officer mentioned in this section, required to give bonds, shall perform any of the duties of his office until he shall have executed such bond, and taken his oath of office. Any vacancy in any office herein mentioned may be filled by the said board of county commissioners.

SEC. 3. That all taxes levied and assessed by the board of county commissioners of Stevens county, for the year 1879, upon persons or property within the boundaries of said county of Spokane, shall be collected and paid into the treasury of Stevens county for the use of said county of Stevens: *Provided, however,* That nothing in this act shall be so construed as to deprive the county of Spokane of its proportion of the tax levied for common school purposes for the above named year: *And, provided further,* That the county of Spokane shall not be liable for any of the indebtedness of the county of Stevens, nor entitled to any portion of the property of said county of Stevens.

SEC. 4. That the county seat of said county of Spokane be and the same is hereby temporarily located at the town of Spokane Falls, situated upon the south side of the Spokane river, on section eighteen, in township twenty-five north, range forty-three east, Willamette meridian, at which place the county seat shall remain until located elsewhere, by a majority vote of the legal electors of said county, for which purpose there may be a vote taken at the next general election.

SEC. 5. That the justice of the peace and constable who are now acting as such in the precincts of the county of Spokane be and the same are hereby declared justices of the peace and constable for the said county of Spokane.

SEC. 6. All acts of a local nature now in force in the county of Stevens shall have like force and effect in the county of Spokane as in the county of Stevens.

SEC. 7. All acts and parts of acts conflicting with this act are hereby repealed.

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

Approved, Oct. 30, 1879.

AN ACT

PROVIDING FOR THE PROTECTION OF GAME AND FISH IN THE COUNTIES OF WALLA WALLA AND COLUMBIA, IN THE TERRITORY OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That it shall be unlawful for any person or

persons to kill any deer or elk in the counties of Walla Walla or Columbia, in the Territory of Washington, from the first day of January to the fifteenth day of August, each year.

SEC. 2. That it shall be unlawful to kill, or trap (except for the purpose of propagating), any quail or what is commonly known as Bob White, in any of the counties aforesaid, at any time.

SEC. 3. That it shall be unlawful to kill any blue grouse, pin-tailed grouse or prairie chicken, or ruffed grouse, commonly known as pheasant, from the first day of January to the fifteenth day of August, each year, in any of the counties aforesaid.

SEC. 4. That it shall be unlawful at any time to trap, net or snare (except for the purpose of propagation), any blue grouse, pin-tailed grouse or prairie chicken, or any ruffed grouse, commonly called pheasants, in any of the counties aforesaid.

SEC. 5. Any person or persons who may build or maintain any dam of any kind, or place any obstruction of any kind for any purpose whatever, in any of the streams in the counties of Walla Walla or Columbia, shall construct a suitable fish-way by which fish may reach the water above said dam or obstruction, and any person or persons who shall build or maintain such dam or obstruction and who shall neglect or refuse to construct such suitable fish-way, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars, and any person so convicted who shall neglect or refuse, for thirty days after such conviction and sentence, to construct a suitable fish-way, as aforesaid, shall be liable to a new prosecution for misdemeanor, as aforesaid, until said fish-way shall have been constructed.

SEC. 6. It shall not be lawful for any person or persons to place in any of the streams aforesaid, except the Columbia river, any trap, weir, net or other device for the purpose of taking any fish therefrom, and any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall pay a fine not exceeding one hundred dollars.

SEC. 7. It shall not be lawful for any person to take or kill any salmon, salmon-trout, bull-trout or trout, in any of the streams aforesaid, except the Columbia river, from the first day of October to the first day of April each year, by any means whatever, and any person violating this section shall be liable to pay a fine of five dollars and the costs of prosecution for every violation, to be recovered before any justice of the peace in said counties, and shall be imprisoned until such fine and costs are paid, not exceeding twenty days.

SEC. 8. Every person violating the provisions of section one (1) of this act shall be liable to a fine of ten dollars and the costs of prosecution for every deer or elk killed by him, to be recovered before any justice of the peace in the respective counties, and shall be imprisoned until said fine and costs are paid, not exceeding twenty days.

SEC. 9. Every person violating the provisions of sections two (2), three (3), or four (4) of this act shall be liable to a fine of five (\$5.00) dollars for every one of said birds so killed or trapped, to be recovered as in the last preceding section provided.

SEC. 10. It shall not be lawful for any one person to kill more than twenty blue grouse, pheasants or prairie chickens, in one day, at any time; and any person violating this section shall be liable to a fine of five dollars and the costs of prosecution for every bird above twenty so killed, to be recovered as provided in section eight of this act.

SEC. 11. It shall be the duty of every sheriff and constable in the counties aforesaid, to make complaint before a justice of the peace or grand jury for every violation of the provisions of this act which may come to their knowledge, and any person who shall make complaint for any such violations shall be entitled to receive one-half of the fine recovered and the other half shall go to the school fund of the respective county.

SEC. 12. An act entitled "An act to provide for the protection of game," approved November 12, 1875, and all acts and parts of acts heretofore passed in regard to any subject or matter contained in this act, so far as the same relates to the counties of Walla Walla and Columbia, are hereby repealed.

SEC. 13. This act to take effect from and after its passage and approval by the governor.

Approved, Nov. 10, 1879.

AN ACT

TO PROVIDE FOR THE COLLECTION OF ROAD TAXES AND THE MAINTENANCE OF ROADS IN KITSAP COUNTY.

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

ers of Kitsap county shall, at their regular meeting in May, in each year, appoint a collector of road taxes in each road district in said county, who shall hold his office for one year or until his successor is appointed and qualified; such collector so appointed shall receive such compensation as the county commissioners may determine.

SEC. 2. Each collector of road taxes, appointed under the provision of section one of this act, shall, before entering upon the duties of his office, take and subscribe an oath before some person duly authorized to administer the same, to the effect that he will faithfully discharge the duties of his office; and he shall execute a bond in such amount as the county commissioners may require, to the effect that he will faithfully pay into the county treasury of said county all money that may come into his hand by virtue of his office.

SEC. 3. The county auditor of said county, shall, immediately after the appointment, by the county commissioners, of collector of road tax for the several road districts, cause to be delivered to each of said collectors, a notice of appointment as such, which notice shall be under the seal of the board of county commissioners, and which, with his oath of office attached, shall be deemed sufficient authority to demand and collect road taxes in his respective district.

SEC. 4. Every adult male inhabitant of the county of Kitsap, under fifty years of age, not too infirm to perform labor, shall pay a road poll tax of two dollars a year, which tax shall be due and payable at any time after the first Monday in May, and payment may be enforced by any collector of road taxes duly appointed under the provisions of this act in the same manner as supervisors may do under the provisions of the general road law of this territory.

SEC. 5. It shall be the duty of the board of county commissioners, at the time of levying the taxes for county purposes in each year, to levy and assess a property road tax of fifteen cents on every one hundred dollars' worth of taxable property in said county.

SEC. 6. Within fifteen days after the assessment roll has been completed and approved by the board of county commissioners, the auditor shall furnish the collector of road taxes of each road district, a road book containing a list of persons to whom property road tax has been assessed in his respective district, the class of property, whether real or personal, the valuation of each class, and the total amount of such tax assessed to each.

SEC. 7. All property road tax, assessed in said county,

shall be due on or before the first day of August in each year, and payable to the collector of road taxes of the road district where the property was assessed, and all such road taxes, remaining unpaid after the first day of August, shall be returned as delinquent by the collector of road taxes, of each respective district, to the officer authorized by law to collect delinquent county taxes, and such officer is hereby authorized to add ten per centum to the amount of such delinquent road tax, and all delinquent road taxes, remaining unpaid at the time when territorial and county taxes become delinquent, shall be subject to the same costs, and shall be collected in the same manner as such territorial and county taxes.

SEC. 8. All road taxes, collected in said county, shall be paid into the county treasury and shall belong to the respective district where the same was assessed or collected, and the treasurer shall keep an account with each road district in said county, of all money paid into the treasury belonging to each respective district, and he shall pay out the same only as is hereinafter provided.

SEC. 9. The county commissioners of said county, shall, at their regular meeting in February, in each year, determine what work shall be done on the county roads, in each of the road districts in the county, during the ensuing year, and they shall enter such determination in full upon their record.

SEC. 10. The county auditor of said county, shall, at least fifteen days prior to the regular meeting of the county commissioners, in May of each year, cause to be posted in some public and conspicuous place in each road district where road work is to be done the ensuing year, a notice setting forth that proposals will be received by the county commissioners of said county, at their regular meeting in May, for work to be done upon the county roads in such respective district, and if work is to be done other than keeping the roads of such district in repair, the notice shall state as nearly as possible the extent and character of such work, and the place where it is to be done according to the determination of the county commissioners.

SEC. 11. It shall be the duty of the county commissioners of said county, at their regular meeting in May in each year, to receive and consider proposals for doing work on the county roads for the ensuing year, and if such proposals shall appear reasonable, they shall contract with the lowest responsible bidder from each of the several districts where road work is to be done; but, if during said session of the board, no bids shall be received from a particular district, or being received, if the bids shall be considered unreasonable, or the bidders irresponsible, then said board of commissioners may authorize one of their

number residing nearest to such district, to contract, with some person for the performance of work to be done.

SEC. 12. It shall be the duty of that member of the board of county commissioners residing in or nearest to the road district where contract work is done on the county roads, when informed by the person or persons who contracted to perform the work, that the same has been performed, according to contract, to immediately examine and ascertain if the work has been faithfully performed according to contract, and if so, he shall immediately report accordingly to the county auditor, stating whether the whole contract has been fulfilled or a part only, and in case only a part of said contract has been fulfilled, said commissioner shall state, in his report to the county auditor, what amount said contractor is entitled to receive on account of said contract, and the auditor shall draw his order on the county treasury for the proper amount, and the treasurer shall pay the same out of any money in the treasury belonging to the district where the work was done.

SEC. 13. Within the meaning of this act all road taxes, whether poll or property tax, shall be paid in money, and all road work shall be done by contract.

SEC. 14. All the provisions of the general road law of the territory, not in conflict with this act, shall be held to apply and be in force in the county of Kitsap.

SEC. 15. An act entitled "An act in relation to road tax in Kitsap county, approved Nov. 29, 1871 is hereby repealed: *Provided*, Such repeal shall not exonerate any one from the payment of taxes under said repealed act which have been heretofore levied and assessed, but such taxes may be collected as in this act provided, notwithstanding such repeal.

Approved Nov. 10. 1879.

AN ACT

IN RELATION TO THE RE-LOCATION OF THE COUNTY SEAT OF PIERCE COUNTY, WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That it shall be the duty of the

county commissioners of Pierce county to submit the question of the re-location of the county seat of said county to the legal voter of said county at the general election in November, 1880.

SEC. 2. Any legal voter of said county may at such election designate by ballot, either written or printed, the name of the place he prefers as the county seat of said county, and may vote in any precinct in said county, and it shall be the duty of the county commissioners of said county, on or before the first Monday in December, A. D., 1880, to declare the place having the majority of all the votes cast on that subject, at such election for county seat, thereafter to be the permanent county seat of said county: *Provided*, That no person shall vote on this subject unless he is otherwise a legal voter, in said county, and a property holder, and tax payer therein: *And be it further provided*, That the ballot on this subject shall be deposited in a separate ballot box and a separate list of voters on this subject shall be kept by the judges, inspectors and clerks of election; and if they are satisfied by the oath of the person offering to vote, that he is a legal voter, on this subject, they shall receive such vote, otherwise they shall reject the same; and any person voting in more than one precinct, or illegally voting, shall be liable to like penalties as for illegal voting at any general election in this Territory.

SEC. 3. The votes cast in pursuance of this act, shall be canvassed and returned in the same manner as the vote for officers is canvassed and returned at other elections held in this territory.

SEC. 4. It shall be the duty of the board of county commissioners, on or before the second Monday in January, A. D., 1881, to cause to be removed to the place declared to be the county seat, all books, papers and other county property, which by law are required to be kept at the county seat: *Provided*, That before any county buildings are erected at the expense of the county, the title to any lands upon which such buildings are to be erected shall first be approved by the judge of the third judicial district of Washington Territory, and such approval shall be placed in the hands of the county auditor, to be by him filed and recorded in his office.

SEC. 5. After the order of removal is made, as provided in section four of this act, it shall be the duty of all county officers, who by law are required to hold their offices at the county seat, forthwith, to remove their respective offices to the place declared by this act to be the permanent county seat of said county, and any county officer who shall willfully neglect, or fail so to remove his office, shall be liable to indictment, and to pay a fine not exceeding five hundred dollars, or to be impris-

oned in the county jail, of said county, not exceeding thirty days, or to both such fine and imprisonment therefor.

SEC. 6. From and after said removal of said county seat, as hereinbefore provided, all terms of the probate, county commissioners and district courts, held in said Pierce county, shall be held at the said county seat, so selected at said election, and the deputy clerk of the district court of the third judicial district, of Washington Territory, now holding terms at Steilacoom, for Pierce county, shall forthwith remove his office to said county seat, and shall thereafter keep and have his office thereat.

SEC. 7. The provisions of any act conflicting with the provisions of this act be and the same are hereby repealed, and this act shall take effect and be in full force from and after its passage and approval.

Approved, November 14, 1879.

AN ACT

TO REPEAL AN ACT, ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COUNTY ASSESSOR IN THE COUNTY OF PIERCE, AND DEFINING HIS DUTIES," APPROVED NOV. 6, A. D., 1877, AND DECLARING THE SHERIFF THEREOF EX-OFFICIO ASSESSOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to provide for the appointment of a county assessor, in the county of Pierce and defining his duties," approved Nov. 6, A. D., 1877, be and the same is hereby repealed.

SEC. 2. The sheriff of Pierce county shall be ex-officio assessor of said county, and shall perform all the duties of assessor in said county.

SEC. 3. The said sheriff shall, before entering upon the discharge of his duties as assessor, give a bond to the county of Pierce, with two or more sureties, to be approved by the board of county commissioners of said county, in such penal sum as said board shall direct, conditioned for the faithful performance of his duties as assessor of said county according to law, and

shall take and subscribe an oath faithfully and impartially to discharge the duties of his office according to law and the best of his ability.

SEC. 4. The assessor created by this act shall receive the same compensation as assessor received under the act so repealed by this act, and such compensation shall be paid out of the county treasury on order of the board of county commissioners out of any money in the county treasury not otherwise appropriated.

SEC. 5. It shall be lawful for the said sheriff, as assessor of said county, in case of sickness or other unavoidable causes, preventing him from attending to the duties of his office, to appoint some suitable person, having the qualifications of a voter, his deputy, for whose acts he shall be responsible, and said deputy shall, before entering upon the discharge of the duties of his office, take and subscribe an oath before the county auditor faithfully and impartially to perform the duties devolving upon him; which oath shall be filed in the office of the county auditor.

SEC. 6. This act shall be in force from and after its approval by the governor.

Approved, Nov. 4, 1879.

AN ACT

TO CHANGE THE BOUNDARIES OF PACIFIC, WAHAKIACUM, LEWIS AND SKAMANIA COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the east boundary line of Pacific county, Washington Territory, be so changed as to run as follows: Beginning at the south-west corner of Wahkiakum county, on the Columbia river, running thence west, down said river, to where the line, between ranges 8 and 9 west, intersects said river; thence north along said line to the north boundary of township ten north; thence east along said boundary to the line between ranges 6 and 7 west; thence south to the place of beginning.

SEC. 2. That the west boundary of Lewis county be made

to continue south along the west boundary of 5 west, to the south-west corner of township 11 north, range 5 west, and thence east along south boundary of township 11 north, to the summit of the Cascade range.

SEC. 3. That proportion of the indebtedness of Wahkiakum county to Pacific county, for which the portion of Wahkiakum so annexed shall be liable, shall be determined in accordance with provisions of sections three, four, five and six, of an act entitled "An act in relation to counties," approved, January 17th, 1863; also the proportion of the indebtedness of Wahkiakum shall also be determined by the same section of the same act.

SEC. 4. All acts or part of acts in conflict with this act be and are hereby repealed.

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

Approved, Nov. 13, 1879.

AN ACT

AUTHORIZING THE CITY OF PORT TOWNSEND TO LICENSE, TAX, REGULATE AND RESTRAIN CERTAIN KINDS OF BUSINESS WITHIN THE LIMITS OF SAID CITY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Port Townsend, within the limits of said city, shall have power to license, tax, regulate and restrain bar-rooms, saloons, and all houses or places where liquors are sold or disposed of in quantities of less than one gallon, and all houses or places where wines and spirituous liquors are sold or disposed of, at wholesale, or in quantities greater than one gallon; also breweries or groceries where lager beer is sold or disposed of; also all billiard tables, pigeon hole, Jenny Lind, and other gaming tables kept for hire within the city; and any person or persons who shall keep any billiard table or tables, pigeon hole, Jenny Lind, or other gaming tables in a drinking saloon or house, or in a room or building adjoining, or attached thereto, and shall allow the same to be used by two or more persons to determine, by play thereon,

which of the persons so playing shall pay for drinks, cigars or other articles for sale in such saloon or drinking house, shall, within the meaning of this act, be deemed to be keeping the same for hire: *Provided*, The sale by apothecaries or druggists of spirituous, malt or fermented liquors, or wine for medicinal purposes, upon the prescription of a practicing physician, shall not be restricted, and no license shall be required therefor. No law or part thereof, authorizing any tribunal or officer of Jefferson county to grant licenses for any such houses or places, or business enumerated in this section, shall apply or be held to authorize the granting of such licenses within said city by county officers, and all such licenses, paid to the city, shall be in lieu of the license required and specified by the general laws of the territory for similar houses or business; and the sum required for such license shall be the same as the amount required by the general laws of the territory for houses or businesses of like character, and shall be paid to said city, and bonds required to be given by keepers of saloons or drinking houses shall be upon the same terms and for like amounts as required by said general laws, and shall be made payable to said city: *And, provided, further*, That no license authorized by this act shall be issued by the city, prior to the first day of January, A. D., 1880, and until said date licenses shall be granted by the county commissioners, and the money paid therefor shall go to the treasury of Jefferson county, as provided by the general laws of the territory.

SEC. 2. This act to take effect and be in force on and after the first day of January, A. D., 1880.

Approved, Nov. 3, 1879.

AN ACT

FOR THE RELIEF OF B. S. MILLER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of three hundred dollars be and the same is hereby appropriated out of the territorial treasury, to pay B. S. Miller, sheriff of Jefferson county, for expenses incurred in arresting and conveying territorial convicts.

SEC. 2. The territorial auditor is hereby authorized to draw his warrant upon the territorial treasurer for the sum specified in section 1, of this act, to the order of B. S. Miller, and the territorial treasurer is hereby authorized to pay the same out of any money in his hands not otherwise appropriated.

Approved, Nov. 11, 1879.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF THURSTON COUNTY TO LEVY AN ADDITIONAL TAX FOR COUNTY PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Thurston county be and they are hereby authorized to levy, in their discretion, a tax of two mills on every dollar's worth of taxable property in said county in addition to the taxes now authorized to be levied by the general revenue law for county purposes. Such additional taxes shall be levied and collected in the same manner and at the same time as other taxes are authorized to be levied and collected by the general revenue law and shall be expended by said county commissioners for all necessary county purposes.

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

Approved, Nov. 14, 1879.

AN ACT

FOR THE RELIEF OF E. SERFLING FOR WORK DONE IN MOVING TERRITORIAL LIBRARY.

Be it enacted by the Legislative Assembly of Washington Territory.

SECTION. 1. That the sum of fourteen dollars be and the

same is hereby appropriated out of any money in the territorial treasury not otherwise appropriated, for the relief of E. Serfling.

SEC. 2. Upon demand it shall be the duty of the territorial auditor to issue to E. Serfling a territorial warrant for the aforesaid sum of fourteen dollars, and the treasurer is instructed to pay the same.

SEC. 3. This act to be in force after its approval by the governor.

Approved, Nov. 13, 1879.

AN ACT

PROHIBITING HOGS FROM RUNNING AT LARGE IN THE COUNTIES OF COLUMBIA, WHITMAN, STEVENS, WALLA WALLA, YAKIMA AND LEWIS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the owner or lessee of any premises in the counties of Columbia, Whitman, Stevens, Walla Walla, Yakima and Lewis, may take up any hogs, found trespassing upon his or their premises, and may safely keep the same at the expense of the owner of said hogs.

SEC. 2. All persons taking up hogs, trespassing upon their lands, shall immediately thereafter post notices in three public places, containing a description of the ear, or other mark, of such hogs, whereby the owners may identify them.

SEC. 3. If the owners of such hogs come forward, within ten days after the time such notices were posted, and prove them to be their property, the person taking them up shall deliver them to such owners upon their paying all costs and damages sustained by reason of their trespassing.

SEC. 4. If, however, the owners do not come forward, within the ten days, then the person taking up such hogs shall immediately notify a constable of the precinct wherein the trespass has been committed, or if there be no constable in said precinct, then the sheriff of said county, or constable of a neighboring precinct, and said constable or sheriff shall proceed

to sell at public auction, (after giving five days' notice of such sale by posting notices in three public places, in said precinct,) all said hogs so taken: *Provided, however,* That the owners may prove their hogs, and receive them by paying all costs, charges and damages, at any time before said sale takes place.

SEC. 5. If the parties cannot agree as to the amount of the charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the amount of the damages and costs of keeping of said hogs. Should the owner not come forward, then the constable or sheriff shall appoint one or more disinterested persons to determine the amount.

SEC. 6. The fees of the officers for making sales under provisions of this act, shall be the same as are allowed for sale under execution.

SEC. 7. If there should be any surplus money, arising from such sale, after paying all costs, charges and damages, the constable or sheriff shall pay the same to the owners of said hogs sold, provided they prove they are entitled to it, within ten days after the sale; if not, then he shall pay it to the county treasurer, taking his receipt for the same: *Provided,* The hogs sold do not pay all costs, charges and damages, this shall not bar the right of the damaged party to bring his action against the party trespassing, for the balance due or unpaid.

SEC. 8. All money paid to the county treasurer, under the provisions of this act, shall constitute a part of the school fund of the county.

SEC. 9. Any constable or sheriff, refusing to pay to the county treasurer, or to the owners, the surplus money derived from such sale, shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars.

SEC. 10. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

SEC. 11. This act to take effect from and after its approval by the governor.

• Approved, November 5, 1879.

AN ACT

PROHIBITING THE OWNERS OF HOGS AND SHEEP FROM PERMITTING THE SAME TO RUN AT LARGE IN PACIFIC COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the owners of hogs and sheep in Pacific county be and they are hereby prohibited from permitting the same to run at large within the limits of said county.

SEC. 2. That the owner or owners thereof shall be liable for the actual damage committed by his or their hogs or sheep when running at large in said county. Said damages to be recovered in an action at law by the person or persons suffering from the depredation of said hogs or sheep.

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

Approved, Nov. 11, 1879.

A BILL

DEFINING LAWFUL FENCES IN COLUMBIA AND STEVENS COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That post and pole, rail or plank fences, four and one-half feet high, made of sound, substantial posts, set firmly in the ground not more than ten feet apart, with three planks, not less than one inch thick, and six inches wide, securely fastened to the posts, not more than one foot apart, or three sound, substantial rails or poles, securely fastened to the posts, not more than one foot apart; ditch and pole, board or rail fence, made of a ditch not less than three feet wide on the top and three feet deep, with the embankment thereon on the inside of the ditch, except upon side-hills, on

which it may be thrown upon either side, with substantial posts, set in the embankment or ditch, not more than ten feet apart, and a plank, pole or rail, securely fastened to them, seven feet high from the bottom of the ditch; and all other fences which are equally as strong and well calculated to turn stock as those above enumerated, shall constitute a lawful fence in Columbia and Stevens counties.

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

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

Approved, Nov. 3, 1879.

AN ACT

TO CHANGE THE NAME OF THE COUNTY SEAT OF LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of the county seat of Lewis county be, and the same is hereby, changed from Saundersville to Chehalis and the said county seat shall hereafter be styled and known as Chehalis in all legal proceedings.

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

Approved, November 5, 1879.

AN ACT

FOR THE RELIEF OF KLICKITAT COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of \$67 89 be and

the same is hereby appropriated to reimburse said county for freight and charges paid by it in transporting arms and ammunition from Vancouver to said county during the late Indian war.

SEC. 2. The territorial auditor is hereby instructed to issue, to said county of Klickitat, a territorial warrant for the aforesaid sum, and the territorial treasurer is instructed to pay the same out of any money in the treasury, not otherwise appropriated.

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

Approved, Nov. 14, 1879.

AN ACT

TO AUTHORIZE THE GOVERNOR TO EXECUTE A BOND TO THE UNITED STATES.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That the governor is hereby authorized and empowered, in the name of the territory, to execute and deliver to the United States a bond in accordance with the provisions of an act of congress, approved June 7th, 1878, for the arms and ammunition heretofore loaned by the United States to this territory on the requisition of the governor.

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

Approved, Nov. 14, 1879.

AN ACT

REGULATING THE FEES OF CERTAIN OFFICERS IN LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That all fees and compensation, which

may become due from and payable by the county of Lewis to the following officers of said county, to-wit: The county commissioners, auditor, assessor, sheriff, school superintendent, surveyor, coroner, also all road viewers and persons now authorized to be employed by law by said county, be and the same are hereby reduced twenty-five per cent. below the amount now authorized by law for such fees and compensation; and such fees and compensation shall be paid in current money of the United States out of the fund provided by law, authorizing the borrowing of money by said county, to pay the current expenses of said county.

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

Approved, Nov. 14, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO COMPENSATION OF CERTAIN OFFICERS OF COLUMBIA COUNTY," APPROVED NOVEMBER 12, 1875.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one, of the act to which this act is amendatory, be amended so as to read as follows: Section one. That the officers of Columbia county shall receive for their services, the following as hereinafter named, that is to say: The judge of the probate shall receive in lieu of fees, and in full compensation for his services, an annual salary of six hundred dollars, payable quarterly out of the county treasury. The treasurer shall receive in full compensation for his services, in lieu of commissions, an annual salary of eight hundred dollars, payable quarterly, by warrant on the county treasurer. The auditor shall receive in full for services performed for the county a salary of eight hundred dollars, (but no other fees shall be paid by the county) and all fees allowed by law for other services. The sheriff shall receive for his services all fees that are allowed by law. The county commissioners shall each receive for their services the sum of four dollars per day, and mileage. The assessor shall receive for his services and his deputies the sum of four dollars per day for actual time employed. The coroner shall receive for his services the fees that are allowed by law.

SEC. 2. All acts and parts of acts, in so far as the provisions thereof, necessarily conflict with this act, are repealed.

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

Approved, Nov. 13, 1879.

AN ACT

TO PROVIDE FOR EXTRA CLERKS.

WHEREAS, It is apparent that the present force of clerks, owing to the amount of business, cannot enroll all of the acts of this session of the legislative assembly, and keep up the journal thereof.

SECTION 1. *Therefore be it enacted by the Legislative Assembly of the Territory of Washington,* That the enrolling committee be and they are authorized to employ not exceeding five additional clerks.

SEC. 2. That such clerks shall receive as compensation a sum not to exceed four dollars per day.

SEC. 3. That said committee shall deliver to each of said clerks, so employed, a certificate stating the number of days employed, and the amount due them.

SEC. 4. On the presentation of such certificate to the territorial auditor, he shall audit the same, and draw a warrant on the territorial treasurer in favor of the person holding said certificate.

SEC. 5. It shall be the duty of the territorial treasurer to pay such warrants out of any funds on hand, not otherwise appropriated.

SEC. 6. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 10, 1879.

AN ACT

TO DISPOSE OF CERTAIN LICENSE MONEY IN THE CITY OF PORT TOWNSEND, IN JEFFERSON COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That fifty per cent. of all moneys derived from licenses for the sale of liquors, in the town of Port Townsend, be and the same is hereby appropriated for school purposes.

SEC. 2. That twenty-five per cent. of all moneys derived from licenses for the sale of liquors, within the said town of Port Townsend, be and the same is hereby appropriated for county purposes.

SEC. 3. The treasurer of the town of Port Townsend is hereby required to pay, into the general school fund of Jefferson county, fifty per cent. of all moneys received by him for liquor licenses in said town for the use of the common schools in said county.

SEC. 4. The treasurer of the town of Port Townsend is hereby required to pay, into the treasury of the county of Jefferson, twenty-five per cent. of all moneys received by him for liquor licenses in said town for the use of said county.

SEC. 5. That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

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

Approved, Nov. 10, 1879.

 AN ACT

FOR THE RELIEF OF CERTAIN CLERKS AND EMPLOYES OF THE PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following named per-

sons, who have been employed by the present legislative assembly, are entitled to pay as follows: That is to say, Samuel Greene, six dollars per day; William Hughes, six dollars per day; Emma Knighton, four dollars per day; Emma Harmon, four dollars per day; G. W. Brant, four dollars per day; G. D. Keller, four dollars per day.

SEC. 2. Upon the termination of the said employment of any of said persons, the chief clerk of the body to which said employe belongs shall make out and sign a certificate of the number of days such person shall have been in attendance thereon, and of the pay to which he, or she, is entitled hereunder, which certificate shall be countersigned by the president, or speaker respectively, of the body in which such person is employed.

SEC. 3. That upon the presentation of such certificate the territorial auditor be and he is hereby authorized to draw a warrant on the territorial treasury, in favor of any person holding a certificate of service as above provided, which said warrant shall be paid out of any money in the territorial treasury, not otherwise appropriated.

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

Approved, Nov. 10, 1879.

AN ACT

REGULATING THE REMOVAL OF CERTAIN CAUSES FROM THE DISTRICT COURT HOLDING TERMS AT OLYMPIA TO THE DISTRICT COURT OF LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act passed at the present session of the legislative assembly entitled "An act supplemental and amendatory of an act entitled 'An act to establish district courts in the first and second judicial districts,'" and fix the times and places for holding the same, approved, November 6, 1879, and which provides for the removal of certain

causes now pending in the district court holding terms at Olympia, to the district court of Lewis county, shall not include any civil actions now pending in said district court at Olympia, where the service of the summons is not complete, or where the plaintiff is not entitled to a default, unless there has been a general appearance entered by the defendant; but such causes shall be and remain for trial, judgment and execution in the district court holding terms at Olympia.

SEC. 2. This act shall take effect and be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

TO CHANGE THE LINE BETWEEN WALLA WALLA AND COLUMBIA COUNTIES.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That the line now existing between Walla Walla and Columbia counties shall be so changed as to take township No. 8, range 38 east, from the territory of Columbia county, and the same shall become a part of Walla Walla county.

SEC. 2. That all taxes for the year 1879 shall be paid into the treasury of, and belong to, Columbia county from said township; and the collector of taxes for Columbia county shall have the same power and authority to collect such taxes, as he has by law for the collection of taxes in Columbia county.

SEC. 3. This act to take effect from and after the first day of January, 1880.

Approved, Nov. 13, 1879.

AN ACT

TO CHANGE THE NAME OF DAVID LIPSTINE TO THAT OF HENRY LANDES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of David Lipstine be and the same is hereby changed to Henry Landes.

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

Passed the house of representatives Oct. 17th, 1879.

GEORGE H. STEWARD,
Speaker of the house of representatives.

Passed the council Oct. 21st, 1879.

FRANCIS H. COOK,
President of the council.

Endorsed by the governor: Received Oct. 29, 1879.

[NOTE BY THE SECRETARY OF THE TERRITORY.—The foregoing act having been presented to the governor of the Territory of Washington for his approval, and not having been returned by him to the house of representatives, in which it originated, within the time prescribed by the laws of congress, has become a law without his approval.]

AN ACT

TO CHANGE THE NAME OF CLAUS OESER TO THAT OF FREDRICK OESER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Claus Oeser be and the same is hereby changed to that of Fredrick Oeser.

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

Passed the house of representatives Nov. 3, 1879.

GEORGE H. STEWARD,

Speaker of the house of representatives.

Passed the council Nov. 4, 1879.

FRANCIS H. COOK,

President of the council.

Endorsed by the governor: Received, Nov. 8, 1879.

[The foregoing act having been presented to the governor of the Territory of Washington for his approval, and not having been returned by him to the house of representatives, in which it originated, within the time prescribed by the laws of congress, has become a law without his approval.]

AN ACT

LEGALIZING THE ACTION OF CERTAIN BOARDS OF COUNTY COMMISSIONERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the adjustment of the claims for delinquent taxes, levied upon the property of the Northern Pacific railroad company, in the counties of Pierce, Thurston, Lewis and Cowlitz, made by the commissioners of said counties respectively, at their regular terms, begun and held on the first Monday of November, 1879, be and the same is hereby legalized, ratified and declared valid.

SEC. 2. The pro rata portion of the sums to be paid under said adjustment and settlement, made by said county commissioners, belonging to the territory, shall be paid, without delay, into the territorial treasury.

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

Approved, Nov. 14, 1879.

AN ACT

REPEALING THE PROVISIO OF SECTION ONE OF AN ACT ENTITLED "AN ACT FOR THE RELIEF OF THE CLERKS AND EMPLOYES OF THE PRESENT LEGISLATIVE ASSEMBLY," APPROVED, NOV. 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all of section one of an act entitled "An act for the relief of the clerks and employes of the present legislative assembly," approved, Nov. 9th, 1877, after the word "*Provided,*" be and the same is hereby repealed.

