

L A W S

OF

WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY,

TENTH BIENNIAL SESSION,

1885-6.

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1886.

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OF
WASHINGTON TERRITORY.

*Enacted at the Tenth Biennial Session, held in Olympia, the
Capital of Washington Territory, commencing Monday,
December 7, 1885, and ending Thursday, February 4, 1886.*

WATSON C. SQUIRE, Governor; B. B. DAY, President of the
Council; R. O. DUNBAR, Speaker of the House of Repre-
sentatives.

AN ACT

TO AMEND THE COMMON SCHOOL LAW OF THE TERRITORY OF
WASHINGTON.

TITLE I.

SUPERINTENDENT OF COMMON SCHOOLS.

SECTION I. *Be it enacted by the Legislative Assembly of
the Territory of Washington:* That a superintendent of public
instruction shall be appointed by the Governor, by and with the
advice and consent of the legislative council, and shall enter upon
the duties of his office on or before the first Monday in March
next following his appointment, and shall hold his office for the
term of two years or until his successor is appointed and quali-

fied, and shall execute a bond in the penal sum of two thousand dollars, with two good and sufficient sureties to be approved by the territorial auditor conditioned for the faithful discharge of his or her official duties. No person shall be eligible to the office of superintendent of public instruction unless such person shall be the holder of a first grade territorial certificate or territorial diploma, and shall have taught in the public schools of the territory for at least one year prior to the date of his appointment.

SEC. 2. The superintendent shall have general supervision of public instruction, especially of the county and district school officers and the public schools of the territory, and shall report to the governor biennially on or before the first day of November of the years in which the regular sessions of the legislature are held. The governor shall transmit said report to the legislature, and whenever it is ordered printed a sufficient number of copies shall be delivered to the superintendent of public instruction to furnish two copies, to be deposited in the territorial library, and one copy to each county superintendent of common schools, to be held by him as public property, and delivered to his successor in office, and one copy to each district school officer within the territory. Said report shall contain a statement of the condition of the territorial university and public schools in the territory, full statistical tables, by counties, showing among other statistics the number of schools and average attendance; the number attending private schools, the amount raised by county and district taxes, or from other sources of revenue for school purposes, the amount expended for salaries of teachers and for building and furnishing school houses, and the statement of the plans for the management and improvement of schools, together with such other facts as he may deem proper to collect for the information of the legislature.

SEC. 3. The superintendent of public instruction shall superintend the printing and transmitting of such blanks, forms, rules and regulations for the use and government of the public schools, school officers and teachers, as the board of education may authorize, together with questions prepared for the use of the county boards in the examination of teachers, and shall pay for them out of the funds allowed for his expenses.

SEC. 4. It shall be the duty of the superintendent of public instruction to travel in the different counties of the territory, where common schools are taught, so far as possible without neglecting his other official duties as superintendent of public instruction, during at least three months in each year, for the purpose of visiting schools, of consulting with county superintendents, and addressing public assemblies on subjects pertaining to public schools.

SEC. 5. The superintendent of public instruction shall keep his office at some place where there is a post-office, and he shall receive a salary of seven hundred and fifty dollars per annum, which shall be paid quarterly out of the territorial treasury. He shall also submit, quarterly, a statement of expenditures for traveling expenses, stationery, postage and other necessary expenses connected with his office, which shall be audited by the territorial auditor, who shall issue a warrant on the territorial treasurer for the payment of such amounts as shall be found to have been properly incurred: *Provided*, That said expenditures shall not exceed five hundred dollars in any one year.

SEC. 6. The superintendent of public instruction shall, at least once a year, hold a territorial teachers institute in and for each judicial district in this territory, over which he shall preside, at such time and place as he may determine upon, which territorial institute shall continue in session not less than three days, and he shall, so far as practicable, aid in establishing county institutes.

SEC. 7. The superintendent of public instruction shall be *ex-officio* president of the board of education.

SEC. 8. Before entering upon the discharge of the duties of his office the superintendent shall subscribe, before an officer authorized to administer oaths, the following: "I do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act of the territory, and that I will faithfully discharge the duties of the office of territorial superintendent of schools according to law, and to the best of my knowledge and ability; So help me God." Which being duly attested, shall be filed with the territorial auditor.

SEC. 9. The superintendent shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records and other papers belonging to his office, or which may have been received by him for the use of his office.

TITLE II.

BOARD OF EDUCATION.

SEC. 10. The governor shall appoint, by and with the advice and consent of the legislative council, one suitable person from each judicial district, who, together with the territorial superintendent, shall constitute the territorial board of education, who shall hold their office for two years from the first Monday in March next following their appointment. They shall be notified of their appointment in the same manner as may be prescribed by law for giving notice to other territorial officers and

within twenty days after receiving such notice, shall qualify by taking a similar oath to that required by this act to be administered to the superintendent of public instruction, which, being duly attested, shall be filed with the territorial auditor. They shall serve until their successors are appointed and qualified.

SEC. 11. The meetings of the board shall be held annually, at the territorial capital, on the second Monday in July, and the board may hold such other meetings as they may deem necessary for the transaction of the public business: *Provided*, That the aggregate expenses of the board shall not, by reason of such meeting, be made to exceed the sum appropriated to the use of the board.

SEC. 12. Said board shall have power—

First—To adopt or re-adopt at their regular meeting in July a uniform series of text books throughout the territory, whenever they can secure an exchange of the books, at any time in use, for those of the same grade, an exchange of those of a lower grade for those of the next higher grade without a greater average cost to the people than two-fifths of the contract retail price of the books in use at the time of the adoption; and enter into contracts with publishers for the supply of the same, to take effect on the first of the following September, and the books so adopted shall not be changed within five years thereafter, unless the publishers of such adopted books shall cause the price agreed upon to be increased, or shall thereafter publish books of an inferior quality. Before making any adoption the board shall advertise for at least sixty days in one paper in each judicial district, of general circulation, that they will receive sealed proposals for the supply of text books to the people of the territory. Said advertisements shall state the day and hour upon which such proposals shall cease to be received. It shall also name all the kinds of books for supply of which proposals are invited and be signed by the president and secretary of the board, and that said proposals so advertised for shall state the price at which the books proposed shall be exchanged for the books in use at the time of making such proposal, and it shall state the wholesale price which shall be maintained in the territory, and also the uniform retail price which shall be maintained in every county in the territory during the time the books shall continue in use. Said proposals shall be marked "Sealed proposals to furnish text books for the schools of Washington Territory," and shall be addressed to the secretary of the board of education, and shall not be opened before the hour advertised, nor in the presence of less than three members of the board. Immediately upon the opening of the bids they shall be read in open board, and adoption of books and award of contract shall be made within

ten days following. No books shall be adopted without a majority vote of the whole board: *Provided*, That nothing in this section shall be so construed as to compel the board to adopt or re-adopt any series of books for which no satisfactory proposals have been made. The publishers, awarded the contract by the board, shall guarantee all the terms of the proposal on which it is made by a bond, with two or more sufficient sureties for its faithful performance, and shall cover such a period as the books may remain in use. Said bond to be approved by the board.

Second—To prescribe rules for the general government of the public schools, that shall secure regularity of attendance, prevent truancy, secure efficiency and promote the true interest of the school; they shall prepare and distribute, or cause to be prepared and distributed to the various county superintendents in the territory, blank forms for the reports of teachers, directors, county superintendents and for other necessary purposes. The board shall have the general supervision of the territorial normal school whenever the same shall be established by law.

Third—To use a common seal, and elect one of their own members secretary.

Fourth—To order all printing that may be necessary to carry into effect the provisions of this act.

Fifth—To sit as a board of examination at their annual meetings and grant Territorial certificates and diplomas. Territorial certificates shall be granted only to such applicants as shall file with the board satisfactory evidence that they have taught successfully twenty-seven months, at least nine months of which shall have been in the public schools of this territory. The applicant must also either pass a satisfactory examination in all the branches required by law to be taught in the public schools of this territory, or file with the board a certified copy of a diploma from some state normal school, or of a state or territorial certificate from some state or territory, the requirements to obtain which shall not have been less than those required by this act. Territorial certificates shall be valid for five years, and shall entitle the holder to teach in any public school in the territory. They may be revoked at any time for cause deemed sufficient by the board, and may be renewed without examination. Life diplomas shall be granted only to such applicants as shall file with the board satisfactory evidence that they have taught successfully for ten years, not less than one of which shall have been in the public schools of this territory. In other respects the requirements shall be the same as those required for territorial certificates: but life diplomas shall be valid during the life of the holder, unless revoked for cause deemed sufficient by the board.

and shall entitle the holder to teach in any public school in the territory. The fee for territorial certificates shall be six dollars, and for life diplomas ten dollars. Said fees must be deposited with the application, and cannot be refunded to the applicant unless the application be withdrawn before it has been considered by the board. The fees collected shall be used for the payment of the incidental expenses of the board of education.

SEC. 13. It shall be the duty of the board of education to prepare annually a uniform series of questions to be used by the county board of examination in the examination of teachers of the territory.

SEC. 14. All certificates granted by the board of education may be revoked for immoral or unprofessional conduct.

SEC. 15. All needed stationery for the use of, and any printing authorized by the board, as well as all necessary traveling expenses of the members of the board, incurred in going to or returning from the place of meeting, shall be paid out of the territorial treasury, the accounts for the same to be presented by direction of the board, duly certified by the territorial superintendent to the territorial auditor, to be first audited and allowed by him and then certified to the territorial treasurer for payment. Each member of the board shall receive four dollars per day for the time actually employed in traveling to, attending and returning from, the meeting of the board: *Provided*, That the expenses of the whole board shall not exceed the sum of five hundred dollars in any one year.

SEC. 16. Whenever any vacancy in the board shall occur, whether by death, removal, resignation or otherwise, the governor shall fill the vacancy by appointment. All males and females over the age of twenty-one years, having the qualifications named in this act, shall be eligible to hold, or be elected to any office under this act.

TITLE III.

COUNTY SUPERINTENDENT.

SEC. 17. A county superintendent of common schools shall be elected in each county of the territory at each general election, who shall take the office on the second Monday in January next succeeding his election, and hold for two years, or until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county in a sum to be fixed by the board of county commissioners. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

SEC. 18. The county superintendent shall, on or before the first Monday in February and August of each year, apportion all school moneys to the school districts, in accordance with the provisions of this act. He shall certify to the several district clerks, the county treasurer and county commissioners the amounts so apportioned to the several districts; and the directors shall draw their warrants on the county treasurer in favor of persons entitled to receive the same. Such warrants shall show for what purpose the money is required.

SEC. 19. Each county superintendent shall have the power and it shall be his duty—

First—To visit each school in his county once a year.

Second—To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and teachers.

Third—To report to the superintendent of public instruction, annually, on the first day of August, for the school year ending June thirtieth, next preceding, giving the number of children of school age, the number of school houses, the number of school districts, the amount of money apportioned each year, the amount paid to teachers, the amount paid for school houses and furniture, and any other matter of interest connected with schools, or with the conduct and management of schools.

Fourth—To enforce the course of studies adopted by the board of education, and report to the superintendent of public instruction, the refusal of any board of directors to comply with clauses two and nine, of section 38 of this act.

Fifth—To enforce the rules and regulations required in the examination of teachers.

Sixth—To keep on file and preserve in his office the biennial report of the superintendent of public instruction.

Seventh—To keep in a good and well bound book, to be furnished by the county commissioners, a record of his official acts.

Eighth—To carefully preserve all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor.

SEC. 20. If the county superintendent fails to make a full and correct report to the superintendent of public instruction, of all statements required by law, he shall forfeit the sum of fifty dollars from his salary, and the board of county commissioners are hereby authorized and required to deduct therefrom the sum

aforesaid, upon information from the superintendent of public instruction that such reports have not been made.

SEC. 21. The county superintendent shall have power to administer oaths and affirmations to school directors, teachers and other persons, in all official matters connected with or relating to schools, but shall not make or collect any charge or fee for so doing, and shall be eligible to teach any school in the county in which he is selected to hold office.

SEC. 22. The county superintendent shall have power and it shall be his duty to appoint directors and district clerk for any district which, from any cause, fails to elect at the regular time; to appoint directors and district clerk to fill vacancies, to appoint directors and district clerks for any new districts: *Provided, however,* That when any new district is organized such of the directors and district clerk of the old district as reside within the limits of the new one, shall be directors and district clerk of the new one, and the vacancies in the old district shall be filled by appointment; that the county superintendent shall have power to call a school meeting at the request of a majority of the legal voters, when in his opinion the interests of education require it: *Provided,* That said request for such school meeting be first laid before the directors of the district, and action be thereon refused by them.

SEC. 23. It shall be the duty of the county superintendent to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the county commissioners, and if such boundaries are not plainly described on such records, then it shall be his duty to furnish to said board of county commissioners accurate boundaries of all school districts; and he shall keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described he shall change, harmonize and describe them, and make a report of said action to the county commissioners; and on being ratified by the county commissioners the boundaries and description so made shall be legal boundaries and descriptions of the districts of the county. The county superintendent shall furnish the district clerks with descriptions of the boundaries of their respective districts.

SEC. 24. Every county superintendent shall receive a salary of two hundred dollars per annum, and when the number of scholars shall exceed five hundred, then he shall receive the sum of five dollars for each additional one hundred scholars and three dollars for each school visited once during the year, together with mileage at the rate of ten cents per mile for going

to and returning from said school, to be paid quarterly in the same manner as the salaries of other county officers, upon his certifying to the county commissioners that he has actually discharged the duties required.

SEC. 25. Each county superintendent shall call to his assistance two persons holding the highest grade certificates in his county, and such persons, with the county superintendent, shall constitute a board for the examination of teachers. It shall be the duty of the county board of examination to be at the county seat on the second Wednesday of the months of May and November, for the purpose of examining teachers; the superintendent shall give ten days' notice of the same by posting up hand bills or otherwise; the superintendent shall also, at such time and place, transact such other business as properly appertains to his office. And any person or district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars. A proper allowance shall be made out of the county treasury for the necessary books, stationery and postage for the county superintendent's office: *Provided*, That such persons called to the assistance of the county superintendent shall receive three dollars per day for the time actually employed, and mileage at the rate of ten cents per mile: *Provided further*, That an examination which may take place in any of the counties prior to the passage of this act, or the knowledge thereof, shall be valid; or when advertisement of said examination shall have been made prior to the passage of this act, or knowledge thereof of said examination shall be valid until the succeeding examination, as prescribed in this act.

SEC. 26. There shall be three grades of county certificates, first, second and third. Unless revoked for cause, first grade certificates shall entitle the holder to teach for three years; second grade for two years and third grade for one year. No first grade certificate shall be granted until the applicant shall have filed with the county superintendent satisfactory written evidence of having taught successfully one school year of nine months. Boards of examination may in their discretion issue certificates without examination to the graduates of the normal department of the University of Washington Territory, or to any applicant, presenting a certified copy of a certificate of like grade, issued in this or any other state or territory. Those holding first grade county certificates, and who shall have been actually engaged in teaching for three years, shall be eligible to examination for first grade territorial certificates: *Provided*, That the county superintendent may upon proper examination grant permits to such persons who may desire to teach in his county, who were not

residents of the county, or who were unavoidably absent from the meeting of the county board of examination, and all permits so granted shall be good until the next meeting of the board: *Provided*, That any teacher holding a certificate in force and effect granted by any county board of examination in this territory shall be entitled to exercise all of the duties of teacher in any county of this territory upon presenting said certificate to the county superintendent of the county in which said certificate is desired to be used, whose duty it shall be to endorse it and said certificate shall be in full force and effect until the next meeting of the county board of education.

TITLE IV.

SCHOOL DISTRICTS.

SEC. 27. For the purpose of organizing a new district, or for the sub-division of, or change in the boundaries of an old one, except as provided in section twenty-three, at least five heads of families, residing within the boundaries of the proposed new district, must present a petition to the county superintendent, setting forth the boundaries of the new district asked for, or the change of the boundaries desired, with reasons for the same. The county superintendent shall give notice to parties interested by posting notices twenty days prior to the time of hearing in one of the most public places of the proposed new district, or change in the old one, and one on the school house of each district affected by said change, or if there be no school house, in one of the most public places of said district, and on the day fixed in the notice proceed to hear said petition, and if he deems advisable, to grant it and make an order fixing said boundaries. He shall report his action to the board of county commissioners, at their next regular session, and if they approve the same they shall cause to be entered in their minutes an order confirming said action and describing said boundaries. Said county superintendent shall post notices as provided above, of the hearing by said board of county commissioners upon his said action.

SEC. 28. No new district formed by the sub-division of an old one shall be entitled to any share of public money belonging to the old district, until a school has actually commenced by such new district: and unless within eight months from the action of the county superintendent and county commissioners, as provided in section 27, a school is opened, the action making a new district shall be void, and all elections or appointments of directors made in consequence of such action, and all rights and office of the parties so elected or appointed, shall cease and determine;

and all taxes which may have been levied in such old district, shall be valid and binding upon the real and personal property of new districts, and shall be collected and paid into the school fund of the old district.

SEC. 29. When a new district is formed, by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district after the payment of all outstanding debts at the time when school was actually commenced in such new district, and the county superintendent shall divide and apportion such remaining moneys, and such as may afterwards be apportioned, to the old district according to the number of school children resident in each district, for which purpose he may order a census to be taken.

SEC. 30. Whenever a district is formed, lying in two adjoining counties, the clerk of the district shall report to each county superintendent the number of children in the district residing in his county. In the same manner the directors and teachers shall make a distinct and separate report of all school statistics, and a teacher's certificate granted by the county superintendent of one county, shall be valid in either county.

SEC. 31. No school district shall be entitled to receive any apportionment of county school moneys unless the teachers employed in the schools of such district shall hold legal certificates or permits of fitness for the occupation of teaching, in full force and effect.

SEC. 32. No school districts shall be entitled to receive any apportionment of county school moneys which shall not have maintained public school for at least three months during the preceding year: *Provided*, That any new district formed by the division of an old one shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least three months.

SEC. 33. Districts having less than fifteen scholars between the ages of six and twenty-one years, shall be exempted from the requirements of the preceding section and may, by organizing and reporting to the superintendent according to law, draw their school money, without being required to comply with the provisions of the school law any further than the said organization, necessary report and regular enumeration of children are concerned and in such district two legal voters shall constitute a quorum to do business: *Provided*, That no warrant shall be drawn on the county treasurer for any money except the payment of teachers and if no school be kept for at least three months in such district

during the period of two years, the money so apportioned to the district shall revert to the general school fund of the county.

TITLE V.

SCHOOL DIRECTORS.