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

Approved, Nov. 10, 1879.

AN ACT

AUTHORIZING THE PUGET SOUND IRON COMPANY, TO CONSTRUCT A WHARF AT THE HEAD OF PORT TOWNSEND BAY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Puget Sound Iron Company, a corporation incorporated under the laws of the Territory of Washington, with its principal place of business located at Port Townsend, in the county of Jefferson and Territory of Washington, is hereby authorized to construct a wharf at or near the head of Port Townsend bay, in the county of Jefferson, Washington Territory, commencing at a sufficient distance above high water mark opposite such land as said company, its successors or assigns may now own or may hereafter own, in lots numbered five (5) and six (6), section number one, township number twenty-nine north, range one west, said wharf not to ex-

ceed fifty feet in width, and to extend in an easterly direction into the bay, to a point where there shall not be less than twenty-four feet of water at low tide.

SEC. 2. That said Puget Sound Iron Company, in addition to the privileges granted in section one of this act, is authorized to construct at the easterly end of said wharf an addition or additions to said wharf on either or both sides thereof, to form an L or T, neither of which additions shall exceed two hundred feet square, and upon which said Puget Sound Iron Company, its successors or assigns, may erect buildings, warehouses or other necessary improvements.

SEC. 3. That said Puget Sound Iron Company, its successors or assigns, shall be entitled to receive such rates of wharfage as the board of county commissioners of Jefferson county, W. T., shall establish, except as herein provided. Said wharf shall be subject to the laws of Washington Territory regulating wharves, and shall be and remain the property of the Puget Sound Iron company aforesaid, its successors and assigns: *Provided*, That the said Puget Sound Iron Company, its successors or assigns, shall, within one year after the passage of this act, commence to build said wharf and shall within ten months from commencing the same, have the same completed.

SEC. 4. This act to take effect from and after the passage and approval thereof.

Approved, Nov. 13, 1879.

AN ACT

FOR THE RELIEF OF T. M. REED, TERRITORIAL AUDITOR.

SECTION 1. Whereas the legislative assembly of the Territory of Washington, at the biennial session of 1877, passed an act to provide for an equitable settlement between the territory and the several counties therein, approved, November 9, 1877, and,

WHEREAS, The duty and responsibility of making such settlements was devolved upon the territorial auditor without any

provision being made for the payment of the extra expenses necessarily incident thereto; that in pursuance of said act the territorial auditor proceeded with the work of said settlements and has effected settlements with nearly all the counties in the territory, thus entailing upon him a large amount of mental and physical labor and involving a heavy cash outlay for clerk hire, postage, stationery and other incidental expenses, amounting to the sum of five hundred dollars. A portion of the money paid out for postage and expressage on the transmission of blanks has been charged to the several counties and returned into the territorial treasury and is now accounted as territorial funds; therefore,

Be it enacted by the Legislative Assembly of the Territory of Washington, That the sum of five hundred dollars be and the same is hereby appropriated out of any moneys in the territorial treasury to pay T. M. Reed, territorial auditor, for extra labor, and to reimburse him for cash expended for clerk hire, stationery, postage and other incidental expenses in making equitable settlements and adjusting the long unsettled accounts between the territory and the several counties.

SEC. 2. The territorial auditor is hereby authorized to issue a territorial warrant in favor of said T. M. Reed for the said sum of five hundred dollars, and the territorial [treasurer] is instructed to pay the same out of any moneys in the territorial treasury, not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

PROVIDING FOR THE PAYMENT OF EXPENSES INCURRED BY THE PRISON COMMISSIONERS IN EXAMINING THE TERRITORIAL PENITENTIARY.

WHEREAS, The prison commissioners incurred an expense of fifty-two dollars in making the examination of the peniten-

tiary building, provided for in section 10, of the act providing for the proper confinement of territorial convicts, approved, Nov. 9, 1877, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there be and is hereby appropriated the sum of fifty-two dollars for the payment of said expenses.

SEC. 2. The territorial auditor is hereby directed to draw his warrant on the territorial treasury in favor of the secretary of the commissioners for the prison for fifty-two dollars, and the said treasurer is hereby directed to pay said warrant in its regular order.

Approved, Nov. 14, 1879.

AN ACT

FOR THE RELIEF OF JAMES T. BERRY.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That the sum of twenty-four dollars be and the same is hereby appropriated out of the treasury of the Territory of Washington for the payment of James T. Berry, of Lewis county, for services rendered in organizing the present legislative assembly.

SEC. 2. When demanded, it shall be the duty of the territorial auditor to draw a warrant on the territorial treasury for the said amount, and it is hereby made the duty of the treasurer to pay the same out of any moneys in the treasury not otherwise appropriated.

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

Approved, November 14, 1879.

AN ACT

FOR THE RELIEF OF IRVING BALLARD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and twenty-five dollars is hereby appropriated out of any money in the territorial treasury, not otherwise appropriated, for the relief of Irving Ballard, for conveying the legislative assembly to Steilacoom and Seattle, to visit the hospital for the insane, and the territorial university.

SEC. 2. Upon demand it shall be the duty of the territorial auditor to draw his warrant on the territorial treasurer in favor of Irving Ballard, for the sum mentioned in the first section of this act, which shall be paid out of any money in the territorial treasury not otherwise appropriated.

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

Approved, Nov. 10, 1879.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT FOR THE PROTECTION OF STOCK RAISERS IN THE COUNTIES OF CLALLAM AND JEFFERSON," APPROVED NOV. 14, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act of the territorial legislature, entitled "An act for the protection of stock raisers in the counties of Clallam and Jefferson," approved November 14, 1873, be and the same is hereby repealed.

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

Approved, November 3, 1879.

AN ACT

IN RELATION TO THE DISPOSAL OF CERTAIN MONEYS DERIVED FROM LIQUOR LICENSES IN THE TOWN OF COLFAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That one-half of all moneys derived from licenses for the sale of liquors within the city limits of the town of Colfax, by the county treasurer of Whitman county, shall be paid into the treasury of the city of Colfax upon demand of the treasurer of said city.

SEC. 2. The county treasurer shall take a receipt from the treasurer of said city for all moneys turned over by him.

SEC. 3. The remaining half of all such moneys, derived from licenses for the sale of liquors within said city of Colfax, shall be assigned to the common school fund of Whitman county.

SEC. 4. This act to take effect and be in force from and after its approval by the governor.

Approved, Nov. 14, 1879.

AN ACT

ENTITLED AN ACT TO ASCERTAIN THE WISHES OF THE PEOPLE IN CERTAIN COUNTIES IN REGARD TO THE FENCE LAW.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That at the next general election

for delegate to congress, to be held in November 1880, the question of fence law, or no fence law, shall be submitted to the legal voters of Walla Walla, Columbia, Whitman, Spokane, Stevens, Yakima and Klickitat counties.

SEC. 2. At such election there shall be plainly written or printed on each ticket, in said counties, the words "For fence law," or "No fence law."

SEC. 3. The vote shall be canvassed, the same as other votes on other questions are canvassed, and shall be returned to the county auditor, who shall keep the same on file, and give each member elected to the legislative assembly as a guide for future legislation in regard to fence laws in their respective counties.

Approved, November 13, 1879.

AN ACT

FOR THE RELIEF OF COLUMBIA COUNTY.

WHEREAS, By the provisions of an act, entitled "An act in relation to compensation of certain officers of Columbia county," approved, November 12, 1875, the county treasurer of said county, in lieu of commissions, receives an annual salary of three hundred dollars, in full compensation for his services, payable from the funds of the county; and,

WHEREAS, No provision is made in said act by which the commissions due by law on the collection and paying over territorial funds, by the county treasurer, shall inure to the county, as in other cases provided by law; therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the territorial auditor be and is hereby authorized to credit the county of Columbia on the books of his office, with four per centum on the total amount of territorial tax, shown to have been collected by the county treasurer of said county, as per the verified statement of said treasurer on file in the office of the territorial auditor.

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

Approved, Nov. 10, 1879.

AN ACT

FOR THE RELIEF OF WALLA WALLA COUNTY.

WHEREAS, The treasury of Walla Walla county was robbed of over nineteen thousand dollars, in the year 1872, and at that time there were one thousand, nine hundred and eighty-three dollars and twenty-seven cents of territorial funds in said treasury, stolen at the time of said robbery; and, inasmuch as the said sum of \$1,983 27-100, is still charged on the books of the territorial auditor against said county, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the territorial auditor be authorized to credit the county of Walla Walla with the sum of \$1,983 27.

SEC. 2. This act to take effect from and after its approval by the governor.

Approved, Nov. 7, 1879.

AN ACT

TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JEFFERSON COUNTY TO BORROW MONEY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county coun-

missioners of Jefferson county are authorized to borrow a sum or sums of money in gold coin, not aggregating more than five thousand dollars, at a rate of interest not to exceed ten per cent. per annum, in like coin.

SEC. 2. Said board shall apply said money, or so much thereof, as they may deem necessary, to building and improving county roads within said county of Jefferson.

SEC. 3. That fifteen per cent. of all money arising from licenses, in said county, shall be applied to paying the interest on said loan, and liquidating said loan.

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

Approved, Nov. 13, 1879.

AN ACT

PROVIDING FOR THE PROTECTION OF DEER IN SAN JUAN AND WHAT-COM COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for any person or persons to kill deer for the purpose of selling the same, or offering, or in any manner disposing of the same to any market, restaurant, hotel or family.

SEC. 2. That no person or persons shall kill or hunt deer for any purpose from the first day of January to the first day of July in each year.

SEC. 3. That no person or persons shall, at any time, hunt deer in said counties with a hound or hounds, nor with any other kind of a dog, except in still hunting.

SEC. 4. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, may be fined in any sum not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court.

SEC. 5. That one-half of the fines made under the provisions of this act shall be paid by the court to the informer, and the other half paid into the general school fund.

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

Approved, Nov. 10, 1879.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A BOARD OF COUNTY COMMISSIONERS FOR STEVENS COUNTY.

WHEREAS, By an act of the legislative assembly of the Territory of Washington organizing Spokane county, approved, October 30th, 1879, the board of county commissioners of Stevens county, who now reside within the limits of the said county of Spokane, their offices as such commissioners for Stevens county, have thereby become vacant, wherefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the governor of this territory be and he is hereby authorized to appoint three qualified electors of the said county of Stevens to serve as such board of commissioners, who shall take the oath prescribed by law and perform the duties of such office until their successors are duly elected and qualified.

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

Approved, Nov. 10, 1879.

AN ACT

TO LEGALIZE AND ESTABLISH CERTAIN ROADS IN THE COUNTIES OF
CLALLAM AND SAN JUAN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all roads in the counties of San Juan and Clallam, now used as county roads and heretofore opened or traveled as such, be and the same are declared to be county roads, notwithstanding any defect, error or mistake made by the board of county commissioners of the respective counties, or other officers or persons in locating, establishing or declaring said roads county roads.

SEC. 2. Where public money, or road tax, or other tax has been usually expended upon or in opening any road mentioned in the first section of this act, the fact of such expenditure shall be taken as conclusive proof that such road is a duly established county road.

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

Approved, Nov. 11, 1879.

AN ACT

PROVIDING COMPENSATION FOR THE CARE AND KEEPING OF MAGGIE
AND THOMAS PHILLIPS, INFANT CHILDREN OF MARY PHILLIPS,
A TERRITORIAL CONVICT.

WHEREAS, Mary Phillips, a territorial convict, under sentence of two years' confinement in the territorial penitentiary, is the mother of two infant children, aged respectively two years, and six months, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the contractor for the keeping of territorial convicts, shall be allowed the sum of twenty-five cents, each, per day while they remain at said prison during the imprisonment of the mother.

SEC. 2. Upon the presentation by said contractor of his account for keeping said children, verified by himself and approved by the governor, to the territorial auditor, he shall draw his warrant on the territorial treasury for the amount due. Said compensation payable quarterly.

Approved, Nov. 11, 1879.

AN ACT

TO PROVIDE FOR THE LOCATION OF A TERRITORIAL ROAD FROM QUILLEHUTE TO THE STRAITS OF JUAN DE FUCA, IN CLALLAM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory,* That the whole of the territorial taxes of the county of Clallam for the year, A. D., 1880, be and the same is hereby appropriated for the purpose of aiding in the location and construction of a territorial road from Quillehute to the straits of Juan De Fuca, in the county of Clallam, to be expended under the direction and control of the board of county commissioners of said county.

SEC. 2. The treasurer of said county of Clallam shall hold said territorial tax for the year above specified, upon collection thereof, subject only to the order of the county commissioners of said county, and shall keep a true and correct account of all money so disbursed, and said territorial tax shall be considered and held by said treasurer, as a special fund, for the purpose specified in section first of this act.

SEC. 3. The county commissioners of said county of Clallam shall have power to make settlement with the treasurer of the said county in the same manner as heretofore provided by law for settlement of county taxes.

SEC. 4. The county auditor of the said county of Clallam shall make out a true statement of the expenditure of the

taxes hereby appropriated under the seal of the county commissioners with his signature attached, countersigned by the chairman of the said board of county commissioners, and transmit the same to the territorial auditor, who, upon receipt of said account, shall credit the said county of Clallam with the amount so expended in settlement with said county, as provided by law for such settlements.

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

Approved, Nov. 14, 1879.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF CLALLAM COUNTY
TO LEVY A SPECIAL TAX FOR CERTAIN PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington, Territory,* That the county commissioners of Clallam county be, and they are hereby authorized, at their regular May session for the year 1880, to levy a tax of three mills on the dollar upon all the taxable property of Clallam county, for the purpose of erecting a bridge across Dungeness river at the point known as the "Clay Banks."

SEC. 2. This tax shall be collected in money at the same time and in the same manner as the county and territorial taxes are collected for the year 1880, and shall be kept in a separate fund known as the bridge fund, to be used for the construction and maintaining of said bridge across said river.

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

Approved, Nov. 13, 1879.

AN ACT

TO LEGALIZE THE ACTION OF THE COUNTY COMMISSIONERS OF THURSTON COUNTY IN LEVYING A SPECIAL TAX FOR THE YEAR 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the action of the board of county commissioners of Thurston county, in levying a special tax of two mills on the dollar for the year 1879, be and the same is hereby declared valid and legal.

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

Approved, Nov. 13, 1879.

AN ACT

FOR THE RELIEF OF WILLIAM BILLINGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of six dollars is hereby appropriated out of any money in the territorial treasury, not otherwise appropriated, for the relief of William Billings. This sum being to reimburse the aforementioned William Billings, for traveling expenses of a committee of the house in visiting the territorial penitentiary.

SEC. 2. It shall be the duty of the territorial auditor, upon demand, to draw his warrant on the territorial treasurer, in favor of said William Billings, for the sum of six dollars, which shall be paid out of any money in the territorial treasury, not otherwise appropriated.

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

Approved, Nov. 11, 1879.

AN ACT

FOR THE RELIEF OF THE OREGON STEAM NAVIGATION COMPANY AND OTHERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of four hundred and three dollars and twenty-eight cents (403.28) be and the same is hereby appropriated out of the territorial treasury to pay the Oregon Steam Navigation Company for the transportation of arms, ammunition and ordnance stores during the year 1878. The sum of two hundred and ninety-seven dollars and eleven cents (297.11) to E. P. Ferry for disbursements during the years 1878 and 1879 in Eastern Washington in connection with Indian affairs. The sum of sixty-three dollars (63.00) to Johnson, Rees & Winans for blankets, and the sum of sixty dollars (60.00) to Schwabacher Bros. for blankets furnished the Washington Territory volunteers who served on a gun-boat in the Columbia river during the Indian campaign of 1878, and the sum of six dollars and fifty-eight cents to Crosby, Davis & Co., Olympia, for stationery to librarian. The sum of twenty-two dollars and twenty-five cents to W. W. Newlin, territorial librarian, for disbursements in connection with the said office. The sum of nineteen dollars to William J. Craig for labor performed and shelving placed in the territorial library during the month of September, 1879. The sum of one hundred and eighty-six dollars and eighty-six cents to Walla Walla county for freight on fire-arms, in 1878, for Walla Walla, Columbia and Whitman counties.

SEC. 2. That the territorial auditor is hereby authorized to draw a warrant upon the treasury for such amount as may be due J. B. Huntington for services and expenses as commissioner in selecting a site for a military post in the Kittitas valley: *Provided,* That any account rendered by said Huntington shall first be approved by the governor.

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

Approved, Nov. 14, 1879.

AN ACT

TO APPROPRIATE ONE-HALF OF THE TERRITORIAL TAX OF SNOHOMISH COUNTY FOR THE YEAR 1880 FOR THE PURPOSE OF BUILDING A TERRITORIAL ROAD THEREIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That one-half of the territorial tax of Snohomish county for the year 1880 be and the same is hereby appropriated for the purpose of building a territorial road, which is hereby established and declared to be a public highway from Snohomish city, in Snohomish valley, to Stanwood, in Steilaguamish valley: *Provided, however,* That the county of Snohomish shall appropriate enough to open said road, and that said road shall be open to travel, on or before August 1, 1881.

SEC. 2. The treasurer of said county of Snohomish shall hold said territorial tax for the time above specified upon collection thereof, subject only to the order of the county commissioners of said county, and shall keep a true and correct account of all money so disbursed, and said territorial tax shall be considered and held by said treasurer as a special fund for the purpose specified in section first of this act.

SEC. 3. The county commissioners, of said county of Snohomish, shall have power to make settlement with the treasurer of said county in the same manner as heretofore provided by law for settlement of county tax.

SEC. 4. The county auditor, of the said county of Snohomish, shall make out a true statement of the expenditure of the taxes hereby appropriated, under the seal of the county commissioners with his signature attached, countersigned by the chairman of the board of county commissioners, and transmit the same to the territorial auditor, who, upon receipt of said account, shall credit the said county of Snohomish with the amount so expended in settlement with said county as provided by law for such settlement.

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

Approved, November 11, 1879.

AN ACT

FOR THE RELIEF OF MRS. LEWIS B. NOBLE.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That an appropriation of twenty dollars is hereby made to compensate Mrs. Lewis B. Noble, for the services performed by her in writing and keeping up the journal of the house of representatives and for other services rendered by said Mrs. Lewis B. Noble in facilitating and keeping up the clerical business of the house.

SEC. 2. It is made the duty of the territorial auditor to draw a warrant in favor of said Mrs. Lewis B. Noble, for such amount, and it shall be the duty of the territorial treasurer to pay the above sum out of any money not otherwise appropriated.

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

Approved, Nov. 14, 1879.

AN ACT

FOR THE RELIEF OF YAKIMA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory*, That a sum, not exceeding six hundred dollars, be and the same is hereby appropriated to Yakima county out of the territorial treasury, to defray expenses in capturing and guarding the Indians who murdered Alonzo Perkins and his wife.

SEC. 2. No warrant shall be drawn by the territorial auditor on the above fund so appropriated except in payment of bills, duly allowed by the board of county commissioners of said Yakima county, and after the same have been also audited by the territorial auditor.

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

Approved, Nov. 11, 1879.

AN ACT

TO MAKE A CHANGE IN THE TERRITORIAL ROAD FROM PALOUSE CITY, IN WHITMAN COUNTY, TO DAYTON, IN COLUMBIA COUNTY W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the said territorial road, shall be changed as follows: Commencing at a point of rocks, where said road is graded, where the section line between sections thirty-four and thirty-five, in township No. 14 north, of range No. 40 E., crosses said territorial road; thence in a north-easterly direction along the flat following the foot of the hill to the line between sections twenty-three and twenty-four, in town fourteen north, of range No. 40 E.; thence along said section line to Snake river.

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

Approved, Nov. 14, 1879.

AN ACT

TO CONFIRM THE LOCATION OF THE COUNTY SEAT OF ISLAND COUNTY

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That Coupeville, in Island county, be and the same is hereby confirmed and declared to be the county seat of Island county.

SEC. 2. That all acts required to be performed at the county seat, shall be done and performed at Coupeville.

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

Approved, Nov. 13, 1879.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT DECLARING BLACK RIVER NAVIGABLE AND A PUBLIC HIGHWAY," APPROVED, NOV. 14TH, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 1 of said act be amended so as to read as follows: That Black river, in Thurston and Chehalis counties, be and the same is hereby declared navigable and a public highway from its mouth to its source—Black lake.

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

Approved, Nov. 14, 1879.

AN ACT

FOR THE RELIEF OF THE COUNTY OF STEVENS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred

and forty-three dollars and sixty-nine cents (\$243 69) be and the same is hereby appropriated to reimburse said county for freight and charges paid by it in transporting, from Vancouver to said county, during the late Indian war, arms and ammunition.

SEC. 2. The territorial auditor is hereby instructed to issue, to said county of Stevens, a territorial warrant for the aforesaid sum, and the territorial treasurer is instructed to pay the same out of any money in the treasury, not otherwise appropriated.

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

Approved, Nov. 14, 1879.

AN ACT

ENTITLED "AN ACT FOR THE ASSESSMENT AND COLLECTION OF TAXES
IN KITSAP COUNTY FOR THE YEAR 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That when the assessor of Kitsap county shall ascertain that there is any property in his county which has, from any cause, not been properly assessed or which has been omitted from the assessment roll, and the taxes are uncollected upon the same for the year 1878, he shall make an entry thereof, and of the name of the owner or owners, and shall proceed to make such assessment by reference to the assessed value thereof for the year 1878, and proceed to collect the same in the manner, and at the time provided by law for the collection of taxes for the year 1880.

SEC. 2. This act shall take effect and be in force from and after January 1st, 1880.

Approved, Nov. 11, 1879.

AN ACT

FOR THE RELIEF OF FRANK SEIDEL.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an appropriation of thirty dollars is hereby made to compensate the said Frank Seidel for the services performed by him as clerk of the judiciary committee in preparing substitutes for bills and reports, etc.

SEC. 2. It is made the duty of the territorial auditor to draw a warrant in favor of said Frank Seidel for such amount, and it shall be the duty of the territorial treasurer to pay the above named sum out of any money not otherwise appropriated.

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

Approved, November 14, 1879.

AN ACT

TO RESTRAIN THE SALE OF INTOXICATING LIQUORS IN CERTAIN LIMITS IN THE COUNTIES OF SPOKAN, STEVENS AND WHITMAN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Spokane, Stevens and Whitman counties shall not grant any license in their respective counties for the sale of intoxicating liquors within one mile of the proposed railroad, of the Northern Pacific railroad company, as established by said company, now in process of construction in said counties, until said railroad shall have been completed and in operation.

SEC. 2. It shall be unlawful to sell or dispose of any intoxicating liquors, within said limits, to any person during the

construction of said railroad; and any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding three hundred dollars, or imprisonment not to exceed three months, or both, at the discretion of the court.

SEC. 3. Justices of the peace shall have concurrent jurisdiction of violations of this act, and may impose punishment therefor, to the extent now allowed by law as in other cases.

SEC. 4. This act shall not apply to towns located within said limits, where legal licenses have already been granted for the sale of intoxicating liquors.

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

Approved, Nov. 14, 1879.

AN ACT

PROVIDING FOR THE MAKING OF A CATALOGUE OF THE BOOKS CONTAINED IN THE TERRITORIAL LIBRARY, APPOINTING A PROPER PERSON TO MAKE THE SAME, AND APPROPRIATING MONEY FOR THE PAYMENT THEREOF.

Be it enacted by the Legislative Assembly of the Territory of Washington.

SECTION 1. That the librarian is hereby empowered and authorized to make a full and complete catalogue of all the books and pamphlets contained in the territorial library, and upon the completion thereof, and upon receiving a written acknowledgment from any one of the judges of the supreme court that the same is well done, the territorial auditor shall upon receiving such acknowledgment draw a warrant in favor of said librarian in the sum of one hundred dollars, upon the territorial treasurer who shall pay the same out of any funds in the treasury not otherwise appropriated.

SEC. 2. One hundred copies of said catalogue shall be printed at the expense of the territory.

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

Approved, Nov. 14, 1879.

MEMORIALS.

MEMORIALS.

MEMORIAL

PRAYING CONGRESS FOR A REDUCTION IN THE PRICE ASKED FOR GOVERNMENT LANDS WITHIN THE LIMITS OF THE LAND GRANTED TO THE N. P. R. R., IN WASHINGTON TERRITORY

*To the Senate and House of Representatives
of the United States in Congress Assembled.*

Your memorialist, the legislative assembly of the Territory of Washington, would most respectfully represent: That during the last session of your honorable body, a law was passed giving to "Homestead" settlers upon lands belonging to the government and inside the limits of the land granted to the Northern Pacific Railroad Company, the right to homestead an additional eighty acres, although this land is rated at the double minimum price, while the settler who desires to preempt the same land, is required to pay the same rates, thus giving to the homestead settler twice as much as he was before entitled to, while those desiring to take pre-emption claims are in no way benefited by the liberality of the government.

That this law virtually draws a line and makes an unjust distinction between those seeking to establish homes upon government lands. That the government would be more than amply compensated for the difference in price, were it to extend this liberality to pre-emption claimants, who would thus be enabled to make themselves homes by the reduction in the price asked from the double minimum, now demanded, to the mini-

mum price of \$1.25 per acre. That the increase in immigration would vastly enhance the value of all government property in the section designated, and many hardworking and loyal citizens would be greatly benefited thereby. We, therefore, pray that the lands upon the even sections, within the limits of the land granted to the Northern Pacific Railroad Company, in this Territory of Washington, be reduced from the double minimum rates, to the minimum rate of \$1.25 per acre, and your memorialist as in duty bound will ever pray.

Passed the House of Representatives Nov. 13, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives

Passed the Council Nov. 13, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING CONGRESS FOR AN INCREASE OF MEMBERS IN THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF WASHINGTON.

*To the Honorable, 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 our Territory embraces nearly eight degrees of longitude, with an average width of three degrees of latitude, equal to 69,994 square miles or 44,796,160 acres. That after deducting the approximate area of Puget Sound, which has a shore line of 1,594 miles there remains 35,000,000 acres, of which 20,000,000 are timber lands, 5,000,000 alluvial bottom lands, and 10,000,000 prairies and plains. That our territory has an area nearly ten times as large as the state of Massachusetts; more than twice

as large as Ohio, and almost double that of New York. That our territory is, at present, divided into twenty-four counties with a total population of 57,784 distributed as follows, viz: Columbia county, 6,894; Chehalis, 804; Clallam, 469; Clarke, 4,294; Cowlitz, 1,810; Island, 633; Jefferson, 2,427; Klickitat, 2,898; King 5,183; Kitsap, 1,799; Lewis, 2,865; Mason 560; Pacific, 1,351; San Juan, 838; Skamania 495; Snohomish 1,080; Stevens, 2,601; Thurston, 3,246; Wahkiakum, 504; Walla Walla, 6,215; Whatcom, 2,331; Whitman, 5,290; Yakima, 1,912. That many of our counties contain a greater area than some of the original states, and as our territory increases in population and industries, new counties must be formed in accordance with the interests and wishes of the people. That during the year 1878 our population increased 7,283, a gain of more than twelve per cent.; and it is safe to say that the gain for 1879 will equal if not exceed twenty-five per cent. That the assessed valuation of our property for the year 1879 is \$21,021,832, which shows an increase in two years of \$4,165,843.17. That, if our population and wealth is considered, spread as it is over a vast territory and compared with the states of Delaware, New York, Rhode Island and some of the Southern states whose legislatures are composed of from 100 to 200 members, it will be seen that our people and their interests are not fairly represented in their territorial legislature. That our territory has a maximum length of 345 miles, with a breadth of 230 miles, and when your honorable body considers this great area of territory, the diversity of interests which engage and occupy our people, the necessity of greater and more liberal representation must be apparent. That that part of the legislative, executive and judiciary bill approved, June 21, 1879, in so far as it applies to our territory and which reduces our council to not more than twelve members, and our house of representatives to not more than twenty-four members, and which fixes the compensation of the officers, employes and members of the assembly, we believe to be unjust and unreasonable, as it deprives our people of fair and equal representation in their own legislative body, and tends to deprive their officers and representatives of just compensation for services rendered. That the mode and means of communication in this new country, the great distance to travel and the expense attached thereto, seem not to have been considered in the passage of the above act referred to. That it seems not to have been considered in the passage of said act that the sessions of our legislature were held only every two years and that only forty days were allowed in which so few members were expected to represent and legislate upon the varied interests of a great territory with so considerable and fast growing population. That we have many business centers, with from one to three thousand people, whose population are daily increasing and whose

interests and business vary according to location, soil, etc. That our legislature has the interests of game and gaming, fish and fishing, mines and mining, commerce, manufacture and agriculture to consider, foster and provide for, any one branch of which should not be deprived of fair and equal representation.

Your memorialists, therefore, pray for such legislation by your honorable body, as will permit our territory to be divided into any number of council districts as may seem proper and just, not to exceed eighteen. That for the formation of council districts the whole number of population be divided by eighteen and the quotient form the ratio of representatives in the council, which should be formed into districts out of contiguous counties, and as equal as may be without dividing county lines. That each county have at last one representative for every two thousand of population. Or, that your honorable body enact such law as will fix the maximum of our council at eighteen, and our house of representatives at forty-five members. The compensation of the members of our legislative assembly be fixed at not less than six dollars per day, with mileage, and that the speaker of the house and the president of the council be allowed, each, four dollars per day additional as such. That the chief clerk of each house be allowed six dollars, per day, and the officers and employes of the assembly be allowed from five to three dollars per day according to the services performed and in the discretion of the legislature, and your memorialists will ever pray.

Passed the house of representatives, November 6, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council, November 7, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

RELATIVE TO THE ESTABLISHMENT OF A DISTRICT LAND OFFICE, AT
PORT TOWNSEND, WASHINGTON TERRITORY.

*To the Honorable, 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, respectively represent,

First. That this is the third time during the last six years that the legislative assembly of this territory have urged upon your honorable body the great necessity and importance to our people, of the immediate establishment of a United States District Land Office at Port Townsend, in this territory.

Second. The whole of the northwestern part of the territory, embracing about thirty thousand (30,000) square miles, is now included in one land district, with the local office at Olympia, only about forty-four miles in a direct line from the south line of such district, but nearly one hundred and fifty miles, in a direct line, from its north line.

Third. As will be seen from the returns of the district land office at Olympia, the great bulk of the lands entered in such office by bona fide settlers, lies in the northern counties, from the fact that those counties contain the largest area of desirable lands.

Fourth. Settlers, living in the southern part of such land district, do not have to travel over about fifty miles to reach the land office at Olympia, while all those living in the counties of Clallam, Jefferson, Island, San Juan, Whatcom, Snohomish, King and Kitsap, north of township (24) twenty-four, have to travel from fifty to two hundred and fifty miles to reach said land office; and the routes they must necessarily travel being almost entirely by water, very circuitous and on different lines of boats, necessitating stopping over at different points, on account of bad connections, before reaching said land office, and the same inconveniences in returning, consumes from four to fifteen (4 to 15) days, at an expense per man, of from eight, to fifty dollars, not including pay for time. Such heavy expenses as these retard the settlement of these counties, are ruinous to the settler, (who is invariably poor) and a great injustice.

Fifth. The remedy for this long standing and oppressive system, upon the settlers of the above named counties, consists in the establishment of a district land office at Port Townsend, in said Jefferson county, which would be the most central point, and at the same time the most accessible, of any other for a new land district, embracing all that portion of the territory north of township twenty-four (24), and east of the summit of the Cascade range of mountains.

Sixth. Such land district would comprise about 15,000 square miles, and the principal bodies of agricultural, grazing, timber, and coal lands, in the western part of the territory.

Seventh. The amendments to the homestead and pre-emption laws of the territory, permitting settlers to make certain proofs before the clerk, or judge of local courts, while

they have lessened, do not, nor never can be made to obviate the evils of which we complain, except vested with powers and functions equal to those exercised by the district land officers themselves.

Eighth. That the new district, which would be embraced within the foregoing limits, at present contains a permanent population of about ten thousand people, a large proportion of whom have incomplete titles to public lands, and there is room and desirable vacant lands therein for thousands more who are constantly coming.

We therefore most respectfully, for the third time, earnestly petition your honorable body to immediately grant this just and humane appeal to you, to provide the relief herein prayed for, or, in your great wisdom some other, equally as efficacious, that the brave men and women who have crossed the continent in search of the cheap homes you, by the homestead and pre-emption laws, have so generously vouchsafed to them, who from stern necessity, face the dangers and endure the incomparable privations incident to a life spent in constant toil upon our frontiers, endeavoring to overcome the natural obstacles in the way of making for themselves that home in this great wilderness; who in their poverty and dependency, need every encouragement which a great and charitable government like ours can afford to offer, shall not be virtually deprived of the benefits of those munificent laws, by an unwise and unjust administration of them.

And your memorialists will ever pray, etc.

Passed the house of representatives October 9, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council October 16, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

ASKING AN APPROPRIATION FOR THE RELIEF OF DENNIS STORRS AND OTHERS.