SEC. 34. The board of directors of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district or in their own names as directors of the district to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district, and all conveyances of real estate made to the district, or to the directors thereof, shall be made to the board of directors of the district and to their successors in office; said board in the name of the district shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

SEC. 35. An annual school meeting for the election of school directors and district clerk shall be held in each district on the first Saturday in November of each year, at the district school house, if there be one and if there be none or more than one, at a place to be designated by the board of directors. The directors shall post or cause to be posted written or printed notices thereof, specifying the day, time and place of meeting. All elections shall be by ballot, and the directors shall have power to determine the house in which the ballot box shall be kept open, having given due notice thereof in the posted notices of election. Every inhabitant, male or female, over the age of twenty-one years, who shall have resided in the school district for three months immediately preceding any district meeting, and who shall have paid, or be liable to pay any tax, except poll or road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote; and persons offering to vote may be challenged by any legally qualified school elector of the district, and the chairman of the board of directors shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such; that you are twenty-one years of age, according to the best of your information and belief; that you have resided in this district ninety days next preceding the election, and that you are a taxable resident of this school district, exclusive of road or poll tax, and that you have not before voted on this day." If he shall refuse to take oath his vote shall be rejected. Any person guilty of illegal voting, shall be punished as provided in

the general election law of the territory. The directors shall be the judges and inspectors of the election, and if they are not present at the time of opening the polls, then the electors present may appoint the officers of the election; a poll and tally list shall be kept by the clerk of the board of directors; and with the exceptions mentioned in this section, the elections shall be conducted as far as practicable in the form and manner of the general election. Any one of the old directors shall have power to administer to any director elect the oath of office, and the clerk of the election shall issue the certificate of election to any director elect, who shall forward it, with the oath attached or endorsed thereon, to the county superintendent of public schools.

SEC. 36. In all organized districts in which elections have been previously held, one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term, and the ballot shall specify the respective terms for which each director is to be elected. In new districts, acting under directors appointed by the county superintendent, three directors shall be elected for one, two and three years, respectively; directors elect shall take office immediately after qualifying; and shall hold office until their successors are elected and qualified; any director elect who shall fail to qualify within ten days after being elected, shall forfeit all right to the office, and the county superintendent shall appoint to fill the vacancy until the next annual school meeting.

SEC. 37. Whenever a new district is formed by the county superintendent and ratified by order of the board of county commissioners, within thirty days thereafter a special school meeting may be called by notice of any three legal voters of said district, and such meeting shall be conducted in a manner and form prescribed in this act, for the annual school meeting for the election of directors. Such new district shall be considered organized whenever two of the directors shall have qualified and the record of the district clerk shall be *prima facie* evidence of the legal organization of the district, and the district shall be designated by number.

SEC. 38. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be their duty:

First—To employ and for sufficient cause dismiss teachers, mechanics and laborers; and to fix, alter, allow and order paid their salaries and compensation.

Second—To enforce the rules and general regulations of the territorial board of education for the government of schools,

pupils and teachers, and to enforce the course of studies adopted by the board of education.

Third—To provide and pay for school furniture and apparatus and such other articles, materials and supplies, as may be necessary for the use of the school.

Fourth—To suspend or expel pupils from school, and in cities and towns to exclude from school all pupils under five years of age.

Fifth—To rent and furnish school houses.

Sixth—To build or remove school houses, purchase and sell school lots or other real estate when the directors are directed by a vote of the district so to do.

Seventh—To purchase personal property in the name of the district, and to receive, lease and hold for their district any or all real or personal property.

Eighth—To provide books for indigent children on the written statement of the teacher that the parents of such children are unable to purchase them.

Ninth—To require all pupils to be furnished with such books, as may have been adopted by the territorial board of education, as a condition to membership to the school.

Tenth—To exclude from school and from school libraries, all books and papers of sectarian or partisan character.

Eleventh—To open the school room for the use of summer and night schools, religious, political, literary, scientific, mechanical or agricultural societies and none other, under such regulations as the board of directors may adopt.

SEC. 39. Any board of directors shall be liable as directors in the name of the district for any judgment against the district for any salary due any teacher and for any debts legally due, contracted under the provisions of this act, and they shall pay such judgment or liability out of the school funds only, to the credit of the district.

SEC. 40. Any board of directors shall have power to make arrangements with the directors of an adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school money due by apportionment to such children to the district in which they may attend school.

TITLE VI.

SCHOOL DISTRICT CLERKS.

SEC. 41. It shall be the duty of the district clerk to record all proceedings of the annual meetings, or special school meetings, and to keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school

meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district, and of the action of the directors: and such record must always be open for public inspection.

SEC. 42. It shall be the duty of the district clerk to take, annually, between the tenth and thirtieth of June of each year, an exact census of all children and youth between the ages of five and twenty-one years, residing in the district, and shall specify the number and sex of such children, and the names of their parents or guardians. He shall state, specifically and separately, a census of all children under five years of age, and shall specify the number and sex of such children; but all children who may be absent from home, attending boarding school or any public or private schools or seminaries of learning, shall not be included by the school district clerk in the census list of the city, town, or district where they may be attending; such private institutions of learning, but they shall be enumerated in the district where their parents reside. He shall make a full report thereof, on blanks furnished for that purpose, under oath, to the county superintendent, on or before the first day of July thereafter, and deliver a copy to the school directors.

SEC. 43. The clerk of each district shall provide all school supplies authorized by the board of directors and shall keep the school house in repair and shall keep an accurate record of all expenses incurred by him on account of the school, which account shall be audited by a majority of the board of directors and paid out of the district school fund.

SEC. 44. It shall be the duty of every district clerk to report to the county superintendent, at the beginning of each term, the name of the teacher and the proposed length of the term, and supply the teacher with a school register.

SEC. 44½. The school clerk shall be paid three dollars per day for time actually and necessarily spent in taking the census, to be determined and paid by the directors out of the funds of the district and shall receive such other compensation for other services as may be allowed by the board of directors. Said account to be audited by the directors of said district.

TITLE VII.

DISTRICT MEETINGS.

SEC. 45. District school meetings, annual or special, shall be held at such time as may be designated in the notice therefor, and in all districts the polls shall be kept open at least four hours; *Provided*, That the polls shall in no case be open before 9 o'clock A. M.; nor keep open later than 8 o'clock P. M.: *Provided further*, That for such meetings, twenty days

notice shall be given by posting written or printed notices thereof, in five public places in such district, one of which notices shall be posted at the place of holding such meeting.

TITLE VIII.

TEACHERS.

SEC. 46. Every teacher employed in any public school shall make a report to the county superintendent, "at the time of the contract to teach such school the number of the district in which he is to teach, the grade of his certificate, date it expires, and the proposed length of term," and at the close of any school in the form and manner and on the blanks prescribed by the board of education. A duplicate of said report shall be furnished to the district clerk. Any teacher who shall end any term before the close of the school year, shall make a report to the county superintendent immediately after the close of such school term; and any teacher who may be teaching any school at the close of the school year shall, in his or her annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his or her service, until the reports herein required shall have been made and received: *Provided*, That in all schools acting under the direction of a city superintendent, the report of such superintendent shall be accepted by the county superintendent and directors, in lieu of teacher's report; and that when there is no city superintendent the report of the principal shall be accepted in lieu of teacher's report.

SEC. 47. Every teacher shall keep a school register, in the manner provided therefor, and no board of directors shall draw any warrant for the salary of any teacher for the last month of his or her service in the school, at the end of any term or year, until they shall have received a certificate from the district clerk that the said register has been properly kept, the summaries made and statistics entered, or until, by personal examination, they shall have satisfied themselves that it has been done. Teachers shall faithfully enforce in school the course of study and regulations prescribed by law, and if any teacher shall wilfully refuse or neglect to comply with such regulations, then the board of directors shall be authorized to withhold any warrant for salary due, until such teacher shall comply therewith. No teacher shall be entitled to draw for salary or school moneys unless such teacher shall be employed by a majority of the directors, nor unless the holder of a legal teacher's certificate or permit in full force and effect.

SEC. 48. In every contract, whether written or verbal,

between any teacher and board of directors, a school month shall be construed to be twenty school days, or four weeks of five days each, and no teacher shall be required to teach school on Saturdays, the first day of January, Christmas day, fourth of July, or any legal holiday, and no deduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

SEC. 49. Every teacher shall have power to hold every pupil to a strict accountability in school for any disorderly conduct on the way to or from school, or on the grounds of the school, or during intermission or recess; to suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported to the directors as soon as practicable, and their decision shall be final.

SEC. 50. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice, temperance and patriotism; to teach them to avoid idleness, profanity, and falsehood, and to instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties and dignity of American citizenship.

TITLE IX.

SCHOOLS.

SEC. 51. Every school, not otherwise provided for by special law, shall be open for the admission of all between the age of five and twenty-one years residing in that school district; and the board of directors shall have power to admit adults and children not residing in the district.

SEC. 52. All schools shall be taught in the English language, and instruction shall be given in the following branches, viz: Reading, writing, orthography, arithmetic, geography, English grammar, physiology and hygiene and history of the United States. Attention should be given during the entire course to the cultivation of manners, morals, to the laws of health, physical exercise, ventilation and temperature of the school room.

SEC. 53. No books, papers or other publications of a partisan, or denominational character shall be used or distributed in any school; neither shall any partisan or sectarian doctrine be taught therein: and any teacher who shall violate these provisions shall forfeit his permit or certificate for the period of one year.

SEC. 54. The school days shall be six hours in length, exclusive of any intermission at noon, but any board of directors may fix as the school day a less number of hours than six:

Provided, That it be not less than four for any primary school under their charge, and any teacher may dismiss any or all scholars under eight years of age, after an attendance of four hours a day, exclusive of an intermission at noon. No teacher or scholar shall be permitted to attend school from any house in which small-pox, varioloid, scarlet fever, diphtheria, or any other contagious or loathsome disease is prevalent. No teacher or scholar shall be permitted to return to school from any house where the above mentioned diseases or any of them have prevailed until three weeks shall have elapsed from the beginning of convalescence of the patient. In case several individuals have been affected with such disease within the same house, the period of time must be reckoned from the beginning of convalescence of the last case.

SEC. 55. All pupils, who may attend public schools, shall comply with the regulations established in pursuance of the law for the government of schools, shall pursue the required course of study, and shall submit to the authority of the teachers of such schools. Continued and wilful disobedience and open defiance of authority of the teachers shall constitute good cause for expulsion from school. Any person who shall in any way cut, deface or otherwise injure any school house furniture, fence or out building thereof shall be liable to suspension and punishment, and the parents or guardian of such pupil shall be liable for damage on complaint of the teacher or any director, and upon proof of the same.

SEC. 56. The school year shall begin on the first day of July and end on the last day of June.

TITLE X.

SUPPORT OF SCHOOLS.

SEC. 57. The principal of all moneys accruing to the Territory from the sale of any lands, which have been, or may hereafter be given by congress of the United States for school purposes, shall constitute an irreducible fund, the interest accruing from which shall be annually divided among all the school districts of the territory, proportionately to the number of children in each between the ages of five and twenty-one years, for the support of common schools and for no other purpose whatever.

SEC. 58. For the purpose of establishing and maintaining public schools, it shall be the duty of the county commissioners of each county to levy an annual tax, not less than three and not more than six mills on the dollar, on all taxable property within their respective counties, as shown by the assessment roll made by the county assessor for the same year, and to include the same in their warrant to the collector, and the said collector

shall proceed to collect said tax in the same manner as the other taxes are collected, and the said money so collected, shall be paid to the county treasurer, to be drawn in the manner prescribed in this act. For the support of the common schools there shall be set apart by the county treasurer, all moneys paid into the county treasury, arising from fines for a breach of any law regulating license for the sale of intoxicating liquors, or for keeping of bowling alleys, or billiard saloons or of any penal laws of the territory.

SEC. 59. It shall be the duty of the auditors of the several counties of the territory to make a report to the county superintendent of common schools within the counties, the first Monday in July of each year, of the school tax levied, and the assessed valuation of their counties for that year, and it shall be the duty of the clerk of the district court at the close of every term thereof, to report to the county superintendent of the county in which said term shall have been holden, whether or not any fines, and if any, what, with the date of which the same were paid to the county treasurer, and all officers mentioned in this act, who shall fail or neglect to perform any of the duties required by this act, shall be deemed guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction, shall be fined in any sum not less than twenty dollars and not more than one hundred dollars, for each neglect and such fine shall be paid into the county treasury for the benefit of common schools in said county.

TITLE XI.

UNION OR GRADED SCHOOLS

SEC. 60. Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school, the clerks of said districts shall, upon a written application of five voters of their respective districts, call a meeting of the voters of such districts at some convenient place by posting up written notices in like manner as provided for calling district meetings, and if a majority of the voters of each of such districts shall vote to unite for the purpose herein stated, they shall at their meeting, or at any adjourned meeting, elect three directors and a clerk for such union district. Single districts containing two hundred or more children, entitled to draw public money, may in like manner, organize a graded school district.

SEC. 61. The board of directors provided for in the preceding section shall, in all matters relating to graded schools, possess all the power, discharge all the duties and be governed by the laws herein provided for district directors, and they shall

be elected in the same manner as provided in the preceding section.

SEC. 62. The union district thus formed shall be entitled to an equitable share of the school fund, to be drawn from the county treasury in proportion to the number of children attending such graded schools for each district.

TITLE XII.

GRADED SCHOOLS IN INCORPORATED CITIES OR TOWNS.

SEC. 63. That each incorporated city or town in this territory shall be comprised in one district and under one board of school directors, and in all such cities or towns, where the enumeration of school children entitled to draw school money is three hundred or more, the directors shall be required to adopt the graded system of teaching in their schools; *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town districts a reasonable distance outside the limits of such incorporated city or town: *And provided further*, That the schools of such cities and towns may be graded in such manner as the directors thereof may deem best suited to the wants of such districts. But no other language than the English, nor mathematics higher than algebra, shall be taught in such graded schools.

SEC. 64. The directors of incorporated city or town districts may, in their discretion, elect one city or town school superintendent in each district, who may be a teacher of the district, and who shall have the control or management of all the schools in his district, subject to the concurrence of the board of directors.

SEC. 65. It shall be the duty of the city or town superintendent to visit all the common schools in his district as often as twice in every month during school terms, and to see that all requirements of the school law and the board of directors are enforced.

SEC. 66. The directors of any school district, composed of any incorporated city or town, shall, when in their opinion it is necessary, levy a special tax of not exceeding ten mills in any one year, for the purpose of building school houses or purchasing school sites, which tax shall be levied and collected as provided in the general school law: *Provided*, That no special school tax shall be levied or assessed in any district until the same shall have been submitted to the qualified voters of such districts as required by law, and a majority of the votes cast shall be in favor of such tax: *Provided further*, That in

making such levy the directors shall use as a bases for such levy the last assessment made by the county assessor for county purposes.

SEC. 67. The directors of such district may also have power to levy a special tax of not exceeding five mills in any one year, for tuition purposes in their district as provided by law: *Provided*, That such tax shall be levied in accordance with the provisions of section 66 of this title.

SEC. 68. When two or more districts in any town or city are united by the provision of this act, all the directors of the district so united shall act as directors of the said new district, and shall have all the powers and authority conferred by the laws of this territory upon school directors, and they may designate the person to act as clerk of said district until the next annual school meeting in said district, at which time there shall be three directors and one clerk [elected] for said district, in the manner provided by law, who shall hold their respective offices as provided for officers of new districts.

SEC. 69. Districts thus formed shall be entitled to their full share of public school fund moneys, to be drawn from the county treasury in proportion to the school enumeration of such districts.

SEC. 70. Directors failing to organize their districts as herein provided, within one hundred and twenty days after the passage of this act, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding five hundred dollars, provided they are supplied with sufficient money to organize the same.

TITLE XIII.

SCHOOL OFFICERS.

SEC. 71. When any school officer or teacher is superseded by election or otherwise, he shall immediately deliver to his successor in office, all books, papers and moneys pertaining to his office, and every such officer who shall refuse to do so, or who shall wilfully mutilate or destroy any such books or papers, or any part thereof, or who shall misapply any moneys entrusted to him, by virtue of his office, shall be deemed guilty of a misdemeanor and shall be punished by a fine in the discretion of the court, not to exceed one hundred dollars.

SEC. 72. Every person elected or appointed to any office mentioned in this act, shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States, the organic act of the territory, and to promote the interests of education, and faithfully

discharge the duties of his office according to the best of his ability. In case any officer has a written appointment or commission, his oath or affirmation shall be endorsed thereon, and sworn to, before any officer authorized to administer oaths. School officers are hereby authorized to administer all oaths or affirmations, appertaining to their respective offices, without charge or fee.

SEC. 73. No school director or other school officer shall be directly or indirectly interested in any contract that may be made by a board of which he is a member. Any contract, made in violation of this provision, shall be null and void.

SEC. 74. All fines and penalties not otherwise provided for in this act, shall be collected by an action in any court of competent jurisdiction, and shall be paid into the school fund immediately after collection.

SEC. 75. Any parent, guardian or other person, who shall insult or abuse a teacher in the presence of the school or anywhere on school grounds or premises shall be deemed guilty of a misdemeanor, and liable to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 76. Any person who shall wilfully disturb any public school or public school meeting, shall be guilty of a misdemeanor and liable to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 77. In case any district clerk shall fail to take census provided for in this act at the proper time, and if, through such neglect, the district shall fail to receive its apportionment of school moneys, the said district clerk shall be individually liable to the district for the full amount so lost, and it may be recovered in a suit brought by any citizen of such district in the name of, and for the benefit of such district.

SEC. 78. All cases of disputes, in relation to school matters, not properly belonging to courts of justice, may be referred first to the county superintendent, and appealed to the territorial superintendent, whose decision shall be final.

TITLE XIV.

TEACHERS' INSTITUTES.

SEC. 79. Each superintendent of the common schools of any county in this territory, containing five hundred census children, shall hold once a year, a county institute, of not less than three days, at which instruction shall be given in the best method of teaching in the branches required by law to be taught in the public schools, and the county commissioners may appropriate

for the expenses of the institute, a sum not exceeding one hundred dollars annually; counties having less than five hundred census children may, at the option of the county superintendent, unite with any neighboring county for the purpose of holding an institute. All teachers in the county, where the institute is held, shall be required to attend such institute during its full time; but a strict record shall be kept of the attendance, absence or tardiness at each day's session of the institute, and the county superintendent shall, at the close of the institute, transmit the record of any teacher to the clerk of the district where said teacher may be at the time employed; and said teacher so absenting himself shall forfeit one dollar for each day's absence.

TITLE XV.

SPECIAL TAXES.

SEC. 80. The board of directors of any district, may, when in their judgment it is advisable, submit to the qualified school electors of the district, the question whether a tax shall be raised to furnish additional school facilities for said district, or for building one or more school houses, or for removing, or building additions to one already built, or for the purchase of supplies, globes, maps, charts, books of reference and other appliances or apparatus for teaching, or for any or all of these purposes. Such election shall be called as provided by section 45 of this act, and it shall be in all other respects as nearly as practicable in conformity with the general election law. At such elections the ballots shall contain the words "tax yes," or "tax no." If the majority of votes cast as [are] "tax yes," the officers of election shall certify the fact to the district clerk, who shall proceed at once to copy from the assessment roll of the county the lists of property liable to taxation, situated in, or owned by residents of the district, and shall deliver the same to the board of directors, who may allow him a reasonable compensation therefor, out of the proceeds of said tax; said compensation not to be more than four dollars per day. The directors shall upon receiving the roll deduct ten per cent. therefrom for anticipated delinquencies, and dividing the sum voted together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required, and the rate ascertained (using the full per cent. on each one hundred dollars instead of the fraction) shall be, and is hereby levied and assessed to, on or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid, and if not paid within the time limited by the next section for its payment, shall be recovered by suit in the

same manner, and with the same costs, as delinquent territorial and county taxes: *Provided*, That not more than two meetings shall be held in any one year under the provisions of this section: *Provided further*, That no special tax shall in any one year exceed ten mills on each dollar of taxable property in the district as appears by the last annual assessment.