To the Honorable, the Senate and House of Representatives of the United States of America, in Congress Assembled:

Your memorialists, the legislative assembly of the Terri-

tory of Washington, beg leave to represent to your honorable bodies:

That, with the exception of the Columbia, the Skagit river is the largest in Washington Territory. That it is now navigable for a distance of one hundred miles from its mouth, by steamboats possessing a carrying capacity of fifty tons. That through nearly all of its navigable distance it traverses a wide valley of unequalled fertility. The mountains from whence it springs, and to which it opens a highway, are known to be abounding in mineral wealth, while a large vein of what is known as "Cumberland" coal, (the only vein of the kind known to exist in the territory,) is made accessible through the present navigation of this stream. That, from the time of the first settlement of Washington Territory until late in the Summer of 1878, the navigation of said river, for a distance of more than ten miles above its mouth, was effectually prevented by the presence of a large and constantly increasing jam, which was formed in the said river its whole width and for more than one and one-half miles of its length. That early in the year of 1876, Messrs. Dennis Storrs, Marvin Minick, Fritz Dibberin, Donald McDonald and Daniel Hines, now deceased, commenced work upon the said jam and continued without any intermission for more than two and one-half years, when they succeeded in removing the same. That they have received therefor, by public subscription and from the sale of logs taken from said jam, no more than sufficient to pay for the provisions consumed during the time of said labor. That, considering the great danger to which they were subjected, and the satisfactory manner in which said obstruction has been removed, the sum of fifteen thousand dollars over and above what has already been received is no more than an adequate payment therefor. That since the removal of said jam over one hundred pre-emption and homestead claims have been filed upon by actual settlers, and that there is now a constant flow of immigration into the upper valley of said river and the valleys of its tributaries.

We therefore most respectfully memorialize your honorable bodies, that an appropriation of fifteen thousand dollars be made for the relief of the said Dennis Storrs, Marvin Minick, Fritz Dibberin, Donald McDonald and the heirs of Daniel Hines, deceased.

And as in duty bound your memorialists will ever pray.
Passed the house of representatives Oct. 17, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 17, 1879.

FRANCIS H. COOK.

President of the Council.

MEMORIAL

RELATIVE TO MILITARY TELEGRAPH LINE.

*To the Senate and House of Representatives
of the United States in Congress Assembled:*

Your memorialists, the legislative assembly of Washington Territory, would most respectfully represent:

That large numbers of Indians are located on reservations between Snake river and British Columbia, making it necessary for the government of the United States to maintain military posts at various points for the protection of the people. Said posts being necessarily isolated from each other, and at great distance from any point where prompt communication can be had with their department and district headquarters make unavoidable delays in movement of troops, transmittal of orders and messages, and all other matters in which the military should have speedy means of communication.

Your memorialists would further represent that telegraphic communications with the military posts referred to connecting with the military telegraph line now in operation from Lewiston, I. T., to Dayton, W. T., commencing at Pomeroy, W. T., on said line, via Almoda and Colfax to Spokane Falls, and thence connecting the several military posts aforesaid, would render the military more efficient and inspire the citizens with more confidence of protection against hostile demonstrations of Indians than could be given them from almost any other measure, and in case of hostilities would result in incalculable benefit to both citizens and military.

For many further reasons we would respectfully refer your honorable body to our worthy delegate to congress, Hon. Thomas H. Brents, who is fully conversant with all the facts and necessities before mentioned.

Your memorialists would therefore most earnestly ask you to appropriate whatever sum may be necessary to carry into execution the above named prayer.

And as in duty bound will ever pray.

Passed the house of representatives November 10, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council November 4, 1879.

FRANCIS H. COOK,

President of the Council.

A MEMORIAL

PRAYING CONGRESS FOR THE RELIEF OF CERTAIN SETTLERS ON PUBLIC LANDS.

*To the Senate and House of Representatives
of the United States in Congress Assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, That a large number of actual settlers have located and made valuable and lasting improvements upon odd numbered sections of the public lands within this territory, which have been withdrawn from the operation of the homestead, pre-emption and timber cutting laws, by an act of congress granting lands to the Northern Pacific Railroad Company. A large number of the class of settlers above referred to, who have made a bona fide settlement and improvements on the odd numbered sections within the limits of said railroad grant, did so with the understanding that they would be allowed to purchase the same from the railroad company, but, on the final location of said railroad, some of whom will be found to be outside of said grant, they having heretofore exhausted their homestead and pre-emption rights and therefore cannot acquire title to the lands which they have so located and improved. Their settlement was made in perfect good faith, and large sums of money, years of trial and loss of homes for their families will inevitably result, unless the land laws can be so amended as to permit them to enter said tracts under the same rules and restrictions as are now provided in other cases, wherefore, your memorialists earnestly pray the enactment of a law enabling the above class of settlers who have, in good faith, settled upon or made valuable and permanent improvements on these odd sections, with the expectation of purchasing them from the railroad company, to acquire title to the lands respectively occupied by them; and your memorialists, as in duty bound, will ever pray.

Passed the house of representatives Nov. 13, 1879.

GEORGE H. STEWARD,
Speaker of the House of Representatives.

Passed the council, Nov. 13, 1879.

FRANCIS H. COOK,
President of the Council.

MEMORIAL

TO CONGRESS PRAYING THAT SUITABLE LAWS BE MADE BY CONGRESS
TO CAUSE TO BE MADE A THOROUGH SURVEY AND SCIENTIFIC
EXAMINATION OF THE TERRITORY OF WASHINGTON.

*To the Honorable, the Senate and House of Representatives,
of the United States of America, in Congress Assembled.*

The memorial of the legislative assembly of the Territory of Washington, with respect represents: That our territory is fast filling up with an industrious and energetic people. That mines, manufactures, agriculture and commerce are daily developing our resources, our richness and greatness which, in the course of time, must make Washington one of the grandest and most prosperous sections of our republic. That our territory presents, perhaps, more than any other portion of our common country, those extraordinary grand phases and curiosities of nature, that not only command the respect of the sentimental, but attract the attention of the scientist and philosopher. That the geology and mineralogy of our mountains, valleys and plains, are comparatively unknown, their fertility and wealth unrecorded, and our people, though part of a rich and powerful nation, are left, as it were, in their infancy to battle against the foes of youth, and explore unaided the wild and boundless plain, the rugged mountain peak, the depth of inland seas, and the wealth of valleys that are destined to largely contribute to a common happiness and prosperity. That a thorough scientific survey and examination of the geology and mineralogy of our territory never has been made, and we are without reliable data on these essential and important features, except what can be gathered from a very limited survey of our coal fields. That iron, lead, copper, valuable sandstone, limestone, clays and marble have been discovered. That it is believed, according to limited examination and survey, our territory is rich in gold, silver, cinnabar, blende, platina, galena, and graphite of great purity. That our section presents a striking peculiarity in its geological structure, in the abundance of basaltic or volcanic rocks over its surface, both in the vicinity of the lofty cones of the Cascade range and elsewhere throughout the territory. That the tertiary and basalt rocks exhibit peculiar remains of ancient volcanic matter which have been observed to prevail north of the Columbia, and on the shores of Puget Sound.

That pebbles of granite and porphyry, gold sediment and crystals have been discovered in our streams. That quartz rock with mica and granular lime stone have been frequently met with in our territory. That the fauna and flora of Washington abound in variety, many of which are peculiar to our section; as witness the forests of gigantic cedars, pines, firs and conifera that cover our mountains and hill-sides. That Washington is of interest not only topographically, and for the sublimity of its views, but that its economical and geological importance cannot, as time will prove, be over estimated. That we believe if a thorough scientific survey and examination of the geology and mineralogy of our territory is made under the supervision and direction of United States authority, it will redound to the substantial growth and material prosperity of our people. That we believe such a survey and examination is due, not only to the people of the territory, but, to the nation and its people, who are interested in an exhibit of our resources, the grandeur and vast riches of our territory. That no such survey can be made under existing law, and that congress should make such provisions as will enable our territory to derive some benefit from a common treasury. That other states and territories have been benefited by such legislation and appropriation of the common money, and the successful development of our territory and the prosperity of its people should not be neglected.

Wherefore, your memorialists pray, that your honorable body enact such laws and provide such means as will cause to be made, under United States authority, a thorough survey and scientific examination of the geology and mineralogy of Washington Territory. That the department of the United States government selected for the execution of the work be authorized and directed by law to commence the same in the Spring of 1880; and that such appropriation of money be made as will carry it to completion, at the earliest day possible, compatible with the public interest and the thoroughness of such important scientific survey and examination. And youa memorialists will ever pray.

Passed the house of representatives Nov. 10, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 11, 1879.

FRANCIS H. COOK.

President of the Council.

MEMORIAL

PRAYING CONGRESS FOR AID TO REMOVE OBSTRUCTIONS FROM NUMEROUS RIVERS EMPTYING INTO PUGET SOUND.

WHEREAS, The want of aid by the federal government towards the removal of obstructions in the numerous rivers emptying in Puget Sound has existed for so many years, and the aid for such improvements is of great importance to the territory, therefore,

Your memorialists most respectfully request that the general government make an appropriation sufficient to construct a "snag boat" and to man and equip the same, and that said boat be placed on the waters of Puget Sound, and that the officers thereof be directed to use said boat in removing snags, and other obstructions in the navigable portions of the following rivers which empty into Puget Sound, to-wit: The Nooksack river and its tributaries, the Skagit, Stillaguamish, Snohomish, Duwamish, White, Black and Puyallup rivers. Your memorialists state that the navigable portions of the above rivers, for steamboats of light draught, will aggregate about four hundred miles, penetrating the richest alluvial bottom lands on the globe, and by aiding the facilities of transportation, this vast area of agricultural lands would soon be settled upon by the hardy pioneer, and teem with thrift, industry and enterprise.

Therefore, your memorialists, the legislative assembly of Washington Territory, would most respectfully pray your honorable bodies to make an appropriation as in your wisdom you will think sufficient for the object, and your memorialists will ever pray.

Passed the house of representatives Nov. 11, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 12, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

RELATING TO ESTABLISHING A LAND OFFICE AT GOLDENDALE, IN
Klickitat County, Washington Territory.

To the Senate and House of Representatives

of the United States in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would most respectfully represent, That many of the settlers in Yakima and Klickitat counties, in Washington Territory, are required, in making proof upon land in contested cases, to travel with their witnesses distances of from one to two hundred miles, and while your memorialists are aware that, under the present ruling of the general land office, final proof can be made before a probate judge, these officers are constantly changing and, as a consequence, settlers are put to great inconvenience, vexations and delays by new rules and regulations made by the department. We would also represent to your honorable body, that Yakima and Klickitat counties have an area of twelve thousand square miles, in which may be found large bodies of the finest agricultural and grazing lands in the world; that said counties are rapidly filling up with settlers at the present time with every prospect that the rate of settlement will very materially increase during the next few years.

We therefore most respectfully but earnestly ask for the better accommodation of that class of citizens who have the courage and bravery to face the dangers and trials of frontier life, men who need every encouragement that the government can offer, that you do pass an act making Yakima and Klickitat counties a land district, and that a land office be established at Goldendale, Washington Territory, and, as in duty bound, will ever pray.

Passed the House of Representatives, Oct. 23, 1879.

GEORGE H. STEWARD,
Speaker of the House of Representatives.

Passed the Council, Oct. 24, 1879.

FRANCIS H. COOK,
President of the Council.

MEMORIAL

RELATING TO THE RE-ESTABLISHMENT OF MAIL SERVICE ON MAIL ROUTE, NO. 43,100, FROM NEW TACOMA IN PIERCE COUNTY TO OLYMPIA, VIA STELLACOOM AND ORTONDALE IN PIERCE COUNTY, WASHINGTON TERRITORY.

To the Honorable Post Master General of the United States:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent, That great injustice is done to a large number of citizens of Washington Territory by the discontinuance of mail service on said route, in this: That a post office has been established at Ortondale, on the west side of Puget Sound, and no provision made for supplying the same with mail service; that there are more than one hundred people living on the west side of Puget Sound, on the main land and islands, that would be accommodated with mail facilities if service on route 43,100 was re-established; that they are unable for weeks, in the winter season, to cross the Sound in an open boat to get their mail.

That the re-establishment of this route will afford direct communication by steamer with all ports on Puget Sound, and greatly further the commercial interests of this section of country.

That we consider the re-establishment of mail service on this route of great importance to the people living thereon, and would therefore earnestly ask your early and favorable consideration of the same; and, as in duty bound, will ever pray, etc.

Passed the house of representatives Oct. 29, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 28, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING CONGRESS NOT TO CHANGE THE BOUNDARY LINE BETWEEN
THE STATE OF OREGON AND WASHINGTON TERRITORY.

Your memorialists, the legislative assembly of Washington Territory, would most respectfully represent, That this body has recently learned an effort would be made during the 47th congress, by the members from the state of Oregon, to so change the boundary line between the state of Oregon and the Territory of Washington, as to annex the counties of Columbia and Walla Walla to said State. We would, therefore, beg leave to present you the following facts and figures exhibiting the manifest injustice of such an act.

By the report of the territorial auditor of Washington Territory, for the current year, the population of this territory enumerates 57,784. Of this population the counties of Walla Walla and Columbia number 13,109. The same report of said auditor shows our total revenue for the present year to amount to the sum of \$146,622.97. Of this sum Walla Walla and Columbia counties pay into the treasury \$31,164.97. You will, therefore, readily discover that the change of the boundary, as aforesaid, would dismember from this territory nearly one-fourth of the entire population, and wrest from us one-fourth of our territorial revenue. Your memorialists would, further, represent: At the last general election of this territory, our constituents adopted a state constitution, and now confidently look forward to a day, not far distant, when we will be entitled to the dignity of state government, but should the counties, aforesaid, be dismembered, we will be left hopelessly servile under territorial government.

For further facts and reasons, in support of the foregoing memorial, we refer you to our most worthy and efficient delegate to congress, Hon. Thomas H. Brents, who will fully and faithfully represent the wishes of our whole people, in the matter aforesaid.

And as in duty bound will ever pray.

Passed the house of representatives Oct. 30, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 30, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

IN RELATION TO A MILITARY POST IN YAKIMA COUNTY.

*To the Senate and House of Representatives**of the United States in Congress assembled:*

Your memorialists, the legislative assembly of Washington Territory, would most respectfully represent, that

WHEREAS, For several years past Yakima county has been raided, the stock therein killed and stolen and the inhabitants been murdered by the ruthless hand of wild and roving bands of Indians on its borders; and,

WHEREAS, Said county is sparsely settled, isolated and unprotected, the nearest military post being at Walla Walla city, at least one hundred and fifty miles from the principal settlement of Yakima county, with no transportation by railroad, steamboat or otherwise except by private conveyance; and,

WHEREAS, The settlements of Yakima county are located between the two great Indian reservations, viz: The Yakima reservation adjacent on the south, and the so called Moses reservation about one hundred and fifty miles distant on the north, thus leaving the settlements of Yakima county unprotected, to the mercy of the wild and roving bands of Indians passing to and from either of said reservations, constantly plundering and stealing the horses and cattle of the settlers therein; and

WHEREAS, The proposed military post to be established at Lake Chelan or Okanagan would be so far distant, and so isolated from Yakima county that it would be comparatively worthless, of no particular benefit whatever to the settlers of Yakima county, or to any other county susceptible of settlement; and that the establishment and maintenance of a military post in Yakima county would, in our opinion, be attended with not more than one-fourth the expense of a military post at either Lake Chelan or Okanagan; and that a military post established in Yakima county would be double the protection to the people and property in said county than either of the other places mentioned.

Therefore, we most earnestly petition your honorable body,

that a permanent military post be established in Yakima county, in either Kittitas or Yakima valley.

And we further pray that an appropriation be made by your honorable body of a sufficient amount to maintain a military post in Yakima county, Washington Territory.

And as in duty bound your memorialists will ever pray, etc.

Passed the House of Representatives Oct. 28, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the Council Oct. 29, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING FOR AN APPROPRIATION OF A SUM SUFFICIENT TO COMPLETE THE CANAL AND LOCKS AT THE CASCADES AND DALLES, ON THE COLUMBIA RIVER.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress assembled:*

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent, That the basin of the upper Columbia river is settling up with unprecedented rapidity, and as statistics herein recited will show that, while the Oregon Steam Navigation Company have expended large sums of money to provide transportation for the produce of this vast region of farming country, but, owing to the frequent handling of freight at the portages, their facilities are entirely inadequate, there are at this time twelve thousand tons of wheat at Walla Walla, waiting transportation, and it will be impossible to get it all to market this season, thereby depriving the owners from realizing the benefit of their hard summer's work until some future time. And we would further represent, that there are in

the six counties in Eastern Washington 398 surveyed townships equal to 9,169,920 acres. One-fourth of this area, in wheat, at 20 bushels per acre, would give a product of 45,849,600 bushels or 1,375,488 tons. The six counties in Eastern Oregon have 1,016 surveyed townships, equal to 16,406,640 acres. One-fourth of this area in wheat, at 20 bushels per acre, would produce 82,483,200 bushels or 2,247,496 tons. Bearing in mind that there is a large amount of unsurveyed land in the said basin of the Upper Columbia river, it is impossible to estimate, with any degree of certainty, the grand aggregate of this vast country of unsurpassed productive capacity. The transportation of such products would require 9,625 steamboats, each carrying 400 tons, to convey it down the river. This estimate is only for tonnage one way. The imports to the interior, of lumber, coal, iron and merchandise of all kinds, would equal in value, if not in weight or measure, the exports. These figures reveal the productive power of the Upper Columbia basin, and the importance of the Columbia river, itself, as a highway of commerce.

We would therefore ask your honorable body to appropriate a sufficient sum to complete the canal and locks at the Cascades and Dalles, on the said river, at an early day, that we may have unobstructed navigation to the sea; and as in duty bound we will ever pray.

Passed the house of representatives Oct. 21, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 24, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING FOR THE ESTABLISHMENT OF A LAND OFFICE AT YAKIMA CITY, W. T.

*To the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the members of the legislative assembly of the Territory of Washington, would respectfully repre-

sent, That the establishment of a land office at Yakima city, Washington Territory, would be of great benefit to a very large number of settlers. Yakima city is nearly ninety miles north of the southern, and about two hundred miles south of the northern, boundary line of our territory, and is centrally located between the Walla Walla and Olympia land offices. Many other good and sufficient reasons why a land office should be established at Yakima city, at as early a date as possible, will be communicated to your honorable body, by the delegate from this territory, Hon. Thomas H. Brents.

And in behalf of the settlers of the great Yakima country, your memorialists will ever pray.

Passed the house of representatives Nov. 10, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 4, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING CONGRESS TO REDUCE THE TARIFF ON FOREIGN IMPORTS.

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

Your humble petitioners, the legislative assembly of the Territory of Washington, earnestly implore your honorable bodies, to reduce the duties on foreign imports to a revenue standard. Washington Territory abounds in valuable resources; our waters are fringed with tall pines and cedars; this "National shipyard of America" remains undeveloped; articles of prime necessity are over taxed; railroad materials are doubled on us, through laws beyond our control; our railroad system, as now profiled, approaches one thousand miles of standard gauge, and one thousand miles of narrow gauge; one hundred tons of metal to each mile of standard gauge sums up one hundred

thousand tons of material on which a duty of twenty-five dollars is collected equal to \$2,500,000; one thousand miles of narrow gauge requires fifty tons of metal per mile, amounting to fifty thousand tons, on which twenty-five dollars per ton is, also, collected, equal to \$1,250,000. Thus our railroad system, of itself, subjects our people to an extra charge approaching four millions in coin. Your humble petitioners finally pray your honorable bodies to inaugurate remedial measures, to the end that the present and prospective extortions may cease, that the hardy pioneers on this western slope, may enjoy equal justice with the favored monopolists in the eastern states.

Passed the house of representatives Nov. 10, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 10, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

TO THE CONGRESS OF THE UNITED STATES IN THE BEHALF OF AMERICAN FISHERIES.

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

Your humble petitioners, the legislative assembly of the Territory of Washington, earnestly implore your honorable bodies to repeal the law entitled "An act protecting fur bearing animals," as said law as now administered virtually closes the North Pacific Ocean to American maritime adventure.

Your petitioners submit to your honorable bodies the propriety of reserving the fur-seal and walrus rookeries, and sea-otter haunts, on the coast of Alaska, as special nurseries aiding fish culture in our inland waters and fostering our salt fisheries along the northwestern coast. The fur-seal, walrus and sea-otter

reveling along the shores of Alaska, if frugally nurtured will yield an annual net revenue approaching \$500,000 in coin. Your fathers encouraged "the Apostle's own calling." Jefferson's report on our national fisheries may be now studied with profit. Federal bounties nurtured our infant commerce; withholding those subsidies marked the decline in our fisheries and a corresponding decline in our commercial marine. Your favorable action is now implored to the end that healthy brain food may be available to the masses at moderate prices. The gradual restricting of our pastures and the increasing demands on our meat product join in this appeal. Your petitioners claim the right to speak for Alaska. A memorial from this place to President Johnson in behalf of our fishermen eventuated in the acquisition of that rich territory. Notwithstanding the efforts then put forth our citizens enjoy no right in or around Alaska, which the huge commercial company will respect.

Wherefore your humble petitioners finally pray your honorable bodies to wipe out from our statutes that "Twin relic of barbarism." Stick to the right though the Heavens fall.

Passed the house of representatives Oct. 20, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 16, 1879.

FRANCIS H. COOK.

President of the Council.

MEMORIAL

FOR THE APPROPRIATION OF FIFTEEN THOUSAND DOLLARS TO REMOVE OBSTRUCTIONS TO NAVIGATION IN THE CHEHALIS RIVER.

*To the Senate and House of Representatives
of the United States in Congress Assembled:*

Your petitioners, the legislative assembly of Washington Territory, would most respectfully represent to your honorable

body, That the Chehalis river is one of the largest rivers in said territory, west of the Cascade mountains, having a navigable extent of one hundred miles, through the counties of Chehalis and Lewis, and draining a country of unsurpassed agricultural and mineral resources, of eight hundred square miles in extent. Said river is now useless to a large part of said county, by reason of jams, and other obstructions therein, by reason whereof said county is greatly retarded in its growth and settlement. Said river flows into Gray's Harbor, on the southwest coast of the territory. Its opening to navigation would be speedily followed by the rapid growth and development of a large section of country.

Wherefore, your petitioners would respectfully pray, That an appropriation of fifteen thousand dollars be made by your honorable body, for the purpose of opening the said river to navigation. And your petitioners as in duty bound will ever pray.

Passed the house of representatives Oct. 9, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 16, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

ASKING FOR AN APPROPRIATION TO ERECT A LIGHT HOUSE ON MILLER'S POINT, WHIDBY ISLAND, AT THE NORTH END OF SARATOGA PASSAGE ON PUGET SOUND.

To the Senate and House of Representatives

of the United States in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, beg leave to represent to your honorable body, That the constant increase of commerce on Puget Sound, and particularly of Saratoga Passage, requires that a light-

house should be erected on Miller's Point at the north end of said Saratoga Passage. That said passage is about 30 miles long by from 3 to 6 miles wide. That a light-house on said point would be visible for nearly the entire length of said passage, and that it is dangerous to navigate said passage without a light on said point, and that there is no light within sixty-five miles of said point.

We therefore respectfully petition your honorable bodies to make an appropriation for the purpose herein stated.

And your memorialists in duty bound will ever pray.

Passed the house of representatives Oct. 22, 1879.

GEORGE H. STEWARD,
Speaker of the House of Representatives.

Passed the council Oct. 24, 1879.

FRANCIS H. COOK,
President of the Council.

MEMORIAL

PRAYING CONGRESS FOR AID IN BEHALF OF A RAILROAD FROM
GREEN RIVER STATION, WYOMING TERRITORY, TO PUGET SOUND
IN WASHINGTON TERRITORY.

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

Your humble petitioners, the legislative assembly of the Territory of Washington, earnestly implore your honorable bodies to aid the Occidental and Oriental Railroad and Steamship Company, a corporation organized in conformity with the general law of congress, approved, March 3, 1875.

Green river on the Union Pacific Railroad in the Territory of Wyoming is equal distance from San Francisco on the south-west, and Puget Sound on the north-west. The proposed route from Green river, aforesaid, traverses in a north and wes-

terly direction to Bear river, Soda springs, Fort Hall, Camas prairie, Grand Ronde valley, over the Blue mountains, Columbia basin, Walla Walla, the Yakima valley, over the Cowlitz pass, in the Cascade mountains via Nisqually river to Puget Sound in Washington Territory. The aforesaid profile exhibits level prairies and broken bench lands, available timber, fine waters and moderate grades, long subject to savage raiders; but few settlers are now domiciled. A railroad can be constructed and operated with mutual advantage. The Cowlitz pass in the Cascade mountains has been surveyed with gratifying results; huge trees fringe the route, hard coal crops out; iron is so abundant as to interfere with the surveyor's compass; precious metals are successfully mined; chalk and paints and other valuable resources are latent in that section. Until opened by railroad the wealth in those mountains will remain undeveloped.

Your humble petitioners finally pray your honorable bodies to aid the above named corporation with a land grant in the Cowlitz pass, and with bonds on the prairie regions.

Passed the house of representatives Nov. 7, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 7, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING FOR THE DETAIL OF AN ARMY OFFICER AS A PROFESSOR IN
THE TERRITORIAL UNIVERSITY.

To the Hon. Rutherford B. Hayes,

President of the United States:

Your memorialists, the legislative assembly of Washington Territory, respectfully represent to your excellency, That the university of the Territory of Washington, located in the city

of Seattle, was established by authority of said legislative assembly, in the year 1862, and has been continuously since in successful operation.

The law establishing the university provides, that in addition to the departments of literature, science, arts, law and medicine, there should be established a military department, and it was made the duty of the regents to provide for its maintenance. But the means furnished by the territory, and the tuition fees received from students, which constitute its sole resources, have hitherto been inadequate to maintain a military department. The university is the only educational institution of the higher grade established by the territory. For the last few years the university has attained a high degree of proficiency, compared with other institutions of a similar character on the Pacific coast. Its faculty is composed of persons who are able, experienced and zealous educators. An appropriation of land, made by congress for the support of the university, has enabled the regents to furnish spacious and suitable buildings and grounds, free from all indebtedness, for all necessary purposes connected with the university. The institution as now conducted provides the students of this territory with the means to acquire a thorough knowledge of the various branches of literature, science and arts. The university has abundant capacity to educate at the same time at least one hundred and fifty students. There are now enrolled upon the list of attending students over one hundred and twenty names. The faculty, as well as your memorialists who represent the people of the territory, are desirous of increasing the usefulness of the university, and the extension of its curriculum by the establishment of the military department already authorized by law. Your memorialists would respectfully further represent that a company of cadets, students attending the university, was organized and properly equipped, but the same could not be carried out for want of means to pay a professor; that the territory feels unable to maintain a professorship for that department, and therefore we, your memorialists, would respectfully appeal to your excellency to assist the university by detailing an officer of the army to act as professor of military instruction and higher mathematics of said university; and as in duty bound your memorialists will ever pray.

Passed the house of representatives Nov. 4, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 6, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING CONGRESS FOR A BOUNTY TO THE SOLDIERS OF THE INDIAN
WAR OF 1855 AND 1856.

*To the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent to your honorable body, That there are yet many survivors of the bloody and sanguinary Indian War, which waged in this territory in the years 1855 and 1856.

These survivors are the early settlers and pioneers of this territory, who endured great hardships and privations to open the way to civilization, and who established their homes in what was then a wilderness, but has since become a prosperous and growing territory, teeming with all the appliances of civilization. The Indian War, aforesaid, was a cruel attempt of the Indians to exterminate the white settlers and was carried on by the savages, for a long period, with relentless hatred and energy and required strong efforts, great endurance, many hardships and a total sacrifice of business pursuits of those engaged to suppress it.

The Government of the United States has fitly recognized from time to time the services of its soldiers who have fought under its flag against hostile savages, or against foreign or domestic foes. This has become the settled policy of the government, and we believe that the soldiers who fought in the Indian War are the only ones who have not obtained some recognition of this kind from the general government. These soldiers are now advanced in age and the best years of their life have been spent in building upon the distant frontier a prosperous commonwealth. And your memorialists earnestly hope that, under all these circumstances, your honorable body will give to them the same bounty that has been bestowed upon soldiers who fought in other wars; and your memorialists as in duty bound will ever pray, etc.

Passed the house of representatives November 6, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council November 7, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

ASKING AN APPROPRIATION OF LAND TO AID IN THE CONSTRUCTION
OF A RAILROAD FROM THE CITY OF WALLA WALLA, IN EASTERN
WASHINGTON, TO THE CITY OF SEATTLE ON PUGET SOUND.

*To the Senate and House of Representatives
of the United States in Congress Assembled.*

Your memorialists, the legislative assembly of the Territory of Washington, beg leave to represent to your honorable bodies, That the extensive area of Washington Territory, east of the Cascade range of mountains, is rapidly filling up with an industrious, intelligent class of citizens; that there is at this present time a large amount of grain in the city of Walla Walla and vicinity that cannot be moved for want of adequate means of transportation; that the outlet to the ocean from this part of the territory is indirect and expensive to shippers; that the rapid increase in the population of this territory giving, as it does, to the territory increased commercial importance, demanding a more direct and adequate means of transportation, therefore your memorialists would ask that a grant of land be made to the Seattle and Walla Walla Railroad & Transportation Company, along the line of said road, of 10 alternate sections, on each side of said line of road, from the city of Seattle to the city of Walla Walla, to aid said railroad company in the construction of said road; and your memorialists, as in duty bound, will ever pray.

Passed the house of representatives Nov. 10, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 10, 1879.

FRANCIS H. COOK,

President of the Council.

MEMORIAL

PRAYING CONGRESS FOR THE RELIEF OF VOLUNTEER SOLDIERS IN THE
NEZ PERCES INDIAN WAR OF 1877.

*To the Honorable, 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 during the Nez Perces Indian war of 1877, a large number of citizens of this territory volunteered their services in aiding the army of the United States in the prosecution of the war, and their services were accepted by General O. O. Howard, U. S. A., commanding the department. The insufficient number of the regular troops placed at General Howard's disposal rendered this volunteer force highly necessary, and very efficient in the protection of the homes of our settlers in Eastern Washington, and the pursuit of the savage enemies.

The brave and gallant services of these volunteers are gratefully remembered by our people, and the people of Idaho, and have been repeatedly and publicly recognized by General Howard in orders thanking them for prompt response to every call of duty, and the zeal, courage and devotion manifested by them, under the most trying circumstances, while serving in his command. These volunteers furnished not only their services, but also their own horses and accoutrements to engage in their perilous undertaking in the cause of their country, and many of them have lost their property by the casualties of war, and no compensation whatever has been paid to any of them, nor have their services been in any other manner recognized by the general government.

Wherefore, your memorialists humbly pray for the enactment of a law providing for the payment of the services of these volunteers, and for the loss of their private property incurred by them as aforesaid. And your memorialists as in duty bound will ever pray.

Passed the house of representatives Nov. 13. 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 13, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

RELATIVE TO THE ENTRY AND CLEARANCE OF VESSELS UNDER THIRTY
TONS REGISTRY ON PUGET SOUND.

WHEREAS, The trade and commerce of Washington Territory with British Columbia is greatly hampered and retarded by reason of all vessels having to enter and clear at the custom house, at Port Townsend, incurring a trip there and back, in many instances of fifty and sixty miles each way, at a loss of time and expense, which practically amounts to an embargo in many cases upon the character of vessels that would be engaged in that trade, therefore,

Be it resolved by the House of Representatives, the Council concurring, That our delegate in congress be, and he is hereby, requested to urge the honorable secretary of the treasury of the United States to authorize and empower the inspectors of San Juan Island and Semiahmoo, to enter and clear vessels under thirty tons registry, which class are now prohibited from carrying imports, and thereby extend the same facilities to trade and commerce, as those established upon the great lakes.

That the honorable secretary of the territory be, and he is hereby, requested to furnish a copy of these resolutions to our delegate in congress.

Passed the house of representatives Nov. 3, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 4, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

RELATING TO PRINTING REVENUE LAW.

Resolved by the Council, the House concurring, That the territorial printer is hereby authorized to print, for the use of the territory, 500 copies of the revenue law; also, that the territorial printer shall present his bill for same properly audited to the territorial auditor, who shall, thereupon, draw his warrant for the same in favor of said printer, on the territorial treasurer, who shall pay said warrant out of any money in the treasury not otherwise appropriated. And, further, that said law when printed shall be delivered to the secretary of the territory who shall distribute same to the several counties of this territory, through the several county auditors, in proportion to the population of said counties.

Passed the house of representatives Nov. 14, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 14, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

RELATING TO THE REMOVAL OF A JAM FROM THE NOOKSACK RIVER,
IN WHATCOM COUNTY.

WHEREAS, The navigation of the Nooksack river, in Whatcom county, is cut off by a jam, about ten miles from its mouth, at a point near the town of Lynden; and,

WHEREAS, The removal of said jam, would render said river navigable, for a distance of forty miles from it mouth, through a fertile country, and open it up to settlement and cultivation, therefore,

Be it resolved by the House, the Council concurring, First, That our delegate in congress be and he is hereby requested to endeavor to procure an appropriation from the general government of \$10,000, for the removal of said jam. Second, That the secretary of the territory is requested to furnish a copy of this resolution to our delegate.

Passed the House of Representatives Oct. 20, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the Council Oct. 20, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

RELATING TO THE DEATH OF THE LATE ZACHARIAH CHANDLER.