SEC. 81. As soon as the rate of taxation has been determined, as provided in the last preceding section, the directors shall certify the same to the county auditor, who shall extend the same upon the general assessment roll of the county and certify the same to the county treasurer who shall proceed to collect the tax in the same manner and at the same time and with the same power and authority to enforce payment of the same as in the case of county and territorial taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs, and shall receive a compensation for collecting the same such sum not more than two per cent. of the tax collected, as may be allowed by the county commissioners; such compensation to be paid from the amount of said district tax so collected: *Provided*, That such commission shall not be paid when a county treasurer receives a salary in lieu of commissions.

SEC. 82. All school moneys apportioned by county superintendents of common schools shall be apportioned to the several districts in proportion to the number of school children between five and twenty-one years of age as shown by the returns of the district clerk for the preceding year, and make a full report of said apportionment to the commissioners: *Provided*, That Indian children, who are not living under the guardianship of white persons or American citizens, shall not be included in the apportionment list, excepting those whose parents have severed their tribal relations or own real estate in the district subject to taxation.

TITLE XVI.

COUNTY TREASURER.

SEC. 83. It shall be the duty of the county treasurer of each county,

First—To receive and hold all school moneys, as a special deposit, and keep a separate account of their disbursements to the school districts, which shall be entitled to receive them according to the apportionment of the county superintendent of common schools.

Second—To notify the county superintendent of common

schools of the amount of county school fund in the county treasury whenever required, and to inform said superintendent of the amount of school money belonging to any other fund subject to apportionment.

Third --To pay the amount of county school tax levied and such other moneys paid into the school fund on the warrants of directors whenever such warrants are countersigned by the district clerk and properly endorsed by the holders.

Fourth--To make, annually, on the first of August of each year, a financial report, for the last preceding school and fiscal year ending with June 30, to the county superintendent of common schools in such form as may be required by law.

TITLE XVII.

MISCELLANEOUS.

SEC. 84. Whenever the word he or his occurs in this act referring to either superintendents, directors or teachers, it shall be understood to mean also she or her.

SEC. 85. Any series of text books adopted by the board of education shall remain in use not less than five years.

SEC. 86. Any teacher who shall maltreat or abuse any pupil by administering any undue or severe punishment, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

SEC. 87. All applicants for certificates shall be examined in reading, writing, orthography, arithmetic, geography, English grammar, physiology, hygiene, history of the United States, school law of the territory and the theory and practice of teaching.

SEC. 88. All school districts in the territory shall maintain schools during at least three months each school year. All graded school districts not in incorporated towns and cities shall maintain school at least six months and no district which has been organized more than one year, shall receive any portion of the school fund which has not during the school year, next preceding, complied with the provisions of this section.

SEC. 89. All guardians and other persons in this territory having, or who may hereafter have, the immediate custody of any child or children between the ages of eight and eighteen years, shall send the same to school at least three months in each year, said child or children may remain under their supervision: *Provided*, That if the person having the custody of said child shall not be able to pay for its education as provided for in this sec-

tion, and shall satisfy the directors of the fact, such child shall be admitted free of cost.

SEC. 90. All time lost to any child in consequence of a school not being taught the required length of time, or from any other good reason, shall be made up the ensuing year, or so soon as such disability is removed and a school is taught a sufficient time in their district to allow of such amend.

SEC. 91. In all cases where any person having the custody of any child shall fail to send said child to school the required length of time, provided that an opportunity has offered, and no good reason can be shown for the failure, then said person shall pay to the district clerk of his school district, on the presentation of a warrant from the school directors, the sum of one hundred dollars, to be incorporated into the school fund and used for school purposes in said district; but the county commissioners shall have power to remit fines arising by virtue of this act, when in their opinion justice demands a remission.

SEC. 92. It shall be the duty of the directors of schools to examine the school schedules and make out and present to the clerk of the school district, on or soon after the first day of November of each year, warrants for all money forfeited under this act for the year ending on the day above mentioned, and the time for collection specified in said warrants shall not extend beyond the first day of January of the succeeding year.

SEC. 93. Clerks of school districts shall have the same power to collect percentage for collecting money accruing under this act, that they already have for collecting other school money; and they shall report to the probate judge before the first day of December of each year the name and residence of every orphan child that failed to attend school, as herein required, and the probate judge shall have power to remove such child and place it in the care of some other person who shall be likely to comply with the requirements of this act.

SEC. 94. All acts and parts of acts, upon any subject matter contained in this act, shall be and the same are hereby repealed: *Provided*, That the provisions of an act entitled "An Act relating to the study of physiology and hygiene in the public schools of Washington Territory and educational institutions receiving aid from the county and territorial treasury," Approved December 23, 1885. Shall be and remain in full force, any provisions of this act to the contrary notwithstanding.

SEC. 95. This act shall take effect and be in force from and after its passage and approval.

Approved Feb. 4, 1886.

AN ACT

TO AMEND SECTION 18 OF AN ACT ENTITLED AN ACT TO AMEND THE COMMON SCHOOL LAW OF THE TERRITORY OF WASHINGTON, APPROVED A. D. 1886.

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

SECTION 1. That section 18 of an act entitled an act to amend the common school law of the Territory of Washington approved A. D. 1886, be amended to read as follows

SEC. 18. The county superintendent shall on or before the first Monday in January, April, July and October of each year, apportion all school moneys to the school district, in accordance with the provisions of this act. He shall certify to the several district clerks and to the county treasurer the amount so apportioned to the several districts; and the directors shall draw their warrants on the county treasurer in favor of persons entitled to receive the same. Such warrants shall show for what purpose the money is required.

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

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

Approved February 4, 1886.

AN ACT

RELATING TO THE STUDY OF PHYSIOLOGY AND HYGIENE IN THE PUBLIC SCHOOLS OF WASHINGTON TERRITORY AND EDUCATIONAL INSTITUTIONS RECEIVING AID FROM THE COUNTY OR TERRITORIAL TREASURY.

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

SECTION 1. That physiology and hygiene which shall in each division of the subject so pursued, include special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, shall be included in the branches of study now required by law to be taught in the common schools of this territory, and shall be introduced and studied as a regular branch in the same manner and be governed by the same rules which govern the study of any other branch, and shall be so studied

by all pupils in all departments of the public schools of the territory, and in all educational institutions supported wholly or in part by money from the county or territorial treasury.

SEC. 2. Upon complaint in writing being made to any county superintendent of common schools by any district or school clerk, or by any head of a family, that the board of school directors of the district in which such school or district clerk shall hold his office or said head of family shall reside, have failed to make provisions for the teaching of physiology and hygiene as provided in section one of this act in the public schools of such district, or have failed to have the same taught in the public schools of such district as provided in said section one, it shall be the duty of such county superintendent to at once investigate the matter of such complaint and if the facts therein complained of are found by him to be true, he shall immediately notify the county treasurer of the county in which such school district is located, and after the receipt of such notice, it shall be the duty of such county treasurer to refuse to pay any warrant drawn upon him by the board of directors of such district subsequent to the date of such notice, and until he shall be notified to do so by such county superintendent. Whenever it shall be made to appear to the said county superintendent and he shall be satisfied that the board of directors of such district are complying with the provisions of said section one of this act, and are causing physiology and hygiene to be taught in the public schools of such district as provided in said section one, he shall notify said county treasurer and said treasurer shall thereupon honor the warrants of said board of directors.

SEC. 3. Upon complaint in writing being made to the superintendent of public instruction by two or more heads of families having children attending any educational institution supported wholly or in part by money from the territorial treasury, that any such educational institution has failed to make provisions for the teaching in such institution, of physiology and hygiene as provided in section one of this act, or has failed to have the same taught therein as provided in said section one, it shall be the duty of such superintendent of public instruction to at once investigate the matter of such complaint and if the facts therein complained of are found by him to be true, he shall immediately notify the territorial treasurer, and after the receipt of such notice it shall be the duty of such territorial treasurer to refuse to pay any warrant drawn upon him by or on account of such educational institution subsequent to the date of such notice, and until he shall be notified so to do by such superintendent of public instruction. Whenever it shall be made to appear to the said superintendent of public instruction and he

shall be satisfied that such educational institution is complying with the provisions of said section one of this act and is causing physiology and hygiene to be taught in such institution as provided in said section one, he shall notify said territorial treasurer and said treasurer shall thereupon honor the warrants of such educational institution.

SEC. 4. Any county superintendent of common schools or any superintendent of public instruction, who shall fail or refuse to comply with the provisions of this act, or to perform the duties imposed upon him by this act, shall be liable to a penalty of one hundred dollars, to be recovered in a civil action in the name of the territory in any court of competent jurisdiction, and the sum recovered shall go into the common school fund of the county or territory, as the suit may be against a county superintendent or the superintendent of public instruction, and it shall be the duty of the prosecuting attorneys of the several counties in the territory to see that the provisions of this section are enforced.

SEC. 5. No certificate shall be granted to any person to teach in the public schools of this territory, or in any educational institution receiving money from the territorial treasury, after the thirtieth day of June A. D. 1887, who has not first passed a satisfactory examination in the manner now provided by law for the examination of teachers in the public schools in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

SEC. 6. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after the first day of July A. D. 1886.

Approved December 23, 1885.

AN ACT

TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN THE SEVERAL ELECTION PRECINCTS OF WASHINGTON TERRITORY, WHENEVER A MAJORITY OF THE LEGAL VOTERS OF ANY SUCH PRECINCTS, AT AN ELECTION TO BE HELD FOR THAT PURPOSE, SHALL VOTE IN FAVOR OF THE PROHIBITION OF THE SALE OF SUCH LIQUORS IN THEIR RESPECTIVE PRECINCTS.

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

SECTION 1. That in construing this act, the singular num-

ber includes the plural, and the plural the singular number. Nouns and pronouns of the masculine gender include the feminine gender. That the term "intoxicating liquor," whenever used herein, shall be construed to mean and include all spirituous, vinous and malt or other fermented liquors, and all intoxicating bitters. The word "sale" shall be construed to include "barter" and "exchange."

SEC. 2. That on presentation to the board of county commissioners of any county in this territory of a petition signed by not less than fifteen electors, residents of any election precinct in said county, praying for the submission to the electors of said election precinct of the question of prohibiting the sale of intoxicating liquor in such election precinct, it shall be the duty of such board of county commissioners to order and call an election for that purpose in such election precinct on the fourth Monday in June, A. D. 1886, and at the other times herein provided for, to express the views of the electors of such precinct, whether or not intoxicating liquors should be sold therein.

SEC. 3. The petition mentioned in section two of this act must be presented at the session of the board of county commissioners in May, A. D. 1886, or at the May session of said board in any even numbered years thereafter and upon presentation of the same it is made the duty of said board of county commissioners to order and call an election in each election precinct, petitioning therefor, to be held on the fourth Monday in June, A. D. 1886, and at the other times herein provided, to express the views of the electors, whether or not intoxicating liquors should be sold in the petitioning election precinct.

SEC. 4. At the session of the board of county commissioners of each county, in May, A. D. 1888, and at the May session of said board in any even numbered year thereafter, but not oftener, on the presentation of a like petition mentioned in section two of this act, the question of prohibiting the sale of intoxicating liquor in any election precinct petitioning for the same, shall by such board of county commissioners be submitted, and on the fourth Monday in June following the presentation of such petition an election shall be held in such petitioning election precinct to express the views of the electors on such question. In such subsequent election the provisions of this act shall apply and govern to the same extent as they apply to the first election hereunder.

SEC. 5. The order for an election under this act, filling the blanks to correspond to the facts may be in substance as follows, *to wit*: "A petition of the requisite number, of electors as provided in the Local Option Act having been presented to the board of county commissioners of — county, Washington

Territory at their May session — by the electors of — election precinct of said county, it is now ordered by said board that an election as provided in said act be held at — in said election precinct on the fourth Monday in June, — to express the views of the electors whether or not intoxicating liquors should be sold in said election precinct.” A copy of such order printed or written, certified by the auditor, shall be posted up at the polling places named in said order at least ten days previous to such election, and if a weekly newspaper is published in such county, a similar copy of said order shall be published in such paper one time at least after the same is made and before such election. If more than one such paper is published in such county, then in such paper as the county auditor may select. If no such paper is published in said county, the order may, at the option of the auditor, be published in a newspaper of this territory, having circulation in such county. Proof of the posting or publication of such order may be made by any person having knowledge of the facts.

SEC. 6. The qualifications of electors under this act shall be the same as those prescribed by the general election law of the territory for other elections: but no elector shall vote under this act in any election precinct save that in which he resides at the time he offers to vote, and such elector shall, in addition, have resided in said election precinct at least sixty days immediately prior to such election. The time of keeping open the polling places, and the manner of conducting the election under this act, shall be the same as prescribed in the general election law for other elections. Inspectors and judges to conduct the elections under this act shall be appointed by the board of county commissioners at the time they order such election, and they shall possess the same qualifications as prescribed under the general election law of the territory in other elections, and vacancies in such election boards may be filled as under the general election law, and clerks shall be appointed for such election as provided in the general election law of the territory. Officers of the election shall qualify as under the general election law, and they shall perform the same duties and possess the same powers in conducting said election, as similar officers possess and perform under the general election law of the territory in conducting an election under said general law. The votes shall be counted and the result declared as provided in other elections under the general election law. The manner of counting and keeping a record of the votes cast, certifying and preserving the result of such election, shall, as far as practicable, be the same as in other elections under the general election law, and the certificates showing the result of the election under this

act shall be signed by the clerks, the judges, and inspectors as provided in other elections under the general election law, and the certificates, ballots, poll-lists, tally-papers and oaths of inspectors, judges, and clerks, shall be sealed up and sent to the auditor of the county, or delivered to him as in other elections under the general election law of the territory. The same penalties and punishment for perjury, or for unlawfully certifying to returns, or doing or performing any act or thing made unlawful touching other elections under the general laws of the territory, shall apply and be in force touching this act, unless otherwise provided for in this act. The auditor of the county shall furnish the poll-books, certificates and blanks necessary to conduct an election under this act, and the expenses of canvassing and making returns and conducting elections hereunder, shall be paid in the same manner as under the general election law.

SEC. 7. That those who favor the prohibition of the sale of intoxicating liquor in the election precincts, where elections under this act are held, shall have written or printed on their ballots, the words "For Prohibition," and those who favor the sale of intoxicating liquor in such election precincts shall have written or printed on their ballots the words "Against Prohibition."

SEC. 8. Each incorporated city and town in this territory for the purposes of this act, shall be deemed to be but one election precinct, but if any outlying territory adjacent to said city or town is not included in any other election precinct, save that in which said city or town is situated in whole or in part, the electors residing in such outlying and adjacent territory shall be deemed for the purposes of this act electors of such city or town, and such city or town, and such outlying and adjacent territory shall constitute an election precinct for the purposes of this act. For the convenience of electors mentioned in this section, two or more polling places for any election held under this act, may be established by the board of county commissioners at the time of calling an election under this act, and at the same time inspectors and judges of election for such polling-places shall be appointed by said board of county commissioners.

SEC. 9. On the tenth day after any election, under this act, or as soon as the auditor of the county shall have received the returns from the election precincts in which an election has been held under this act, if he receives all such election returns within that time he shall notify two county officers, one of whom shall be the judge of probate, to be present at the office of said auditor on a day named by him not more than twenty days after such notice, for the purpose of canvassing the votes cast at the

election in the election precincts of the county where elections under this act have been held, and it shall be the duty of the judge of probate present, as one of the canvassers of said election returns, to administer the following oath, or affirmation, to the county auditor having in his possession the said election returns: "I do solemnly swear (or affirm) that the returns purporting to be the election returns at the Local Option election of the several election precincts in this county, where elections were held under the Local Option act, have been in nowise altered, and that they are the same as when I received them, so help me God." The said oath to be in writing, signed by said auditor and filed by the person administering the same in the probate office of said county. If from any cause said probate judge fails to attend at said canvass of returns, a justice of the peace of said county shall be called in to fill said vacancy, and said justice shall perform the same duties as imposed on said probate judge. After said oath has been administered, the said auditor, with the said two county officers shall proceed to canvass and tabulate said election returns, keeping the result of the votes of each precinct separate, so as to show the name of such precinct, the number of votes cast therein "for prohibition" and the number of votes cast "against prohibition." To such tabulated statement they shall affix their certificates in substance as follows: "We, the undersigned —, auditor of — county, Washington Territory, and —, holding the office of —, in said county, and —, holding the office of —, in said county do certify that the foregoing (or annexed) tabulated statement is a true and correct statement of the result of the Local Option election held in the county of —, on the — day of —, as appears from the returns of said election, produced by the auditor of said county to us, and canvassed by us on the — day of —." The auditor shall immediately cause said tabulated statement, with the certificate of said canvassers to be recorded in the book in which he records the proceedings of the board of county commissioners, and shall file in his office the original tabulated statement. The said tabulated statement from the time it is certified shall be notice to all the world of the matters therein stated. Said tabulated statement, or a copy of said tabulated statement, or a copy of the record of said tabulated statement, said copies being certified to be correct copies by the auditor, shall be received in evidence in all the courts of this territory.

SEC. 10. Should the result of any election under this act be in favor by a majority vote of the prohibition of the sale of intoxicating liquor in any election precinct in this territory, then it shall be unlawful for the board of county commissioners of the county in which said election precinct is situated, or for

the city council of any city or board of trustees of any town, or any other authority, authorized by any law of this territory, to grant licenses for the sale of intoxicating liquor in said territory, to grant or give a license for the sale of intoxicating liquor to any person, firm, or corporation, to sell, barter or dispose of intoxicating liquor in the election precinct voting in favor of prohibition of the sale of intoxicating liquor in such precinct, and any license to sell, or dispose of intoxicating liquor in violation of this section shall be void, and shall confer no rights or privileges to the holder thereof in election precincts where the electors have voted by a majority vote in favor of prohibition.

SEC. 11. On canvassing and certifying the results of elections as provided in section nine of this act, all licenses for the sale of intoxicating liquor theretofore granted by any authority in this territory, shall, in all precincts voting in favor of prohibition by a majority vote, be, from and after certifying such results, terminated and at an end, and shall not thereafter confer or give to the holder of such license the right to sell intoxicating liquor in any election precinct, declaring, as in this act provided, by a majority vote in favor of prohibition of such sale; and the authority which issued such license shall refund to the holder of such license, a sum in proportion as the whole sum paid is to the unexpired term of such license, so that the holder shall pay only for the proportion of the term expired.