WHEREAS, It has pleased Divine Providence to take from the council of this nation its most eminent patriot, lawmaker, governor and citizen, Zachariah Chandler, whose public and private record has shown only the sternest, most consistent and unflinching advocacy of the cause of right and liberty throughout the world; whose name, living, was a watchword for the wronged and oppressed, and whose memory, dead, will be long revered and kept green and fresh in the hearts of his countrymen, therefore,

Be it resolved, That, in the legislative assembly of Washington Territory, representing the people of this great commonwealth, recognizing these pre-eminent virtues, and deeply de-

RESOLUTIONS.

ploring the great loss that we in common with the whole country have sustained, do hereby tender to the family of the late Senator Chandler our warmest and most sincere sympathy, assuring them that their loss is our own, and is most deeply felt.

Be it further resolved, That a copy of this resolution be printed and forwarded to the family of the late senator at Detroit, Michigan.

Passed the house of representatives, November 5, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council November 6, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

RELATIVE TO THE DEATH OF MAJOR GENERAL JOSEPH HOOKER.

WHEREAS, We have recently received the sad intelligence of the death of the true patriot and gallant soldier, Major General Joseph Hooker, therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That in the death of this brave man who, on the battle field of Mexico and in the army of the republic, during the recent war of the rebellion, so nobly proved his devotion to the union, the nation has lost a true patriot, a fearlessly brave officer and a loyal citizen, and as a slight evidence of the feeling of our people on account of his death, we, by this testimonial, desire to express to the nation at large a sorrow which is felt and which cannot be expressed in words.

Passed the House of Representatives Nov. 6, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the Council Nov. 6, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

RELATIVE TO CERTAIN PAMPHLETS IN POSSESSION OF THE TERRITORIAL LIBRARIAN.

WHEREAS, There is now in possession of the territorial librarian one thousand and two hundred copies, more or less, of Hon. Elwood Evans' address at the centennial exhibition, therefore,

Be it resolved by the House, the Council concurring, That the territorial librarian be and he is hereby authorized to turn over to Mrs. A. H. H. Stewart, for the use of the board of immigration commissioners, the number of copies of said address now in his possession.

Passed the house of representatives November 13, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Nov. 13, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

RELATIVE TO MAIL SERVICE BETWEEN WHATCOM, WASHINGTON TERRITORY, AND NEW WESTMINSTER, BRITISH COLUMBIA.

WHEREAS, The establishment of mail communication overland, between Whatcom, Washington Territory, and New Westminster, British Columbia, a distance of about thirty-two miles, by directly connecting Whatcom, Snohomish, Island and San Juan counties with the two main water routes from Tacoma via Port Townsend, and from Tacoma via Seattle, to Victoria, B. C., would give these inhabitants much needed mail facilities and tend to promote the settlement of those counties, by opening up a direct route of travel to and from them, therefore,

Be it resolved by the House, the Council concurring, First, That our delegate in congress be and he is hereby requested to ask the postmaster general to extend route No. 43,098 from Whatcom, the county seat of Whatcom county, to Semiahmoo via Ferndale by land, a distance of twenty-two miles, with weekly service on horseback; and that he endeavor to procure an extension of said mail service, by the colonial authorities of British Columbia to New Westminster, a distance of twelve miles, over a road already established. *Second,* That the secretary of the territory is requested to furnish a copy of this resolution to our delegate.

Passed the house of representatives Oct. 20, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council Oct. 20, 1879.

FRANCIS H. COOK,

President of the Council.

RESOLUTION

TENDERING A VOTE OF THANKS TO PROPRIETORS OF STEAMER
ZEPHYR.

Resolved, That, we, the legislative assembly of Washington Territory, do hereby tender a vote of thanks to the Ballard Bros., of the steamer Zephyr, for their courtesy and liberality during the visit to the hospital for the insane and the territorial university.

Passed the house of representatives October 30, 1879.

GEORGE H. STEWARD,

Speaker of the House of Representatives.

Passed the council October 28, 1879.

FRANCIS H. COOK,

President of the Council.

ORGANIC ACT.

ORGANIC ACT,

OR SECTIONS OF CHAPTERS ONE AND TWO, TITLE TWENTY-THREE,
OF THE REVISED STATUTES, CONTAINING PROVISIONS
COMMON TO ALL THE TERRITORIES, OR TO
WASHINGTON TERRITORY, ALONE.

CHAPTER I.

PROVISIONS COMMON TO ALL THE TERRITORIES.

SEC. 1839. Nothing in this Title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

SEC. 1840. Nor shall anything in this Title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

SEC. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander-in-chief of the

militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offences against the laws of the Territory for which he is appointed, and respites for offences against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

SEC. 1842. Every bill which has passed the legislative assembly of any Territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for

publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected.

SEC. 1847. Previous to the first election for members of the legislative assembly of a Territory in which Congress may hereafter provide a temporary government, the governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts is entitled under the act providing such temporary government for the particular Territory. The persons having the highest number of legal votes in each of the districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

SEC. 1848. After such first election, however, the time, place, and manner of holding elections by the people in any

newly-created Territory, as well as of holding all such elections in Territories now organized, shall be prescribed by the laws of each Territory.

SEC. 1849. The apportionment of representation, which the governor is authorized to make by section eighteen hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such first election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population, except Indians not taxed; and thereafter in such new Territory, as well as in all Territories now organized, the legislative assemblies, respectively, may readjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

SEC. 1850. All laws passed by the legislative assembly and governor of any territory except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

SEC. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

SEC. 1853. The members of each branch of the several territorial legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law: *Provided*, That the president of the council and the speaker of the house of representatives shall each receive a compensation of ten dollars per day.

SEC. 1854. No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable

to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory. The exception of postmasters shall not apply in the Territory of Washington.

SEC. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

SEC. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective legislatures may provide by law.

SEC. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next session.

SEC. 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters

and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein; unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

SEC. 1861. The subordinate officers of each branch of every legislative assembly shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one door keeper, one messenger, and one watchman, who shall each receive a compensation of five dollars per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to any Territory.

SEC. 1862. Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all

subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and manner of holding the election shall be prescribed by the law of each Territory.

SEC. 1864. The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

SEC. 1865. Every Territory shall be divided into three judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

SEC. 1867. No justices of the peace in any Territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

SEC. 1868. The supreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

SEC. 1869. Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the Territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

SEC. 1870. The supreme court of each Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

SEC. 1871. Each Judge of the supreme court of the respective Territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

SEC. 1872. Every district clerk shall be also the register

in chancery, and shall reside and keep his office at the place where the court is held.

SEC. 1873. Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or subdivisions of each judicial district.

SEC. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be established, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

SEC. 1877. The governor, secretary, chief justice, and associate justices, attorney, and marshal of every Territory shall be nominated and, by and with the advice and consent of the Senate, appointed by the President.

SEC. 1878. The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before

whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each.

SEC. 1880. The salary of the attorney of the United States for each Territory shall be at the rate of two hundred and fifty dollars annually.

SEC. 1881. The salary of the marshal of the United States for each Territory shall be at the rate of two hundred dollars a year.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, Title "THE JUDICIARY," and no other compensation shall be taxed or allowed.

SEC. 1984. When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

SEC. 1885. The legislative assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as

soon thereafter as it may be deemed expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for the Territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by congress for the support of government therein, shall be settled and adjusted at the treasury department; and no act, resolution, or order of the legislature of any territory, directing the expenditures of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the treasury. No payment shall be made or allowed, unless the secretary of the treasury has estimated therefor and the object been approved by congress. No session of the legislature of a territory shall be held until the appropriation for its expenses has been made.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the territories.

SEC. 1888. No legislative assembly of a territory shall, in any instance or under any pretext, exceed the amount appropriated by congress for its annual expenses.

SEC. 1889. The legislative assemblies of the several territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights³ in real estate shall not be impaired by the provisions of this section.

SEC. 1891. The constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized territories, and in every

territory hereafter organized as elsewhere within the United States.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the territory or district in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming and Colorado.

SEC. 1893. The attorney-general of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the attorney-general.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

CHAPTER II.

OF PROVISIONS CONCERNING PARTICULAR ORGANIZED TERRITORIES.

SEC. 1898. All that portion of Oregon, while that State was a Territory, lying and being south of the forty-ninth de-

gree of north latitude, and north of the middle of the main channel of the Columbia River from its mouth to where the forty-sixth degree of north latitude crosses that river, near Fort Walla-Walla; thence with the forty-sixth degree of latitude to the summit of the Rocky Mountains, is organized into a temporary government by the name of the Territory of Washington.

SEC. 1905. The elections in the Territories of Washington and Idaho for Delegates to the House of Representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such Territories.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

SEC. 1911. Writs of error and appeals from the final decisions of the supreme court of Washington Territory shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, exceeds two thousand dollars; and such writs of error and appeals shall be allowed, in all cases, where the Constitution of the United States, or a treaty thereof, or acts of Congress are brought in question; and each of the district courts shall have the same jurisdiction in all cases arising under the Constitution of the United States, and the laws of the Territory, as is vested in the circuit and district courts of the United States; but writs of error and appeals in all such cases may be had from the district courts to the supreme court of the Territory, as in other cases.

SEC. 1912. The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

SEC. 1813. The legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories, respectively, may organize, alter, or modify, the

several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

SEC. 1917. The district court for the several districts in the Territory of Washington shall be held at such times and places in the districts not exceeding three places in each district, as the legislative assembly of that Territory may by law determine; but until the legislative assembly otherwise provides, the courts shall be held as provided by law on the ninth of February, eighteen hundred and sixty-three.

SEC. 1918. The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona, and Wyoming Territories may assign the judges appointed for such Territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

SEC. 1922. The councils of New Mexico and Utah shall each consist of thirteen members, and the house of representatives of twenty-six members. The council of Washington Territory shall consist of nine members, and the house of representatives of eighteen members, which may be increased to thirty. The councils of Colorado and Dakota shall each consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Arizona shall consist of nine members, and the house of representatives of eighteen members. The councils of Idaho and Montana shall each consist of seven members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Wyoming shall consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-seven.

SEC. 1923. In each of the Territories of Washington, Idaho, and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

SEC. 1924. In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assembly of Washington shall have no power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the like-

ness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in the Territory; nor shall the legislative assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory. And all taxes shall be equal and uniform, and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value of the property. To avoid improper influences, which may result from intermixing in the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

SEC. 1926. Justices of the peace, in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

SEC. 1933. Each clerk of a district court in Washington Territory shall exercise the powers now provided by law for the clerk of the supreme court of the Territory, and be subject to all provisions of law, not inconsistent with this act, applicable to the clerk of such supreme court.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive departments of those Territories.

SEC. 1938. There shall be appropriated, annually, fifteen hundred dollars for Washington Territory, to be expended in like manner and for like purposes as specified in section nineteen hundred and thirty-five.

SEC. 1940. There shall be appropriated, respectively, for the Territories of Washington, Idaho, and Montana, annually, a sufficient sum, to be expended by the secretary of each Territory herein named upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each Territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury, and shall, semi-annually, account to such Secretary for the manner in which such sums of money have been expended.

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice, and associate justices of Washington, Idaho, and Montana Territories until such officers have entered upon the duties of their respective appointments.

SEC. 1942. The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

SEC. 1944. The seat of government of the Territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming may be changed by the governors and legislative assemblies thereof, respectively.

SEC. 1947. Sections numbered sixteen and thirty-six in each township of Washington Territory shall be reserved for the purpose of being applied to common schools in that Territory. In all cases where sections sixteen and thirty-six, or either or any of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections so occupied are situated are authorized to locate other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

SEC. 1950. The State of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia River, where that river forms a common boundary between the State and Territory.

SEC. 1951. All officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territories of Washington, Idaho, and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

SEC. 1952. The laws now in force in the Territory of Washington, by virtue of the legislation of Congress in reference to Oregon, when that State was a Territory, which were enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the Territory of Washington, together with the legislative enactments of Oregon, while a Territory, enacted and passed prior to March 2, 1853, and not inconsistent with the provisions of this Title, and applicable to the Territory of Washington, are continued in

force in that Territory until repealed or amended by future legislation, unless such laws have been repealed or amended by legislation subsequent to the second day of March, eighteen hundred and fifty-three.

SEC. 1953. The libraries heretofore purchased by appropriations of Congress for the Territories of Utah and Washington shall be kept at the respective seats of government of those Territories for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of each Territory, and such other persons and under such regulations as may be prescribed by law.

TERRITORY OF WASHINGTON, }
 OFFICE OF THE SECRETARY. } ss.

I, N. H. OWINGS, Secretary of the said Territory, do hereby certify, that the Laws, Joint Resolutions, and Memorials published in this volume, have been compared with the originals deposited and of record in this office and that they appear to be correctly printed.

In testimony whereof I have hereto set my hand and affixed the great seal of said Territory, at Olympia this 16th day of February, A. D. 1880.

[SEAL.]

N. H. OWINGS,
Secretary of the Territory.

INDEX.

INDEX

TO THE

FOREGOING LAWS.

A.

ACTIONS, CIVIL—	<i>Page.</i>	<i>Sec</i>
person may recover damages by, for injury caused by violation of law regulating travel on highways.....	67	67
certain, to be removed from Olympia to Lewis county.....	83	2
in which the territory is a party—by whom prosecuted....	93	6
person losing money by gambling has a cause of.....	98	3
to enforce lein—when to be commenced.....	100	5
on bond of lumber inspector—by whom commenced.....	108	4
damages caused by selling liquors to an habitual drunkard may be recovered by.....	114	6
an act to amend an act to regulate practice and proceedings in, approved, Nov. 8, 1877.....	118	.....
fine for violation of law to encourage the cultivation of oysters—recovered by.....	120	6
act to regulate practice and proceedings in, amended.....	122	.....
written admission, equivalent to personal service.....	122	1
damages resulting from sale of intoxicating liquors may be recovered by, and in whose name.....	137	1
owner may recover from tenant certain damages, by.....	133	3
act of 1877 to regulate practice in, amended.....	157	.....
ACTIONS, CRIMINAL—		
in which the territory is a party—by whom prosecuted....	93	6
act of 1873, relative to proceedings in, amended.....	137	.....
ACKNOWLEDGMENTS—SEE DEEDS, MORTGAGES.		
of deed of wife's separate real property.....	77	5
of deed of community property, by whom made.....	78	8
of deed of husband's separate property—by whom made..	78	9
of deed of wife's separate property—how made.....	78	10
of contracts for marriage settlements—how taken.....	79	20
wife not required to make—when.....	80	27
by whom taken, in this territory.....	110	1
certain, legal and binding.....	110	2
how taken, out of the United States.....	157	1
how to be certified.....	158	2
certificate of, to be <i>prima facie</i> evidence of.....	158	3

ACCOUNTS—	<i>Page.</i>	<i>Sec.</i>
of assessor—how balanced.....	19	66
of county officers—when to be settled.....	41	158
general, to be kept by treasurer.....	48	190
road supervisor to keep.....	59	32
of logs scaled by inspector to be filed with county auditor.....	109	13
ADJOURNMENT—		
of sale for want of bidders.....	33	120
ADMINISTRATORS—SEE EXECUTORS.		
how assessed as such.....	9	20
undistributed property assessed to.....	10	23
to pay taxes of estate out of funds thereof.....	31	111
may assign certificate of purchase of land.....	38	147
ADOPTION—SEE CHILDREN.		
AFFIDAVIT—		
of taxpayer to statement of property.....	5	6
form of.....	7	12
power of assessor to require.....	7	13
penalty for refusing to make or subscribe.....	8	13
of assessor to assessment roll and form of.....	21-22	74
of sheriff to duplicate assessment roll.....	35	132
of mortgagor of good faith of mortgage.....	105	2
when to be advertised in newspaper.....	106	8
discoverer of oyster claims to make.....	120	5
of applicant for bounty for killing wild animals.....	142	6
AGENTS—SEE ATTORNEY.		
to furnish title papers to assessor—when.....	9	15
individual property separate.....when.....	9	20
personally liable.....	11	31
of banking association—principal officer.....	12	83
duty of, in regard to poll tax.....	18	61
may apply for correction of assessment roll—when.....	24	81
may stop sale of land for taxes—how.....	39	149
to furnish list of employes to road supervisor.....	57	24
acts of, equal to owner in matter of lien.....	100	2
process to sell interest of mortgagor, may be served upon— how.....	105	5
written admission of, equivalent to service.....	122	1
of life, fire or marine insurance or brokerage or sewing machine manufacturing corporation to obtain license—when appointed by the United States, may take acknowledgments of instruments in foreign countries.....	140	2
158	1	
ANIMALS—SEE STOCK.		
temporarily pasturing in other counties—how assessed....	17	57
basis of toll rated on—how.....	66-67	62-63
sheep, an act to prevent the spread of infectious diseases among in certain counties.....	87	.....
the stealing or concealing of, called an "offense," and pun- ishment therefor, prescribed.....	138	1
wild, act of 1863, offering bounty for killing, amended....	141	.....
upon which bounty to be paid, enumerated.....	141	2
APPEAL—SEE WRITS OF ERROR.		
from assessment of road viewers—how taken.....	52	9
road supervisor may take, from decision of justice.....	60	33
shall be allowed from final decisions—when.....	72	10
from decisions of county commissioners—how taken.....	143	2
to courts of laws or equity, wife may in her own name....	151	1

INDEX.

311

APPORTIONMENT—

	<i>Page.</i>	<i>Sec</i>
of railroad rolling stock made by assessor.....	13	39
of lands for road-beds and ditches, right of way	14	44
of funds—when made.....	24	83
of members of the legislative assembly.....	121	2

APPRAISEMENT, APPRAISOR—

of property made uniform by county board of equalization	24	79
--	----	----

APPROPRIATIONS—

for salary, mileage and incidental expenses of board of equalization.....	87	13
for clerk to code commissioner.....	97	7
to purchase books for territorial auditor and treasurer....	125	1
for salary and incidental expenses of territorial auditor....	129	3
for auditing account of public printer.....	131	4
from special notarial fund, for certain purposes.....	132	1
for publishing proclamation of the governor.....	135	1
of money for the territorial university.....	138	1
for apparatus for university.....	139	2
for printing revised road law.....	149	2
for incidental expenses of territorial library.....	152	3
to purchase land and spring of water for the hospital for the insane.....	154	3
of money for indexing laws.....	156	1
of money for immigration purposes.....	156	1

ASSESSMENT—SEE ASSESSMENT ROLL, ASSESSOR, REVENUE.

of property at cash value.....	5	3
to be made—when.....	6	9
to whom property assessed.....	6	9
to be made in the county where property situated	7	11
of property of persons neglecting or refusing to give statement—how made.....	8	14
of unknown and absent owners of property.....	9	16
of property in another county—how made.....	9	18
of consigned property.....	9	19
of agent, trustee, guardian, executor or administrator....	9	20
of preceding years escaped, doubled.....	11	30
of shares in banking associations—by whom given.....	11	33
of railway property.....	12-13	35-41
of water ditches and toll roads.....	13	42
of property of telegraph and express companies.....	14	43
of lands used for road or ditch beds.....	14	44
of mortgage, deed of trust, contract, etc., for the purpose of—how treated.....	16	54
certain contracts to pay, null and void—when.....	16	55
unsecured credits may be deducted.....	17	56
of animals temporarily pasturing in county.....	17	57
of poll tax.....	18	60
of poll tax uncollected—how returned.....	20	69
to contain what.....	20	72
equalization of.....	22	75
complaint concerning—heard.....	23	79
board to equalize—proviso.....	24	79
person or attorney may apply for correction of.....	24	81
supplemental, made by treasurer.....	28	100
amount of, specified in receipt.....	31	110
double—how marked.....	31	113
double—how noted by sheriff.....	34	126
roll— <i>prima facie</i> evidence of.....	41	157
abbreviations may be used in.....	44	169
not illegal on account of informality.....	44	170

ASSESSMENT—(Continued)	<i>Page.</i>	<i>Sec.</i>
of damages for road passing through land.....	52	9
of damages by road viewers, may be appealed from.....	55	17
of road tax—when and how made.....	56	22
of 25 per cent. additional to road tax—when.....	57	24
additional by supervisor—when allowed.....	58	27
board of equalization to see whether equal and uniform...	85	7
how equalized by board of equalization.....	86	7
ASSESSMENT ROLL—SEE ASSESSOR, ASSESSMENT, TAXES.		
refusal to comply with law noted on.....	8	14
mines, minerals, quarries, timber, etc., noted on.....	15	50
topography of lands noted on—when.....	16	53
stock pasturing out of county to be noted on.....	17	57
uncollected poll taxes to be returned on.....	20	69
property listed in another county not to be entered upon...	20	70
what assessor must enter upon.....	20-21	72
completion of, and oath of assessor.....	21	74
changes of, to be recorded.....	22	76
assessor to answer questions concerning.....	23	78
board of equalization shall examine and correct.....	23	79
board of equalization may add to—what.....	24	80
persons may attend meeting of board and apply for correction of.....	24	81
to be footed up by auditor.....	24	82
auditor to enter total tax in.....	26	90
copy of, and certificate of auditor.....	26	91
original to be retained by auditor.....	27	96
copy of to be delivered to treasurer.....	27	97
auditor to take receipt for.....	28	98
transfer of, from one treasurer to another.....	28	99
supplemental assessment entered in.....	28	100
duplicate—authority for what.....	29	104
notice of receipt of, to be published.....	30	105
duplicate—when to be compared.....	31	113
duplicate—sheriff to note errors on.....	34	126
duplicate—names of persons changed on.....	34	130
property formerly omitted may be listed on.....	35	131
affidavit of sheriff to be attached to.....	35	132
duplicate—what sheriff must enter on.....	37	142
sheriff and auditor to compare—when.....	38	144
sheriff must attach list of lands advertised to.....	38	145
<i>prima facie</i> evidence of assessment.....	41	157
territorial auditor to furnish.....	42	164
interest to be entered in the duplicate.....	44	168
fees for making.....	46	183
comparing—compensation for.....	47	185
to be compared monthly with duplicate.....	48	189
auditor guided by, in making list for supervisors.....	56	23
original, may be examined by board of equalization.....	85	7
ASSESSOR—COUNTY.		
statement of taxpayer to be made to.....	5	4
to designate his place of business by publication.....	5	6
to receive estimates of taxpayers—when.....	5	6
to make assessment—when.....	6	9
to examine and assess property.....	6	10
must require statement on detailed list.....	6	11
powers of, and where exercised.....	7	13
shall transmit statement to other counties—when.....	8	13
may retain one-half of certain moneys.....	8	13
duty of, on refusal of person to give or verify statement....	8	14
how to obtain accurate description of property.....	8	15

INDEX.

313

ASSESSOR—(Continued.)

Page. Sec.

to return expenses of survey—when.....	9	15
shall list and assess notes, etc.....	11	31
assess banking associations—when.....	11	32
how to assess bank stock, under act of congress.....	12	34
how to assess rolling stock of railroads.....	13	39-40
shall assess lands containing mines, quarries and timber...	15	50
must supervise valuations of his deputies.....	15	51
must assess improvements on public lands.....	15	52
to note on detail lists the topography of land—where.....	16	53
must enter note of stock temporarily pasturing.....	17	57
duty of, in county where stock is found temporarily pasturing.....	17	58
to collect poll tax—when.....	18	61
to be furnished with poll tax receipts by auditor.....	19	63
to be charged with poll tax receipts.....	19	64
compensation of, for collecting poll tax.....	19	65
to pay poll tax money to county treasurer—when.....	19	66
account of, how balanced—proviso.....	19	66
to furnish treasurer statement of poll tax collected in each road district.....	20	68
to return uncollected poll tax—how.....	20	69
must not enter on assessment roll—what.....	20	70
to examine mortgage records.....	20	71
must enter on assessment roll—what.....	21	72
must assess each description of land separately.....	21	73
oath of, and completion of assessment roll.....	21-22	74
and deputies to attend session of board of equalization—when.....	23	78
property omitted by—how entered.....	42	80
when not to assess property to another.....	46	177
to file detail lists with auditor.....	46	178
county—fees of.....	46	183
allowed deputy—when.....	47	184
liable for acts of deputy.....	47	186
deputy to take an oath.....	47	187
duties of, how performed, board of equalization to inquire into.....	85	6
to be reported to grand jury on failure to perform duty.....	94	9

ASSIGNEE—

may redeem property sold for taxes—how.....	38	148
to pay for sheriff's certificate—when.....	46	181
may sue and maintain actions—when.....	122	1

ASSIGNMENTS—

an act in relation to.....	122	.....
assignee, by virtue of, may sue and maintain actions, in law.....	123	1

ASSOCIATIONS—

banking, how assessed and taxed.....	11	32
principal officer of, to list the shares in.....	11	33

ATTACHMENT—

property subject to, for taxes.....	25	28
-------------------------------------	----	----

ATTORNEY—SPE AGENT.

of non-resident taxpayers—duty of.....	6	5
auditor to publish notice to.....	6	8
may apply for correction of assessment—when.....	24	81
prosecuting, act in relation to.....	92	.....
written admission of, equivalent to service—when.....	122	1

AUDITOR—COUNTY.

	<i>Page.</i>	<i>Sec.</i>
must keep detail lists for assessor and taxpayers.	5	7
to publish notice to taxpayers, and what notice to contain.	6	8
duty of, in regard to expenses of surveyor.	9	15
duty of, regarding stock grazing temporarily in county.	17	59
to receive and pay over certain moneys.	18	59
to furnish assessor with blank poll tax receipts.	19	63
to charge assessor with blank receipts.	19	64
to settle with assessor—when.	19	66
assessor must file assessment roll with—when.	21	74
assessor must make affidavit before.	21-22	74
act as clerk of the board of equalization.	22	76
certify to assessment roll after changes made.	23	76
attest records of board—how.	23	77
to foot up columns and extend footings of assessment roll.	24	82
duties of, in relation to revenue.	26	90
to make copy of assessment roll and certify to same.	26	91
to prepare statement to territorial auditor.	27	92
must transmit statement to territorial auditor—when and how.	27	93
to attest all statements made by him.	27	95
to retain original assessment roll.	27	96
to deliver copy of assessment roll to treasurer.	27	97
form of warrant of.	28	97
to take receipt of treasurer for duplicate roll.	28	98
duty of, on transfer of assessment roll.	28	99
to charge treasurer with amount of supplemental assessment.	28	100
must furnish territorial auditor with statement of treasurer's supplemental list.	29	101
to charge treasurer with penalty added.	29	102
to charge sheriff with delinquent taxes.	29	103
to compare assessment and duplicate rolls.	31	113
to take affidavit of sheriff to duplicate rolls.	35	132
and sheriff to compare rolls—when.	38	144
to charge treasurer with money received for redeemed land	39	151
to charge sheriff with interest collected.	44	168
assessor to file detail lists with.	46	178
compensation allowed.	47	185
to compare assessment rolls with sheriff monthly.	48	189
shall transmit to territorial auditor assessment of tax levy—when.	48	194
road viewers to report to—when.	51	5
to report to county commissioners, failure of road district to elect supervisor.	55	19
to furnish list of petitioners to road supervisors.	56	20
to furnish supervisors with road lists—when.	56	21
how guided in making list.	56	23
office of, surveyor of roads recorded in.	60	35
shall issue license for ferry—when.	61	39
shall publish notice to lease road—when.	65	53
contract for lease of road to be filed with.	65	55
inventory of wife's separate property to be recorded in office of.	77	3
contract for marriage settlements to be recorded in office of	79	21
to make returns of election of members of board of equalization to secretary.	84	2
sheep commissioner's record to be kept in office of.	88	4
shall forward certificate showing number of votes given for prosecuting attorney, to secretary of territory.	93	4
office of, to be visited by prosecuting attorney—when.	94	9
appointment of deputy prosecuting attorney to be filed in office of.	95	16

INDEX.

315

AUDITOR COUNTY—(Continued.)

	<i>Page.</i>	<i>Sec.</i>
claim for lien upon saw-logs filed for record with.....	100	4
when claims for certain liens to be filed with.....	101	6
of lumber inspector to be filed with.....	109	13
to publish notice for loan of money to county.....	116	3
contract for loan to be attested by.....	117	5
affidavit, and description of oysters claims to be filed with.	120	5
act of 1869 relating to, amended.....	123	.....
shall post synopsis of financial condition of county—when and how.....	123	1
duty of, in relation to bounties for killing wild animals...	142	5-9
notice of appeal to be filed with—what.....	143	1
to transmit transcript to district court—what.....	144	3
claim for lien of farm laborer to be filed with.....	150	3
may record certificate of acknowledgment taken in foreign countries.....	158	3

AUDITOR—TERRITORIAL.

to give or send tax receipt to insurance companies.....	14	46
statement of tax levy and tax paid to—when.....	14	47
duty of, in reference to insurance companies.....	15	48
may authorize garnishee—when.....	15	49
statement of assessment prepared by county auditor, trans- mitted to—when.....	27	93
must charge each county with territorial tax.....	27	94
to be furnished with supplemental list.....	29	101
county treasurer must settle with—when.....	41	160
must credit county treasurer with what.....	42	160
county treasurer must render statement to.....	42	161
to furnish assessment rolls and detail lists.....	42	164
to audit accounts of expenses of judges—when.....	73	14
to draw warrant for traveling expenses of judges—when...	76	13
member and ex-officio secretary of territorial board of equalization.....	84	1
to draw warrant for expenses of territorial board of equali- zation.....	87	13
to draw warrant for salary of clerk of code commissioner...	91	11
set of books for, to be purchased—how.....	125	1
to audit all cost bills and accounts against the territory...	126	2
act in relation to, approved Nov. 29, 1879, amended.....	128	1
shall publish quarterly settlements—when.....	128	1
shall have authority to appoint a deputy.....	129	2
responsible for acts of deputy.....	129	2
salary of.....	129	3
to be member of board to audit accounts of C. B. Bagley, for incidental printing.....	131	2
shall draw warrant for printing in favor of C. B. Bagley...	131	3
services of, how audited and paid.....	131	4
shall audit certain accounts of secretary, and draw warrant against special notarial fund for.....	132	1
to draw warrant to pay for publishing governor's proclama- tions.....	135	.....
to draw warrants in favor of treasurer of board of regents of territorial university—when and how.....	139	2
duties of, in regard to printing and distributing revised road law.....	149	.....
to draw warrant to pay for indexing laws.....	156	2
to draw warrant for immigration purposes—when.....	156	2

B.

	<i>Page.</i>	<i>Sec.</i>
BANKS—SEE ASSOCIATION.		
when taxed.....	11	32
list—by whom made.....	11	33
BILLS OF EXCEPTION—SEE APPEALS.		
allowed—when.....	72	10
BILLS OF SALE—		
to be given by officer to purchaser of interest of mortgagor to personal property.....	106	11
BOARD OF EQUALIZATION—TERRITORIAL.		
act creating.....	84	.....
who shall constitute, and time and manner of electing cer- tain members of.....	84	1
vacancy in, to be filled by governor.....	84	1
election of, returns—how made.....	84	2
oath of, form and where filed.....	85	3
shall meet—when and where.....	85	4
quorum of.....	85	4
make and adopt rules at first meeting.....	85	5
duties of.....	85	6-7
how may obtain additional evidence relative to valuation of property.....	86	8
duty of, relative to county boards.....	86	8-9
shall have power to issue subpoenas.....	87	10
shall report to governor—what.....	87	11
salary of.....	87	12
salary, mileage and expenses of—how paid.....	87	13
shall procure books and stationery—how.....	87	14
BOARD OF EQUALIZATION—COUNTY.		
when not reduce, but may raise value fixed by assessor on property.....	8	14
not to reduce assessment of property concealed.....	11	29
county commissioners shall constitute.....	22	75
shall hold session annually.....	22	75
county auditor clerk of.....	22	76
record of—how signed.....	23	77
powers of, in equalizing assessments.....	23	79
how governed in equalization of assessments.....	24	79
may enter property omitted by assessor.....	24	80
action of, not deemed final until when.....	86	8
to receive certain rules from territorial board.....	86	9
BOATS—SEE VESSELS.		
assessed in county where kept.....	10	27
sufficient, to be kept by ferrymen.....	62	43
owner of, may ferry—when.....	64	49
used for fishing on Columbia river—how to be numbered and registered.....	102	3
mortgage may be made upon.....	104	1
BOND—SEE SURETY—BONDSMAN.		
of sheriff, when exacted.....	47	185
to accompany petition for road.....	53	12
road supervisor to give—when.....	55	19
to be given by applicant to keep a ferry.....	62	42
lessee of toll road to give, and by whom approved.....	65	55
of clerks of courts in first and second districts.....	71	6-7
of clerks of courts in third judicial district.....	75	6

INDEX.

317

BOND—(Continued.)	Page.	Sec.
of trustee of property of wife.....	80	28
sheep commissioner to enter into a.....	88	1
of prosecuting attorney.....	93	5
of officers to be examined by prosecuting attorney.....	94	9
prosecuting attorney to take, from deputies.....	95	16
of lumber inspector, given to county.....	108	4
assignee of, may see and maintain action—when.....	122	1
to be given by in case of appeal from commissioners' court	143	2
BONDSMAN—SEE BOND—SURETY.		
of sheriff and treasurer, for what liable.....	47	186
BOUNTY—		
for killing wild animals, how paid.....	141	2
county commissioners to fix the rate of.....	142	4
notice of, to be posted by auditor.....	142	5
duties of persons applying for.....	142	9
BUILDINGS—SEE IMPROVEMENTS.		
BURIAL GROUNDS—		
exempt from taxation.....	6	1
BRIDGES—SEE ROADS AND HIGHWAYS.		
an act in relation to.....	49	1
road supervisor to repair, when.....	59	30
on public roads, how built and repaired.....	68	70
when to be built by counties jointly.....	68	71
exceptions and provisos to act.....	69	72
an act for the better protection of.....	148.....	
penalty for riding or driving over, faster than a walk.....	149	1

C.