SEC. 12. The sale of intoxicating liquor by druggists or apothecaries for sacramental, scientific, mechanical or medicinal purposes in election precincts where the electors have expressed themselves in favor of prohibition, as in this act provided, shall be lawful only when the person desiring to purchase intoxicating liquor from such druggist or apothecary for sacramental, scientific, mechanical or medicinal purposes shall, if such liquor be desired for a sacramental, scientific, or mechanical purpose deliver to such druggist or apothecary at the time of receiving such intoxicating liquor a written or printed statement of the applicant as in this section provided, or, if such liquor be desired for a medicinal purpose, a written or printed prescription made and signed by a physician, lawfully practicing his profession in the county wherein said druggist or apothecary carries on his business. The written or printed statement of the applicant and the written or printed physician's prescription must set forth the particular purpose for which such liquor is required, the kind and quantity desired, and that it is not intended as a beverage, nor to sell, nor to give away, and when desired for a medicinal purpose, the said prescription shall contain the foregoing particulars, and in addition thereto shall state that the liquor is necessary and actually needed for a patient named. No statement or

prescription shall cover more than one purpose. There shall be but one delivery and one sale on any one prescription or statement: *Provided*, That druggists and apothecaries shall be permitted to sell intoxicating liquor to any regular and lawfully practicing physician who is engaged in the practice of his profession, upon the written or printed statement of such physician, that such liquor will be used only for medicinal purposes by such physician. Every statement or prescription provided for in this section must be signed by the applicant or physician. It shall be retained by the druggist or apothecary for the period of at least one year, and when required by any court having jurisdiction of offenses under this act, it shall be produced before such court by said druggist or apothecary, and failure to produce the same when required by such court, shall be deemed to be a contempt of court, and shall be punished accordingly. These statements and prescriptions herein mentioned shall be open to the inspection of the judge of the district court, the probate judge, the prosecuting attorney, justices of the peace, the sheriff, constables or any other peace officer of the territory, or of any city or town therein at all reasonable business hours. No druggist or apothecary shall permit any person purchasing intoxicating liquor from him, to drink the same at the place of business of such druggist or apothecary, or in any room or place connected therewith. Any druggist or apothecary, by himself or agent violating the provisions of this section, either by selling or disposing of intoxicating liquor without receiving the statement or prescription in this section required, or by disposing of intoxicating liquor more than once on such statement or prescription, or by suffering or permitting the persons receiving such liquor on said statement or prescription to drink the same at any place herein forbidden, or by selling or disposing of intoxicating liquor, for any other than sacramental, scientific, mechanical, or medicinal purposes, shall be deemed guilty of a misdemeanor, and for each offense shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned not to exceed six months. Any person not a druggist or apothecary who shall sell intoxicating liquor in any election precinct, where the electors under this act have expressed themselves in favor of the prohibition of such sales, shall be deemed guilty of a misdemeanor, and on conviction for each offense shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned not to exceed six months.

SEC. 13. If any person shall in any statement, or in any prescription given or made by him under this act, falsely state or suggest the purpose for which such intoxicating liquor is required or shall use the intoxicating liquor obtained on such

statement or prescription for any other purpose than that stated in such statement or prescription, he shall be deemed guilty of a misdemeanor and for each offense shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned not to exceed six months.

SEC. 14. Irregularities in the petitions for elections under this act or in the ordering of elections hereunder, or in the publication or posting of orders or notices or in any other respect, shall not be inquired into by any court in any suit or prosecution, or proceeding under this act or any other act; but the tabulated statement of the canvassers provided for in section nine of this act shall be conclusive of the facts therein stated, and of the regularity of all proceedings antecedent thereto.

SEC. 15. This act may be cited in all proceedings thereunder or in any proceeding, suit or action, civil or criminal, by the short title of the "Local Option Act."

SEC. 16. This act shall control in so far as it conflicts with any general or local law already enacted, or hereafter to be enacted, and to the extent of its provisions so conflicting shall be deemed a modification of such general or local law, unless in such law the Legislature expressly declare a contrary intent.

SEC. 17. Sections twelve and thirteen of this act shall be given especially in charge to the grand jury at each and every term of the several district and county courts in this territory by the judge of such courts, and said grand jury shall be instructed to inquire of all offenses against this act. The grand jury may in any indictment found under this act, make separate counts for separate offenses committed in violation of this act by the person indicted and embrace the several counts so made in one indictment, and said separate offenses when so charged shall be tried together in one trial under such indictment.

SEC. 18. Any person voting under this act, who is not an elector in the precinct in which he votes as defined by this act, or any person voting or offering to vote, at any election held under this act, more than once on the same day shall be deemed guilty of a misdemeanor, and for each offense shall be fined not to exceed one hundred dollars, to which may be added imprisonment not exceeding one year.

SEC. 19. This act shall be in force from and after its approval by the Governor.

Approved January 25, 1886.

AN ACT

IN RELATION TO ATTACHMENTS AND GARNISHMENTS.

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

SECTION. 1. The plaintiff at the time of commencing an action, or at any time afterward before judgment, may have the property of the defendant, or that of any one or more of several defendants, attached in the manner hereinafter prescribed, as security for the satisfaction of such judgment as he may recover.

SEC. 2. The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or some one in his behalf, shall make and file with such clerk, an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought, and the action is not prosecuted to hinder, delay or defraud any creditor of the defendant; and either;

1. That the defendant is a foreign corporation; or
2. That the defendant is not a resident of this territory; or
3. That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or
4. That the defendant has absconded or absented himself from his usual place of abode in this territory, so that the ordinary process of law cannot be served upon him; or
5. That the defendant has removed or is about to remove any of his property from this territory, with intent to delay or defraud his creditors; or
6. That the defendant has assigned, secreted or disposed of, or is about to assign, secrete or dispose of, any of his property with intent to delay or defraud his creditors; or
7. That the defendant is about to convert his property, or a part thereof into money for the purpose of placing it beyond the reach of his creditors; or
8. That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or
9. That the damages for which the action is brought are for injuries arising from the commission of some felony, or for the seduction of some female.

SEC. 3. An action may be commenced and the property of a debtor may be attached previous to the time when the debt becomes due, when nothing but time is wanting to fix an

absolute indebtedness, and when the affidavit, in addition to that fact, states;

1. That the defendant is about to dispose of his property with intent to defraud his creditors; or

2. That the defendant is about to remove from the territory, and refuses to make any arrangements for securing the payment of the debt when it falls due, and which contemplated removal was not known to the plaintiff at the time the debt was contracted; or

3. That the defendant has disposed of his property in whole or in part with intent to defraud his creditors; or

4. That the debt was incurred for property obtained under false pretences.

SEC. 4. If the debt or demand for which the attachment is sued out is not due at the time of the commencement of the action, the defendant is not required to file any pleadings until the maturity of such debt or demand, but he may, in his discretion; do so, and go to trial as early as the cause is reached.

SEC. 5. No final judgment shall be rendered in such action, unless the party consents, as in the last section, until the debt or demand upon which it is based becomes due. But property of a perishable nature may be sold as in other cases of attachment.

SEC. 6. Before the writ of attachment shall issue, the plaintiff, or some one in his behalf, shall execute and file with the clerk a bond or undertaking, with two or more sureties, in a sum in no case less than three hundred (300) dollars, in the district court, nor less than fifty (50) dollars in a justice's court, and double the amount for which plaintiff demands judgment, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the amount specified in such bond or undertaking as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. With said bond or undertaking, there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that they are taken together worth the sum specified in the bond or undertaking, over and above all debts and liabilities and property exempt from execution. No person not qualified to become bail upon arrest shall be qualified to become surety upon a bond or undertaking for an attachment.

SEC. 7. The defendant may, at any time before judgment, move the court or judge for additional security on the part of the plaintiff, and if, on such motion, the court or judge is satis-

fied that the surety in the plaintiff's bond has removed from this territory, or is not sufficient, the attachment may be vacated, and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court or judge, further security is given by the plaintiff in form as provided in section six of this act.

SEC. 8. In an action on such bond the plaintiff therein may recover, if he shows that the attachment was wrongfully sued out, and that there was no reasonable cause to believe the ground upon which the same was issued to be true, the actual damages sustained and reasonable attorney's fees to be fixed by the court; and if it be shown that such attachment was sued out maliciously, he may recover exemplary damages, nor need he wait until the principal suit is determined before suing on the bond.

SEC. 9. The writ of attachment shall be directed to the sheriff of any county in which property of the defendant may be, and shall require him to attach and safely keep the property of such defendant within his county, to the requisite amount, which shall be stated in conformity with the affidavit. The sheriff shall in all cases attach the amount of property directed, if sufficient not exempt from execution be found in his county, giving that in which the defendant has a legal and unquestionable title a preference over that in which his title is doubtful or only equitable, and he shall as nearly as the circumstances of the case will permit, levy upon property fifty per cent greater in valuation than the amount which plaintiff in his affidavit claims to be due. When property is seized on attachment, the court may allow to the officer having charge thereof such compensation for his trouble and expenses in keeping the same as shall be reasonable and just.

SEC. 10. Writs of attachment may be issued from the district courts to different counties, and several may, at the option of the plaintiff, be issued at the same time, or in succession and subsequently, until sufficient property has been attached; but only those executed shall be taxed in the costs, unless otherwise ordered by the court, and if more property is attached in the aggregate than the plaintiff is entitled to have held, the surplus must be abandoned and the plaintiff pay all costs incurred in relation to such surplus. After the first writ shall have issued, it shall not be necessary for the plaintiff to file any further affidavit or bond, but he shall be entitled to as many writs as may be necessary to secure the amount claimed.

SEC. 11. Where there are several attachments against the same defendant, they shall be executed in the order in which they were received by the sheriff.

SEC. 12. If, after an attachment has been placed in the hands of the sheriff, any property of the defendant is moved from the county, the sheriff may pursue and attach the same in an adjoining county, within twenty-four hours after removal.

SEC. 13. The sheriff to whom the writ is directed and delivered must execute the same without delay as follows:

1. Real property shall be attached by filing a copy of the writ, together with a description of the property attached, with the county auditor of the county in which the attached real estate is situated.

2. Personal property, capable of manual delivery, shall be attached by taking into custody.

3. Stock or shares, or interest in stock or shares, of any corporation, association or company, shall be attached by leaving with the president or other head of the same, or the secretary, cashier or managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached in pursuance of such writ.

4. Debts and credits and other personal property, not capable of manual delivery, shall be attached by leaving with the person owing such debts, or having in his possession or under his control such credits or other personal property, a copy of the writ and a notice in writing that the debts owing by him to the defendant, or the credits and other personal property in his possession or under his control, are attached in pursuance of such writ.

SEC. 14. Whenever it appears by the affidavit of the plaintiff or by the return of the attachment that no property is known to the plaintiff or officer on which the attachment can be executed, or not enough to satisfy the plaintiff's claim, and it being shown to the court or judge by affidavit that the defendant has property within the territory not exempt, the defendant may be required by such court or judge to attend before the court or judge or referee appointed by the court or judge and give information on oath respecting the same.

SEC. 15. The court before whom the action is pending or the judge thereof in vacation may at any time appoint a receiver to take possession of property attached under the provisions of this act, and to collect, manage and control the same and pay over the proceeds according to the nature of the property and the exigency of the case.

SEC. 16. If any of the property attached be perishable or in danger of serious and immediate waste or decay, the sheriff shall sell the same in the manner in which such property is sold on execution. Whenever it shall be made to appear satisfactorily to the court or judge that the interest of the parties to the action

will be subserved by a sale of any attached property, the court or judge may order such property to be sold in the same manner as like property is sold under execution. Such order shall be made only upon notice to the adverse party or his attorney in case such party shall have been personally served with a summons in the action. Debts and credits attached may be collected by the sheriff, if the same can be done without suit, and the sheriff's receipt shall be a sufficient discharge for the amount paid.

SEC. 17. All moneys received by the sheriff under the provisions of this act and all other attached property shall be retained by him to answer any judgment that may be recovered in the action unless sooner subjected to execution upon another judgment recovered previous to the issuing of the attachment.

SEC. 18. All persons having in their possession or under their control any credits or other personal property belonging to the defendant or owing any debts to the defendant at the time of the service upon them of a copy of the writ and notice as provided in subdivision four of section thirteen of this act shall be, unless such property be delivered up or transferred, or such debts be paid to the sheriff, liable to the plaintiff for the amount of such credits, property or debts, until the attachment be discharged or any judgment recovered by him be satisfied.

SEC. 19. A sheriff or constable may be garnished for money of the defendant in his hands. So may a judgment debtor of the defendant when the judgment has not been previously assigned on the record or by writing filed in the office of the clerk and by him minuted as an assignment on the margin of the execution docket, and also an executor or administrator may be garnished for money due from the decedent to the defendant.

SEC. 20. When the property to be attached is a fund in court, the execution of a writ of attachment shall be by leaving with the clerk of the court thereof, with notice in writing specifying the fund.

SEC. 21. The sheriff shall make a full inventory of the property attached and return the same with the writ. To enable him to make such return as to debts and credits attached, he shall request at the time of service the party owing the debt or having the credit to give him a memorandum in writing stating the amount and description of each, and if such memorandum be refused he shall return the fact of the refusal with the writ. The party refusing to give the memorandum may be required to attend before the court or judge, or a referee appointed by the court or judge, and answer under oath respecting such debts or credits or other property. If, when duly summoned,

he fail to appear and answer the interrogatories propounded to him without sufficient excuse for his delinquency, he shall be presumed to be indebted to the defendant to the full amount of the plaintiff's demand. But for a mere failure to appear he is not liable to pay the amount of plaintiff's judgment until he has had an opportunity to show cause against the issuing of an execution.

SEC. 22. If upon the examination of such garnishee, as provided in the last section, it appears that the garnishee was indebted to the defendant, or had any credits or other property of the defendant in his possession, or under his control at the time of the service of the copy of the writ and notice upon him, as hereinbefore provided, or at any time subsequent thereto, he is liable to the plaintiff in case judgment is finally recovered by him to the full amount of that judgment, or to the amount of such indebtedness and of the credits or other personal property held by him, and a judgment shall be entered up against him accordingly.

SEC. 23. If the debt of the garnishee to the defendant is not due, execution shall be suspended until its maturity.

SEC. 24. The garnishee shall not be made liable on a debt due by negotiable paper, unless such paper is delivered or the garnishee completely exonerated or indemnified from all liability thereon after he may have satisfied the judgment.

SEC. 25. If judgment be recovered by the plaintiff the sheriff shall satisfy the same out of the property attached by him which has not been delivered to the defendant or claimant as in this act provided or subjected to execution on another judgment recovered previous to the issuing of the attachment, if it be sufficient for that purpose:

1. By applying on the execution issued on said judgment the proceeds of all sales of perishable or other property sold by him, or of any debts or credits collected by him, or so much as shall be necessary to satisfy the judgment.

2. If any balance remain due he shall sell under the execution so much of the property, real or personal, as may be necessary to satisfy the balance, if enough for that purpose remain in his hands.

Notice of the sale shall be given and the sale conducted as in other cases of sales on execution.

SEC. 26. If after selling all the property attached by him remaining in his hands, and applying the proceeds, together with the proceeds of any debts or credits collected by him, deducting his fees, to the payment of the judgment, any balance shall remain due, the sheriff shall proceed to collect such balance as upon an execution in other cases. Whenever the judgment

shall have been paid the sheriff, upon reasonable demand, shall deliver over to the defendant the attached property remaining in his hands and any proceeds of the property attached unapplied on the judgment.

SEC. 27. If the execution be returned unsatisfied, in whole or in part, the plaintiff may proceed as in other cases upon the return of an execution.

SEC. 28. If the defendant recover judgment against the plaintiff, all the proceeds of sales and money collected by the sheriff and all the property attached remaining in the sheriff's hands shall be delivered to the defendant or his agent. The order of attachment shall be discharged and the property released therefrom.

SEC. 29. If the defendant, at any time before judgment, causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the attachment or after the return thereof by the clerk to the effect that he will perform the judgment of the court, the attachment shall be discharged and restitution made of property taken or proceeds thereof. The execution of such bond shall be deemed an appearance of such defendant to the action.

SEC. 30. Such bond shall be part of the record, and, if judgment go against the defendant, the same shall be entered against him and sureties.

SEC. 31. The defendant may at any time after he has appeared in the action, either before or after the release of the attached property or before any attachment shall have been actually levied, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought or to the judge thereof, that the writ of attachment be discharged on the ground that the same was improperly or irregularly issued.

SEC. 32. If the motion be made upon affidavits upon the part of the defendant but not otherwise, the plaintiff may oppose the same by affidavits or other evidence in addition to those on which the attachment was issued.

SEC. 33. If upon application it satisfactorily appears that the writ of attachment was improperly or irregularly issued it must be discharged.

SEC. 34. The sheriff must return the writ of attachment with the summons, if issued at the same time, otherwise, within twenty days after its receipt, with a certificate of his proceedings endorsed thereon or attached thereto, and whenever an order has been made discharging or releasing an attachment upon real property a certified copy of such order may be filed in the offices of the county auditors in which the notices of attachment have been filed and be indexed in like manner.

SEC. 35. This act shall be liberally construed, and the plaintiff, at any time when objection is made thereto, shall be permitted to amend any defect in the complaint, affidavit, bond, writ or other proceeding, and no attachment shall be quashed or dismissed, or the property attached released, if the defect in any of the proceedings has been or can be amended so as to show that a legal cause for the attachment existed at the time it was issued, and the court shall give the plaintiff a reasonable time to perfect such defective proceedings. The causes for attachment shall not be stated in the alternative.

SEC. 36. The judge of any district court shall have power to make every order in vacation which, by the provisions of this act, may be made by the court in term time.

SEC. 37. The word "sheriff" as used in this act is meant to apply to constables, when the proceedings are in a justice's court, and when the proceedings are in a justice's court, the justice is to be regarded as the clerk of the court for all purposes herein contemplated: *Provided*, That nothing contained in this act shall be construed to confer upon a justice of the peace power to issue a writ of attachment to be served out of the county in which such justice shall have his office, or to confer upon a sheriff, constable or other officer, power or authority to serve a writ of attachment issued out of justice's court beyond the limits of the county in which such justice shall have his office, except in cases provided for in section twelve of this act: *And Provided further*, That nothing contained in this act shall be construed or held to authorize the attachment of real estate, or of any interest therein, under a writ of attachment issued out of any justice's court.

SEC. 38. That chapter twelve of the Code of Washington Territory, and sections 1726 to 1745, each included, of the Code of Washington Territory, and an act entitled "an act to amend chapter twelve, section one hundred and seventy-six, of the Code of Washington," approved November 28, 1883, and all other laws heretofore enacted upon any subject matter contained in this act, be, and the same are hereby repealed: *Provided*, That rights acquired in actions now pending under existing laws shall not be affected by anything herein contained.

SEC. 39. This act shall take effect and be in force from and after its approval by the Governor.

Approved February 3, 1886.

AN ACT

TO AMEND SECTIONS 2829, 2830, 2831, 2848, 2861, 2869, 2872, 2873, 2877, 2880, 2881, 2894, 2901, 2902, 2915, 2916, 2941, 2945, 2947, 2948, 2958 and 2962, OF THE CODE OF WASHINGTON TERRITORY, RELATING TO THE REVENUE.