CATTLE—SEE ANIMALS.		
when assessed.....	17	58
rates of toll on.....	67	63
CERTIFICATE—		
of clerk of board of equalization.....	23	76
of auditor to assessment roll.....	26	91
of sheriff <i>prima facie</i> evidence of regularity of prior proceedings.....	38	143
tax, sheriff entitled to \$1 00 for.....	46	181
of county auditor to territorial auditor, form of.....	49	194
for road labor, supervisor to give, when.....	59	31
false, penalty for giving.....	59	33
of superintendent of bridges a voucher to county commissioners.....	68	70
of election of board of equalization, by whom made.....	84	2
of board of equalization to prosecuting attorney, what contain.....	85	6
of territorial to county board of equalization.....	86	7
of sheep commissioner, what to contain.....	88	3
to be attached to statement of sheep commissioner.....	88	4
of sheep commissioner, how annulled.....	88	5
of healthfulness of sheep, effect of.....	88	6
when sheep commissioner to deliver, to owner of sheep....	89	7
of sheep commissioner, penalty for failure to obtain.....	89	8
of votes for prosecuting attorney transmitted to secretary	93	4
of election of prosecuting attorney to be issued by secretary.....	63	4

CERTIFICATE—(Continued.)	<i>Page.</i>	<i>Sec.</i>
of acknowledgment of instruments taken in foreign countries, evidence of what.....	158	.....
CERTIORARI—SEE COURTS.		
courts in first and second judicial districts have supervision and control of proceedings of inferior courts by....	71	5
courts in third judicial district to control proceedings in inferior courts, by.....	74	4
CHATTEL MORTGAGE—SEE MORTGAGES.		
CHILDREN—SEE MINORS.		
parents cannot change legal order of descent, relative to inheritance of.....	80	24
have right of action when.....	132	1
an act to authorize the adoption of.....	136	.....
who may petition for leave to adopt.....	136	1
care and custody of, how may be given.....	136	1
name of, changed—when.....	136	3
parents divested of all legal rights to, when.....	137	4
upon the death of, to whom property descends.....	137	4
control of, both parents shall have equal, when.....	151	2
CHOSSES IN ACTION—		
assignee of, may sue and maintain action, when.....	122	1
CITY AND TOWN LOTS—SEE PROPERTY.		
description to be given in tax list.....	7	11
description to be entered upon assessment roll.....	20	22
CIVIL ACTIONS—SEE ACTIONS.		
CLERK—		
county money or property in hands of, assessed.....	10	28
of board of equalization—county auditor to be.....	22	76
to attach certificate to corrected assessment roll.....	23	76
to attest the record of board of equalization.....	23	77
to place upon assessment roll property omitted.....	24	80
of board of commissioners, sureties to justify, before.....	65	56
code commissioner may employ.....	91	7
CLERK OF COURT—		
appointed by judges in the first and second judicial districts	71	6
may appoint a deputy with consent of judge.....	71	6
or deputy shall take an oath and give bond.....	71	7
office of, where to be.....	72	8
warrant for special term of court directed to.....	72	12
appointed in third judicial district.....	75	5
heretofore appointed remain in office.....	75	5
and deputy to take oath and give bond.....	75	6
office of, where to be kept.....	75	7
warrant for special term, directed to.....	75	11
shall enter warrant in journal of court.....	76	11
at Spokane Falls to remove records from Fort Colville to Spokane Falls.....	82	1
in Lewis county to use scroll as seal.....	83	2
CODE—		
to be arranged under four divisions.....	91	3
1, political, of Washington.....	91	3
2, civil, of Washington.....	91	3
3, of civil procedure.....	91	3
4, penal, embracing code of criminal procedure.....	91	3
to contain marginal and "foot notes" and references to decisions.....	91	4

INDEX.

319

CODE—(Continued.)	<i>Page.</i>	<i>Sec.</i>
to be known as "Washington Code".....	91	5
to be submitted to next legislature—how.....	91	6
CODE COMMISSIONERS—		
Elisha P. Ferry appointed.....	90	1
authority of.....	90	2
duty of.....	91	3
authorized and empowered to do what.....	91	4
shall submit code, in printed form—when.....	91	6
may employ a clerk.....	91	7
shall take and subscribe an oath—when.....	92	9
COLLECTOR—		
of taxes when sheriff and when treasurer to be.....	49	195
COMPANIES—SEE CORPORATIONS, RAILROAD COMPANIES.		
telegraph, property of assessed.....	14	43
express, property of assessed, rates governing.....	14	43
insurance, to pay taxes.....	14	45
territorial auditor must send receipt to.....	14	46
statement, estimated and taxes of, paid when.....	14	47
duty of territorial auditor in reference to.....	15	48
auditor may garnishee, when.....	15	49
to pay poll tax of employes, how and when.....	18	61-62
property of, to be entered on assessment roll.....	20	72
land of, when taxes delinquent, to be twice offered for sale	36	138
to pay road tax of employes—when.....	57	24
establishing hatching house, to receive what.....	103	6
engaged in mining and manufacturing, privileges and liabilities of.....	124	1
COMMISSIONERS—SEE COUNTY COMMISSIONERS.		
COMMON SCHOOLS—SEE SCHOOLS.		
COMPENSATION—SEE FEES—SALARY.		
of assessor for collecting poll tax.....	19	65
allowed treasurer in settlement with county.....	43	166
for doing county printing.....	45	175
auditor and treasurer allowed—when.....	47	185
reasonable, to be allowed for team to work road.....	58	26
of road supervisor.....	60	34
ferryman not to charge—when.....	63	47
of sheep commissioner and assistant.....	89	10
of code commissioner, how fixed and paid.....	91	6
of code commissioner's clerk.....	91	7
to be paid by company or person engaged in mining or manufacturing—when.....	124	1
of deputy territorial auditor, by whom paid.....	129	2
for incidental printing, rate of fixed.....	131	1
COMPLAINT—		
in an action in probate court, relative to habitual drunkards, by whom made and verified.....	113	2
filed in probate court—how served.....	114	3
written admission equivalent to service of.....	122	1
in actions to recover possession of real estate, what shall contain.....	134	2
CONTRACT, AGREEMENT—		
how treated for purposes of taxation.....	16	54
debts due on, may be deducted from credits.....	17	56
lessee of road to enter into, and give a bond—when.....	65	54
for lease of road to be approved by commissioners.....	65	55

CONTRACT, AGREEMENT—(Continued.)	<i>Page.</i>	<i>Sec.</i>
for building or repairing bridges—how let.....	68	70
post nuptial, recognized.....	79	19
for marriage settlements—how executed.....	79	20
must be recorded.....	79	21
what, not to be entered into.....	80	24
husband and wife may enter into, concerning what.....	81	29
conditions of, to be stated in claim for lien.....	100	4
contractor must state conditions of—when.....	100	6
for printing revised road law to be let to lowest bidder....	149	2
to furnish supplies for hospital for insane—how let.....	153	2
CONSTRUCTION—		
of the words "him," "his," "her," "hers," etc.....	4	2
rule of common law relative to strict, has no application to what.....	81	30
liberal, of what.....	81	30
of act regulating salmon fisheries on Columbia river.....	112	4
of the words "city" and "town".....	128	2
CONVEYANCE—SEE DEEDS.		
of real estate sold for taxes.....	89	152
of community real property—how executed.....	78	8
of husband's separate real estate, wife to join in.....	78	9
of wife's separate real property, void—when.....	78	10
of husband's property to wife—how made.....	80	27
when set aside by creditors.....	80	27
when void.....	98	2
CORPORATIONS—		
property of, list of to be furnished assessor.....	6	11
owner or holder of stock in, not assessed individually for his stock.....	9	21
property of, where assessed.....	10	22
railroad property of—where assessed.....	12-13	35-41
to pay poll taxes of employes—when and how.....	18	61
bill of, sufficient receipt for poll or road tax.....	18	62
name of, must be entered on assessment roll.....	20	72
land of, when taxes delinquent, to be twice offered for sale to pay road tax of employes, when and how.....	36	138
engaged in mining and manufacturing, privileges and lia- bilities of.....	124	1
act of 1873 to provide for formation of amended.....	134	1
certain, may appropriate land and other property to its uses	194	1
foreign, certain, to pay a revenue.....	140	1
or agent of to obtain license—when.....	140	2
foreign, certain powers conferred upon.....	148	1
CORPORATION—MUNICIPAL.		
property of, exempt from taxation.....	3	1
power to expend road labor and taxes within.....	50	1
act of incorporation of cities, approved November 9, 1877, explained.....	127	1
COSTS—SEE FEES AND COSTS, EXPENSES.		
of collecting taxes on transient stock.....	18	59
included when property sold for taxes.....	33	121
must be paid when land sold is redeemed.....	37	141
uncollected to remain in sheriff's hands for collection.....	43	167
appellant shall pay, when.....	52	9
of changing route of road, paid by petitions—when.....	53	12
bond for, to be given by applicant for road—when.....	54	14
road supervisor allowed credit for—when.....	58	27

INDEX.

321

COSTS—(Continued.)	<i>Page.</i>	<i>Sec.</i>
of building bridges paid by counties—when.....	69	.....
of examination of sheep, how paid.....	88	5
in case of violation of law relative to sheep.....	89	8
in cases of violation of law regulating fisheries in Colum- bia river—how paid.....	112	6
when complainant to pay	114	4
COUNCIL DISTRICT—SEE LEGISLATIVE ASSEMBLY.		
number of.....	120	1
counties comprising each, and members apportioned thereto.	121	2
COUNTIES—		
the word, to apply to what.....	4	2
where property is situated to be named in tax list.....	7	11
assessor may exercise power in any.....	8	13
how property assessed in another.....	9	18
auditor to make demand against, for what.....	17	59
commissioners to act as board of equalization for.....	22	75
tax to be apportioned for, when.....	24	82
lands sold to, how redeemed.....	37	141
printing, compensation for.....	45	175
to be divided into road districts, when.....	55	18
to build bridge across boundary line, how.....	68	71
embraced in the second judicial district.....	70	3
embraced in the first judicial district.....	71	4
embraced in third judicial district, what.....	74	3
certain, to elect sheep commissioners, when.....	88	1
bond of lumber inspector given to.....	108	4
may borrow money, when.....	116	1
cannot borrow a sum greater than \$10,000	117	4
of Klickitat, Lewis, Yakima, Chehalis and Thurston only permitted to borrow money, under act.....	117	6
synopsis of financial condition of, to be posted.....	123	1
revised road law to be distributed to.....	149	1
an act in relation to the organization of new, and the changes in lines of.....	154	.....
new, how to proceed to create.....	154	1
lines of, how to proceed to change.....	155	2
COUNTY COMMISSIONERS—		
to equalize taxes, when.....	22	75
seal of board of, to attest record of proceedings.....	23	77
to apportion funds, when.....	24	83
shall levy a tax for certain purposes.....	25	84
land of county sold, except by order of, when.....	39	150
shall publish notices in newspapers, when.....	45	173-4
to order payment for advertising.....	45	175
may authorize the binding of detail lists.....	46	179
must allow fees of assessor.....	46	183
may allow deputy assessor, when.....	47	184
board of, may allow auditor, treasurer and sheriff compen- sation.....	47	185
county roads under supervision of.....	49	1
road applications shall be by petition to board of.....	50	2
may appoint road viewers—when.....	50	4
shall cause report of road viewers to be read—when.....	51	5
issue an order to open road—when.....	52	5
may appoint other viewers on complaint of injured party.	52	7
may order damages paid out of county treasury—when....	52	8
may refuse to establish road—when.....	52	8
may determine width of roads.....	53	10
may appoint reviewers for public highways—when.....	53	11-12

COUNTY COMMISSIONERS—(Continued.)	<i>Page.</i>	<i>Sec.</i>
may fine viewer refusing or neglecting duties—when.....	54	13
shall require a bond by petitioners for roads—when... ..	54	14
duties of, in establishing certain roads.....	54-55	15-17
shall divide county into road-districts—when.....	55	18
appoint supervisor to fill vacancies in road district.....	55	19
shall assess and levy road tax when.	56	22
complaint against supervisor made to, when.....	58	28
supervisor shall make return to, when.....	59	32
suit to be brought in name of, when.	60	33
surveyor, viewers, markers and others to certify to.....	60	35
may grant licenses to keep ferries.....	61	38
amount taxed by, for license.....	61	39
shall grant license to keep ferry only on certain conditions notice to be given of application for licenses to keep a ferry twenty days prior to meeting of.....	61	41
shall establish rates of ferriage.....	63	45
may fix, alter and establish rates of ferriage on ferries now established, when.....	63	46
may revoke license, subject to review, when.....	64	50
may lease roads for toll roads.....	64	52
shall publish notice to lease public road.....	65	53
contract approved and sum fixed by, for lease of road.....	65	55
sureties to justify before.....	65	56
may cancel or modify lease, when....	66	61
may reject bids for lease of roads.....	67	65
may apply road money to the building of bridges.....	68	69
may appoint person to superintend the building of bridges, etc., and authorize repairs, when.....	68	70
of adjoining counties may unite in erecting bridge.....	68	71
shall appoint a sheep commissioner, when.....	89	11
prosecuting attorney, legal advisor of.....	93	6
prosecuting attorney to give opinion in writing to.....	93	7
may cause costs to be retaxed, when....	96	18
may borrow money on credit of county, when.....	116	1
shall direct auditor to publish notice for loans to county, when.....	116	3
duties of, in regard to road.....	117	4-5
to set aside revenue to pay interest annually.....	117	6
duties of, in relation to paupers.....	139	1
authorized to pay bounty for killing wild animals.....	141	2
to order payment of bounty in open court.....	142	4
may revoke the order offering bounty, when.....	142	8
COURT OR JUDGES—SEE DISTRICT COURT.		
money or property in possession of, assessed.....	10	28
probate, duty relative to tax of decedents.....	31	111
jurisdiction of, in cases of nonfeasance.....	47	188
shall appoint clerks in first and second judicial districts... ..	71	6
to approve bond of clerk.....	72	7
may adjourn to future day or appoint a special term—when.....	72	12
shall make certified statement of expenses—when.....	73	14
expenses of, shall not apply to those having jurisdiction of United States cases.....	73	15
shall appoint clerks in third judicial district.....	75	5
may require bond of clerks.....	75	6
final decision of, appeals from, how taken.....	75	9
may adjourn or appoint a special term of—when and how.....	75	11
to make certified statement of traveling expenses, when and for what courts.....	76	13
may appoint and remove trustees, and approve bond—when shall appoint an attorney to resist petition for divorce— when.....	80	28
	94	11

INDEX.

323

COURT OR JUDGES—(Continued.)	Page.	Sec.
may appoint a prosecuting attorney—when.....	95	14
and jury to be sole judges of credibility of witnesses in asylum investigations.....	115	2
may order persons sent to insane asylum—when.....	126	1
or partner, shall not practice in—when.....	130	2
what is <i>prima facie</i> evidence of title to real estate in any..	135	3
wife may appeal to, in her own name—when.....	151	1
books may be taken from territorial library on order of....	152	1
CRIMES AND MISDEMEANORS—		
where prosecuted and punished.....	72	11
courts in third judicial district have jurisdiction of.....	74	4
violation of law relative to diseased sheep, a misdemeanor	87	9
gambling declared misdemeanor and felony.....	97	1
letting place for gambling, or house of illfame, a misde- meanor.....	98	4
a person, permitting gambling in his house or other building declared guilty of.....	98	6
officers neglecting to prosecute or inform against parties for gambling, guilty of a misdemeanor.....	98	8
person moving mortgaged property from county, or secret- ing the same, guilty of a misdemeanor.....	106	14
violation of act regulating salmon fisheries declared.....	112	.....
selling or giving liquors to habitual drunkards declared a misdemeanor.....	114	5
selling goods without a license a misdemeanor... ..	130	1
foreign corporations guilty of—when... ..	141	3
CRIMINAL ACTIONS—SEE ACTIONS.		
CROPS—		
farm laborers may have liens upon.....	150	1
<i>D.</i>		
DAMAGES—		
from location of road, how assessed.....	52	8
assessment of, may be appealed from—how.....	52	9
assessed by road viewers.....	54	16
for cutting and carrying away timber, stone, etc.—how paid	58	28
for violation of act regulating travel on public highways— how recovered.....	68	67
for selling liquor to habitual drunkards, who may recover	114	6
what to be deducted from in certain cases.....	125	2
resulting from sale of intoxicating liquors—how and by whom recovered.....	133	1
for injury to animals, caused by wire fence, amount of, and how recovered.....	146	2
DEEDS—SEE CONVEYANCE.		
of trust, how treated for purposes of taxation.....	16	54
trust, records of, assessor shall examine.....	20	71
sheriff's, to purchaser of real estate for taxes, when and how given, what to contain and fees for.....	39-40	152-5
tax, conclusive evidence of regularity of proceedings.....	40	155
tax, convey absolute title.....	41	156
tax, no law shall affect the validity of.....	44	170
certain, must be executed under act of 1877.....	48	193
how made, to separate property of husband or wife.....	77	5
of community property, wife to join in.....	78	8
of separate real estate of husband, wife to join in, and how acknowledged.....	78	9

DEEDS—(Continued.)	<i>Page.</i>	<i>Sec.</i>
of separate property of wife—when void.....	78	10
when wife not required to acknowledge.....	80	27
may be set aside—when.....	80	27
act of 1877, relating to, amended.....	110	.....
acknowledgments of, may be taken before whom.....	110	1
certain, declared legal and binding.....	110	2
sheriff's to be given on demand—when.....	135	4
how to be acknowledged out of the United States.....	158	2
DECEDENTS—SEE EXECUTORS, ADMINISTRATORS.		
taxes of, how paid.....	31	11
DEFINITION—		
of property.....	4	2
of real estate.....	4	2
of improvements.....	4	2
of full cash value.....	4	2
of fiscal year.....	41	158
of separate property of husband and wife.....	77	2
of community property.....	77	1
of gambling.....	97	2
of drunkard.....	113	1
of offense.....	138	1
of libel.....	144	1
of publication of libel.....	145	5
DELINQUENT—		
taxes become—when.....	31	112
taxes may be collected in another county.....	32	115
taxes to be collected by sale of land.....	55	9
taxes—treasurer must render statement of.....	42	161
treasurer allowed 10 per cent. on.....	43	166
taxes—sheriff allowed 10 per cent. for collecting.....	46	182
taxes—sheriff shall be collector of.....	49	185
road taxes, what to be collected as.....	57	24
ferryman not to receive pay during his delinquency.....	63	47
DISTRAINT—		
of personal property for taxes.....	31	114
taxes and interest due, to be collected by.....	43	167
DISTRICT COURT—SEE COURT OR JUDGE.		
appeal to, from assessment of damages, how taken.....	52	9
appeal to, from assessment of road viewers.....	55	17
to review decisions of county commissioners—when.....	64	50
an act to establish, in first and second judicial districts.....	70	.....
when and where held.....	70	2
for what counties.....	70	34
shall have supervision over proceedings before inferior courts—how.....	71	5
have appellate jurisdiction—when and in what cases.....	71	5
shall have jurisdiction in cases which the United States is a party.....	71	5
shall be provided with seal.....	72	9
writs of error, and appeals taken from—how.....	72	10
special or adjourned term of, how called and what business may be transacted at.....	72	12
how designated.....	73	13
an act to establish, in the third judicial district.....	73	.....
regular terms of, when and where held.....	73	1
for what counties held.....	74	3
jurisdiction of.....	74	4

INDEX.

325

DISTRICT COURT—(Continued.)	Page.	Sec.
shall be provided with seal.....	75	8
writs of error, bills of exceptions and appeals from—how taken.....	75	9
shall have jurisdiction of crimes and misdemeanors committed in district.....	75	10
special or adjourned term of, what proceedings may be had at.....	76	11
how designated.....	76	12
powers of, to cancel agreement not to be curtailed.....	81	29
holding terms at Olympia—what causes removed from, to district court of Lewis county.....	82	1
for the counties of Stevens and Spokane, to hold terms at Spokane Falls.....	82	1
holding terms at Olympia, certain cases transferred from, to Lewis county.....	83	2
time for holding terms at Vancouver and Olympia, fixed... prosecuting attorney shall attend.....	84	3
interest of mortgagor may be sold by process issuing out of mortgage on personal property may be foreclosed in.....	95	17
proceedings to foreclose mortgage, transferred to—when....	105	5
jurisdiction to enforce collection of certain fines.....	105	6
shall order certain persons to be conveyed to insane asylum—when.....	106	12
action in, to recover possession of real estate—by whom brought....	113	7
shall hear and determine appeals from decisions of county commissioners.....	126	2
transcript to be transmitted to—when.....	134	1
DITCHES—		
assessed.....	143	1
land used for, in several counties assessed.....	144	3
to drain roads, supervisor to open.....	58	27
penalty for obstructing.....	58	27
when may be used for mining or manufacturing.....	124	1
for wire fences, dimensions of.....	146	1
DIVORCE—		
actions for, may be had in courts in first and second judicial districts.....	71	5
actions for, may be had in courts in third judicial district....	74	4
petition for, when prosecuting attorney shall resist.....	94	10
DRUNKARD—SEE HABITUAL DRUNKARD.		
confirmed, children of may be adopted by others—how....	136	†

E.

EQUALIZATION—SEE BOARD OF EQUALIZATION.		
of property, governed by what.....	24	79
EVIDENCE—SEE WITNESSES.		
board of equalization may hear and take.....	24	79
<i>prima facie</i> , of proceeding, sheriff's certificate.....	38	143
tax deeds are, of what.....	40-41	155-6
assessment roll <i>prima facie</i>	41	157
<i>prima facie</i> of title of wife—what.....	77	6
territorial board of equalization may hear.....	86	4
of establishment of hatching houses to be furnished.....	103	8

EVIDENCE—(Continued.)	<i>Page.</i>	<i>Sec.</i>
bill of lumber inspector, presumption of what.....	109	7
receipt of receiver of land office, <i>prima facie</i> of title to lands, where.....	135	3
required in case of granting relief to paupers.....	139	1
what may be given as, in case of libel.....	144	4
<i>prima facie</i> , of acknowledgment—what.....	158	3
EXECUTORS, ADMINISTRATORS—		
assessed as such.....	9	20
what property assessed to.....	10	23
to pay taxes of decedents—how.....	31	111
may assign certificate of land purchased for taxes—when..	38	147
right of action for damages caused by sale of intoxicating liquors, shall survive against executor or administrator— when.....	133	1
EXEMPT—		
property not liable to taxation.....	3	1
persons not liable to pay poll tax.....	18	60
firemen and members of fire companies, from certain duties and obligations.....	146	1
from execution, to a farmer.....	157	1
EXPENSES—SEE FEES AND COSTS.		
of surveyor—how paid.....	9	15
of opening road to be considered by viewers.....	50	5
of viewers in changing location of road—how paid.....	53	12
of repairing roads and bridges—how paid.....	68	69
incidental, of territorial board of equalization—how paid..	87	13
of certain coroner's inquests to be paid by territory.....	116	4
incidental of territorial auditor—how paid.....	129	3
of transporting supreme court reports—how paid.....	152	27
incidental, of board of immigration—how paid.....	156	1
F.		
FEES AND COSTS—SEE COMPENSATION.		
of sheriff for collecting taxes belonging to another county	32	117
of sheriff for making tax deed.....	40	153
of county treasurer.....	42	162
of assessor.....	46	182
of deputy assessor.....	47	184
of prosecuting attorney, appointed.....	94	11
prosecuting attorney shall not receive—when.....	95	12
useless, of witness, not to be taxed.....	96	18
greater than allowed by law not to be taxed.....	96	18
what, shall go to county treasurer.....	96	20
of fish commissioners—how paid.....	102	3
of lumber inspector—by whom paid.....	109	9
of probate judge and witnesses in certain cases.....	114	4
of secretary for recording articles of incorporation.....	155	3
FELONIES—SEE CRIMES.		
certain kinds of gambling, declared.....	97	1
FENCES—SEE IMPROVEMENTS.		
wire, how to be constructed.....	146	1
damages for injury done to stock by—how collected.....	146	2
FERRIES AND TOLL BRIDGES—		
where assessed.....	10	24

INDEX.

327

FERRIES AND TOLL BRIDGES—(Continued)

	<i>Page.</i>	<i>Sec</i>
an act in relation to.....	49	1
county commissioners may grant license for.....	61	38
tax for reasonable sum.....	61	39
person applying for to give notice.....	61	41
person applying for license to keep, to give a bond.....	62	42
to be kept in good repair.....	62	43
attention given to, by person obtaining license.....	62	44
rates fixed—how.....	63	46
rates to be posted in a conspicuous place.....	63	47
exclusive privilege of.....	63	49
license for keeping—how revoked.....	64	50
keeping without license, penalty for.....	64	51

FINES—SEE PENALTY.

under revenue act—where applied.....	44	171
of assessors for violation of revenue act.....	46	177
of officers for failing to do duty.....	47	188
of road viewer for neglect of duty—how recovered.....	54	13
for maintaining a ferry and receiving ferriage without li- cense.....	64	51
for violating law relative to travel on highway.....	68	68
for gambling.....	97	1
for permitting gambling in house, or other place.....	98	6
of officer for neglecting to inform against gambling.....	98	8
for fishing without license—how enforced.....	103	7
for catching or purchasing salmon unlawfully caught.....	111	1-2
one half of, to be paid to complainant.....	112	3
for casting saw-dust in Columbia river.....	112	5
certain, to constitute a fund for the maintenance of hatching houses.....	112	6
how enforced.....	113	7
for violation of provisions of act to protect inmates of in- sane asylums.....	116	3
for non-residents taking oysters.....	119	1
for taking oysters by means of dredging.....	119	2
for taking oysters on certain days.....	119	3
for assorting oysters on shore.....	119	4
foreign corporations to pay—when.....	141	3
for libel fixed.....	144	2
for riding or driving faster than a walk over bridges.....	149	1

FINGER OR GUIDE BOARDS—SEE ROADS AND HIGHWAYS.

to be placed at forks of roads and crossings.....	59	29
---	----	----

FIREMEN, FIRE COMPANY—

exempt from paying poll tax.....	18	60
act, not required to serve on a jury—when.....	146	1
no capitation tax to be levied, assessed or collected from....	147	3
shall forfeit rights or benefits—when.....	147	4
to issue certificate of what.....	147	2

FIRST JUDICIAL DISTRICT—SEE DISTRICT COURTS.

an act to establish courts in.....	70	1
regular terms to be held—when.....	70	2
when terms to be held in.....	70	2
which of courts in, shall have jurisdiction in cases in which United States is a party.....	71	5
act supplemental to act establishing courts in.....	83	.....

FISCAL YEAR—

when shall commence.....	41	158
--------------------------	----	-----

FISH—SALMON.	<i>Page.</i>	<i>Sec.</i>
unlawful to take, in the Columbia river, without first obtaining license therefor.....	102	2
hatching houses for supplying, how maintained.....	103	6
when not lawful to fish for in Columbia river.....	111.....	
purchasing of, unlawfully caught, a misdemeanor.....	112	2
propagation of, not to be interfered with.....	112	4
packed, barreled, or canned, how to be marked.....	145	1
FISH COMMISSIONER—		
an act to create the office of	101.....	
to be appointed by the governor.....	101	1
may appoint deputies.....	101	1
qualification, tenure of office and duties of.....	101	1
to issue license to take fish, under his seal	102	3
to register numbers on boats and on license	102	3
fees of.....	102	3
to pay license money to owners of hatching houses.....	103	6
to receive one-half of certain moneys.....	103	7
shall report to governor, when.....	104	8
FISHERIES—SEE FISH COMMISSIONERS.		
on Columbia river in this territory to be under the supervision of fish commissioner.....	101	1
salmon, an act regulating, on Columbia river and its tributaries	111.....	
FISHERMEN—		
to take out license for fishing in the Columbia river or its tributaries	102	2
not to be employed, when.....	103	5
FORECLOSURE OF MORTGAGE—		
on personal property by action in district court.....	105	6
right of mortgagee to, may be contested—by whom.....	106	12
proceedings in, how transferred to district court.....	106	12
FOREIGN CORPORATIONS—SEE CORPORATIONS.		
doing business in this territory to pay a revenue—when....	140	1
shall obtain a license—when.....	140	2
FUNDS—		
belonging to territory, when to be paid over.....	41	159
school, fines under revenue act, paid into.....	44	171
county, certain interest to go to.....	44	172
county, not to make up deficiency in any other.....	45	176
treasurer to keep an account with....	48	190
county, bounty may be paid from.....	141	1
school, fines for fast riding on bridge, paid into.....	149	1
notarial, certain services to be paid out of.....	156	1
G.		
GAMBLING—		
an act to prevent and punish.....	97.....	
defined	97	1
notes, bills, bonds, etc., as consideration for, void.....	98	2
person losing by, shall have cause of action against whom	98	3
person renting place for, guilty of a misdemeanor	98	4
will void a lease or contract, when	98	5
no person guilty of, who plays games for pastime only.....	99	11

INDEX.

329

	<i>Page.</i>	<i>Sec.</i>
GAMES—		
enumerated, declared misdemeanor.....	97	1
swindling, the carrying on, a felony	97	1
played for amusement, not gambling.....	99	11
GARNISHEE—		
auditor may authorize, when.....	15	49
GOATS—SEE ANIMALS.		
to be listed in counties where pasturing.	17	58
GOVERNOR—		
may fill vacancy in board of equalization by appointment	84	1
board of equalization to report to—what.....	87	11
may appoint code commissioner—when.....	92	8
shall commission prosecuting attorneys.....	93	4
prosecuting attorney to report to.....	95	13
duty of, to appoint prosecuting attorney—when.....	95	15
shall appoint fish commissioner and approve bond.....	101	1
a certain fund not to be disbursed without approval of.....	103	6
fish commissioner shall report to.....	104	8
shall establish lumber districts and appoint inspectors.....	107	1
may remove lumber inspectors—when.....	108	3
proclamations of, when published—how paid for.....	135	1
shall appoint territorial librarian—when.....	152	1
GRAND JURY—SEE JURY.		
GUARDIAN, TRUSTEE—		
when assessed as.....	9	20
property of heirs may be assessed to.....	10	23
may be appointed to take charge of wife's separate estate— duties of.....	80	28
shall have right of action against persons selling or giving intoxicating liquors—when.....	132	1
when shall give consent to adoption of minor children....	136	1
 <i>H.</i> 		
HABITUAL DRUNKARD—		
defined.....	113	1
who may be declared a, upon complaint.....	113	2
probate judge to declare a person an.....	114	3
person injured by, has a right of action.....	114	6
HATCHING HOUSES—SEE FISH COMMISSION.		
an act to encourage the establishment of, on the Columbia river and its tributaries.....	101.....	
certain money to be applied to the assistance of.....	103	6
two or more, in operation, money to be divided pro rata be- tween them.....	103	6
one-half of certain penalties to be applied to.....	104	7
condition and progress of, to be reported to governor.....	104	8
certain fines applied to maintenance of.....	113	6
HEIRS—SEE EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES.		
undistributed property assessed to.....	10	23
not to receive property of decedent until tax paid.....	31	111
of purchaser of lands for taxes may assign certificate.....	38	147
collateral, excluded from—what.....	79	13
HOGS—SEE ANIMALS.		
rates of toll on, as a unit.....	67	63

	<i>Page.</i>	<i>Sec.</i>
HOMESTEAD—		
husband cannot select from what.....	80	26
HORSES, MULES, ASSES—SEE ANIMALS.		
to be assessed in county where pasturing.....	17	58
team of, may be ordered to work road, when.....	58	21
rates of toll on.....	67	63
the stealing of, an offense, how punished.....	138	1
of farmer, exempt from execution.....	157	6
HOSPITAL FOR THE INSANE—SEE INSANE ASYLUM.		
act of 1877, to regulate the government of, amended.....	153	...
purchases necessary for, to be made by trustee of.....	153	2
trustees to purchase certain real estate for.....	154	3
HOUSE OF REPRESENTATIVES DISTRICTS—SEE LEGISLATIVE ASSEMBLY.		
number of members in.....	120	1
number of districts, and counties comprising each.....	121	2
apportionment of members therein.....	121	2
HUSBAND AND WIFE—		
an act relating to and defining property rights of.....	77	....
separate property of, defined.....	77	1
community property of, defined.....	77	2
property of wife, evidence of title of.....	77	4
husband have control of what.....	77	5
husband has absolute power of disposition of what.....	78	7
community property, who managed by.....	78	8
to join in conveyance.....	78	9-10
may make will.....	78	11
deceased, disposition of property of.....	79	13
separate property of, not liable for what.....	79	16
dower and tenancy by courtesy not allowed to.....	79	18
property rights of, governed by act.....	79	19
contracts of, for marriage settlements, how made.....	79	20
husband to be head of family.....	80	24
husband cannot select homestead from what.....	80	26-
husband, right of gift to wife.....	80	27
wife may apply to court for appointment of trustee when..	80	28
jointly may enter into agreement, when and for what.....	81	29
common law in relation to, how construed.....	81	30
not to be examined against each other without consent, except in civil actions, one against the other.....	118	1
may be examined in criminal actions, when.....	118	1
have right of action against vendors of intoxicating liquors, when.....	132	1
to be examined by the probate court, relative to adoption of children of.....	136	2
laws recognizing civil disabilities upon the wife not imposed upon the husband, abolished.....	151	1
right to vote or hold office not conferred upon wife.....	151	1
rights and responsibilities equal.....	151	2

I.