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

SECTION 1. That Section 2829, of the Code of Washington Territory be and the same is amended so as to read as follows: Section 2829. All property, real and personal, within the Territory, except such as is herein expressly exempted from taxation, shall be and the same is hereby declared to be liable to taxation in the manner hereinafter provided. The following property is exempt from taxation to wit:

1. All property of the United States, both real and personal.
2. All property, both real and personal, of the Territory of Washington, of the several counties, cities and towns and school districts.
3. All lands used exclusively for grave yards, as graves or grounds for burying the dead.
4. Household furniture to the value of two hundred dollars for each family.
5. All wearing apparel in actual use, and food provided for the family, not to exceed one year's supply.
6. And whereas "Religion, morality and knowledge being necessary for good government and happiness of mankind," there is further exempted all buildings or institutions of learning, benevolent, charitable and scientific institutions, and hospital for the sick and infirm, including the lands upon which such buildings are situated, not to exceed two acres, if within a city or town, and not exceeding eighty acres if not within a city or town, and all buildings used exclusively for public worship and Sabbath schools, with parsonages, and the lands upon which they are situated not exceeding one-half of an acre if in a city or town, and not exceeding five acres if not within a city or town: *Provided however*, That all such church property, including parsonage property, when valued at more than five thousand dollars, shall pay a tax upon all above that value, and if any part of any building being a house of public worship shall be kept or used for any other purpose except for public worship, the part so used shall be assessed and taxed upon the

cash valuation thereof; *Provided further*, That this exemption shall not apply to hospitals used exclusively for profit.

SEC. 2. Section 2830 is amended so as to read as follows: Section 2830. Whenever the terms mentioned in this Section are employed in this Act, they are employed in the sense hereafter affixed to them. 1. The word "property" includes moneys, credits, dues, stocks, bonds, checks, certificates of deposit, gold dust, gold and silver bullion, franchises, boats and vessels, and all and every other matter and thing, real and personal and mixed and capable of private ownership. 2. The term "real estate" includes the ownership of, the legal claim to, the possession of, the right to the possession of land; all mines, minerals and quarries in and under the land, and timber of natural growth on the land; all rights and privileges appertaining to the land, and all buildings and improvement upon the land. 3. The term "improvements" includes all buildings, structures fixtures, fences, clearings and improvements made, erected upon, or affixed to the land and all fruits, nut bearing and ornamental trees and vines not of natural growth. 4. The term "personal property" includes every thing which is the subject of ownership not included within the meaning of the term real estate. 5. 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. 6. The word "him" or "his" shall be understood to mean "her" or "hers" when property belonging to a female is assessed. 7. The word "person" shall be held to mean and include a "corporation" when the property of a corporation is assessed. 8. The words "County Auditor," "Treasurer," "Assessor," "Sheriff," shall be understood to apply to each county respectively.

SEC. 3. Section 2831 is amended so as to read as follows: Section 2831. The assessor of each county shall between the first Monday of April and the first Monday of July each year, ascertain by diligent inquiry the names of all persons liable to taxation in his county and also all the taxable personal property and real estate therein, and make out an assessment roll of all taxable property and appraise the same in accordance with the provisions of this act, each assessor shall require every person liable to be taxed in his county when personally called upon to furnish him a list of his real estate situate in his county, liable to taxation; and a list of all personal property owned by every such person liable to taxation that he had on the first Monday of April at 12 o'clock M., stating the same in detail, and shall require such person to make oath that to the best of his knowledge and belief, such list contains a full and true account of all his property liable to be taxed in his county on the first Mon-

day of April at 12 o'clock M., and if any person shall refuse to furnish such list, or to swear to the same when required so to do by the assessor, such person shall forfeit and pay to the assessor for the use of the county the sum of one hundred dollars, which sum may be recovered by an action in the name of the county in any court having jurisdiction.

SEC. 4. Section 2848 is amended so as to read as follows: Section 2848. Any person owning or having in his possession or under his control within this territory, with authority to sell the same, any personal property purchased with a view of its being sold at a profit, or which has been consigned to him from any place out of the territory to be sold within the territory, such person shall be held to be a merchant for the purposes of this act, and such property shall be listed for taxation, and in estimating the value thereof the merchant shall take the average value of such property in his possession or under his control during the next year previous to the time of assessing, and if he has not been engaged in business so long, then he shall take the average during such time as he shall have been so engaged, and if he be commencing he shall take the value of the property at the time of assessment.

SEC. 5. Section 2861 is amended so as to read as follows: Section 2861. In making up the moneys and credits which any person is required to list or having listed and assessed, he shall be entitled to deduct from the gross amount, all debts in good faith owing by him, but no acknowledgment of indebtedness not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted shall be considered a debt, within the intent of this section, and so much only of any liability of such person as security for another shall be deducted as the person making the list believes he is equitably or legally bound to pay, and so much only as he believes he will be compelled to pay on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he in whose name the list is made will be bound to contribute, but no person will be entitled to any deduction on account of any obligations of any kind given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation or company, and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds, or other non-taxable property, and in making up the amount of debts due him the party making the list shall include all debts

due from persons non-residents as well as residents of the territory.

SEC. 6. Section 2869 is amended by striking out all of the words after July, in the first line, and all of the second line in said section.

SEC. 7. Section 2872 is amended by striking out of the affidavit, the following: After the word "swears" in first line "if in the first district," all after the word July in the second line, all of the third line, and the words "Monday of May." in the fourth line.

SEC. 8. Section 2873 is amended so as to read as follows: Section 2873. The board of county commissioners of each county shall constitute a board of equalization of taxes for its 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 Monday of the regular August term, each year, and continue until such business is completed: *Provided*, That said term shall not exceed two weeks in one county for this purpose.

SEC. 9. Section 2877 is amended by striking from line four, on page 498, all the words after "April," and all of the fifth line to the word "and."

SEC. 10. Section 2880 is amended by striking out the word "May" in second line, and inserting "August."

SEC. 11. Section 2881 is amended by striking out the word "May," in second line, and inserting the word, "August."

SEC. 12. Section 2887 is amended by striking from the first line, the word "October" and inserting "November."

SEC. 13. Section 2894 is amended by striking from the fifth line the words "thirty-first day of December" and inserting the words "first day of March."

SEC. 14. Section 2901 is amended by striking from line one, the words "thirty-first day of December" and inserting "first day of March."

SEC. 15. Section 2902 is amended so as to read as follows: Section 2902. On the first Tuesday of March 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, or which has, in fact, been 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. The sheriff

shall be ex-officio tax collector of the delinquent taxes of his county, from and after the first day of March in each year, except as hereinafter provided, and it shall be the duty of the county auditor after he has made his comparison with the treasurer, as in this section provided, to make out a schedule of unpaid taxes in the form of a triplicate assessment roll, with the ten per cent. penalty added to the amount of such unpaid taxes, and shall deliver the same to the sheriff, with his warrant attached thereto, in the name of the United States, under his hand, and seal of the board of county commissioners, to the sheriff of the county, commanding him to collect the taxes as charged in such schedule as in this act provided, and the auditor shall charge the sheriff with such taxes in the schedule stated in a delinquent tax account book, to be kept for that purpose, and shall credit the treasurer on his account with the same amount. The sheriff shall from time to time, and as often as once each month, pay over to the county treasurer the moneys collected by him, and the treasurer shall execute to him duplicate receipts for the sums so paid, one of which said sheriff shall file with the auditor. On making such payments to the treasurer, the sheriff may deduct the ten per cent. penalty as his fees for collecting: *Provided, however,* That the duplicate assessment roll shall be retained by the treasurer, whose duty it is to receive from any person offering to pay the same with the penalties, any and all of such delinquent taxes, and the treasurer, as well as the sheriff, shall report to the auditor, on the first Monday of each month, the sums so collected by them, which shall be properly entered by the auditor in their several counties: *Provided, further,* That at the November term of the board of county commissioners each year, the sheriff shall make return of said schedule of unpaid taxes to the auditor, and shall then make final settlements with the board of commissioners, touching such schedule of unpaid taxes, and he shall be credited with the balance uncollected, and such other credits as the board may order and the treasurer shall be charged with the sums uncollected, and from thence the treasurer shall be sole collector of such taxes.

SEC. 16. The county auditor shall furnish to the sheriff and treasurer, annually, a sufficient number of blank delinquent tax receipts, to be used by them, respectively, for the payment of delinquent taxes; said receipts shall be bound and numbered consecutively with stubs and bear the seal of the county auditor, and shall be used and return made thereof in the same manner as provided in section 2865, in relation to poll

tax receipts delivered to the assessor. The delinquent tax receipt books shall be designated by alphabetical letters as A, B, C. etc., and contain not less than one hundred receipts each and shall be delivered to the sheriff and treasurer in such quantities as may [be] required, and the said sheriff and treasurer shall receipt to the auditor for the same, specifying the designation and number of receipts so delivered.

SEC. 17. Section 2915 is amended by striking out the word "April" from line one and inserting the word "July."

SEC. 18. Section 2916, is amended by striking from line one the word "May" and insert "August."

SEC. 19. Section 2941 is amended so as to read as follows: Section 2941. The fiscal year shall commence on the first day of August each year, and end on the last day of July, each year.

SEC. 20. Section 2945 is amended by striking out the word "April" and inserting the word "June", and striking out the word "Feburary" and inserting the word "April."

SEC. 21. Section 2947 is amended so as to read as follows: Section 2947. Each county treasurer shall attend with his books and vouchers before the board of commissioners at the regular quarterly sessions of said board, in February, May, August and November in each year, and settle his accounts before said board for all moneys received and disbursed by him since the date of the last preceding settlement, and in such settlement the board must allow the treasurer the following credits: (1.) The amount of principal and interest paid on county and road orders since the last preceding settlement, whether such others [orders] have been fully paid or but partially paid. (2.) The amount paid the territorial treasurer since the last preceding or quarterly settlement as per vouchers. (3.) Amount paid school districts during the preceding quarter. (4.) Amounts paid road supervisors during the preceding quarter. (5.) Amount allowed by law for his compensation, and such other credits as he is entitled by law to receive.

SEC. 22. Section 2948 is amended so as to read as follows: Section 2948. The sheriff as tax collector shall attend at each quarterly session of the board of county commissioners, in February, May, August and November, and with his books and vouchers in the presence of the auditor and treasurer make settlement and properly account for all receipts and disbursements of public funds, since the date of

his last preceding settlement. He shall be allowed the following credits: (1.) All moneys paid by him to the county treasurer since his last preceding settlement as per vouchers presented. (2.) Amount of errors and double assessments shown to exist in the schedule assessment roll with which he is charged. (3.) The ten per cent. collected as penalty, and not retained [returned] by him to the county treasurer since the date of his last settlement, and such other credits as he is entitled to receive. The sheriff and treasurer shall each in their quarterly settlements with the board account for each delinquent tax receipt delivered to him by the auditor, and should the sheriff or treasurer fail or refuse to return or properly account for any of such receipts, he shall forfeit and pay to the board for the use of the county, not exceeding fifty dollars for each receipt unaccounted for, which sum shall be collected in a civil action in the name of the county in a court having jurisdiction of the same.

SEC. 23. Section 2958 is amended so as to read as follows: Section 2958. Every person must be assessed for all property owned by him on the first Monday of April each year, at 12 o'clock M.

SEC. 24. Section 2962 is amended so as to read as follows: Section 2962. The assessor shall be allowed and paid, by the board of county commissioners from the county treasury at the rate of five dollars per day for the time actually employed in making the assessment, between the first Monday of April and the first Monday of August and for the time necessarily required before the board of equalization: *Provided*, The board shall determine the number of days the assessor shall attend before them, and shall allow him only for such attendance as by them ordered.

SEC. 25. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 26. This act shall take effect and be in force from and after its passage and approval.

Approved February 4, 1886.

AN ACT

TO AMEND CHAPTER CLV. OF THE CODE OF WASHINGTON TERRITORY, ENTITLED "COURTS."

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

SECTION 1. That section 2113, of chapter one hundred and fifty-five, of the Code of Washington Territory, be so amended that said section shall read as follows: "Section 2113. The supreme court of the Territory shall hold its next regular term at Olympia, on the first Monday of January, 1887, and thereafter, annually on said day of each year. All appeals, suits in error, or other proceedings of every nature and kind now pending therein, or returnable to the next term of said court, shall be docketed, heard and determined as though made returnable to said January term, 1887."

DISTRICT COURTS.

SEC. 2. That section 2114 of said chapter one hundred and fifty-five shall be so amended that said section shall read as follows: "Section 2114. For judicial purposes the Territory of Washington is divided into four judicial Districts as follows: The first district shall include the counties of Walla Walla, Franklin, Columbia, Whitman, Garfield and Asotin. The second district shall include the counties of Skamania, Clarke, Cowitz, Lewis, Thurston, Mason, Chehalis, Wahkiakum Pacific and Pierce. The third district shall include the counties of King, Kitsap, Snohomish, Skagit, Whatcom, Island, San Juan, Clallam and Jefferson. The fourth district shall include the counties of Stevens, Spokane, Lincoln, Adams, Douglas, Kekerat, Yakima and Kittitas. And that there shall hereafter be held in the Territory, regular terms of court within and for the districts above recited each year, at the times and places hereinafter designated."

DISTRICT COURTS, FIRST JUDICIAL DISTRICT.

SEC. 3. That section 2115 of said chapter one hundred and fifty-five, of the Code of Washington Territory, shall be so amended as to read as follows: "Section 2115. Regular

terms of court shall be held at Dayton on the first Monday in February and the third Monday in September of each year. At Pomeroy on the third Monday in March and the first Monday in October of each year. At Walla Walla on the second Monday of May, and the fourth Monday of November of each year. At Colfax on the second Monday of June and second Monday of December of each year."

SEC. 4. That section 2116 of said chapter one hundred and fifty-five, Code of Washington Territory, shall be so amended as to read as follows: "Section 2116. The county court held at Dayton shall be for the county of Columbia. The court held at Pomeroy shall be for the counties of Garfield and Asotin. The court held at Walla Walla shall be for the counties of Walla Walla and Franklin. The court held at Colfax shall be for the county of Whitman."

DISTRICT COURTS, SECOND JUDICIAL DISTRICT.

SEC. 5. That section 2117 of said chapter one hundred and fifty-five, Code of Washington Territory, shall be so amended as to read as follows: "Section 2117. Regular terms of court shall be held at Chehalis on the first Monday in February and on the third Monday of August of each year: *Provided*, That no grand or petit jury shall be summoned to attend at the term of court held on said third Monday of August, unless the court direct a grand or petit jury to be summoned, in which case an open venire shall issue to bring in such grand or petit jury: *And it is further provided*, That the court to be held at Chehalis, under existing law, on the second Monday in January, 1886, shall be held at that time and no term of court shall be held at Chehalis on the first Monday in February, 1886. At Tacoma on the fourth Monday of February, the fourth Monday of June and the fourth Monday of September of each year. At Vancouver on the first Monday of April and the second Monday of November of each year. At the county seat of Cowlitz county on the fourth Monday of April, and the fourth Monday of October of each year. At Olympia on the first Monday of June and the first Monday of December of each year. At Oysterville on the last Monday in March and on the last Monday of August of each year: *Provided*, That no grand or petit jury shall be summoned to attend at the term of court held on the last Monday in March, unless the court direct a grand or petit jury to be summoned, in which case an open venire shall issue to bring in such grand or petit jury. At the county seat of Che-

halis county on the second Monday of September and on the second Monday of May of each year: *Provided*, That no grand or petit jury shall be summoned to attend at the term of court held on the second Monday in May, unless the court direct a grand or petit jury to be summoned, in which case an open venire shall issue to bring in such grand or petit jury."

SEC. 6. That section 2118 of said Chapter one hundred and fifty-five, Code of Washington Territory, shall be so amended as to read as follows: "Section 2118. The court held at Chehalis shall be for the county of Lewis. The court held at Tacoma shall be for the county of Pierce. The court held at Vancouver shall be for the counties of Clarke and Skamania. The court held at the county seat of Cowlitz county shall be for the counties of Cowlitz and Wahkiakum. The court held at Olympia shall be for the counties of Thurston and Mason. The court held at Oysterville shall be for the county of Pacific. The court held at the county seat of Chehalis county shall be for the county of Chehalis."

DISTRICT COURTS, THIRD JUDICIAL DISTRICT.

SECTION 7. That section 2119, of said chapter one hundred and fifty-five, Code of Washington Territory, shall be so amended as to read as follows: "Section 2119. Regular terms of court shall be held at Seattle on the first Monday of February, last Monday of May and last Monday of August, of each year: *Provided*, That no regular or adjourned term shall be held at Seattle between the last Saturday before the first Monday in July and the last Monday of August. At Whatcom on the second Monday of March and the second Monday of October, of each year. At Port Townsend on the fourth Monday of March and the fourth Monday of October, of each year. At La Conner on the fourth Monday of April and the first Monday of December, of each year. At Snohomish City on the third Monday of May and the third Monday of December, of each year."

SEC. 8. That section 2120 of said chapter one hundred and fifty-five, Code of Washington Territory, shall be so amended as to read as follows: Section 2120. The court held at Seattle shall be for the counties of King and Kitsap. The court held at Whatcom shall be for the county of Whatcom. The court held at Port Townsend shall be for the counties of Jefferson, Island, Clallam and San Juan. The court held at La Conner shall be for the county of Skagit. The court held at Snohomish City shall be for the county of Snohomish."

DISTRICT COURTS, FOURTH JUDICIAL DISTRICT.

SEC. 9. There shall follow said section 2120, amendatory of said chapter one hundred and fifty-five, Code of Washington Territory, two sections, respectively numbered 2120 $\frac{1}{4}$ and 2120 $\frac{1}{2}$, relating to district courts in and for the fourth judicial district, which shall respectively read as follows, that is to say: "Section 2120 $\frac{1}{4}$. Regular terms of court shall be held at Ellensburg on the fourth Monday of March and the fourth Monday of September of each year. At the county seat of Yakima county on the second Monday of April and the second Monday of October of each year. At Goldendale on the fourth Monday of April and the fourth Monday of October of each year. At Sprague on the first Monday of May and first Monday of November of each year. At the county seat of Spokane county on the third Monday of May and the third Monday of November of each year. At Colville on the second Monday of June of each year." "Section 2120 $\frac{1}{2}$. The court held at Ellensburg shall be for the county of Kittitas. The court held at the county seat of Yakima county shall be for the county of Yakima. The court held at Goldendale shall be for the county of Klikitat. The court held at Sprague shall be for the counties of Lincoln, Douglass and Adams. The court held at the county seat of Spokane county shall be for the county of Spokane. The court held at Colville shall be for the county of Stevens.

SEC. 10. That section 2122 of said chapter one hundred and fifty-five, Code of Washington Territory, shall be amended so as to read as follows: "Section 2122. That the courts held at Walla Walla, Colfax, and Pomeroy shall have jurisdiction over all offenses against the laws of the United States, arising in the first judicial district, and of all actions to which or in which the United States is a party. The courts held at Vancouver, Olympia and Tacoma shall have jurisdiction of all offenses against the laws of the United States, arising in the second judicial district, and of all actions in which or to which the United States is a party. The courts held at Seattle, Whatcom and Port Townsend shall have jurisdiction of all offenses against the laws of the United States arising in the third judicial district and of all actions in which or to which the United States is a party. The courts held at the county seat of Yakima county, at the county seat of Spokane county, and at Sprague, shall have jurisdiction of all offenses against the laws of the United States, arising in the fourth judicial

district, and of all actions to which or in which the United States is a party."

SEC. 11. That section 2136 of said chapter one hundred and fifty-five, Code of Washington Territory, shall be amended so as to read as follows: "Section 2136. The judges of the several district courts in this territory shall have power, and they are each authorized, to adjourn any term of the district court, in any county, to a day beyond the time appointed by law for holding a term of such court in any other county or counties in the same district; and at the time to which court shall be adjourned by the judge thereof, all actions, causes, motions and other business which might or could be transacted by the court at a regular term thereof, may be entertained, tried and determined with like force and effect as though tried at a regular term of such court."