IDIOTIC—SEE INSANE AND IDIOTIC.		
persons not liable to pay poll tax.....	18	60
IMPROVEMENTS—		
what the term includes.....	4	2
must be contained in detail list.....	7	11

IMPROVEMENTS—(Continued.)	<i>Page.</i>	<i>Sec.</i>
railroad, how assessed.....	12	38
of ditches, toll roads, etc., to be listed.....	14	42
on public lands assessed as personal property.....	15	52
full cash value of, entered on assessment roll.....	21	72
must be assessed separately.....	21	73
tax on, a lien.....	25	87
separate property of husband or wife, subject to liens for.....	77	5
on certain property, subject to lien.....	78	9
after completion of—when to file claim for lien.....	101	6
INCORPORATION—SEE CORPORATION.		
act of 1877 to provide for, of cities, amended.....	127	1
of cities and towns heretofore, and actions thereunder, valid.....	128	3
articles of, to be recorded—by whom.....	155	1
articles of, heretofore filed, may be recorded.....	155	2
recording of articles of, fees for.....	155	3
INDICTMENT—		
for libel, what to set forth.....	144	3
INHABITANTS—		
of road districts to remove obstructions, when.....	59	30
actual, of the territory only entitled to take oysters.....	119	1
may adopt children, how.....	136	1
INJUNCTION—		
may issue in proceedings to be transferred to district court.....	106	12
INSANE ASYLUMS—		
an act to protect inmates of.....	115	.....
no censorship to be exercised over correspondence of.....	115	1
superintendents of, to furnish writing material for inmates.....	115	1
when sudden or mysterious death occurs in, superintendent to notify coroner or justice of the peace.....	115	2
certain persons confined for crimes, to be sent to.....	126	1
manner of proceeding to send certain persons to.....	126	.....
INSANE AND IDIOTIC—		
persons exempt from paying poll tax.....	18	60
persons adjudged, now in confinement for offenses, to be sent to asylums—how.....	126	2
children of, how may be adopted by others.....	136	1
powers of board of trustees of hospitals for.....	153	2
supplies for hospitals for, how purchased.....	154	2
INSURANCE COMPANIES—SEE COMPANIES.		
must pay annual tax of 2 per cent. on gross amount of premiums.....	14	45
officer of, to furnish statement to territorial auditor—under oath.....	14	46
INTEREST—		
20 per cent. on delinquent taxes.....	31	112
sheriff may collect by distraint.....	32	119
smallest to be disposed of for payment of taxes.....	33	121
purchased—sheriff to give bill of sale of.....	33	122
sheriff must sell property enough to satisfy.....	33	124
sheriff shall receive, after taxes are delinquent.....	34	128
sheriff must give notice of sale of property for.....	36	135
must be included in sale of land for taxes.....	36	37
person paying may redeem land—how.....	37	141
assigns in, may redeem by paying 25 per cent.—when.....	38	148
owner may stop sale of land by paying—how.....	39	149

INTEREST—(Continued.)	Page.	Sec.
to be held distinct from what.....	39	150
unpaid—what <i>prima facie</i> evidence of.....	41	157
to be allowed treasurer on settlement.....	43	166
uncollected to remain in hands of sheriff.....	43	167
auditor to charge sheriff with.....	44	168
to go into county fund.....	44	172
collected, to be charged to sheriff.....	48	189
separate, of wife not to be incumbered by husband.....	77	5
may be conveyed to wife by husband.....	80	27
of mortgagor in personal property—how sold.....	105	5
purchaser of, to take all of mortgagor.....	106	10
on money borrowed by county not to exceed ten per cent. per annum.....	116	2
of lessor in crops, not subject to lien of labor.....	150	2
INTOXICATING LIQUORS—		
person addicted to excessive use of, habitual drunkard.....	113	2
selling of, to habitual drunkard a misdemeanor.....	114	5
persons selling or giving to an habitual drunkard liable for damages sustained thereby.....	114	6
persons selling or giving, liable for all damages resulting therefrom, when.....	133	1
no license for the sale of, shall hereafter be granted without consent of whom.....	133	2
<i>J.</i>		
JUDGE—SEE COURT OR JUDGE.		
may adjourn court to a future day or appoint special term of court.....	72	75
acknowledgments may be taken before,.....	110	1
to order persons to be conveyed to insane asylum, when....	126	2
shall not practice as an attorney when.....	130	1
JUDGMENT—		
tax to operate as a.....	25	85
appellant recovering, shall pay costs when.....	52	9
may be entered in continued or special terms of court....	72	12
what may be entered at special or adjourned term of courts in first and second districts.....	72	1
what may be entered at adjourned or special term of court in third judicial district.....	76	11
lien of, shall not be prevented from attaching to, what....	80	25
assignee of may sue, when.....	122	1
JURISDICTION—		
original and appellate, of certain courts in first and second judicial districts.....	71	5
JURY—GRAND JURY, PETIT JURY.		
none to be summoned or required to attend court in first and second judicial districts, when.....	72	12
not required to attend at special or adjourned term of court in third judicial district.....	76	11
prosecuting attorney to report to, what.....	94	9
shall be judges of credibility of certain testimony in asy- lum investigations.....	115	2
firemen and members of fire companies exempt from serv- ing on.....	146	1

INDEX.

333

JUSTICE OF THE PEACE—

	<i>Page.</i>	<i>Sec.</i>
action may be brought before, by assessor.....	8	13
action before, to recover fine of road viewers.....	54	13
jurisdiction of, in cases against road supervisor.....	60	33
damages against ferrymen, recoverable before.....	62	44
jurisdiction in case of illegal charges by firm.....	63	45
finer recoverable before.....	63	48
proceedings before, district courts have control of.....	71	5
district courts have control over proceedings before, by mandamus, prohibition and certiorari.....	74	4
in trial of criminal cause before, prosecuting attorney, may retax costs—when.....	96	18
action may be brought before, to recover possession of boat or building when used for gambling purposes.....	98	5
jurisdiction of cases of failure to comply with law regula- ting licenses for fishing.....	102	3
license fee to be recovered before—when.....	103	4
shall have jurisdiction of all fines and penalties for viola- tion of act.....	103	7
interest of mortgagor may be sold under process issuing out of court of.....	105	5
acknowledgments taken before.....	110	1
finer for violation of fish regulations—recoverable before..	112	5
shall not practice as an attorney when.....	129	1
law partner shall not practice before.....	130	2

L.

LANDS—SEE REAL ESTATE, PROPERTY.

description of, to be given to assessor.....	7	11
belonging to or occupied or claimed as the right of way of railroad companies assessed.....	12	35-38
used for railroad beds, toll roads, etc.—how apportioned....	14	44
containing mines, minerals, quarries, and timber—how as- sessed.....	15	50
description of, to be given in assessment roll.....	21	72
each description of, assessed separately.....	21	73
treasurer or sheriff may list—when.....	35	131
description of, in notice of sale for taxes.....	36	136
quantities of, offered.....	36	137
must be twice offered—when.....	36	138
selection of, how made, when sold for taxes.....	37	139
how redeemed when sold to county.....	37	141
must be described in sheriff's certificate.....	38	143
list of, attached to duplicate assessment roll—how.....	38	145
lien upon, acquired by purchaser.....	38	146
certificate of purchase of—assignable.....	38	147
how redeemed when sold to actual purchaser.....	38	148
owner of, may stop sale of—when and how.....	39	149
to be re-offered for sale—when.....	39	150
how redeemed when sold to county.....	39	151
conveyance of, when sold for taxes—when and how made..	39	152
tax deed to convey absolute title to.....	41	156
sold to county, taxes on, charged to sheriff.....	43	167
how described in the assessment of.....	44	169
injury to, by road passing through, damages assessed.....	52	7
road through, may be turned—how.....	53	12
road to, how obtained.....	54	15

LANDS—(Continued.)	<i>Page.</i>	<i>Sec.</i>
road supervisor may enter—when and for what purpose...	58	27
embracing or adjoining stream—notice to owner when ferry to be established.....	61	40
when appropriated for mining or manufacturing purposes —how purchased.....	124	1
may be appropriated by corporations—when.....	134	1
receiver's receipt, <i>prima facie</i> evidence of title to.....	135	3
foreign corporations allowed to appropriate.....	148	1
farm laborers may have lien upon.....	150	1
containing spring to be purchased for the hospital for the insane.....	154	3
LIBEL—		
defined.....	144	1
penalty of.....	144	2
indictment for, what must state.....	144	3
in prosecutions for, truth may be given in evidence.....	144	4
what to be deemed a publication of.....	145	5
LIBRARY—SEE TERRITORIAL LIBRARY.		
LIBRARIAN—		
to be appointed by governor, how.....	152	1
tenure of office of.....	152	1
supreme court reporter to deposit reports with.....	152	3
to pay freight on books—how.....	153	4
LICENSES—		
to keep a ferry, by whom granted, and term of.....	61	38
amount taxed for.....	61	39
to be issued by auditor, under seal of his office.....	61	39
who may be applicant for, to keep a ferry.....	61	40
person applying for or renewal of, to give notice.....	61	41
person applying for, shall enter into a bond.....	62	42
when may be revoked and for what cause.....	64	50
persons fishing in Columbia river, to take out.....	102	2
fish commissioner to issue, and attest with seal.....	102	3
who liable to penalty for not taking out.....	103	4
money received for, how applied.....	103	6
act of 1873 in relation to amended.....	130	.....
for selling goods, in what county obtained.....	130	1
not required, when.....	130	1
for sale of intoxicating liquors shall not be granted without consent of whom.....	133	2
to be obtained by agents of foreign corporations.....	140	2
LIENS—		
how treated for purpose of taxation.....	16	54
tax on property shall be a.....	16	54
contract to pay taxes on—when null and void.....	16	55
record to be examined by assessor.....	20	71
tax to operate as, against property.....	25	8
on realty—certain taxes on personal property.....	25	86
on real property and improvements—what.....	25	87
upon lands acquired by purchaser for taxes.....	38	146
persons having, may redeem—how and when.....	38	148
of mechanics and labors, real estate subject to.....	77	5
of judgments, not prevented from attaching—when.....	80	25
act of 1877, in relation to, amended.....	99	1
certain, how enforced.....	100	1
on sawlogs, piles and spars—who entitled to.....	100	3
claim for, when to be filed for record.....	100	4
of mortgagee, interest of mortgagor, subject to.....	105	5

INDEX.

335

	<i>Page.</i>	<i>Sec.</i>
LIENS—(Continued.)		
farm laborers have, upon crops and land.....	150	1
of farm labors preferred, prior to other incumbrances.....	150	2
claim for to be filed—when.....	150	3
holders of how rights secured.....	150	4
LIQUORS—SEE INTOXICATING LIQUORS.		
LEGISLATIVE ASSEMBLY—		
council and house, number of members composing.....	120	1
council, districts designated, and number of members to be elected therein.....	121	2
house of representatives, districts designated and members appointed thereto.....	121	2
certain errors in the acts of, how corrected.....	127	1
compensation for incidental printing for, how audited and paid.....	131	1
council to confirm appointment of territorial librarian....	152	1
application may be made to, for creations of new county...	154	1
LOGS—SEE LUMBER DISTRICTS, TIMBER, SAW LOGS.		
an act to provide for the inspection of.....	107	.....
measurement or scaling of, how made and recorded.....	108	7
how measured and what allowance made for.....	109	8
to be measured by "new Scribner" scale.....	109	8
where to be scaled.....	109	10
sale of, or contracts for sale of, when void.....	109	11
bought and sold by what basis.....	109	12
amount of, scaled to be reported to legislature.....	109	14
LUMBER DISTRICT, LUMBER INSPECTOR—SEE LOGS.		
governor to establish and number districts.....	107	1
governor to appoint inspector for each district.....	107	2
title of.....	107	2
term of office of inspector.....	107	2
vacancy in office of, how filled.....	108	2
inspector may be removed—when.....	108	3
qualification, bonds and duties of inspectors.....	108	4
offices of inspectors—where to be kept.....	108	5
inspector, power to administer oath, divide district, and appoint deputies.....	108	6
duties of inspector and deputies.....	108	7
inspectors to make allowance for what.....	109	8
fees of inspector—by whom paid.....	109	9
inspector to file, with auditor, account of logs measured...	109	13
inspector to report to legislature—when.....	109	14
no lumber districts to be established in certain counties....	110	14
MANDAMUS—		
district court of first and second judicial districts may control what proceedings by.....	71	5
court in third judicial district to have control of proceedings in inferior courts by.....	74	4
MANUFACTURING—SEE MINING AND MANUFACTURING.		
preamble of act to encourage.....	124	.....
MARRIED WOMEN—SEE HUSBAND AND WIFE.		
may bring action for damages—when.....	114	6
may bring action for damages caused by intoxicating liquors—when.....	133	1
an act to establish and protect the rights of.....	151	.....
rights and responsibilities of, equal with husband, in absence of misconduct.....	151	2

MILEAGE—	<i>Page.</i>	<i>Sec.</i>
sheriff may collect—when.....	32	118
of members of board of equalization.....	87	12
to be paid by territorial treasurer—when.....	87	13
of sheep commissioner and assistant—how paid.....	89	10
MINES AND QUARRIES—SEE LANDS, PROPERTY, REAL EsTATE.		
lands containing—how assessed.....	15	50
subject to lien for labor performed in.....	100	6
MINING AND MANUFACTURING—		
an act for the encouragement and support of.....	124	....
persons or company incorporated for the purpose of, may divert water from natural channel.....	124	1
other privileges of persons engaged in.....	124	1
mode of proceeding to divert water for.....	125	2
persons engaged in, to pay damages—when.....	125	2
MINOR—SEE CHILDREN.		
may make a valid marriage settlement—when.....	80	23
may recover damages when.....	133	1
MORTGAGES—		
and other securities—how assessed.....	16	54
debts due on, deducted from unsecured credits—when....	17	56
records—assessor to examine.....	20	71
when void.....	98	2
what may be made upon.....	104	1
on personal property, when void as against creditors.....	105	2
on personal property must be recorded—when.....	105	3
on personal property—how foreclosed.....	105	6
act of 1875, (except as in proviso) repealed.....	107	15
who may take acknowledgment of.....	110	1
what acknowledgments of, declared legal.....	110	2
acknowledgments of, out of the United States—how taken.,	157	1
MORTGAGEE—SEE MORTGAGES.		
lien of, personal property sold subject to.....	105	5
right of, to foreclose may be contested.....	106	12
has a right of immediate action—when.....	106	13
MORTGAGOR—SEE MORTGAGES.		
interest of may be sold, subject to—what.....	105	5
purchaser takes interest of.....	106	10
IV.		
NEW COUNTIES—SEE COUNTIES.		
NOTARIES PUBLIC—		
act of 1877, in relation to, amended.....	132	....
NOTES—SEE PROPERTY.		
assessed to persons in possession of.....	11	31
debts due on deducted from unsecured credits in listing taxable property.....	17	56
what, are void.....	98	2
NOTICE—		
to be given by assessor of place and time to receive statement of taxpayers—how.....	5	6

INDEX.

337

NOTICE—(Continued.)

	<i>Page.</i>	<i>Sec.</i>
to taxpayers to be published by auditor—when.....	6	8
to be given to insurance companies of the provisions of this act.....	15	48
treasurer to publish tax.....	30	105
how long to be published.....	30	106
of time and place of sale of property for taxes.....	33	120
to be given when property sold at sheriff's office.....	35	134
how to be given.....	36	135
must contain what.....	36	136
tax, publication of.....	44	173
written, may be posted—where.....	45	174
of laying out, altering or vacating road, proof of.....	50	3
of five days to viewers and surveyor.....	50	5
for road to be posted fifteen days—when.....	54	15
for election of supervisor—when and how given.....	55	19
by supervisor to persons in road district.....	56	24
of application to keep a ferry.....	61	41
of bids to lease toll road.....	65	53
of bids for building or repairing bridges.....	68	70
of wife's title to property—what.....	77	4
of sale—mortgage on personal property may be foreclosed by.....	105	6
of sale, what must contain.....	106	7
where placed and when advertised.....	106	8
of ten days to be given in an action before probate court to declare a person a drunkard.....	114	3
of order of county commissioners, offering bounty for kill- ing certain wild animals, to be posted—where and what notice to contain.....	142	5
of appeal from decision of county commissioner how given.....	143	1
of intention to apply to legislature for creation of a new county, to be published, by whom.....	154	1

O.

OATH—SEE AFFIDAVIT.

of county assessor.....	21	74
of deputy assessor and treasurer.....	47	187
road viewers to take.....	50	5
surveyor may administer—when.....	52	6
road supervisor to take.....	55	19
clerk of court to take.....	71	7
of members of board of equalization.....	85	3
sheep commissioner to subscribe an.....	88	4
of lumber inspector.....	108	1
of complainant to verify complaint—when.....	113	2

OBLIGATION—

how assessed.....	16	54
-------------------	----	----

OFFICIAL SHORT HAND REPORTER—

an act providing for the appointment of—repealed.....	151	1
---	-----	---

OWNER—SEE PROPERTY, TAXPAYER.

to furnish description of lands to assessor.....	9	15
when absent or unknown—property assessed.....	9	16-17
of stock, not assessed individually.....	9	21
of vessels assessed.....	10	25-26
property of, concealed—how assessed.....	11	29
of animals, shall note on detail list their removal to another county.....	17	56
unknown, property of, sold for taxes.....	36	136

OWNER—(Continued.)	<i>Page.</i>	<i>Sec.</i>
of land may redeem it, when sold for taxes—how.....	38	148
may stop sale of land when advertised—how.....	39	149
of land, notice to, of establishment of ferry.....	61	40
of sheep, to receive certificate from commissioners—when..	88	3
of sheep not to permit them to go into other counties—when	88	6
of sheep shall have them examined—when.....	89	7
may drive infected sheep—where.....	89	9
to pay compensation and mileage of sheep commissioner and assistant.....	89	10
of property permitting gambling therein—how punished..	98	6
name of to be specified in claim for lien.....	101	6
of boats, nets or traps, used for fishing, to pay license.....	102	2
of logs to receive certified bill of measurement of same from lumber inspector.....	108	9
no license shall be granted for sale of intoxicating liquors without consent of.....	132	2
may recover of tenant money paid for damages—when....	133	3
OYSTERS—		
act of 1877 to encourage the cultivation of, amended.....	118.....	
none but actual residents allowed to take.....	119	1
taking of, by process of dredging, prohibited.....	119	2
when not to be taken or gathered for any purpose....	119	3
shall not be culled on shore.....	119	4
beds, right of discovery of.....	120	5
not to be gathered from beds located except by permission of parties holding same.....	120	6
<i>P.</i>		
PARTNERS—CO-PARTNERSHIP, FIRM.		
to give statement of property to assessor.....	6	11
assessed individually.....	9	21
property of, where assessed and in the name of.....	10	22
liable for poll taxes of employes—when.....	18	61
bill of, sufficient receipt for poll tax.....	18	62
duty of, relative to road tax of employes.....	57	24
PAUPERS—		
exempt from paying poll tax.....	18	60
act of 1863, relating to the support of, amended.....	139.....	
must be resident of the county six months.....	139	1
county commissioners authorized to assist.....	139	2
PENALTY—		
for failure to file tax lists with auditor and assessor.....	6	8
for failing to file or make affidavit to, statement and how recovered.....	8	13
of ten per cent. for delinquent taxes.....	29	103
treasurer to publish in tax notice.....	30	105
when to be added to delinquent taxes.....	31	112
when included in certificate of sheriff.....	32	116
to be included in sale of property for taxes.....	33	121
delinquents to pay.....	34	128
to be kept separate from taxes—when.....	39	151
sheriff not entitled to, for lands sold to county.....	46	182
for non-performance of road labor.....	59	30
for violating law relative to travel on highway.....	68	68
for fishing in Columbia river without license.....	103	4

INDEX.

339

PENALTY—(Continued.)	<i>Page.</i>	<i>Sec.</i>
proprietor or managing agent—when shall pay.....	103	5
one-half of, to go to complainant.....	103	7
for taking oysters from located beds without permission of holder, \$500.....	120	6
for libel, fixed.....	144	2
for failing to mark fish, put up in this territory.....	145	1
for riding or driving faster than a walk over bridges.....	149	1
PERSONAL PROPERTY—SEE PROPERTY.		
PILOT COMMISSIONERS—		
board of, for Columbia river and bar, to pay certain money into territorial treasury.....	140	1
POLL TAX—		
to be paid annually—by whom.....	18	60
assessor to collect—when.....	18	61
receipts, how and by whom furnished.....	19	63
uncollected, how returned.....	20	69
PRESIDENT—		
of corporation to list property.....	6	11
of insurance companies furnish statement—when.....	14	46
PRINTING, PUBLIC PRINTER—		
county, rate fixed for.....	45	175
authorized to correct certain errors in the acts of the present session.....	127	1
rate fixed for incidental, of legislative assembly.....	131	1
board appointed to audit accounts for incidental.....	131	2
warrant to be drawn in favor of C. B. Bagley, for.....	131	3
auditing board of—how paid.....	131	4
what, constitutes a libel.....	144	2
of the revised road law provided for.....	149	1
road law, payment for—how made.....	149	2
PROBATE COURT OR JUDGE—SEE COURT.		
duty of, relative to payment of taxes of decedents.....	31	111
proceedings before, subject to supervision of district court	71	5
shall declare certain persons habitual drunkards—when...	114	3
fees allowed.....	114	4
duty of—in regard to the adoption of children.....	136	...
times and places for holding, fixed.....	147	1
act of 1873 and 1877, relative to—amended.....	147	2
PROCLAMATIONS—		
issued by the governor, payment for publishing—how made	135	1
PROHIBITION—SEE DISTRICT COURTS.		
proceedings of inferior tribunals in first and second judicial districts controlled by.....	71	5
courts in third judicial district to have control of proceedings in inferior courts by.....	74	4
PROMISSORY NOTES—SEE NOTES.		
PROPERTY—		
all to be assessed except.....	3	1
defined.....	4	2
assessed at full cash value.....	5	4
what detail lists to contain.....	6	11
where assessed.....	7	11
situate in another county—how assessed.....	9	18
consigned to persons within this territory assessed.....	9	19

PROPERTY—(Continued.)

	Page.	Sec.
of firm or corporation—where assessed.....	10	22
of deceased persons—to whom assessed.....	10	23
and money in litigation—to whom assessed.....	10	28
concealed, assessed at twice its value.....	10	29
not taxed in previous years—how assessed.....	11	30
of banks—how assessed and taxed.....	11	32-33
of railroad companies—where and how assessed.....	12-13	35-41
of telegraph and express companies—assessed.....	14	43
statement of, what owner shall note on.....	17	57
one-half tax of, in other county—when demand he made for.....	17	59
assessor not to collect poll tax from persons having, real or personal.....	18	61
total valuation of, shown on assessment roll.....	21	72
board of equalization may alter valuation of.....	22	76
assessor and deputies to answer questions concerning value of.....	23	78
powers of board of equalization concerning.....	23	79
omitted by assessor—how entered.....	24	80
correction in valuation of—how made.....	24	81
tax levied on all taxable.....	25	84
tax has effect of judgment or lien against.....	25	85
tax on personal, a lien on realty.....	25	86
personal, liable at all times for taxes.....	25	88
to be sold first in county where tax due.....	25	88
value of, must be shown in statement to territorial auditor	27	92
treasurer's receipt to give description of—when.....	31	110
of decedents—how taxes paid.....	31	111
personal—sheriff to distrain for taxes.....	31	114
in one county, may be sold for taxes in another—when....	32	115
may be kept by sheriff at expense of owner.....	32	119
sale of, notice of time and place must be given.....	33	120
sheriff to give bill of sale of—when sold for taxes.....	33	122
unsold, may be kept at place of sale.....	33	124
personal, to be sold before advertising realty.....	33	124
other than that assessed, may be sold for taxes.....	33	125
sale of, when about to be removed from county, or disposed of.....	34	129
error in description of—how corrected.....	34	130
sheriff or treasurer may list—when.....	35	131
real—sheriff to give notice of sale of.....	36	135
advertised, to be offered for sale—when.....	36	137
must be resold, when purchaser does not make payment next day.....	37	140
recitation of to be given in tax deed.....	40	154
what <i>prima facie</i> evidence of assessment of.....	41	157
personal, taxes on to be collected by distraint.....	43	167
not to be assessed to another person—when.....	46	177
certificate of auditor of amount of, in the county.....	49	194
tax, road, of non-residents—how collected.....	56	22
not to pass over ferry until toll paid for.....	62	44
to be transported by persons licensed to ferry.....	63	49
separate of wife and husband—what.....	77	1
community, defined.....	77	2
separate personal, of wife, inventory to be made and re- corded.....	77	3
of wife, real, husband to have control of.....	77	5
separate personal, of wife, not sold or incumbered, unless husband and wife consent.....	77	6
community personal, husband to manage.....	78	7
community real, how managed.....	78	8

INDEX.

341

PROPERTY—(Continued.)

	<i>Page.</i>	<i>Sec.</i>
community, how disposed of in case of death	78	12
separate, of husband and wife—what liable for.....	79	14-19
marriage settlement of, to be recorded.....	79	21
of wife, husband cannot select homestead from.....	80	26
husband may convey, to wife.....	80	27
of wife, when managed by trustee.....	80	28
community may be managed by agreement.....	81	29
valuation of, to be equalized—how.....	85	7
inspection of, may be made by board of equalization.....	86	8
to be described in claim for lien.....	100	4
kind of, subject to mechanic's lien.....	100	6
personal, mortgages may be made upon.....	104	1
in transit, where deemed situated.....	105	3
personal, when may be taken from mortgagor.....	105	4
when to be sold, after seizure, to satisfy interest of mortgagor.....	105	5
when to be taken possession of by officer—authority for....	106	8
mortgaged—when about to be lost or destroyed, mortgagor may have right of immediate action.....	106	13
mortgaged, removal of, from county a misdemeanor.....	106	14
how taken for mining or manufacturing purposes.....	125	2
to descend to adopted child—when.....	137	4
injured by wire fences, damages for—how obtained.....	146	2

PROSECUTING ATTORNEYS—

an act in relation to.....	92	.....
the counties of Walla Walla, Columbia, Whitman, Yakima, Spokane and Stevens each to elect a—when.....	92	1
qualifications of.....	92	1
tenure of office of.....	92	2
heretofore elected in the first judicial district to continue in office till 1881.....	92	3
county auditors to certify election of, to whom.....	93	4
to subscribe oath and give a bond—when.....	93	5
to be legal advisor of what officers.....	93	6
to give written opinion to county commissioners—when....	94	7
to draw up writings for and give legal advice to whom....	94	8
other duties of.....	94	9
to resist petitions for divorce—when.....	94	10
in what cases not allowed to participate.....	94	11
shall receive no fee or reward—when.....	94	12
shall make report to governor—when.....	95	13
court may appoint—when, salary of.....	95	14
governor may appoint—when.....	95	15
may appoint deputies.....	95	16
shall be responsible for acts of deputies.....	95	16
shall be public prosecutor—where.....	95	16
duties of, when not attending district courts.....	96	17
salary of.....	96	19
fees of, under act of 1877, to go into county treasury.....	96	20
in second and third judicial districts not affected by this act	97	21

RAILROADS AND RAILROAD COMPANIES—SEE CORPORATIONS.

real estate belonging to, how assessed.....	12	35
road beds not included in—what.....	12	36
right of way, how assessed.....	12	37
improvements, how assessed.....	12	38
rolling stock—how assessed.....	13	39
other personal property of, where assessed.....	13	41
beds in different counties—how listed.....	14	44
rolling stock of, mortgage may be made upon.....	104	1

REAL ESTATE—SEE PROPERTY, LANDS.	<i>Page.</i>	<i>Sec.</i>
defined	4	2
belonging to railway companies—how assessed.....	12	35
roads, water ditches, etc., assessed as.....	14	42
tax upon personal property, a lien upon.....	25	86
tax upon, and upon improvements, a lien upon.....	25	88
to be contained in auditor's statement.....	27	92
must sell personal property before advertising.....	33	124
sheriff to commence selling for taxes—when.....	35-36	133-136
sold for taxes, conveyance of.....	39	152
tax deed of, shall recite—what	40	154
separate of wife, husband no power to sell or incumber, unless wife joins.....	77	5
subject to liens of mechanics.....	77	5
community, when sold, how conveyed.....	78	8
separate of husband, wife to join in deed.....	78	9
separate, of wife, how conveyed.....	78	10
married women may dispose by will—how.....	78	11
what husband may dispose of by will.....	78	11
liens of judgments not prevented from attaching to.....	80	25
what portion of, liable for certain debts.....	80	25
possession of, how recovered from persons claiming adverse interest.....	134	1
deed of, when sold by sheriff, to be given on demand of purchaser.....	135	4
RECEIVER—		
money and property in hands of, assessed.....	10	28
RECORDS—		
of mortgages, assessor to examine.....	20	71
of board of equalization by whom kept.....	22	76
of board—how signed.....	23	77
of change of location of roads.....	53	12
or certified copy of, evidence of legality of road.....	60	36
adjourned or special term of court to be entered of.....	72	12
of court to be moved from Colville to Spokane Falls.....	83	1
of sheep commissioners—where kept.....	88	4
public, to be examined by prosecuting attorney.....	94	9
failure of certain officers to keep, reported to grand jury—when.....	94	9
of probate court—what proceedings shall be entered in full upon.....	114	3
REGENTS—SEE TERRITORIAL UNIVERSITY.		
REVENUE—SEE TAXES.		
territorial and county, act to provide for.....	3	1
tax levy for the purpose of raising....	25	84
duties of county auditor in relation to.....	26	90
act of 1877, to provide for, repealed....	48	192
saving clause in act.....	48	193
assessors and collectors of, actions inquired into by board of equalization.....	85	6
information relative to, to be reported to the governor by board of equalization—when.....	87	11
of county to be set apart to pay interest and installments due on borrowed money.....	117	6
foreign corporations shall pay—how.....	140	1
RIGHT OF WAY—		
assessed as personal property.....	12	38
lands occupied as—how assessed.....	14	44

INDEX.

343

ROAD BEDS—	<i>Page.</i>	<i>Sec.</i>
how assessed and taxed.....	12	36
ROADS AND HIGHWAYS—		
wagon, turnpike or toll—how assessed.....	13	42
beds of toll, in different counties, assessed.....	14	44
tax for, assessed on certain property.....	17	59
poll tax of four dollars assessed.....	18	60
tax shall not be collected by assessor—when.....	18	61
bill of employer, receipt for tax.....	18	62
poll tax money, where to be expended.....	20	67
poll tax, amount of, in assessment roll.....	21	72
tax to be apportioned by commissioners.....	25	83
tax not to exceed six mills on the dollar.....	25	84
an act in relation to.....	49	.....
county, under supervision of commissioners.....	49	1
applications for laying out or altering—how made.....	50	2
notice of application, to be given, how.....	50	3
viewers and surveyors appointed—when.....	50	5
how laid out or altered and opened.....	50-51	5
damages in consequence of the opening of.....	52	7-9
county, width of.....	53	10
when to be reviewed.....	53	11
how may be turned.....	53	12
petitioners for, to give a bond.....	54	14
public, how obtained.....	54-55	15-17
districts, county divided into—when.....	55	18
supervisor of, how and when elected.....	55	19
list of petitioners for to be furnished supervisor.....	56	20
list to be furnished by auditor to supervisor—when.....	56	21
tax, when levied and assessed—proviso.....	56	22
tax paid in labor on—proviso.....	56	23
labor to be performed on, notice of.....	56	24
supervisor of, to return list to sheriff—when.....	57	25
work on, when and how performed.....	57	26
public, to be opened.....	58	27
guide boards at the forks of.....	59	29
obstructions to be removed from—how.....	59	30
when declared lawful, public.....	60	35
when legality of, contested, record introduced.....	60	36
may be leased for toll roads—when.....	64	52
manner of leasing.....	65	53-56
preparing of—and regulating rates of toll.....	66-67	.....
travel on, public.....	67	66
bridges on, how built and repaired.....	68-69	.....
diseased sheep not permitted to travel on—when.....	89	9
ROAD DISTRICTS—		
to be given in statement of property made to assessor.....	5	4
what money must be expended in.....	20	67
number of, must be given by assessor to treasurer.....	20	68
number of, must be entered on assessment roll.....	20	72
county to be divided into.....	55	18
supervisor of, how and when elected.....	55	19
money to be paid in, or labor performed—where.....	56	20
supervisor to cause road labor to be performed in.....	56	24
supervisor to open roads in.....	58	27
guide boards in.....	59	29
supervisor of, to remove obstructions from roads.....	59	30
ROAD SUPERVISOR—SEE ROADS AND HIGHWAYS.		
how, and when elected and qualified.....	55	19
duty of, in regard to road tax and labor.....	56	24

ROAD SUPERVISOR—(Continued.)		<i>Page.</i>	<i>Sec.</i>
to return list to sheriff, containing what.....	57	25	
may require team and wagon for labor—when.....	58	26	
shall open all public roads in his district.....	58	27	
may cut and carry away timber, stone, etc.—when.....	58	28	
shall erect guide or finger boards—where.....	59	29	
to remove obstructions or repair bridges—when.....	59	30	
shall give certificate for extra labor—when.....	59	31	
shall keep and return account to county commissioners...	59	32	
malfeasance of, penalty for, proviso.....	60	33	
per diem of, proviso.....	60	34	
ROLLING STOCK—SEE RAILROADS.			
where assessed.....	13	39	
S.			
SALARY—SEE COMPENSATION.			
of members of territorial board of equalization.....	87	12	
of clerk employed by code commission.....	91	7	
of person appointed by court as prosecuting attorney.....	95	14	
of prosecuting attorney.....	96	19	
of territorial auditor and deputy, fixed and how paid.....	129	3	
SALE—			
of personal property for taxes.....	31	114	
of property for taxes—sheriff to give notice of time and place of.....	33	120	
of real estate for taxes—when, where and how made....	35-39	135-151	
of land for taxes—how stopped.....	39	149	
land sold to county may be re-offered for.....	39	150	
certificate of—must recite what.....	40	154	
of wife's separate property, when made, husband to join in of community property cannot be made unless wife joins in executing deed.....	78	8	
time and place of, to be given in notice—when.....	106	7	
of interest of mortgagor—how conducted.....	106	9	
of logs void—when.....	109	11	
of intoxicating liquors, when a cause of action.....	132	1	
under execution, officer making, to give deed.....	135	4	
SCHOOLS—			
one-half of certain moneys for benefits of.....	8	13	
purposes—certain property assessed for.....	17	59	
revenue for—how raised.....	25	84	
forfeiture for not assisting sheriff—paid to fund of.....	34	127	
finer, forfeitures and penalties, under revenue act to go to fund of.....	44	171	
prosecuting attorney to give legal advice to directors and superintendent of.....	94	8	
superintendent of, to be reported to grand jury for neglect to keep proper record.....	94	9	
fund, what fines and forfeitures to be paid into.....	99	10	
certain fines to be paid into the county treasury for the benefit of.....	141	4	
finer for failing to mark fish, put up in this territory, paid into fund for.....	145	1	
finer for fast riding or driving over bridges to be paid into county treasury for fund for.....	149	1	
SCHOOL DISTRICT—			
property of, exempt from taxation.....	3	1	

INDEX.