SEC. 12. That the records of the court heretofore held at Whatcom shall be transferred to the court at Whatcom, established by this act. All suits, now pending in the court heretofore held at Whatcom, shall also be transferred with said records, and shall be tried and determined in the court at Whatcom established by this act. All judgments and decrees, heretofore rendered, made or entered in the court heretofore held at Whatcom, are continued in force, and process to enforce the same may issue out of the court held at Whatcom under this act as if there had been no change in the jurisdiction conferred by this act on the court held at Whatcom.

SEC. 13. That the records of the court, heretofore held at Pomeroy, shall be transferred to the court at Pomeroy, established by this act. All suits now pending in the court, heretofore held at Pomeroy shall also be transferred with said records, and shall be tried and determined in the court at Pomeroy, established by this act. All judgments and decrees heretofore rendered, made or entered in the court heretofore held at Pomeroy, are continued in force, and process to enforce the same may issue out of the court held at Pomeroy under this act, as if there had been no change in the jurisdiction conferred by this act on the court held at Pomeroy.

SEC. 14. That the enactment of this law, shall not work an adjournment of any term of court now being held, but such term of court may continue until the Saturday before the first Monday in February, 1886; and it is hereby provided that all actions, civil or criminal, now pending in the district court at Cheney, which, had this act been in force, should have been commenced at Sprague, may upon the motion of

either party, be transferred to the court at which said action should have been commenced if this act had been in force, and thereafter all proceedings shall be had therein at the court to which said transfer is made, as though said action had been commenced in said court.

SEC. 15. That this act shall take effect and be in force from and after its approval by the governor.

Approved January 9, 1886.

AN ACT

IN RELATION TO PROSECUTING ATTORNEYS, DEFINING THEIR DUTIES AND FIXING THEIR COMPENSATION.

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

SECTION 1. That at the general election in this territory in the year one thousand eight hundred and eighty-six for delegate to congress, and every two years thereafter, there shall be elected by the qualified electors in the district comprising the counties of Walla Walla and Franklin, one prosecuting attorney. In the district comprising the counties of Spokane and Stevens, one prosecuting attorney. In the district comprising the counties of Lincoln, Douglas and Adams, one prosecuting attorney. In the district comprising the counties of Garfield and Asotin, one prosecuting attorney. In the district comprising the county of Whitman, one prosecuting attorney. In the district comprising the county of Columbia, one prosecuting attorney. In the district comprising the counties of Yakima and Kittitas, one prosecuting attorney. In the district comprising the counties of Clarke, Klickitat and Skamania, one prosecuting attorney. In the district comprising the counties of Lewis, Cowlitz, Mason and Thurston, one prosecuting attorney. In the district comprising the counties of Wahkiakum, Chehalis and Pacific, one prosecuting attorney. In the district comprising the county of Pierce, one prosecuting attorney. In the district comprising the counties of King, Kitsap and Snohomish, one prosecuting attorney. In the district comprising the counties of Jefferson, Clallam

Island and San Juan, one prosecuting attorney. In the district comprising the counties of Skagit and Whatcom, one prosecuting attorney.

SEC. 2. No person shall serve as prosecuting attorney under this act who has not been admitted to practice as an attorney-at-law in the supreme and district courts of this territory, and who is not a resident and qualified elector in the district for which he is elected.

SEC. 3. The prosecuting attorney for the district comprising the counties of Walla Walla and Franklin shall receive an annual salary of seven hundred and fifty dollars. The prosecuting attorney for the district comprising the counties of Spokane and Stevens shall receive an annual salary of seven hundred and fifty dollars. The prosecuting attorney for the district comprising the counties of Lincoln, Douglas and Adams, shall receive an annual salary of five hundred dollars. The prosecuting attorney for the district comprising the counties of Garfield and Asotin shall receive an annual salary of five hundred dollars. The prosecuting attorney for the district comprising the county of Whitman, shall receive an annual salary of seven hundred dollars. The prosecuting attorney for the district comprising the county of Columbia shall receive an annual salary of five hundred dollars. The prosecuting attorney for the district comprising the counties of Yakima and Kittitas shall receive an annual salary of seven hundred and fifty dollars. The prosecuting attorney for the district comprising the counties of Clarke, Klickitat and Skamania shall receive an annual salary of eight hundred dollars. The prosecuting attorney for the district comprising the counties of Lewis, Cowlitz, Thurston and Mason shall receive an annual salary of eight hundred dollars. The prosecuting attorney for the district comprising the counties of Wahkiakum, Chehalis and Pacific shall receive an annual salary of five hundred dollars. The prosecuting attorney for the district comprising the county of Pierce shall receive an annual salary of seven hundred and fifty dollars. The prosecuting attorney for the district comprising the counties of King, Kitsap and Snohomish shall receive an annual salary of twelve hundred dollars. The prosecuting attorney for the district comprising the counties of Jefferson, Clallam, Island and San Juan shall receive an annual salary of five hundred dollars. The prosecuting attorney for the district comprising the counties of Skagit and Whatcom shall receive an annual salary of five hundred dollars. Said sums to be paid quarterly out of any

funds in the territorial 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.

SEC. 4. Each prosecuting attorney elected under this act shall before entering upon the discharge of the duties of his office take and subscribe an oath, faithfully to discharge the duties of said office, and shall enter into a bond to the Territory of Washington in the sum of five thousand dollars, conditioned that he will faithfully discharge the duties of his office, to be approved by the judge of the district for which he is elected, which said oath and bond shall be filed in the office of the auditor of the territory.

SEC. 5. Each prosecuting attorney shall be the legal advisor of the board of county commissioners for the county or district for which he was elected; he shall also prosecute all criminal and civil actions in which the territory or any county within his district may be a party; defend all suits brought against the territory, or any county composing his district and prosecute all forfeited recognizances, bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the territory, or any county within his district: *Provided*, The commissioners of any county may employ other attorneys, when they may deem it for the interest of their county.

SEC. 6. The prosecuting attorney of any county or district, from which an appeal, or writ of error is taken to the supreme court, shall appear in behalf of the territory or county in the supreme court, in all cases in which the territory or any county in his district is interested, and prosecute or defend the same as the case may be.

SEC. 7. Each prosecuting attorney, when required by the board of county commissioners of any county in his district, or by the president of such board, shall 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. The prosecuting attorney in each county or district is hereby required to give legal advice, when required, to all county and precinct officers, and directors and superintendents of common schools 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 auditors of

the several counties in his district, and he shall then examine the official bonds of all county and precinct officers on file in such offices, and it is made his duty to report to the board of county commissioners of their respective counties any defect in the bonds of any public officer in such county. 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 each county in his district, and report to the board of county commissioners of their respective counties any failure, refusal, omission or neglect of such officers to keep such records and books as required by law.

SEC. 10. Whenever a petition for divorce remains undefended, it shall be the duty of the prosecuting attorney to resist such petition.

SEC. 11. No prosecuting attorney shall be allowed to conduct any suit for divorce on the part of the petitioner or applicant, in the courts of this territory, nor shall any partner in the practice of the law, or attorney having his office with the prosecuting attorney of this territory be allowed to prosecute any suit in behalf of the petitioner or applicant for a divorce in the courts of this territory.

SEC. 12. No prosecuting attorney shall receive any fee or reward from any person, on behalf of any prosecution, for any of his official services, except as provided in this act, nor shall he be engaged as council [counsel] for a party in any civil action depending upon the same facts as a criminal prosecution.

SEC. 13. Each prosecuting attorney shall, on the thirty-first day of December in each year, make to 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 district or 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 of 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 prosecuting attorney, in any district or county, 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 two of this act.

SEC 16. Every prosecuting attorney shall receive for his services in prosecuting and defending civil actions, for any county within his district, and for legal advice to board of county commissioners, and county and precinct officers, and for such other duties as may be required in sections seven and eight of this act; and any other duties imposed by law, the following sums annually to be paid out of the county treasury of each county within his county or district, on the warrant of the county auditor of any such county, who shall take said prosecuting attorney's receipt for the amount of said warrant; that is to say, in counties where the population is one thousand or less, the sum of fifty dollars, and for any additional number of inhabitants above one thousand at the rate of twenty-five dollars per thousand, out of any money in the general fund of the county 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. 17. 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 shall be signed by the prosecuting attorney, and shall be filed in the auditor's office for 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 shall be qualified as provided in section two of this act, and shall, before entering upon his duties, take the oath of office, which shall be endorsed upon 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 his 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. 18. The prosecuting attorney when not in attendance upon the district court shall institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of, a felony when he has information that any such offence has been committed, and shall for that purpose attend when required by them. The prosecuting attorney shall

also attend and appear before and give advice to the grand jury when 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 elected under this act to carefully tax all cost bills in criminal cases arising in their respective counties, or districts, and they shall take care that no useless witness fees are taxed as part of such costs, 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 case, before any justice of the peace, and the cost bill in such last case is lodged with the county commissioners for such payment the said prosecuting attorney shall have the right to receive 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. The prosecuting attorneys heretofore elected and now exercising the duties of the office of prosecuting attorney, shall continue in office until the second Monday of January, one thousand eight hundred and eighty-seven, and until their successors are elected and qualified.

SEC. 20. No other or greater fees or salary, than herein provided, shall be allowed or paid to any prosecuting attorney in this territory.

SEC. 21. It is further provided in this act that the prosecuting attorney for the counties of Clarke, Skamania, Klickitat, Yakima, Kityass shall receive for the year 1886 the sum of ten hundred and fifty dollars, to be paid out of the territorial treasury in the manner prescribed in this act for the payment of salaries of prosecuting attorneys.

SEC. 22. All acts and parts of acts in conflict with the provisions of this act are hereby repealed, saving the said terms of the prosecuting attorneys in office as in section nineteen hereof.

SEC. 23. This act to take effect and be in force from and after its passage and approval.

Approved February 4, 1886.

AN ACT

TO CREATE A DISTRICT COURT FOR THE COUNTY OF ASOTIN AND DEFINING THE JURISDICTION THEREOF.

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

SECTION 1. That a court be and the same is hereby cre-

ated and established within the county of Asotin, to be called and known as the district court for Asotin county.

SEC. 2. That the said district court shall have jurisdiction within said county, of all matters, actions and causes, except those in which the United States shall be a party, in the same manner and to the same extent as other district courts in the first judicial district have, and all proceedings therein shall be governed by, and subject to the same laws, rules and regulations in all respects as other district courts in said district.

SEC. 3. That the said district court shall be held by the judge of the first judicial district and said judge shall appoint a clerk of said court, who shall before entering upon the duties of such office, take and subscribe an oath to faithfully discharge the same, and shall give a bond or other security in such sum and manner as the judge of said court may direct and shall keep his office at the county seat of said county.

SEC. 4. The regular term of said court shall be held at the county seat of said county on the first Monday in April and the third Monday in October in each year, and shall hold until the business of the term is transacted, unless sooner adjourned.

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

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

Approved February 4, 1886.

AN ACT

TO PROVIDE FOR A TERM OF THE SUPREME COURT OF WASHINGTON TERRITORY, FOR THE YEAR A. D. 1886.

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

SECTION 1. That a regular term of the supreme court of said territory shall be held at the capital of said territory, commencing on the second Monday of July, A. D. 1886, and continuing for not less than two weeks thereafter and until all the business is disposed of, including all causes that would

have been regularly on the docket of said court for disposition at said term, had no change been made in the law as it existed at the first day of the present session of this Legislative Assembly, unless the business coming before said court is sooner disposed of, and that thereafter the regular terms of said court shall be held as now provided by law: *Provided*, That only those causes shall be heard which are pending and may be brought in the counties east of the Cascade mountains.

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

Approved February 4, 1886.

AN ACT

TO AMEND SECTIONS 2386 and 2387, OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 2386 be amended to read as follows: Section 2386. The judge of the probate court shall file said certificate and record the same in the record of marriages, and the legal fee therefor shall be one dollar, to be paid by the party applying for the license, and at the time such license is issued.

SEC. 2. That Section 2387 be amended to read as follows: Section 2387. Any person solemnizing a marriage, who shall wilfully refuse or neglect to make and deliver to the judge of the probate court, for record, the certificate mentioned in section 2385, within the time in such section specified, shall be deemed guilty of a misdemeanor, and upon conviction shall pay for such refusal, or neglect, a fine of not less than twenty-five, nor more than three hundred dollars.

SEC. 3. All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved January 15, 1886.

AN ACT

RELATING TO CERTAIN FEES TO BE CHARGED BY CLERKS OF
PROBATE COURTS.

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

SECTION 1. Upon tendering of a fee of one dollar, it shall be the duty of every probate clerk in this territory and every probate judge acting ex-officio clerk of his own court, to take, acknowledge and affix his jurat to any oath, statement or affidavit made or required to be made by the laws of the United States, in filing on or proving up on government land. Any one violating this act shall be deemed guilty of a misdemeanor and shall be punished upon conviction by a fine of not less than twenty-five dollars.

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

Approved February 4, 1886.

AN ACT

TO AMEND CHAPTER IV OF THE CODE OF WASHINGTON
TERRITORY, RELATING TO THE MANNER OF COMMENCE-
MENT OF CIVIL ACTIONS.

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

SECTION 1. That section 60, of chapter IV, of the Code of Washington Territory, relating to the manner of commencement of civil actions, be and the same is hereby amended to read as follows: Section 60. The clerk shall indorse on the complaint, the day, month and year the same is filed, and at any time, within one year, after the filing of the same, the plaintiff may have a summons issued. The summons shall run in the name of the United States of America; be dated and signed by the clerk; tested in the name of the judge of the court in which it issues and contain the cause and general nature of the action, directed to the defendant and issued under the seal of the

court. The summons shall state the parties to the action, the court in which it is brought, the county in which the complaint is filed, and require the defendant to appear and answer the complaint within the time mentioned in this section, after the service of the summons, exclusive of the day of service, or judgment will be taken according to the prayer of the complaint. The clerk shall indorse on the summons the name of the plaintiff's attorney. The time in which the summons shall require the defendant to answer shall be as follow:

1. If the defendant is served within the county in which the action is brought, twenty (20) days.
2. If the defendant is served out of the county, but in the district in which the action is brought, thirty (30) days.
3. If served within any other judicial district within the territory, forty (40) days.
4. If served by publication, as hereafter provided, within sixty (60) days after the date of the first publication of the summons.

SEC. 2. That Section 62, of said chapter IV, be and the same is hereby amended to read as follows: Section 62. The summons shall be served by the sheriff of the county where the defendant is found, or by his deputy, or by a person specially appointed by him, or appointed by a judge of the court in which the action is brought, or by any citizen of the United States, over twenty-one (21) years of age, other than the plaintiff and who is competent to be a witness on the trial of the action. When the summons is served by a sheriff, or his deputy, it shall be returned with the certificate or affidavit of the officer of its service to the office of the clerk from which the summons issued. When the summons is served by any other person, as before provided, it shall be returned to the office of the clerk, from which it issued, with the affidavit of such person of its service. The plaintiff shall be entitled to as many writs of summons in the same suit as may be necessary to obtain jurisdiction of the person of the defendant, and they may be issued at the same or different times.

SEC. 3. That section 63 of said chapter IV be and the same is hereby amended to read as follows: Section 63. The summons shall be served by delivering a copy thereof as follows:

1. If against any county in this territory, to the county auditor.
2. If against any town or incorporated city in this territory, to the mayor thereof.
3. If against a school district, to the clerk thereof.
4. If against a railroad corporation, to any station, freight, icket or other agent thereof within the territory.

5. If against a corporation owning or operating sleeping or hotel cars or the like, to any person having charge of any of its cars or any agent found within the territory.

6. If against an insurance corporation, to any agent authorized by such corporation to solicit insurance within the territory.

7. If against a corporation doing an express business, to any agent authorized by said corporation to receive and deliver express matters and collect pay therefor for such corporation within the territory.

8. If the suit be against a corporation other than designated in the preceding seven subdivisions of this section, to the president or other head of the corporation, secretary, cashier or managing agent thereof.

9. If the suit be against a foreign corporation or non-resident, joint stock company or association doing business within this territory, to an agent, cashier or secretary thereof.

10. If against a minor under the age of fourteen (14) years, to such minor personally and also to his father, mother, guardian, or if there be none within this territory, then to any person having the care or control of such minor, or with whom he resides or in whose service he is employed.

11. If against any person for whom a guardian has been appointed for any cause, to such guardian.

12. In all other cases, to the defendant personally, or if he be not found, to some suitable person, the dwelling house or usual place of abode of the defendant.

SEC. 4. That section 69 of said chapter IV be and the same is hereby amended to read as follows: Section 69. Proof of the service of the summons shall be as follows:

1. If served by the sheriff or his deputy, the return of such sheriff or deputy.

2. If by any other person, his affidavit thereof.

3. The written admission of the affidavit, dated and indorsed upon the summons, stating the time and place of service.

4. In case of publication, the affidavit of the editor, publisher, foreman or principal clerk to such publication. If the service is by publication, the original summons shall be returned to the clerk of the court who issued it, accompanied by a printed copy thereof as published, together with the affidavit of the editor, publisher, foreman or principal clerk employed in the newspaper office where published, showing in what capacity the affiant makes the affidavit, the name of such weekly newspaper, the place where it is published and its general circulation in the county where the court is held, if not published in such county

and that the printed copy as returned was published for six (6) consecutive weeks in such newspaper, and showing also the date of the first publication and the date of the last publication thereof, and that the said newspaper amended is a newspaper published at least once a week as a weekly newspaper in the county or judicial district in which the court is held.

SEC. 5. That section 70 of said chapter IV be and the same is hereby amended to read as follows: "Section 70. From the time of service of the summons in an action at law the court shall be deemed to have acquired jurisdiction and to have control of all the subsequent proceedings."

SEC. 6. That there be and is hereby added to said chapter IV a new section called section 72½ which shall read as follows: "Section 72½. The defendant when served with a copy of the summons may, at any time, demand of the clerk of the court from which the summons issued a copy of the complaint filed in the action, and the clerk shall, thereupon, deliver to the defendant a copy of said complaint, and the clerk's fees therefor shall be taxed as other costs in the action."

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect from and after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

TO AMEND CHAPTER 19, OF THE CODE OF WASHINGTON TERRITORY. EXCEPTIONS.

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

SECTION 1. Section 257 shall be amended to read as follows. Section 257. No particular form of objections or exceptions is required and all objections and exceptions shall be as hereinafter prescribed.

First—All objections and exceptions to the rulings or decisions made by the court or judge thereof, on demurrer, to any pleadings, including complaint, petition, answer, reply or any other form of pleadings by which a right is allowed to be asserted, or a wrong redressed in an action or proceeding at law,

or an action or proceeding in equity, or in an action or proceeding in admiralty; and

Second—All exceptions to the rulings or decisions of the court or judge, on motions or exceptions made to the pleadings, whether the same be complaint, petition, answer or reply, or any other form of pleading, as stated in subdivision one, of this section, shall be taken at the time of said ruling or decision, and shall be entered in the journal by the clerk of the court, and such entry shall be a bill of exceptions settled and allowed: *Provided*, That if any ruling or decision by the court or judge thereof, shall be made in vacation and during the absence of the party and his attorney to whom they are adverse, said ruling or decision shall be deemed excepted to and said exception shall be a bill of exceptions settled and allowed.