345

	<i>Page.</i>	<i>Sec.</i>
SCHOOL DISTRICT—(Continued.)		
number of, must be given in statement of taxpayer.....	5	4
amount of money paid to, credited to treasurer—when....	43	166
SAW LOGS, PILES, SPARS—SEE TIMBER.		
who may have liens upon for labor.....	100	2
when claim for liens on, shall be filed, and where filed....	100	4
bound by lien for twelve months only.....	100	5
SEAL—		
of county commissioners to attest record of board.....	23	77
of auditor to attest statement.....	27	95
of county auditor, license to keep ferry to be under.....	61	39
each of courts in first and second judicial districts to have	72	9
district court of Lewis county to use scroll for.....	83	2
to attest acknowledgment taken out of the United States...	158	2
SECOND JUDICIAL DISTRICT—SEE DISTRICT COURTS.		
an act to establish courts in.....	70	....
regular terms of court, when and where held in.....	70	2
counties embraced in.....	70	3
judge of, to hold what courts.....	70	3
act supplementary to act to establish courts in.....	83	....
SECRETARY—		
to give detail list of taxable property of corporation.....	6	11
of board of equalization, territorial auditor to be.....	84	1
of board may be empowered to do what.....	86	8
SECRETARY OF THE TERRITORY—		
returns of election of board of equalization made to.....	84	2
oath of members of board of equalization to be filed with.	85	3
election returns of prosecuting attorney to be transmitted to	93	4
bond of prosecuting attorney to be filed with.....	93	5
to correct certain errors in acts of 1879.....	127	1
shall record articles of incorporation.....	155	1
to procure the indexing of the laws.....	156	1
SECURITY—		
how assessed.....	16	5
SETTLEMENT—		
of county officers accounts—when made.....	41	158
with county treasurer—when made.....	43	166
yearly, of supervisor—what allowed in.....	58	27
marriage, contracts for, to be in writing....	79	20
quarterly, of territorial auditor to be published.....	128	1
SHEEP—SEE ANIMALS.		
rates of toll on, established as a unit.....	67	63
when to be examined by commissioner.....	88	1
health of, commissioner to certify to.....	88	3
condition of statement of, to be recorded.....	88	4
not permitted to enter certain counties—when.....	88	6
when not permitted to be moved.....	89	9
the stealing of, an offense—how punished.....	138	1
SHEEP COMMISSIONERS—		
when and in what counties elected.....	88	1
power of.....	88	2
may give certificate to owners of sheep—when.....	88	3
duty of.....	88	4
when may annul certificate.....	88	5
shall examine sheep when notified by owner.....	89	7
compensation of, and assistant.....	89	10
county commissioners to appoint—when.....	89	11

SHERIFF—

Page. Sec.

treasurer to turn over duplicate assessment roll to—when—		
and auditor to charge delinquent taxes to.....	29	103
shall have ten per cent. penalty for collecting taxes.....	29	103
must collect taxes with penalty—when.....	31	112
to distrain personal property for taxes.....	31	114
in one county may authorize sheriff in another county to		
collect delinquent taxes.....	32	115
to furnish certified copy of assessment and tax.....	32	116
fees for collecting taxes belonging to another county.....	32	117
to receive mileage—when.....	32	118
may keep property at expense of owner—when.....	32	119
must give notice of time and place of sale.....	33	120
must sell least amount required.....	33	121
to give bill of sale to purchaser—when.....	33	123
to sell personal property not exempt first.....	33	124
to note errors and double assessments—when.....	34	126
may require assistance—when.....	34	127
shall continue to receive taxes after they have become de-		
linquent.....	34	128
duty of, when property is being removed from county, or		
sold.....	34	129
may change name of person assessed—when.....	34	130
to list property—when.....	35	131
affidavit of, and when, and before whom taken.....	35	132
to commence selling real estate—when.....	35-36	133-136
must offer lands for sale—how.....	36-37	137-139
lands and lots charged to—when.....	37	141
must enter on duplicate assessment roll what, when he		
sells property for taxes.....	37	142
to give purchaser certificate of sale.....	38	143
to compare rolls with auditor—when.....	38	144
to attach list of lands advertised, to assessment roll—how..	38	145
to give deed to lands sold for taxes—when.....	40	152
fees of, for making deed.....	40	153
what allowed in annual settlements.....	43	166
amount of uncollected taxes to remain in hands of.....	43	167
to be charged by auditor with interest collected.....	44	168
entitled to \$1.00 for tax certificate.....	46	181
entitled to 10 per cent. penalty for collecting.....	46	182
allowed compensation by commissioners—when.....	47	185
liable for acts of deputy.....	47	186
and auditor to compare assessment roll.....	48	189
shall be collector of all delinquent taxes... ..	49	195
payment of road tax to—when.....	57	25
shall subpoena witness before board of equalization.....	87	10
public records of, to be examined by prosecuting attorney—		
when.....	94	9
neglect of duty of, to be reported to grand jury.....	94	9
shall inform against and prosecute person for violation of		
the act to punish gambling.....	98	7
to give deed of premises sold under execution—when.....	135	4

STOCK—SEE PROPERTY, ASSESSMENT, ANIMALS.

owners or holders of, in firm or corporation, not assessed		
individually—when.....	9	21
rolling, of railroads—how assessed.....	13	93
live, temporarily pasturing in other counties—how, when		
and where assessed.....	17	57-59

SUBPŒNA—

assessor power to issue.....	8	13
county board of equalization, power to issue.....	23	79

INDEX.

347

SUPREME COURT—SEE COURT.

Page. Sec.

judge of, may sell or exchange law books in territorial library..... 152 2

SURETIES—SEE BONDS.

on bond of applicant for a road, by whom approved..... 54 14
 on bond of road supervisor, approved by county commissioners..... 55 19
 one or more on bond to be given by applicant for ferry.... 62 42
 qualifications of, on bond of lessee of toll road..... 65 56
 on bond of clerk of court, justify before judge..... 72 7
 on bond of trustee for wife, approved by whom..... 80 28
 on bond of deputy prosecuting attorneys, liable for what... 95 16
 three or more on bond of lumber inspector..... 108 4
 on bond of appellant from decisions of county commissioners, approved by auditor..... 143 2

SURVEYOR—

county, to make description of boundaries—when..... 9 15
 a, appointed to survey road—when..... 50 4
 duties of, in surveying and marking road..... 50 5
 may administer oath or affirmation—when..... 52 6
 compensation of, for surveying roads..... 60 34

T.

TAXES—SEE REVENUE.

on all property not exempt..... 3 1
 property exempt..... 3 1
 of undistributed property—by whom paid..... 10 23
 on vessels—when paid..... 10 25
 on property in litigation, under direction of court..... 10 28
 agent liable for..... 11 31
 of banks—how assessed..... 11 32-33
 insurance companies to pay..... 14 45
 when to be paid..... 14 47
 lien upon property and security—when..... 16 54
 contract to pay on lien—when null and void..... 16 55
 assessed on stock temporarily pasturing..... 17 95
 poll and poll road—when and how collected..... 18-19 61-65
 assessor to pay to county treasurer..... 19 68
 on polls—where applied..... 20 67
 statement of, in each road district..... 20 68
 uncollected—how returned..... 20 69
 county commissioners to equalize—when..... 22 75
 levy of..... 24 83
 for territorial, county, school and road purposes..... 25 84
 to operate as a judgment lien—when..... 25 85
 on personal property, a lien on realty..... 25 86
 on real property and improvements—lien on both..... 25 87
 of property of any person—what liable for..... 25 88
 total to be entered in assessment roll..... 26 90
 territorial—county to be charged with..... 27 94
 collection of, warrant for—form..... 28 97
 amount to be charged to treasurer..... 28 98-100
 collection of, and treasurer collector..... 29 103
 duplicate assessment roll, authority to collect..... 29 104
 notice, treasurer to publish..... 30 105
 no demand for, necessary..... 30 107
 to be received by treasurer—when and where..... 30 108
 treasurer to note date of payment of..... 30 109

TAXES—(Continued.)

	Page.	Sec.
receipt to be given for.....	31	110
of decedents—how paid.....	31	111
delinquent—when.....	31	112
property may be distrained for.....	31	114
delinquent, collected in other counties.....	32	115
fees of sheriff for the collection of, in other county... ..	32	117
when property distrained for, mileage allowed.....	32	118
property distrained for, kept at expense of owner.....	32	119
notice of sale of property distrained for, to be given.....	33	120
sheriff to sell least amount that will pay.....	33	121
bill of sale not valid against claim for.....	33	122
personal property to be sold for, before advertising realty..	33	124
any personalty not exempt may be sold for.....	33	125
sheriff may receive, after delinquent.	34	128
to be collected before property is removed from county... ..	34	129
when estimated according to last levy.....	35	181
when sheriff shall sell property for.....	35	133
where the sale of real estate for—must be made.....	35	134
sale of real estate for, notice of to be published.....	36	135
to be paid by persons offering to pay same for least amount of land.....	36-37	137-139
when not paid next day, property resold.....	37	140
lands sold for—how redeemed when bought by county... ..	37	141
lands sold for, purchaser acquires lien on.....	38	146
certificate of sale of land for, assignable.....	38	147
land sold for, to actual purchasers—how redeemed.....	38	148
land advertised for—how sale stopped.....	39	149
real estate sold for—how conveyed.....	39	152
deed—what <i>prima facie</i> evidence of.....	40	154
duplicate assessment roll, <i>prima facie</i> evidence of amount of.....	41	157
ten per cent. penalty added to delinquent.....	43	166
uncollected to remain in hands of sheriff.....	43	167
assessment and collection of, not illegal on account of in- formalities.....	44	170
must be paid in lawful money.....	46	180
delinquent—sheriff entitled to 10 per cent. for collection... ..	46	182
when treasurer and sheriff collectors of.....	49	195
road, when levied and assessed.....	56	22
of non-resident taxpayers—how paid.....	56	22
of resident taxpayers—how paid.....	56	23
road, twenty-five per cent. added to—when... ..	57	24
road, pay by company or corporation for employes—when... ..	57	24
supervisor's return to sheriff of.....	57	25
on ferries, to be paid when.....	64	50
road, levied and assessed, collected under what law.....	69	72
when returned to owners of property.....	86	7
foreign corporations to pay—when.....	141	3
TAXPAYER—SEE ASSESSMENT.		
to deliver statement of property to assessor.....	5	4
when to deliver statement.....	5	5
affidavit of, may be taken—when.....	5	6
to procure forms of statement from whom.....	6	7
notice to, must be published by auditor.....	6	8
must file statement with county auditor—when.....	6	8
to be furnished with detail lists.....	43	164
statements from—how arranged... ..	46	178
TEAMS—		
employed to work on road—when.....	58	27
when passage of, dangerous, road to be repaired.....	59	30

INDEX.

349

	<i>Page.</i>	<i>Sec.</i>
TERMS—SEE DISTRICT COURTS.		
annual, of county board of equalization—when.....	22	78
regular, of court—when and, where held in first judicial district.....	70	2
length of, in first judicial district.....	70	2
of court in second judicial district—where held and length of.....	70	2
of court may be continued, or special, appointed in first and second judicial districts—how.....	72	12
of court in the third judicial district—when, where held and length of.....	74	2
special or adjourned, in the third district, how appointed..	75	11
of court held at Vancouver and Olympia, time for holding, changed.....	84	3
regular, of probate courts fixed.....	147	1
TERRITORIAL AUDITOR—SEE AUDITOR.		
TERRITORIAL LIBRARY—SEE LIBRARIAN.		
by whom shall be kept.....	152	1
act of 1867, in relation to, amended.....	152	1
books may be sold or exchanged—how.....	152	2
supreme court reports to be deposited in.....	152	3
freight on-books to, and incidental expenses how paid.....	153	4
TERRITORIAL TREASURER—SEE TREASURER.		
TERRITORIAL UNIVERSITY—		
an act to appropriate money for.....	138	.....
amount appropriated for.....	139	1
appropriation for, how applied.....	139	2
treasurer of board of regents to give a bond.....	139	3
TERRITORIAL WARRANTS—SEE WARRANTS.		
THIRD JUDICIAL DISTRICT—SEE DISTRICT COURTS.		
an act to establish courts in.....	73	.....
regular terms of courts in, where, when and how long held	79	2
counties comprising.....	74	3
special and adjourned terms of court in, how appointed...	75	11
courts in, how may be designated.....	76	12
TIMBER—SEE SAWLOGS, PILES, SPARS.		
of natural growth on land, real estate.....	4	2
for repairing roads or bridges—how taken.....	58	27
obstructing roads—how removed.....	59	30
when liens may be had upon.....	100	2
when claim for lien upon shall be filed.....	100	4
bound by lien—how long.....	100	5
TREASURER, COUNTY—SEE TREASURY.		
to pay certain money to county surveyor.....	9	15
property and money in litigation assessed to.....	10	28
to receive and pay one-half of certain moneys.....	17	59
charged by auditor with certain money.....	18	59
assessor to pay poll tax money to.....	19	66
to be furnished with statement containing amount collected in road districts.....	20	68
auditor to deliver copy of assessment roll to—when.....	27	97
warrant to, to collect taxes.....	28	98
to give receipt for duplicate assessment roll.....	28	98
may transfer assessment roll to another.....	28	99
to be charged by auditor with amount of supplemental assessment.....	28	100
to be charged with penalty added—when.....	29	102
collector of taxes when, and when to turn assessment roll over to sheriff.....	29	103

TREASURER, COUNTY—(Continued.)

	<i>Page.</i>	<i>Sec.</i>
authority of, to collect taxes.....	29	104
to publish tax notice—when.....	30	105
to collect taxes by distraint.....	30	107
to attend at county seat to receive taxes—when.....	30	108
to note date of payment of taxes—how.....	30	109
must give receipt specifying what.....	31	110
and auditor to compare assessment and duplicate assess- ment rolls—when.....	31	118
or sheriff to note errors and double assessments.....	31	126
or sheriff may change name of person assessed—when.....	34	130
or sheriff to list property—when.....	35	131
to give duplicate receipt for taxes paid—when.....	39	151
to pay over funds belonging to territory—when.....	41	159
to settle with territorial auditor—when.....	41	160
must render statement to territorial auditor—when.....	42	161
fees of.....	42	162
settlement of, with commissioners—what allowed on.....	43	166
compensation allowed—when, by commissioners.....	47	185
liable for acts of deputies.....	47	186
deputy to take and subscribe an oath.....	47	187
must keep general account, and publish a financial state- ment—when.....	48	190
collector of taxes—when.....	49	195
one year's tax for ferry, paid to, before license can issue....	61	39
to be reported to grand jury for neglect.....	94	9
to approve bond of lumber inspector and file same.....	108	4
money for license to foreign corporations, paid to.....	140	2
TREASURER—TERRITORIAL.		
money to be forwarded to—when.....	41	159
must give receipt to county treasurer.....	42	163
member of territorial board of equalization.....	84	1
to pay salary, mileage and incidental expenses of board of equalization.....	87	18
to pay warrant for salary of prosecuting attorney.....	96	19
books to be purchased for, and to pay for same.....	125	1
to pay salary of territorial auditor—when.....	129	3
to pay warrants drawn on special fund—when.....	132	1
to pay for printing revised road law.....	149	2
to pay incidental expenses of territorial librarian.....	153	4
TREASURER OF BOARD OF REGENTS—		
warrants to be drawn in favor of, by territorial auditor— when.....	139	2
to give a bond.....	139	3
TREASURY, COUNTY—SEE TREASURER.		
certain money to be paid into, for benefit of schools.....	8	13
amount to be paid into, to redeem lands sold for taxes.....	39	151
money received from fines and forfeitures paid into—when for school fund.....	44	171
interest and cost of advertising, paid into.....	44	172
damages to be paid out of—when.....	52	8
certain fines to be paid into.....	54	13
certain damages to be paid into.....	58	28
road fund in, to pay supervisor—when.....	60	34
road money in, applied to building bridges.....	68	69
certain fees to go into.....	96	20
fines and forfeitures to be paid into.....	99	10
publication of proclamations of governor to be paid out of certain fines paid into, for benefit of schools.....	135	1
county for killing wild animals to be paid out of.....	141	4
	141	2

	<i>Page.</i>	<i>Sec.</i>
TREASURY, TERRITORIAL—		
money paid into, by county treasurer—when.....	41	159
warrant drawn on, for certain expenses.....	73	14
warrant drawn on, for expenses of court—when.....	76	13
books and stationery for board of equalization to be paid for out of.....	87	14
warrant on, for clerk of code commission.....	91	7
salary of prosecuting attorney paid out of.....	96	19
pilot commissioners to pay certain money into.....	140	1
expenses of transporting supreme court reports paid out of	152	3
appropriation for indexing laws to be paid out of.....	156	2
appropriation for immigration purposes to be paid out of...	156	1
VESSELS, STEAMERS AND WATER CRAFTS—		
when assessed	7	11
assessed where owner resides.....	10	25-27
mortgage may be made upon.....	104	1
VIEWERS—		
road, to be house holders—how and when appointed.....	50	4
duty of in laying out and marking roads.. ..	50	5
road, report to county auditor.....	51	.....
when appointed to review roads.....	53	11
refusing to perform duties, fined.....	54	13
road, powers of.....	54	16
shall report to county commissioners—when.....	55	17
WAGES—SEE COMPENSATION.		
poll tax to be deducted from—when.....	18	62
WARRANT—		
of auditor affixed to assessment roll	28	87
for salary of prosecuting attorney—how paid.....	96	19
for payment of books for territorial auditor and territorial treasurer—how paid.....	125	1
for salary of territorial auditor—how paid.....	129	3
WIFE—SEE HUSBAND AND WIFE		
WITNESSES—SEE EVIDENCE.		
equalizing board may subpoena—when.....	23	79
territorial board of equalization may issue subpoena for....	87	10
failing to attend trial—how punished.....	99	9
competent, whether sane or insane in certain cases.....	115	2
WRITS OF ERROR—SEE APPEALS.		
shall be allowed—when.....	72	10

INDEX

TO THE

LOCAL AND PRIVATE STATUTES.

A.

APPROPRIATIONS—

to pay B. S. Miller for certain expenses.....	215	1
to pay E. Serfling for certain services.....	219	1
to reimburse Klickitat county for certain freight paid by...	220	1
to pay for services of certain extraclerks for the legislative assembly.....	223	5
for the relief of certain clerks and employes of the present legislative assembly.....	225	3
to pay territorial auditor for certain services and expenses.	230	....
to pay expenses of prison commissioners.....	232	2
for the relief of James T. Berry.....	232	1
to pay Irving Ballard, for conveying legislative assembly to Steilacoom and Seattle.....	233	1
to pay for keeping Maggie and Thomas Phillips.....	239	1
of territorial funds for a certain road.....	240	2
to pay expenses of committee to visit penitentiary.....	242	1
to pay O. S. Company for transporting arms, ammunition, etc.....	243	1
to pay sundry persons for goods and expenses.....	243	1
for the relief of Walla Walla county... ..	243	1
to pay J. B. Huntington for certain services.....	243	2
to aid Snohomish county in building roads.....	244	....
to pay Mrs. Lewis B. Noble for clerical services.....	245	1
for the relief of Yakima county.....	245	....
for the relief of Stevens county.....	247	1
for the relief of Frank Seidel.....	249	1
to pay W. W. Newlin for making catalogue of territorial library.....	250	1

B.

BALLARD, IRVING—

an act for the relief of.....	233	1
-------------------------------	-----	---

BERRY, JAMES T.—

an act for the relief of.....	232
-------------------------------	-----	------

	<i>Page.</i>	<i>Sec.</i>
BILLINGS, WILLIAM—		
an act for the relief of.....	242.....	
BLACK RIVER—		
act of 1873, declaring navigable, amended.....	247	1
BRANT, G. W.—		
appropriation for the relief of.....	225.....	
<i>C.</i>		
CHARTER—		
of the city of Walla Walla, amended.	161.....	
of the city of Seattle, amended.....	198	1
of the city of Walla Walla, amendatory act amended....	200.....	
CLALLAM COUNTY—SEE COUNTY.		
act of 1873 for the protection of stock raisers in, repealed..	233.....	
certain roads, in declared to be county roads.....	239	1
what is evidence of public road in.....	239	2
a territorial road established in, extending from Quillehute to the Straits of Juan de Fuca.....	240	1
treasurer of, to hold certain territorial money, subject to order of county commissioners—when.....	240	2
may levy a special tax for bridge purposes.	241	1
CLERKS—		
extra, of legislative assembly, an act to provide for.....	223.....	
and employes of legislative assembly an act for the relief of	224.....	
proviso of act of 1879, for the relief of, repealed....	229	1
COLFAX—		
one-half of certain money received for licenses to be paid into the treasury of.....	234,	1
COLUMBIA COUNTY—SEE COUNTY.		
unlawful to kill certain game in—when.....	205	1
unlawful to kill or trap quail in, at any time.....	206	2
unlawful to take certain other game in—when.....	206	3
building dams to obstruct the passage of fish in certain streams in, a misdemeanor.....	206	5
unlawful to take or kill fish in—when.....	206	7
duties of sheriff of.....	207	11
act of 1875 for the protection of game, repealed.....	207	12
an act to prevent hogs from running at large in.....	217	1
hogs trespassing in, to be sold when.....	217	4
money arising from sale of hogs by, to be paid into school fund of.....	218	8
lawful fences in, defined.....	219	1
act of 1875 relative to compensation of certain officers in, amended.....	222	1
salaries of certain officers in fixed.....	222	1
line between, and Walla Walla county, changed.....	226	1
certain taxes to be paid into treasury of.....	226	2
electors of, to vote on fence law— when.....	235	1
an act for the relief of.....	235	1
to be credited with 4 per cent. of certain tax.....	335	1
CORPORATE LIMITS—		
of the city of Walla Walla.....	161	1
of the city of Goldendale.....	188	1
of the city of Port Townsend, extended.....	198	1
of the city of Olympia, described.....	201	1

INDEX.

355

CORPORATE LIMITS—(Continued.)	<i>Page.</i>	<i>Sec.</i>
of the city of Vancouver, described.....	202.....	
of Port Townsend, an act to extend and define the, approved Nov. 3, 1879, repealed.....	202	1
of Port Townsend, certain business regulated in.....	214	1
CORPORATION, MUNICIPAL—		
of Walla Walla, name and style of.....	161	2
powers of.....	161	3
COUNTY—		
of Spokane, an act to organize....	203	3
of Stevens, to retain certain taxes.....	205	3
of Spokane, not liable for any indebtedness of Stevens county.....	205	3
of Walla Walla, an act to protect game and fish in.....	205.....	
of Columbia, an act to protect game and fish in.....	205.....	
of Kitsap, road taxes in how collected.....	207	1
of Pierce, an act to relocate the county seat of.....	210	1
of Pierce, sheriff to be ex-officio assessor in.....	212	3
of Pacific, boundaries of, changed.....	213	1
of Wahkiakum, boundaries of, changed.....	213	1
of Lewis, boundaries of, changed.....	213	1
of Skamania, boundaries of, changed.....	213	1
of Jefferson, tribunal of, not to bind the city of Port Town- send in certain matters.....	215	1
of Thurston, commissioners of, authorized to levy additional tax, for county purposes.....	216	1
of Columbia, hogs prevented from running at large in....	217	1
of Whitman, hogs prevented from running at large in....	217	1
of Stevens, hogs prevented from running at large in.....	217	1
of Walla Walla, hogs prevented from running at large in..	217	1
of Yakima, hogs prevented from running at large in.....	217	1
of Lewis, hogs prevented from running at large in.....	217	1
of Pacific, hogs and sheep not permitted to run at large in	219	1
of Columbia, lawful fences in, defined.....	219	1
of Stevens, lawful fences in, defined.....	219	1
of Lewis, name of county seat of, changed.....	220.....	
of Klickitat, an act for the relief of....	220	1
of Lewis, fees of certain officers in.....	221	1
of Columbia, compensation of certain officers in.....	222	1
of Lewis, certain causes removed to district court in.....	225	1
of Walla Walla, line of, changed.....	226	1
of Columbia, line of, changed.....	226	1
of Pierce, Thurston, Lewis and Cowlitz, taxes of N. P. R. R. Company in, adjusted.....	238.....	
of Clallam, an act for the protection of stock raisers in, re- pealed.....	233	1
of Jefferson, act of 1873 for the protection of stock raisers in, repealed.....	233	1
of Walla Walla, Columbia, Whitman, Spokane, Stevens, Yakima and Klickitat, to vote on "no fence law"—when	234	1
of Columbia, an act for the relief of.....	235.....	
of Walla Walla, certain moneys to be credited to.....	236.....	
of Jefferson, authorized to borrow money.....	236	1
of San Juan and Whatcom, an act for the protection of deer in.....	237.....	
of Stevens, an act to provide for commissioners of.....	238.....	
of Clallam and San Juan, to establish roads in.....	239	1
of Clallam, territorial road established in.....	240.....	
of Clallam, authorized to levy a special tax.....	241	1
of Thurston, act of, commissioners of legalized.....	242	1
of Walla Walla, an act for the relief of.....	243	1

COUNTY—(Continued.)	<i>Page.</i>	<i>Sec.</i>
of Snohomish, appropriation to aid in building certain roads in.....	244.....	
of Yakima, appropriation for the relief of.....	245	1
of Island, location of county seat of, confirmed.....	246	1
of Stevens, an act for the relief of.....	247	1
of Kitsap, an act to provide for the collecting of certain taxes in	248	1
of Spokane, Stevens and Whitman, the sale of liquors restrained in.....	249	1
COWLITZ COUNTY.—		
acts of commissioners of, relative to N. P. R. R. taxes, legalized.....	228	1
CRAIG, WILLIAM J.—		
appropriation to pay for labor and shelving placed in territorial library by.....	243	1
CROSBY, DAVIS & CO.—		
appropriation to pay for stationery furnished to territorial librarian by.....	243	1
<i>D.</i>		
DAYTON—		
territorial road to, from Palouse City changed	246	1
<i>F.</i>		
FENCES—		
lawful, in Columbia and Stevens counties, defined.....	219	1
electors of certain counties to vote on the question of.....	234.....	
FERRY, E. P.—		
appropriation to pay certain disbursements of.....	243	1
<i>G.</i>		
GOLDENDALE—		
city of, boundaries of.....	188	1
corporate name of.....	188	2
government of.....	189	1
duties of officers of.....	189	1
election of officers and filling of vacancies in.....	191	1
qualification of officers in.....	192	1
officers of, time and place of meeting.....	192	2
general powers of mayor and council.....	193.....	
ordinances of—how made valid.....	195	2
demands against—how audited and paid.....	196	3
salaries of officers of.....	196	1
how ordinances for appropriations may be passed.....	196	2
fiscal year in, defined.....	197	5
officers appointed in.....	197	1
GOVERNOR—		
authorized to execute a certain bond.....	221	1
may approve bill for keeping certain children.....	240	2
may approve account of J. B. Huntington.....	243	2

INDEX.

357

GREENE, SAMUEL—		<i>Page</i>	<i>Sec.</i>
appropriation for the relief of.....	225.....		

H.

HARMON, EMMA—			
appropriation for the relief of....	225.....		
HUGHES, WILLIAM—			
an appropriation for the relief of.....	225.....		
HUNTINGTON, J. B.—			
an appropriation to pay for certain services of.....	243	2	
INCORPORATION ACT—			
of the city of Goldendale.....	188.....		
of Port Townsend, amended.....	198	1	
of Seattle, amended.....	198	1	
of Olympia, amended.....	201	1	
of Vancouver, amended.....	202	1	
INTOXICATING LIQUORS—			
the sale of, restricted in certain counties.....	241.....		
ISLAND COUNTY—SEE COUNTY.			
location of county seat confirmed.....	246	1	

J.

JEFFERSON COUNTY—SEE COUNTY.			
no law of, relative to certain licenses in, shall apply to Port Townsend.....	215	1	
commissioners of, to grant licenses—when, for Port Townsend.....	215	1	
Puget Sound Iron Company authorized to construct a wharf in.....	229	1	
an act for the protection of stock raisers in, repealed....	233	1	
authorized to borrow money for road purposes.....	237	1	
JOHNSON, REES AND WINANS—			
appropriation to pay for blankets furnished by.....	243	1	

K.

KELLER, G. D.—			
appropriation for relief of.....	225.....		
KITSAP COUNTY—SEE COUNTY.			
appointment and compensation of road tax collector in....	207	1	
tax collector in, to give bonds.....	208	2	
duties of auditor of, relative to road tax collector.....	208	3	
who shall perform labor or pay road tax in.....	208	4	
when road tax due in.....	209	7	
distribution of road tax and labor to road districts in.....	209	8	
certain provisions of general road law, in force in.....	210	14	
act of 1871 relative to road tax in, repealed.....	210	15	
certain taxes of 1878 in, how to be collected.....	248	1	
KLICKITAT COUNTY—SEE COUNTY.			
an act for the relief of.....	220.....		
electors of, to vote on "fence law"—when.....	235	1	

KNIGHTON, EMMA—	<i>Page.</i>	<i>Sec.</i>
appropriation for the relief of.....	225.....	
<i>L.</i>		
LEWIS COUNTY—SEE COUNTY.		
west boundary of, changed.....	213	2
hogs trespassing in, to be taken up and sold—when.....	217	4
school fund of, certain moneys to be paid into.....	218	8
name of county seat of, changed.....	220	1
fees of certain officers in.....	221	1
district court in, certain causes removed to.....	225	1
certain taxes of the N. P. R. R. in, adjusted.....	228	1
LIBRARY TERRITORIAL—		
W. W. Newlin empowered to make a catalogue of.....	250	1.
one hundred copies of catalogue to be printed.....	250	2
LIPSTINE, DAVID—		
name of, changed to Henry Landes.....	227	1
<i>M.</i>		
MILLER, B. S.—		
appropriation for the relief of... ..	215	1
<i>N.</i>		
NEWLIN, W. W.—		
appropriation for the relief of.....	243	1
employed to make catalogue of territorial library.....	250	1
NOBLE, MRS. LEWIS B.—		
an act for the relief of.....	245.	...
NORTHERN PACIFIC RAILROAD COMPANY—		
certain delinquent taxes of—how adjusted.....	228	1
<i>O.</i>		
OESER, CLAUD—		
name changed to Frederick Oeser.....	227.....	
OLYMPIA—		
act of 1877, to amend an act to incorporate, amended.....	201	1
boundary of, defined.....	201	1
court holding terms in, certain causes to be removed from, to Lewis county.....	225	1
OREGON STEAM NAVIGATION COMPANY—		
an act for the relief of.....	243.....	
<i>P.</i>		
PACIFIC COUNTY—SEE COUNTY.		
boundary of, changed.... .	213	1
owners of hogs and sheep liable for damages caused by per- mitting them to run at large in.... .	219	2

INDEX.