Third—In the trial of any action or proceeding by the court or judge thereof, whether the same be an action or proceeding at law, or an action or proceeding in equity, or an action or proceeding in admiralty, where there shall be findings of fact, or law, or both, by the court or judge thereof, the exception to the findings of facts, or law, shall be made at the time of their announcement by the court or judge thereof, and shall be entered by the clerk in the journal, describing such findings, excepted to by number, or other sufficient description, and such entry shall constitute a bill of exceptions settled and allowed: *Provided, however*, That when such findings by the court or judge thereof, or by a referee appointed by the court, or judge thereof, shall be adopted, or modified by said court, or judge, said findings of fact and law, when filed during the absence of the party, and his attorney, to whom they are adverse, both such findings of fact and law shall be deemed excepted to, and such exceptions shall be equivalent to a bill of exceptions, settled and allowed. The journal shall show the absence of the party and his attorney, and shall contain a statement, that said findings were excepted to.

Fourth—Exceptions to rulings or decisions of the court, dismissing the action because the evidence is not sufficient to sustain the complaint, or petition, shall be taken and entered on the journal, by the clerk, at the time of the ruling, or decision, and the material facts necessary to show the point of said rulings, shall be settled by statement, as provided by law, and said statement, so settled, shall be a bill of exceptions, settled and allowed.

Fifth—Exceptions to the giving or refusal of instructions to the jury by the court shall be taken immediately after the retirement of the jury, and entered in the journal by the clerk, and said instruction shall, if in writing, be described by number or other sufficient description. And if the instruction excepted

to be oral the court shall immediately reduce the same to writing as near as may be in the language in which it was given, and shall number the same and file the same with the other instructions refused and excepted to or given and excepted to, and said instructions so refused or given, together with the exceptions shall constitute a bill of exceptions settled and allowed.

Sixth—Exceptions to the rulings or decisions of the court in the admission or rejection of the evidence shall be taken and allowed at the time, and shall, together with the material facts be settled by a statement as provided by law, and said statement shall be a bill of exceptions settled and allowed.

Seventh—Exceptions to the rulings or decision of the court or judge thereof, on motions for continuance, new trials, change of venue, the dissolution or continuance of attachments or injunctions, the granting or refusal of writs [of] *habeas corpus*, mandate and prohibition, shall be taken at the time and be entered by the clerk in the journal or otherwise preserved as one of the papers in the proceedings. The papers used on the hearing and the evidence reduced before or at the time to writing, or afterwards settled as to its material facts by a statement together with all interlocutory rulings excepted to shall constitute a bill of exceptions settled and allowed.

SEC. 2. Section 258 is amended to read as follows: Section 258. In the removal of a cause from the district court to the supreme court of the territory no bill of exceptions other than is provided for in section 257, and its subdivisions, is necessary or proper.

SEC. 3. Sections 259 and 260 are repealed.

SEC. 4. Section 261 is amended to read follows: Section 261. If the judge in any case refuse to allow an exception in accordance with the facts or the entry thereof in the journal, as provided for in section 257 and its subdivisions, the party desirous of said allowance may present his petition and proofs to the supreme court, which shall convene sixty or more days next after the refusal of the district court or judge to allow the same, and said supreme court shall hear said petition and shall grant or reject the same as the preponderance of the proof may show the truth to be. If allowed by the supreme court such allowance shall be certified by its clerk to the clerk of the proper district court, and said exceptions shall be as other exceptions in the cause, settled and allowed.

SEC. 5. Section 262 is amended to read as follows: Section 262. If the judge who presided at the trial ceases to hold office before the statement mentioned in the preceding sections of this act is settled and certified by him; he may nevertheless settle and sign the same. In case of the death or dis-

ability of the judge who presided at the trial the statement may be settled and signed by his successor.

SEC. 6. Section 263 is repealed.

SEC. 7. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect from and after its passage and approval by the governor.

Approved February 3, 1886.

AN ACT

TO AMEND SECTION 384 OF THE CODE OF WASHINGTON TERRITORY, AND TO SECURE TO THE PEOPLE OF THE TERRITORY THE RIGHT OF TRIAL BY JURY.

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

SECTION 1. That section 384 of the Code of Washington Territory, be, and the same is amended so as to read as follows: Section 384. Witnesses may be compelled to appear and testify before the judge or referee upon any proceeding under this chapter as upon the trial of an issue of fact; and if the judgment debtor deny that he is indebted to the plaintiff, or that he has property which he unjustly refuses to apply towards the satisfaction of the judgment, then and in such case the judgment debtor may demand a trial by jury, and upon such demand being made the said proceedings shall stand continued until the next term of the district court from whence the execution issued, and be docketed and tried by a jury, as other civil actions are tried.

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

Approved January 15, 1886.

AN ACT

TO AMEND SECTION 392 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That subdivision one, of Section 392, of the

Code of Washington Territory, be and the same is hereby amended so as to read as follows: Section 392. The following persons shall not be examined as witnesses: 1. 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 shall either during marriage, or afterwards, without the consent of the other, be 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: *Provided*, That in all actions, civil and criminal, involving the chastity of the wife, in which the husband is a competent witness, the wife shall also be a competent witness and allowed to testify.

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

Approved January 19, 1886.

AN ACT

TO AMEND SECTION 59 OF CHAPTER 4, OF THE CODE OF WASHINGTON TERRITORY, AS AMENDED AND APPROVED NOV. 28, 1883.

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

SECTION 1. That section 59 of chapter 4, of the Code of Washington [Territory], as amended and approved November 28, 1883, be and the same is hereby further amended to read as follows, to-wit: "Section 59. Civil actions in the several district courts in this territory shall be commenced by the filing of a complaint with the clerk of the court in which the action is brought: *Provided*, That after the filing of the complaint a defendant in the action may appear, answer or demur whether the summons has been issued or not, and such appearance, answer or demurror shall be deemed a waiver of summons.

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

Approved January 9, 1886.

AN ACT

TO AMEND SECTION 25, OF THE CODE OF WASHINGTON TERRITORY, 1881.

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

SECTION 1. That Section 25, of the Code of 1881, be amended to read as follows:

Section 25. Actions can only be commenced within the periods herein prescribed, after the cause of action shall have accrued, except when in special cases a different limitation is prescribed by statute; but in the district court, the objection that the action was not commenced within the time limited, can only be taken by answer or demurrer.

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

Approved December 22, 1885.

AN ACT

TO AMEND SECTION 334, OF THE CODE OF WASHINGTON TERRITORY, IN RELATION TO EXECUTIONS.

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

SECTION 1. That section 334, of the Code of Washington Territory, be, and the same is amended so as to read: Section 334. In all cases in which a judgment has been recovered in any of the courts of this territory, which shall have been assigned to any person, execution may issue in the name of the assignee, upon the assignment being recorded in the execution docket, by the clerk of the court in which the judgment is recovered, and in all cases in which a judgment has been recovered in any such court, and the person in whose name execution might have issued, dies, execution may issue, in the name of the executor, administrator or legal representative of such deceased person, upon the letters testamentary or of administration, or other sufficient proof being filed in said cause and minuted upon said execution docket, by the clerk of the court in which said judgment is entered, and upon an order of said court or the judge thereof, which may be made on an *ex parte* application, and the provisions of this section shall extend to all judgments heretofore recovered, as well as to those hereafter to be recovered, and to cases of persons now deceased, as well as to those who may hereafter die.

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

Approved January 30, 1886.

AN ACT

TO AMEND SECTION 77 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 77, of the Code of Washington

Territory, be amended so as to read as follows: Section 77. The defendant may demur to the complaint when it shall appear upon the face thereof either,

First—That the court has no jurisdiction of the persons of the defendant or of the subject matter of the action; or

Second—That the plaintiff has no legal capacity to sue, or

Third—That there is another action pending between the same parties for the same cause; or

Fourth—That there is a defect of parties, plaintiff or defendant; or

Fifth—That several causes of action have been improperly united; or

Sixth—That the complaint does not state facts sufficient to constitute a cause of action; or

Seventh—That the cause of action stated in the complaint is barred by the statutes of limitation; or,

Eighth—That the contract or agreement, set forth in the complaint is required by the statutes of frauds to be in writing and it is not so alleged.

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

Approved January 9, 1886.

AN ACT

ENTITLED AN ACT TO AMEND SECTION 860 AND 864 OF CHAPTER 70 OF THE CODE OF WASHINGTON IN RELATION TO OFFENSES AGAINST PUBLIC PEACE.

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

SECTION 1. That sections 860 and 864 of chapter 70 of the Code of Washington Territory, be and the same are hereby amended to read as follows: "Section 860. If three or more persons shall be unlawfully, riotously, or tumultuously assembled any justice of the peace, sheriff, deputy sheriff, constable, or marshal of a city, or mayor or alderman thereof, shall go among the persons so assembled, or as near to them as possible and shall command them in the name of the Territory of Washington immediately to disperse. If the persons so

assembled do not immediately disperse, it shall be lawful for every such officer to command sufficient aid to seize, arrest and secure in custody all such persons, and if necessary, an armed force may be called out and shall obey the orders of any two of the magistrates or officers mentioned in this action, [section] and if any such persons shall be killed or wounded by reason of their resisting the persons endeavoring to disperse or seize them the magistrates or officers shall be held guilty. And if three or more persons shall be unlawfully, riotously, or tumultuously assembled at or near the residence of other persons or where such other persons may be peaceably assembled, and disturb or annoy such persons by loud or unusual shouting, the discharging of firearms, or by creating any unusual noise which is calculated or intended to annoy or in any manner disturb the inmates of said residence or said persons so peaceably assembled, they shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not less than twenty dollars, nor more than two hundred dollars each; or be imprisoned in the county jail not less than twenty days nor more than one year, or both fined and imprisoned." "Section 864. Any persons who shall be guilty of racing horses or driving upon the public highway in a manner likely to endanger the persons or lives of others, or guilty of loud shouting, or the discharging of firearms, or any other demonstrations which are calculated or intended to frighten, intimidate or in any manner disturb other persons, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days."

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

Approved December 23, 1885.

AN ACT

TO AMEND SECTION 823, OF CHAPTER LXIX OF THE CODE OF WASHINGTON TERRITORY, RELATING TO OFFENSES AGAINST PROPERTY.

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

SECTION 1. That Section 823, of Chapter LXIX, of the Code of Washington Territory, be amended to read as follows: Section 823. Every person who shall wilfully and malic-

iously set fire to the dwelling house, tent, cabin, or any structure, no matter of what material constructed, used and occupied as a place of abode by any person or persons, any barn, stable, out-house, ship, steamboat, or other vessel, or any watercraft, mill, milk house, banking house, distillery, manufactory, mechanics' or artificers' shop, store-house building, or room occupied as a shop or an office for professional business, or printing office of another, any public bridge, court-house, jail, market-house, seminary or college, edifice or building thereto belonging, or other public buildings, of the value of five dollars, or any stock of grain, hay, or straw of another of the value of five dollars, shall be deemed guilty of arson, and upon conviction thereof, shall be imprisoned in the penitentiary, not more than ten years, nor less than one year, or in the county jail not more than six months, nor less than one month, and be fined in any sum not exceeding one thousand dollars, and should the death of any person ensue therefrom, known to be occupying, or present on said premises, at the time such premises are wilfully and maliciously set fire to, the offender, on conviction thereof, shall be deemed guilty of murder in the first degree.

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

Approved January 20, 1886.

AN ACT

DECLARING CERTAIN ACTS TO BE MISDEMEANORS, AND PROVIDING PUNISHMENT THEREFOR.

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

SECTION 1. Every person who wilfully commits any trespass by either, (1.) Cutting down, destroying or injuring any kind of wood or timber, or any tree, standing or growing upon the lands of another; or (2.) Carrying away any kind of wood or timber lying on such lands; or (3.) Maliciously injuring or severing from the freehold of another, anything attached thereto, or the produce thereof; or (4.) Digging, taking, or carrying away from any lot situated within the limits of any incorporated town or city, without the license of the owner or legal occupant

thereof, any earth, soil, or stone; or (5.) Putting up, affixing, fastening, printing or painting upon any property belonging to the territory or to any county, city, town or village, or dedicated to the public, or upon any property of any person or corporation, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign or device intended to call attention thereto: *Provided*, That nothing contained in this subdivision, shall be construed to prohibit the posting of legal notices; or (6.) cutting down, girdling, destroying, or injuring any tree, timber or shrub, on the street or highway in front of any person's house, village, town or city lot, or on the commons or public grounds of any village, town or city, or on the street or highway in front thereof, without lawful authority, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail not more than twenty days, or by both such fine and imprisonment.

SEC. 2. Every person who either, (1.) Maliciously removes any monument, erected or used for the purpose of designating any point in the boundary of any lot or tract of land; or (2.) Maliciously defaces or alters the marks upon any such monuments; or (3.) Maliciously cuts, or burns down, or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail, not more than fifty days, or by both such fine and imprisonment.

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

Approved January 15, 1886.

AN ACT

DECLARING IT TO BE A MISDEMEANOR FOR ANY PERSON BY WORDS, SIGNS OR GESTURES, WILFULLY TO PROVOKE OR ATTEMPT TO PROVOKE ANOTHER TO COMMIT AN ASSAULT AND BATTERY OR OTHER BREACH OF THE PEACE.

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

SECTION 1. Every person who shall, by word, sign or

gestures, wilfully provoke or attempt to provoke another person to commit an assault and battery, or other breach of the peace, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars, and shall stand committed until such fine and costs are paid, justices of the peace shall have exclusive original jurisdiction of prosecutions under this act within their respective counties.

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

Approved January 9, 1886.

AN ACT

TO AMEND SECTION 825, CHAPTER LXIX OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 825 of chapter LXIX of the Code of Washington Territory be amended to read as follows: Section 825. Every person who shall wilfully and maliciously set fire to the dwelling house or any building owned by himself whereby the dwelling house or building of another shall be burned or injured by fire; and every person who shall wilfully, purposely, or maliciously set fire to any house, building or structure owned by himself or by any other person, with intent to obtain any insurance thereon, or any money or thing of value whatever from any other person, shall on conviction thereof, be imprisoned in the penitentiary not less than one nor more than ten years, or be imprisoned in the county jail not less than six months nor more than one year, and fined in any sum not exceeding one thousand dollars, and should the life of any person be thereby lost, such offender shall be deemed guilty of murder in the second degree, and be imprisoned in the penitentiary not less than ten nor more than twenty years.

SEC. 2. The provisions of this act shall in nowise effect any act done or crime heretofore committed, but all acts heretofore done and offenses heretofore committed shall be prosecuted and punished in the same manner as if this act had not been passed.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

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

Approved January 15, 1886.

AN ACT

TO AMEND SECTIONS 830 AND 831 OF THE CODE OF WASHINGTON.

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

SECTION 1. That sections 830 and 831 of the Code of Washington Territory, be and the same is amended to read as follows: "Section 830. Every person who shall feloniously steal, take and carry, lead or drive away the personal goods or property of another, of the value of thirty dollars or more, shall be deemed guilty of grand larceny and upon conviction thereof, shall be imprisoned in the penitentiary not more than fourteen years nor less than six months. Section 831. Every person who shall feloniously steal, take and carry, lead or drive away the personal goods or property of another, under the value of thirty dollars, shall be deemed guilty of petit larceny, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not more than six months or by both fine and imprisonment in the discretion of the court."

SEC. 2. The sections hereby amended shall remain in force so far as to allow the trial and punishment of all past violations of said sections or either of them.

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

Approved December 23, 1885.

AN ACT

TO AMEND SECTION 929, OF CHAPTER 73, OF THE CODE OF WASHINGTON TERRITORY, IN RELATION TO CARRYING CONCEALED WEAPONS, AND TO PROVIDE FOR THE PUNISHMENT OF THE SAME.

Be it enacted by the Legislative assembly of the Territory of Washington:

SECTION 1. That section 929, of chapter 73, of the

Code of Washington Territory, be. and the same is hereby amended so as to read as follows: "Section 929. If any person shall carry upon his person any concealed weapon, consisting of either a revolver, pistol, or other firearms, or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars, nor more than one hundred dollars, or imprisonment in the county jail not more than thirty days, or by both fine and imprisonment, in the discretion of the court: *Provided*, That this section shall not apply to police officers and other persons whose duty it is to execute process or warrants or make arrests.

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

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

Approved January 20, 1886.

AN ACT

TO PREVENT AND PUNISH PRIZE FIGHTING.

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

SECTION 1. That any person or persons arranging, or attempting to arrange, or offering to arrange, engaging or offering to engage in a prize fight, to be fought at any place within the limits of this territory, or otherwise, in any manner either as principal, trainer, assistant, manager, stake-holder, referee, aider, second, abettor, solicitor or agent, whether said prize fight shall take place in this territory or else where, shall be deemed to have committed a felony, and upon conviction shall be punished by imprisonment in the penitentiary at hard labor, not less than one year nor more than five years, or by a fine of not less than five hundred dollars (\$500), nor more

than two thousand dollars (\$2,000), or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That any person or persons who shall arrange or attempt to arrange, or offer to arrange, or who shall engage or offer to engage in any glove contest, or sparring match, to be carried on, or fought with or without gloves, in any field, public hall, public house or other place frequented by the public generally, or in any place or room open to the general public, or in any place to which the public is or may be invited, where the contestants are to receive any gate receipts, money or emoluments of any nature, or where there is any money staked as bets on the result, or where money is to change hands for any purpose in connection with a contest, shall be deemed guilty of a misdemeanor, and for each offense shall be punished by a fine in any sum not exceeding two thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment: and each and every person who shall arrange or attempt or offer to arrange, or who shall engage or offer to engage in any glove contest or sparring match, to be carried on or fought with or without gloves, in any private room or place, in the presence of ten or more persons, shall be deemed guilty of a misdemeanor and punished as in this section above provided.

SEC. 3. It shall be the duty of every peace officer in this territory, to see that this act is faithfully enforced, and when any such officer has reason to believe this act is being violated, or is about to be violated, it shall be his duty forthwith, to arrest any person or persons violating the provisions of this act, with or without warrant, and take him or them before the nearest committing magistrate of the county, to be dealt with according to law, and such peace officer may pursue and arrest any person or persons whom he has reason to believe have violated or are attempting to violate any of the provisions of this act, into any county in the territory, and take such offenders into the county from whence they were pursued, before the proper magistrate. It shall be the duty of every judge on charging the grand jury to read this act and charge such grand jury to diligently inquire into any and all violations of the provisions of the same.

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

Approved January 6, 1886.

AN ACT

TO AMEND SECTION 812, OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 812, of the Code of Washington Territory, be amended to read as follows: Section 812. If any person ravish or carnally know any female of the age of sixteen years or more, by force and against her will, or carnally know and abuse any female child under the age of sixteen years, he shall be punished by imprisonment in the penitentiary for life or any term of years.

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

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

Approved January 29, 1886.

AN ACT

TO AMEND SECTIONS 2421, 2430 AND 2434 OF CHAPTER CLXXXV OF THE CODE OF WASHINGTON TERRITORY, RELATING TO CORPORATIONS.