359

	<i>Page.</i>	<i>Sec.</i>
PALOUSE CITY—		
road from, to Dayton, changed.....	246	1
PHILLIPS, MAGGIE AND THOMAS—		
an act to provide for their care and keeping.....	240	1
PIERCE COUNTY—SEE COUNTY.		
question of relocation of county seat of to be left to legal voters in, 1880.....	210	1
how the election in, shall be conducted.....	211	2
records and property of, to be conveyed to county seat.....	211	4
officers of, to reside at new county seat.....	211	5
terms of probate court in to be held at county seat.....	212	6
act of 1877, to provide for assessor of, repealed.....	212	1
sheriff of, to be ex-officio assessor in.....	212	2
compensation of assessor in.....	213	4
deputy assessor in, may be appointed—when.....	213	5
commissioners of, certain acts relative to the taxes of N. P. R. R. Company, legalized.....	228	1
PORT TOWNSEND—		
corporate limits of, extended and defined.....	198	1
act of 1879, to extend and define corporate limits of, repealed	202	1
saloons and bar rooms in, may be leased, taxed and regulated in.....	214	1
certain licenses in, how and to whom granted.....	214	1
certain licenses in, not to be granted by, until January 1, 1880.....	215	1
certain license money in, how to be disposed of.....	224	.....
bay of, Puget Sound Iron Company authorized to construct a wharf on.....	229	1
PUBLIC PRINTER—		
authorized to correct a certain printed bill.....	201	9
PUGET SOUND IRON COMPANY—		
authorized to construct a wharf at the head of Port Townsend bay.....	229	.....
<i>R.</i>		
REED, T. M.—		
an act for the relief of.....	230	.....
<i>S.</i>		
SAN JUAN COUNTY—SEE COUNTY.		
an act for the protection of deer in.....	237	.....
certain roads in, declared county roads.....	239	1
conclusive proof of roads in—what is.....	239	2
SCHWABACHER BROTHERS—		
appropriation to pay for blankets furnished by, to Washington Territory Volunteers.....	243	1
SEATTLE—		
city of, act of 1875, amending act of 1869, to incorporate, amended.....	198	1
powers of, relative to improvements.....	199	1
ordinance No. 175 and No. 176 of, declared valid.....	203	1

	<i>Page.</i>	<i>Sec.</i>
SEIDEL, FRANK—		
an act for the relief of.....	249	1
SERFLING, E.—		
an act for the relief of, for certain services.....	216	1
SNOHOMISH CITY—SEE COUNTY.		
one-half of the territorial tax in, for 1880, appropriated to construct a certain road in.....	244	1
duty of the treasurer of, in relation to tax.....	244	2
commissioners of, to settle with treasurer—when.....	244	3
auditor of, to make certain statement.....	244	4
SPOKAN COUNTY—SEE COUNTY.		
boundaries of, described.....	203	1
officers of, when to be elected.....	204	2
commissioners appointed for.....	204	2
shall not be deprived of school taxes for 1879.....	205	3
not liable for any of the indebtedness of Stevens county ..	205	3
county seat of, located temporarily.....	205	4
certain justices and constables to act for.....	205	5
electors of, to vote on "fence law"—when.....	235	1
commissioners of, not to grant license to sell intoxicating liquors—where.....	249	1
unlawful to sell liquors, to whom, in.....	249	2
STEVENS COUNTY—SEE COUNTY.		
may retain taxes for 1879 levied in Spokane county.....	205	3
indebtedness of, Spokane county not liable for.....	205	3
hogs trespassing in, to be sold—when.....	217	4
school fund of, certain moneys to be paid into.....	218	8
lawful fences in, defined.....	219	1
electors of, to vote on fence law—when.....	235	1
governor to appoint commissioners for—when.....	238	1
appropriation for, to pay for transporting arms, etc.....	248	1
the sale of intoxicating liquors restricted in.....	249	1
penalty for selling liquors to certain persons in.....	249	2

T.

TERRITORIAL AUDITOR—		
authorized to draw warrant for B. S. Miller.....	216	2
shall issue warrant to E. Serfling.....	217	2
instructed to issue warrant to Klickitat county.....	221	2
shall audit account of certain clerks—when.....	223	4
shall issue warrants to certain clerks and employes... ..	225	3
shall issue a warrant to T. M. Reed.....	231	2
to draw warrant in favor of secretary of commissioners for prison.....	232	2
shall draw warrant in favor of James T. Berry.....	232	2
shall draw warrant in favor of Irving Ballard.....	233	2
shall credit Columbia county with—what.....	235	1
shall credit Walla Walla county with \$1,983 27.....	236	2
shall draw a warrant for the keeping of certain children... ..	240	2
shall credit Clallam county with certain sums.....	241	4
shall draw warrant in favor of Williams Billings.....	242	2
shall draw warrant to J. B. Huntington—when.....	243	2
shall credit Snohomish county with certain tax.....	244	2
shall draw a warrant in favor Mrs. Noble.....	245	2
may draw warrant in favor of Yakima county—when.....	245	2
shall issue warrant to Stevens county—for what.....	248	2

INDEX.

361

TERRITORIAL AUDITOR.—(Continued.)	<i>• Page</i>	<i>Sec.</i>
shall issue warrant in favor of Frank Seidel.....	249	2
TERRITORIAL SECRETARY—		
authorized to correct printed bill.....	201	9
TERRITORIAL TREASURER—		
authorized to pay warrant in favor of B. S. Miller.....	216	9
shall pay warrant issued to E. Serfing.....	217	2
instructed to pay warrant issued to Klickitat county.....	221	2
shall pay certain warrants issued to clerks.....	223	5
shall pay warrant issued to T. M. Reed.....	231	2
shall pay certain warrant in regular order.....	232	2
shall pay warrant issued to James T. Berry.....	232	2
warrant shall be drawn on, in favor of Wm. Billings.....	242	2
shall pay warrant in favor of Mrs. Lewis B. Noble.....	245	2
shall pay warrant to Stevens county.....	248	2
shall pay warrant in favor of Frank Seidel.....	249	2
THURSTON COUNTY—SEE COUNTY.		
commissioners of, authorized to levy an additional tax for county purposes.....	216	1
certain taxes of the N. P. R. R. Company, adjusted in.....	228	1
special tax of 1879 levied in, legalized.....	242	1

V.

VANCOUVER—		
permitted to pass ordinances to prohibit animals from run- ing at large in.....	202.....	

W.

WAHAKIYAKUM COUNTY—SEE COUNTY.		
boundary of, changed.....	213	1
indebtedness of, how apportioned.....	214	3
WALLA WALLA—		
corporate limits of the city of.....	161	1
the inhabitants constituted a municipal corporation.....	161	2
power to assess and collect taxes.....	161	3
has power to make regulations to prevent fires.....	162	4
has power to purchase or condemn lands.....	162	5
has power to provide for furnishing city with gas lights....	162	6
has power to provide for improving streets and alleys.....	163	7
has power to construct sidewalks and other improvements.	163	8
has power to enforce rules relative to cleanliness.....	163	9
has power to provide for the survey of blocks, etc.....	164	10
has power to erect and maintain water works.....	164	11
may grant right to persons or corporations.....	164	13
has power to levy and collect special tax.....	165	15
may prevent the introduction of contagious diseases within the city.....	165	16
may prevent animals from running at large in.....	166	17
may tax, license and regulate the running of vehicles in....	166	18
may license sundry occupations.....	166	18
may maintain police force.....	166	19
may abate nuisance and suppress certain houses.....	166	20
may regulate the burial of the dead.....	167	21
may establish and regulate markets.....	167	22

WALLA WALLA—(Continued.)

Page. Sec.

may borrow money on the credit of the city.....	167	23
may punish violations of ordinance.....	167	24
may regulate fees of officers.....	167	25
government of, in whom vested.....	168	26
officers of, tenure of office.....	168	28-30
elections general, of—when held.....	169	31
qualifications of voters in.....	169	32
mode of conducting elections in.....	170	.....
oath of officers of.....	171	41
vacancies in office in, how filled.....	171	43
organization and powers of council of.....	171	.....
mayor of, powers and duties of.....	173	.....
other officers of, powers and duties of.....	174.5	.....
ordinances, style of.....	176	76
ordinances to be recorded.....	176	77
collecting assessments for certain purposes in.....	177	.....
delinquent taxes in, collection of.....	180	97
special tax to draw interest in.....	181	98
how bound by contract.....	183	112
what liable for.....	184	113
how money may be drawn from treasury.....	184	114
fiscal year of—when commences.....	184	116
council of, may grant use of streets—when.....	184	118
may be divided into wards—when.....	185	122
streets—how widened.....	185	123
grade of streets in—how established.....	185	124
how condemned property in, may be appropriated.....	186	125
act of 1877 providing for the corporation of city inoperative in.....	187	127
certain ordinances in, to remain in force.....	187	128
charter of, certain words and phrases in, amended and explained.....	200	.....

WALLA WALLA COUNTY—SEE COUNTY.

unlawful to kill certain game in—when.....	205	1
unlawful to kill or trap quail in, at any time.....	206	2
unlawful to take certain other game—when.....	206	3
unlawful to obstruct the passage of fish or to take fish in the streams of—when.....	206	5
duties of sheriff or constables to make complaint of the violation of act relative to game.....	207	11
hogs to be prohibited from running at large in.....	217	1
hogs trespassing in, to be taken up and sold.....	217	4
money received for sale of hogs in, where paid.....	218	7
certain line of, changed.....	226	1
electors of, to vote on "fence law"—when.....	235	1
an act for the relief of.....	236	.....
appropriation to pay for freight on arms in 1878.....	243	1

WHATCOM COUNTY—SEE COUNTY.

an act for the protection of deer in.....	237
---	-----	-------

WHITMAN COUNTY—SEE COUNTY.

an act to prevent hogs from running at large in.....	217	1
hogs trespassing in, may be sold when.....	217	4
certain money to be paid into school fund of.....	218	8
one half of certain money to be paid into the treasury for school purposes.....	234	3
citizens of, to vote on "fence law"—when.....	335	1
an act to restrain the sale of intoxicating liquors in.....	249	1
unlawful to sell liquors to certain persons in.....	249	2
justices of the peace to have certain jurisdiction in.....	250	3

INDEX.

363

YAKIMA COUNTY—SEE COUNTY.

	<i>Page.</i>	<i>Sec.</i>
hogs prevented from trespassing in.....	217	1
manner of advertising and selling hogs found trespassing in	217.....	
certain money to be paid into school fund of.....	218	8
electors of, to vote on fence law—when.....	235	1
appropriation for, to pay expenses for the capturing of cer- tain Indian murderers.....	245	1

INDEX TO ORGANIC ACT.

A.

ACCOUNTS, ACCOUNTING OFFICERS—		
duties of, as to allowing salaries of territorial officers		
while absent.....	299	1884
evidence in settling accounts for territorial expenses.....	300	1886
of disbursements for government in territories.....	300	1886
APPEALS—		
from supreme court of territory to United States court..	302	1911
APPORTIONMENT—		
of legislative assembly.....	294	1849
APPROPRIATION—		
for support of government in the territories, how dis-		
bursed.....	300	1886
ARMY—		
persons belonging to, not entitled to vote in territories,		
unless, etc.....	296	1860

B.

BILLS—		
of legislature to be presented to governor.....	292	1842
to become laws in five days if not returned by governor..	292	1842
BOUNDARY—		
of Washington Territory.....	301	1898

C.

CIRCUIT COURTS—		
district courts of territories to have jurisdiction as, in		
certain cases.....	302	1911
CITIZEN—		
delegate to congress must be.....	306	1906
in territories, right of suffrage of.....	295	1859
no denial of elective franchise, etc., to any, on account of		
race, color, etc.....	295	1860
CLERK—		
of supreme court—how appointed.....	297	1870
COLUMBIA RIVER—		
joint jurisdiction over, by Oregon and Washington.....	305	1950

	<i>Page.</i>	<i>Sec.</i>
COMMON LAW—		
courts in territories to have jurisdiction at.....	297	1868
CONGRESS—		
delegate to, election of.....	296	1862
delegate to, must be a citizen.....	302	1905
CONSTITUTION OF UNITED STATES—		
force and effect of, in territories.....	300	1891
jurisdiction of territorial courts in cases under.....	302	1911
CONVICTS—		
may be received in U. S. penitentiary—how.....	301	1895
CORPORATIONS—		
territorial legislature not to charter.....	300	1889
religious, limit to power of, to hold real estate.....	300	1890
COUNTY—		
courts and officers of.....	295, 1857, 1874, 1905	
COURTS—		
supreme courts, provisions concerning, 297, 1864, 1870, 1907, 1915, 1928,		
1934		
district courts.....	297, 1865, 1873, 1909, 1918, 1928, 1934	

D.

DELEGATE IN CONGRESS—		
provisions concerning.....	296	1862-3, 1905-6
DISTRICT ATTORNEYS—		
provisions concerning.....	298, 1875, 1877, 1880	
DISTRICT COURTS—		
where, when and by what justices holden.....	297	1865
jurisdiction of, how limited.....	297	1866
chancery and common law jurisdiction of.....	297	1868
error, exception and appeals from, to supreme courts, how		
regulated.....	297, 1869,	1909
clerks, appointment of.....	297	1871
to have jurisdiction of district and circuit courts of the		
United States.....	302	1911
subject to writs of error or appeal to supreme court of		
territory.....	302	1911
terms of, in Washington.....	303	1917
powers of clerks of.....	304	1933
DISTRICT JUDGES—SEE DISTRICT COURTS.		

E.

ELECTIONS—		
provisions concerning.....	293, 1848, 1856-7, 1859, 1860, 1862-3, 1905	
ERROR, WRITS OF—		
provisions concerning.....	297, 1869, 1909-10-11	

G.

GOVERNOR—		
executive power vested in.....	291	1841-2
how appointed.....	298	1877
oath of office of.....	298	1878

INDEX.

367

GOVERNOR—(Continued.)	<i>Page.</i>	<i>Sec.</i>
salary of.....	299	1879
legislative enactments to be approved by.....	291	1842

H.

HABEAS CORPUS—		
courts of territories may grant.....	302	1912

I.

INDIANS—		
provisions concerning.....	291, 1839, 1840, 1849	

J.

JUDICIARY—SEE DISTRICT COURTS.		
JURISDICTION—		
of territorial courts.....	297, 1864, 1874, 1912, 1941	
JUSTICES OF THE PEACE—		
provisions relating to.....	295, 1856-7, 1867, 1878, 1907, 1926-7	

L.

LAWS—		
force and effect of United States, in territories.....	300	1891
territorial, to be transmitted to congress, etc.....	292	1844
LEGISLATURE—		
time of election.....	293	1848
laws passed by, to be submitted to congress.....	294	1850
extent of powers of.....	294	1851
sessions of, limit of.....	294	1852
compensation of members.....	294	1853
members not to hold certain offices.....	294	1854
compensation of, not to be increased.....	295	1855
number of members of.....	303	1922
extra sessions of.....	303	1923
form and title of laws enacted.....	303	1924
expenses of, provision for.....	304	1940
mileage of members.....	305	1942
LIBRARY—		
territorial, where to be kept.....	306	1953

M.

MARSHALS—		
provisions relating to.....	288, 1876-7, 1881-2, 1883, 1892-94	

O.

OATHS—		
of territorial officers, how taken, certified and recorded..	298	1878
OFFENSES—		
committed in territories, governors may pardon.....	291	1841

P.

PARDON—SEE OFFENSES.	<i>Page.</i>	<i>Sec.</i>
PENITENTIARIES—		
provisions relating to.....	301	1892-96, 1936-7
PROCESS—		
execution of, in territorial courts.....	298	1876

Q.

QUORUM—		
of supreme court in territories.....	297	1864

S.

SCHOOLS—		
reservation of public lands for.....	305	1882, 1939-41, 1947
provisions relating to.....	292	1843-5, 1855, 1877-8
SUFFRAGE—SEE ELECTIONS.		
SUPREME COURTS—SEE DISTRICT COURTS.		

T.

TRIALS—		
by jury not allowed in cases removed to supreme court..	297	1869

V.

VACANCIES—		
in appointive offices.....	295	1858
VETO—		
by governor.....	292	1843
VOTERS—SEE ELECTIONS.		
qualifications of.....	295	1859-60

W.

WASHINGTON TERRITORY—		
establishment and boundaries of....	301	1898
election of delegate and territorial officers.....	302	1905
legislative power in, regulation of taxes, etc.....	303	1924
seat of government of, how changed.....	305	1944
reservation of public lands in, for schools.....	305	1947
concurrent jurisdiction of, with Oregon over Columbia river.....	305	1950
certain laws of Oregon in force in.....	305	1952
library for, where to be kept.....	306	1953
WRITS OF ERROR—SEE DISTRICT COURTS, APPEALS.		
from district to supreme court.....	297	1869
allowed in all cases under laws of territories, to U. S. courts.....	302	1911

LIST OF THE FOREGOING

LAWS, MEMORIALS AND RESOLUTIONS.

REVENUE. An act to provide for the assessing and collecting of county and territorial revenue.....	3
an act to provide a system of revenue to be paid by certain foreign corporations and the manner of collecting the same.....	140
ROADS. An act in relation to roads, ferries, bridges, and travel on public highways.....	49
DISTRICT COURTS. An act to establish district courts in the first and second judicial districts and places for holding the same.....	70
an act to establish district courts in the third judicial district, and to fix the time and places for holding the same	73
an act regulating the removal of certain causes from the district court holding terms at Olympia to the district court of Lewis county.....	82
an act supplemental to and amendatory of an act entitled "an act to establish district courts in the first and second judicial districts and to fix the times and places for holding the same," approved Nov. 6, 1879.....	83
PROPERTY RIGHTS. An act relating to and defining the property rights of husband and wife.	77
REMOVAL OF RECORDS. An act for the removal of the records of the district court from Fort Colville to Spokane Falls.....	82
BOARD OF EQUALIZATION. An act creating a territorial board of equalization and defining its duties.....	84
SCAB. An act to prevent the spread of scab or other infectious diseases among sheep, in the counties of Walla Walla, Columbia, Whitman, Stevens, Yakima and Klickitat.	87
CODE. An act to provide for the codification of the laws of Washington Territory.....	90
PROSECUTING ATTORNEYS. An act in relation to prosecuting attorneys, defining their duties and fixing their compensation in the counties of Walla Walla, Columbia, Whitman, Yakima, Skokane and Stevens.....	92
GAMBLING. An act to prevent and punish gambling.....	97
LIENS. An act to amend an act entitled "an act relating to liens," approved Nov. 8, 1877.....	99
FISH COMMISSIONER. An act to create the office of fish commissioner for the Columbia river; to license the taking of salmon in the Columbia river and its tributaries, and to encourage the establishment of hatching houses on the waters of the Columbia river for the propagation of salmon.....	101

MORTGAGES. An act in relation to mortgages on certain kinds of property.....	104
INSPECTION OF LOGS. An act to provide for the inspection and measurement of logs, and the formation of lumber districts.....	108
DEEDS. An act to amend an act entitled "an act relating to deeds," approved November 9, 1877.....	110
SALMON. An act regulating salmon fisheries on the Columbia river and its tributaries.....	111
HABITUAL DRUNKARDS. An act to declare certain persons habitual drunkards and to protect them and others in person and property.....	113
INSANE. An act to protect the inmates of insane asylums.....	115
an act to dispose of certain persons held in custody.....	129
COUNTIES BORROW MONEY. An act to enable counties to borrow money to pay their indebtedness.....	116
CIVIL PRACTICE. An act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Nov. 8, 1877.....	118
an act to amend section 460, chapter 41, of an act entitled "an act to regulate the practice and proceedings in civil actions," approved Nov. 8, 1877.....	122
an act to amend an act entitled "an act to regulate the practice and proceedings in civil actions," approved Nov. 8, 1877.....	157
OYSTERS. An act to amend an act entitled "an act to amend an act entitled an act to encourage the cultivation of oysters," approved Nov. 6, 1877.....	118
LEGISLATIVE APPORTIONMENT. An act to fix the number of members of the legislative assembly and to apportion the same..	120
ASSIGNMENTS. An act in relation to assignments.....	122
AUDITOR, COUNTY. An act to amend section seventeen of an act relating to county auditor, approved Nov. 29, 1869.....	123
MINING AND MANUFACTURING. An act for the encouragement and support of mining and manufacturing	124
BOOKS. An act to authorize the purchase of books for the territorial auditor and territorial treasurer.	125
ERRORS TO BE CORRECTED. An act to provide for the correction of errors in the spelling and punctuation of the acts of the present legislative assembly.....	127
INCORPORATION OF CITIES. An act supplemental to and explanatory of chapter 2, of an act entitled "an act to provide for the incorporation of cities," approved November 9, 1877, and to declare certain incorporations thereunder valid.....	127
AUDITOR, TERRITORIAL. An act to amend an act entitled "an act in relation to territorial auditor," approved Nov. 29, 1871.....	128
JUDGES, ETC., NOT TO PRACTICE LAW. An act in relation to judges of the district and probate courts, and justices of the peace, practicing as attorneys at law.....	129
LICENSES. An act to amend an act entitled an act in relation to licenses, approved, Nov. 13, 1873.....	130
PUBLIC PRINTING. Fixing the rate to be paid for public printing and providing for the auditing of the accounts of public printer	131
NOTARIES PUBLIC. An act to amend an act entitled "an act in relation to notaries public," approved Oct. 31, 1877.....	132
CIVIL DAMAGE. An act to provide for the recovery of damages for injuries caused by the use of intoxicating liquors.....	132

CORPORATIONS. An act to amend an act approved Nov. 13, 1873, entitled an act to provide for the formation of corporations.....	134
RECOVERY OF REAL ESTATE. An act to regulate actions or proceedings to recover, or affecting real estate.....	134
PROCLAMATIONS. An act concerning proclamations issued by the governor.....	135
ADOPTION. An act to authorize the adoption of children.....	136
CRIMINAL PRACTICE. An act to amend an act entitled "an act relative to crimes and punishments and proceedings in criminal cases," approved Nov. 10, 1873.....	137
UNIVERSITY, TERRITORIAL. An act to appropriate money for the university of Washington.....	138
POOR, SUPPORT OF. An act to amend an act entitled "an act relating to the support of the poor," approved Jan. 21, 1863.....	139
PILOT COMMISSIONERS. An act to require the board of pilot commissioners of the Columbia river and bar to pay a portion of the money in their hands into the territorial treasury.....	140
BOUNTY. An act to amend an act entitled an act offering a bounty for killing wild animals, approved Jan. 19, 1863.....	141
APPEALS. An act regulating appeals from the decisions of county commissioners.....	143
LIBEL. An act defining libel and providing for the punishment thereof.....	144
MARKING OF SALMON PACKAGES. An act requiring packed, barreled or canned fish put up in this territory to be marked in a certain way.....	145
WIRE FENCES. An act to regulate the building of wire fences.....	146
EXEMPT FIREMEN. An act exempting firemen and members of fire departments from certain duties and obligations.....	146
PROBATE COURT, TERMS OF. An act to fix the time for holding the regular terms of probate courts.....	147
CORPORATION, FOREIGN. An act conferring upon foreign corporations certain powers.....	148
BRIDGES. An act for the better protection of bridges in the Territory of Washington.....	148
ROAD LAW. An act to provide for the printing and distribution of the revised road law.....	149
LIENS OF FARM LABORERS. An act relating to liens of farm laborers.....	150
MARRIED WOMEN, RIGHTS OF. An act to establish and protect the rights of married women.....	151
SHORT-HAND REPORTER. An act to repeal an act entitled "an act to provide for the appointment of an official short-hand reporter for the district courts," approved Nov. 6, 1877.....	151
LIBRARY, TERRITORIAL. An act to amend an act entitled "an act in relation to the territorial library," approved Jan. 31, 1867....	152
HOSPITAL FOR THE INSANE. An act to amend an act entitled "an act to regulate the government of the hospital for the insane," approved Nov. 9, 1877.....	153
ORGANIZATION OF NEW COUNTIES. An act in relation to the organization of new counties and the changes in county lines..	154
ARTICLES OF INCORPORATION, RECORDING OF. An act to provide for the recording of articles of incorporation.....	155

372 LIST OF LOCAL AND PRIVATE LAWS.

INDEXING LAWS. An act to appropriate money to pay for indexing the laws.....	156
BOARD OF IMMIGRATION. An act appropriating money for immigration purposes.....	156
ACKNOWLEDGMENTS OF DEEDS, ETC. An act in relation to acknowledgments of deeds, mortgages, and other instruments of writing taken in foreign countries, beyond the limits of the United States.....	157
CHARTERS. An act to amend the charter of the city of Walla Walla. an act to incorporate the city of Goldendale.....	161 188
an act to extend and define the corporate limits of the city of Port Townsend.....	198
an act to amend the charter of the city of Seattle.....	198
an act amendatory of an act entitled "an act to amend the charter of the city of Walla Walla," approved, November 8, 1879.....	200
an act to amend an act entitled "an act to incorporate the town of Olympia," approved, Nov. 9, 1877.....	201
an act to amend an act entitled an act to incorporate the city of Vancouver, approved Jan. 29, 1868.....	202
an act to repeal an act, entitled "an act to extend and define the corporate limits of the city of Port Townsend," approved, Nov. 3, 1879.....	202
an act to legalize certain ordinances of the city of Seattle.....	203
SPOKAN COUNTY. An act to organize Spokan county.....	203
an act providing for the protection of game and fish in the counties of Walla Walla and Columbia, in the Territory of Washington.....	205
ROAD TAXES. An act to provide for the collection of road taxes and the maintenance of roads in Kitsap county.....	207
COUNTY SEAT. An act in relation to the re-location of the county seat of Pierce county, Washington Territory.....	210
an act to change the name of the county seat of Lewis county...	220
an act to confirm the location of the county seat of Island county.	246
ASSESSOR. An act to repeal an act, entitled "an act to provide for the appointment of a county assessor in the county of Pierce, and defining his duties," approved Nov. 6, A. D., 1877, and declaring the sheriff thereof ex-officio assessor.....	212
BOUNDARIES. An act to change the boundaries of Pacific, Wahkiakum, Lewis and Skamania counties.....	213
an act to change the line between Walla Walla and Columbia counties.....	226
ADDITIONAL TAX LEVY. An act authorizing the county commissioners of Thurston county to levy an additional tax for county purposes.....	216
HOGS AND SHEEP. An act prohibiting hogs from running at large in the counties of Columbia, Whitman, Stevens, Walla Walla, Yakima and Lewis.....	217
an act prohibiting the owners of hogs and sheep from permitting the same to run at large in Pacific county.....	219
RELIEF BILLS. An act for the relief of B. S. Miller.....	215
an act for the relief of E. Serfling for work done in moving territorial library.....	216
an act for the relief of Klickitat county.....	220
an act for the relief of certain clerks and employes of the present legislative assembly.....	224
an act repealing the proviso of section one of an act entitled "an act for the relief of the clerks and employes of the present legislative assembly," approved, Nov. 9, 1877.....	229
an act for the relief of T. M. Reed, territorial auditor.....	230

LIST OF LOCAL AND PRIVATE LAWS. 373

an act for the relief of James T. Berry.....	232
an act for the relief of Irving Ballard... ..	233
an act for the relief of Columbia county	235
an act for the relief of of Walla Walla county.....	236
an act for the relief of William Billings.....	242
an act for the relief of the Oregon Steam Navigation Company and others.....	243
an act for the relief of Mrs. Lewis B. Noble.....	245
an act for the relief of Yakima county.....	245
an act for the relief of the county of Stevens.....	247
an act for the relief of Frank Seidel.....	249
GOVERNOR TO EXECUTE BOND. An act to authorize the gover- nor to execute a bond to the United States.....	221
FEES OF OFFICERS IN LEWIS COUNTY. An act regulating the fees of certain officers in Lewis county.....	221
OFFICERS OF COLUMBIA COUNTY. An act to amend an act en- titled "an act in relation to compensation of certain officers of Columbia county," approved November 12, 1875.....	222
CLERKS. An act to provide for extra clerks.....	223
LICENSE MONEY. An act authorizing the city of Port Townsend to license, tax, regulate and restrain certain kinds of business within the limits of said city.....	214
an act to dispose of certain license money in the city of Port Townsend, in Jefferson county.....	224
an act in relation to the disposal of certain moneys derived from liquor licenses in the town of Colfax.....	234
REMOVAL OF CAUSES. An act regulating the removal of certain causes from the district court holding terms at Olympia to the district court of Lewis county.....	225
NAMES CHANGED. An act to change the name of David Lipstine to that of Henry Landes.....	227
an act to change the name of Claus Oeser to that of Fredrick Oser.	227
ACTION LEGALIZED. An act legalizing the action of certain boards of county commissioners.....	228
WHARF. An act authorizing the Puget Sound Iron Company to con- struct a wharf at the head of Port Townsend bay.....	229
PRISON COMMISSIONERS. An act providing for the payment of ex- penses incurred by the prison commissioners in examining the territorial penitentiary	231
PROTECTION OF STOCK RAISERS. An act to repeal an act enti- tled "an act for the protection of stock raisers in the counties of Clallam and Jefferson," approved Nov. 14, 1873.....	233
FENCE LAW. An act entitled an act to ascertain the wishes of the people in certain counties in regard to the fence law.....	234
BORROW MONEY. An act to authorize the board of commissioners of Jefferson county to borrow money.....	236
DEER. An act providing for the protection of deer in San Juan and Whatcom counties.....	237
COMMISSIONERS OF STEVENS COUNTY. An act to provide for the appointment of a board of county commissioners for Ste- vens county.....	238
ROADS LEGALIZED. An act to legalize and establish certain roads in the counties of Clallam and San Juan.....	239
CHILDREN OF MARY PHILLIPS. An act providing compensation for the care and keeping of Maggie and Thomas Phillips, infant children of Mary Phillips, a territorial convict.....	239

ROAD TERRITORIAL. An act to provide for the location of a territorial road from Quillehute to the straits of Juan De Fuca, in Clallam county	240
an act to appropriate one-half of the territorial tax of Snohomish county for the year 1880 for the purpose of building a territorial road therein.....	244
an act to make a change in the territorial road from Palouse city, in Whitman county, to Dayton, in Columbia county, W. T.....	246
SPECIAL TAX. An act to authorize the county commissioners of Clallam county to levy a special tax for certain purposes.....	241
an act to legalize the action of the county commissioners of Thurston county in levying a special tax for the year 1879.....	242
BLACK RIVER. An act to amend an act entitled "an act declaring Black river navigable and a public highway," approved, Nov. 14, 1873.....	247
TAXES IN KITSAP COUNTY. An act entitled "an act for the assessment and collection of taxes in Kitsap county for the year 1879.....	248
LIQUORS, SALE OF RESTRAINED. An act to restrain the sale of intoxicating liquors in certain limits in the counties of Spokane, Stevens and Whitman.....	249
CATALOGUE. An act providing for the making of a catalogue of the books contained in the territorial library, appointing a proper person to make the same, and appropriating money for the payment thereof.....	250

MEMORIALS.

Praying congress for a reduction in the price asked for government lands within the limits of the land granted to the N. P. R. R., in Washington Territory.....	253
praying congress for an increase of members in the legislative assembly of the Territory of Washington.....	254
relative to the establishment of a district land office, at Port Townsend, Washington Territory.....	256
asking an appropriation for the relief of Dennis Storrs and others relative to military telegraph line.....	258
praying congress for the relief of certain settlers on public lands to congress praying that suitable laws be made by congress to cause to be made a thorough survey and scientific examination of the Territory of Washington.....	261
praying congress for aid to remove obstructions from the numerous rivers emptying into Puget Sound.....	262
relating to establishing a land office at Goldendale, in Klickitat county, Washington Territory.....	264
relating to the re-establishment of mail service on mail route, No. 43,100, from New Tacoma in Pierce county to Olympia, via Steilacoom and Ortondale in Pierce county, Washington Territory.....	265
praying congress not to change the boundary line between the State of Oregon and Washington Territory.....	266
in relation to a military post in Yakima county.....	267
praying for an appropriation of a sum sufficient to complete the canal and locks at the Cascades and Dalles, on the Columbia river.....	268

LIST OF RESOLUTIONS.

375

praying for the establishment of a land office at Yakima City, Washington Territory..... 270

praying congress to reduce the tariff on foreign imports..... 271

to the congress of the United States in the behalf of American fisheries..... 272

for the appropriation of fifteen thousand dollars to remove obstructions to navigation in the Chehalis river..... 273

asking for an appropriation to erect a light house on Miller's Point, Whidby Island, at the north end of Saratoga passage on Puget Sound..... 274

praying congress for aid in behalf of a railroad from Green river station, Wyoming Territory, to Puget Sound, in Washington Territory.... 275

praying for the detail of an army officer as a professor in the territorial university..... 276

praying congress for a bounty to the soldiers of the Indian war of 1855 and 1856..... 278

asking an appropriation of land to aid in the construction of a railroad from the city of Walla Walla, in eastern Washington, to the city of Seattle, on Puget Sound..... 279

praying congress for the relief of volunteer soldiers in the Nez Perce Indian war of 1877..... 280

RESOLUTIONS.

relative to the entry and clearance of vessels under thirty tons registry on Puget Sound..... 283

relating to printing revenue law..... 284

relating to the removal of a jam from the Nooksack river, in Whatcom county..... 284

relating to the death of the late Zachariah Chandler..... 285

relating to the death of Major General Joseph Hooker..... 286

relative to certain pamphlets in possession of the territorial librarian..... 287

relative to mail service between Whatcom, Washington Territory and New Westminster, British Columbia..... 287

tendering a vote of thanks to the proprietors of the steamer Zephyr..... 288