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

SECTION 1. That sections 2421, 2430 and 2434 of chapter CLXXXV of the Code of Washington Territory, relating to corporations, be and the same are hereby amended to read as follows, to wit: Section 2421 is amended to read as follows: Corporations for manufacturing, mining, milling, wharfing and docking, mechanical, banking, merchantile, improvement and building purposes, or for the building, equipping and managing water flumes, for the transportation of wood and lumber, or for

the purpose of building, equipping and running railroads, or constructing canals, or engaging in any other species of trade or business, may be formed according to the provisions of this chapter; such corporations and the members thereof being subject to all the conditions and liabilities herein imposed, and to none others: *Provided*, That no such corporation shall commence business or institute proceedings to condemn land for corporate purposes until the whole amount of its capital stock has been subscribed.

SEC. 2. That section 2430 is amended by adding at the end of such section the following proviso, to-wit: *Provided*, That the amount of the capital stock of any bank incorporated under this act shall not be less than twenty-five thousand dollars, to be divided into shares of one hundred dollars each, all of which shares shall be subscribed, and three-fifths of such capital stock shall be paid in before commencement of business, the remainder to be subject to the call of the trustees, and it shall be the duty of the trustees of any such bank to file with their articles of incorporation their affidavit that three-fifths of the capital stock of such bank has been actually paid in.

SEC. 3. That section 2431 is amended by adding at the end of such section the following proviso, to-wit: "*Provided*, That the stockholders of every bank incorporated under this act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares, and all such banking corporations shall file, on the first Monday in June, each year, with the territorial auditor, a report sworn to by its president, vice president or cashier of the resources and liabilities, stating the amount of deposits, the aggregate of loans and the amount upon each class of securities, the names and residence of the shareholders and number of their shares, the trustees or officers for the time being, and any other matters affecting the safety of their deposits or the interest of their creditors; and such banking corporations shall have power to exercise, by its board of trustees or duly authorized officers or agents, all such incidental powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt, by receiving deposits, buying and selling exchange, coin and bullion, by loaning money on real estate or personal security, to accept and execute all trusts, fiduciary or otherwise as may be committed to such bank or corporation by any person, persons or corporation, or by the order or direction of any court, and may do any

other business pertaining to banking. Any person or persons who shall be engaged in the business of banking who shall put up or cause to be put up or exhibit any sign or advertisement, purporting thereby to be an incorporated bank, or shall do business under a corporate name when they are not such, shall, on conviction thereof, be adjudged guilty of a misdemeanor and punished by a fine not exceeding two hundred dollars.

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

Approved February 3, 1886.

AN ACT

TO AMEND SECTION 2451, OF CHAPTER 186, OF THE CODE OF WASHINGTON TERRITORY, RELATING TO CORPORATIONS.

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

SECTION 1. That section 2451 of chapter 186 of the Code of Washington Territory, be, and is hereby amended to read as follows: Section 2451. When such articles shall have been filed, as aforesaid, the persons who shall have signed and verified the same, and their successors, shall be a body politic and corporate, with perpetual succession, they shall be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered in all the courts of the territory: they may have a common seal, alter and change the same at pleasure: acquire, mortgage and sell property, personal and real, for the purpose of carrying out the objects of the corporation, and make by-laws, rules and regulations, as they may deem proper and best for the welfare and the good order of the corporation: and may amend the articles of incorporation by supplemental articles, executed and filed the same as the original articles: *Provided*, That such by-laws, rules and regulations be not contrary to the constitution and laws of the United States, and the existing laws of the territory.

SEC. 2. All acts conflicting in any manner with this act are hereby repealed.

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

Approved January 19, 1886.

AN ACT.

TO AMEND SECTIONS 2479, AND 2480, OF THE CODE OF WASHINGTON TERRITORY, IN RELATION TO FOREIGN CORPORATIONS.

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

SECTION 1. That sections 2479 and 2480, of the Code of Washington Territory, be, and the same are hereby amended to read as follows:

Section 2479. Any corporation, incorporated under the laws of any state or territory, in the United States, or of any foreign country, state or colony, may acquire, hold, use and dispose of in the corporate name, all real estate necessary or convenient to carry into effect the objects of its incorporation, and the transaction of its business, not to exceed 5,000 acres of land, and also any interest in real estate, by mortgage or otherwise, as security for moneys due to, or loans made by such foreign corporation in this territory, either prior to, or after the passage of this act: *Provided:* That no foreign corporations hereafter organized for the purpose of dealing in real estate, by buying and selling the same as a part of its business, shall be permitted to transact such business in this territory: *Provided further,* Such corporation shall file and record, or cause to be filed and recorded in the office of the Secretary of the territory, a certified copy of its charter, or articles of incorporation, or memorandum of association, or certificate of incorporation, certified as provided in section 2480, of this code, and shall in all respects comply with the provisions of sections 2480 and 2481, of this code.

Section 2480. Such corporation shall file and record, or cause to be filed and recorded, in the office of the secretary of the territory, a certified copy of its charter, or articles of incorporation, or memorandum of association, or certificate of

incorporation. When a certified copy of articles of incorporation, or memorandum of association, is filed and recorded, as required by this act, it shall be certified to by the officer with whom, or in whose office, articles of incorporation, or memorandums of association are required to be filed or registered by the laws of the state, territory or colony, where the corporation filing and recording such certified copy was originally incorporated. When a certified copy of a charter is filed and recorded as required by this act, it shall be certified to by the officer who is the legal custodian of original charters of corporations under the laws of the state, territory, country or colony, where the corporation filing and recording such certified copy was originally incorporated, when a certified copy of a certificate of incorporation is filed and recorded, as required by this act, the certificate thereto shall be made by the officer who is authorized to issue certificates of incorporation to corporations, or certificates stating that corporations are duly incorporated by the laws of the state, territory, country or colony where the corporation filing and recording such certified copy was originally incorporated. The certificates required by this act shall be attested by the officer making the same, under his hand and official seal, or the seal of his office, provided he has an official seal or a seal of office. In the event that such officer has no official seal, or seal of office, his certificate shall state that fact. If the certificate hereby required be made out of the states or territories of the United States, and is not under seal as above provided, the genuineness of the signature of the officer making the same, and the fact that at the time of making such certificate, the person making the same, held the office described in the certificate, shall be attested by the consul, vice consul or consular agent of the United States, at the place where such certificate is made. And such corporation shall constitute and appoint an agent, who shall reside at the place in the territory where the business of said corporation shall be carried on: *Provided*, That in case any such corporation should desire to carry on business in more than one place in this territory at one and the same time, then such corporation shall constitute and appoint an agent to reside at the principal place of business of such corporation, as herein provided. No corporation which has heretofore complied with the provisions of the laws of this territory, hitherto existing, regarding foreign corporations, is required to file and record, or cause to be filed and recorded, the certified copies provided for in this act.

SEC. 2. All acts and parts of acts in conflict with 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 February 3, 1886.

AN ACT

RELATING TO THE COLLECTION OF TAXES IN THE TERRITORY OF WASHINGTON FOR THE YEAR 1885.

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

SECTION 1. That all persons who shall pay their taxes, levied for the year A. D. 1885, on or before March 1, 1886, be and are relieved from paying the penalty provided by law.

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

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

Approved December 23, 1885.

AN ACT

EXTENDING THE TIME WITHIN WHICH THE TAXES OF 1885 MAY BE PAID.

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

SECTION 1. The taxes levied for the year 1885 shall not become delinquent until six o'clock P. M. on the 28th of February, 1886. From and after the 1st day of March 1886, the sheriff shall be collector of said delinquent taxes for

1885. On the first Thursday of March, 1886, the county treasurer must attend at the office of the county auditor and perform the duty required by section 2922 of the Code of Washington. The sheriff as collector of delinquent taxes shall follow the provisions of the law regulating the collection of delinquent taxes, conforming to the changes of date in this act: *Provided*, And having until the 3rd Monday in April, 1886, in which to enforce the collection of taxes by distraint of personal property. On the 1st Monday of June, 1886, the said sheriff, as collector of delinquent taxes, having made due advertisement as prescribed by said law, said sheriff changing only the dates to conform to this law, shall commence the sale at public auction of real estate upon which taxes were levied for the year 1885.

SEC. 2. In other receipts, except as to dates being altered as herein provided, to secure an extension of time, within which said taxes may be paid, the proceedings shall be as in the revenue law now in force.

SEC. 3. The provisions of this act shall only apply to the taxes levied in the year 1885.

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

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

Approved January 5, 1886.

AN ACT

TO AMEND SECTIONS 2930 AND 2931 OF THE CODE OF WASHINGTON TERRITORY, IN RELATION TO THE REDEMPTION OF LANDS SOLD FOR TAXES.

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

SECTION 1. That section 2930 be amended to read as follows: Section 2930. All lands, city and town lots, sold to actual purchasers, shall be subject to redemption by the former owner, mortgaggers, execution or attaching creditors within three years thereafter, on the payment of the delinquent taxes

with twenty (20) per cent. per annum interest, costs, charges and the accruing taxes to the purchasers, who shall receipt therefor, or to the county treasurer for the use of such purchaser, and if no receipt of such purchaser shall be filed with such treasurer, or no such payment be made to such treasurer, the holder of the certificate of the purchase shall be entitled to receive a deed.

SEC. 2. Section 2931 shall be amended to read as follows: Section 2931. Lands and city and town lots sold to the county for the payment of taxes, may be redeemed by the person, or either of them mentioned in section 2930, by obtaining from the county auditor a certified statement of the amount of all taxes, interest, costs and accrued taxes charged to such land or lots, and paying such amount to the county treasurer, who shall give him a receipt therefor, and the county auditor on filing such receipt shall give to the person redeeming the land or lots a certificate of redemption, signed by him in his official capacity and sealed with the seal of the board of county commissioners, and shall charge such treasurer with the amount of such receipt and shall omit such land or lots so redeemed from his list of county lands: *Provided*, That in case there shall be no redemption by the owner but redemption by the mortgagee, as prescribed in sections 2930 and 2931, execution or attachment creditors may redeem from the mortgagee by the payment to him of the full amount of the mortgage together with interest thereon as prescribed in the mortgage, and the interest, costs, charges and accruing taxes if any, paid by said mortgagee: *And Provided further*, If there shall be more than one mortgagee the mortgagees may redeem from each other in succession or an attachment or execution creditor by paying the sum paid by the last redemptioner together with ten per cent. interest thereon and all taxes and costs, if any, paid by him after the preceding redemption: *And Provided further*, That execution and attachment creditors may redeem from each other by paying the sum paid by the preceding redemptioner with interest thereon at ten per cent. per annum.

SEC. 3. All acts and parts of acts in any manner conflicting with this act are hereby repealed.

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

Approved January 9, 1886.

AN ACT

TO AMEND SECTION 2934 OF CHAPTER 226 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO CONVEYANCE OF REAL ESTATE SOLD FOR TAXES.

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

SECTION 1. That section 2934, of chapter 226, relating to the conveyance of real estate sold for taxes be, and is hereby amended to read as follows: Section 2934. If within three years after the sale of any tract or lot of land for taxes, the same has not been redeemed, as provided by law, the lawful holder of a valid 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 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: *Provided, however,* That no holder or owner of such certificate shall be entitled to a deed of the lands or lots so purchased, until the following conditions have been complied with, to-wit: Such holder or owner shall cause to be served a written or printed notice of such purchase on the person or persons in actual possession or occupancy of such tract or lot of land, and also the person in whose name the same was taxed or assessed, if upon diligent inquiry he can be found in the county, at least sixty days prior to the expiration of the three years aforesaid, in which notice he shall state when he purchased the land or lot, the description thereof, for what year taxed or specially assessed, and when the time of redemption will expire. If no one is in the actual possession or occupancy of such tract or lot of land, and the person in whose name the same was taxed or assessed, upon diligent inquiry, cannot be found in the county, then the holder or owner of said certificate, shall publish such notice in some newspaper printed and published in the county, and if no newspaper is printed and published in the county, then in the nearest newspaper that is published in this territory to the

county seat of the county in which such tract or lot of land is situated, which notice shall be inserted three times, the first not more than five months and the last not less than sixty days before the time of redemption shall expire. And the holder or owner of such certificate or his agent shall before he shall be entitled to such deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on, as such compliance, which affidavit shall be delivered to the sheriff and which shall, by him, be filed in the office of the county auditor and by him entered on the records of his office, and carefully preserved among the files of his office, which record and affidavit shall be *prima facie* evidence that such notice has been given. The auditor's fees for recording such affidavit to be paid by the holder of such certificate, and the printer's fee for publishing such notice to be paid by the party redeeming before deed is made, not to exceed two dollars for each tract or lot of land. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly.

SEC. 2. All acts and parts of acts in conflict with 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 February 3, 1886.

AN ACT

TO AMEND SECTIONS 2924, 2933, 2934 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. Section 2924 of the Code of Washington Territory is amended by adding at the end of said section the following: "And in case of sale of lands to the county, the sheriff shall execute and deliver to the county auditor a certificate, showing that the county, naming it, has purchased the lands named in the certificate, stating that the same was sold

for taxes, the date of sale, amount paid therefor, and the name of the person in whose name the land was assessed for taxes. Such certificate shall be signed by the sheriff and shall be *prima facie* evidence of the regularity of all prior proceedings.

SEC. 2. Section 2933 is amended by adding thereto the following proviso, to-wit: *Provided*, That in all cases where lands are struck off and sold to the county, and certificate issued, as in section 2924, provided said lands shall be assessed and taxed to the person in whose name the same were assessed when sold, for each year, for the three years next subsequent to such sale, and shall not again be sold during said three years.

SEC. 3. Section 2934 is amended by adding thereto the following proviso: "*Provided*, That in cases wherein lands have been sold to the county, the deed shall include, as consideration therefor, the amount for which the land was sold, together with the taxes, with the interest subsequent to the sale, and shall convey the lands mentioned to the county, and the board of commissioners of the county may, afterward, at any time, sell at public sale the whole or any part of such lands, in giving notice of such sale in manner provided for sales by the sheriff of lands sold on execution, and in such sale the auditor shall for, and in the name of the county, and under the seal of the board of commissioners, execute to the purchaser a quit-claim deed, for such lands, on payment of the purchase price, and for cash, and so execute to the county, the sheriff shall receive one dollar.

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

Approved February 4, 1886.

AN ACT

TO PROVIDE FOR THE ASSESSMENT AND TAXATION OF MIGRATORY STOCK.

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

SECTION 1. That when any cattle, horses, sheep or goats

are driven into any county in this territory for the purpose of grazing therein, at any time after the first Monday in April, in any year, they shall be liable to be assessed for all taxes leviable in that county for that year, the same as if they had been in the county at the time of the annual assessment: and it shall be the duty of the sheriff, in any county in which any of said stock are driven, to assess the same; and the taxes on said stock shall become due upon the assessment of the same, and the sheriff shall collect said taxes at once, in the manner prescribed by law for the collection of delinquent taxes: *Provided*, That such stock has not been regularly assessed in some other county in the territory for that year.

SEC. 2. The payment of taxes in any other state or territory, or the proof that said stock has been assessed for that year in any other state or territory, shall in no way exempt said stock from the operations of section one of this act.

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

Approved January 29, 1886.

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF THE FUND ARISING
FROM THE GROSS EARNINGS LAW

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

SECTION 1. That the board of county commissioners of any county in this territory, shall pay into the school fund of said county a portion of all moneys heretofore received, or which may at any time hereafter be received by said county, from the territorial treasurer, under and by virtue of an act entitled "An act to provide for the levy and collection of taxes upon the property of the railroad companies in this territory," approved November 20, 1883. Said amount so paid to the school fund shall be in proportion to the annual tax levy for the support of schools, as made by said board of county commissioners at its May session in each year.

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

Approved February 3, 1886.

AN ACT

TO AMEND SECTION 347 OF THE CODE OF WASHINGTON TERRITORY, IN RELATION TO EXEMPTIONS.

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

SECTION 1. That section 347 of the Code of Washington Territory, be amended to read as follows: Section 347. The following property shall be exempt from execution and attachment, except as herein after specially provided:

First—All wearing apparel of every person and family.

Second—All private libraries not to exceed five hundred dollars (\$500) in value, and all family pictures and keepsakes.

Third—To each householder one bed and bedding and one additional bed and bedding for each additional member of the family, and other household goods and utensils and furniture not exceeding five hundred dollars (\$500) coin in value. The other household goods and utensils and furniture specified above, shall, on the demand of the officer having the execution or attachment in hand, be selected by the husband, if present, if not present they shall be selected by his wife, and in case neither husband or wife, nor other person entitled to the exemption by having the description of a householder, shall be present to make the selection, then the sheriff shall make a selection of the household goods, utensils and furniture equal in value to said five hundred dollars (\$500) and shall return the same as exempt by inventory, and such selection by the sheriff or other person described above shall be *prima facie* evidence: First—That such household goods, utensils and furniture are exempt from execution and attachment. Secondly—That the value of the property so selected is not over five hundred dollars (\$500).

Fourthly—To each householder two cows, with their calves, five swine, two stands of bees, thirty-six domestic

fowls, and provisions and fuel for the comfortable maintenance of such householder and family for six months, also feed for such animals for six months: *Provided*, That in case such householder shall not possess, or shall not desire to retain the animals named above, he may select from his property and retain other property not to exceed two hundred and fifty dollars (\$250) coin in value. The selection in the proviso mentioned, shall be made in the manner, and by the person and at the time mentioned in subdivision 3, and said selection shall have the same effect as selections made under subdivision 3, of this section.

Fifthly.—To a farmer one span of horses or mules with harness, or two yoke of oxen, with yokes and chains and one wagon: also farm: & utensils actually used about the farm, not exceeding in value five hundred (\$500) dollars in coin: also one hundred and fifty bushels of wheat: one hundred and fifty bushels of oats or barley: fifty bushels of potatoes: ten bushels of corn: ten bushels of peas, and ten bushels of onions for seeding purposes.

Sixthly.—To a mechanic, the tools and instruments used to carry on his trade for the support of himself and family, also material used in his trade not exceeding in value five hundred dollars in coin.

Seventhly.—To a physician, his library, not to exceed in value five hundred dollars in coin: also one horse with harness and buggy: the instruments used in his practice, and medicines not exceeding in value two hundred dollars in coin.

Eighthly.—To attorneys, clergymen, and other professional men their libraries, not exceeding one thousand dollars in coin value, also office furniture, fuel and stationery not exceeding in value two hundred dollars in coin.

Ninthly.—All firearms kept for the use of any person or family.

Tenthly.—To any person a canoe, skiff or small boat, with its oars, sails and rigging, not exceeding in value two hundred and fifty dollars.

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

Twelfthly.—To a teamster or drayman engaged in that business for the support of himself or his family, his team, consisting of one span of horses, or mules, or two yoke of

oxen, or a horse and mule with harness, yokes, one wagon, truck, cart or dray.

Thirteenthly-- To a person engaged in the business of logging, for his support or that of his family, three yoke of work cattle and their yokes, and axes, chains, implements for the business, and camp equipments, not exceeding three hundred dollars coin in value.

Fourteenthly. A sufficient quantity of hay, grain or feed to keep the animals mentioned in the several subdivisions of this chapter, for six weeks. But no property shall be exempt from an execution issued upon a judgment for the price thereof, or any part of the price thereof, or for any tax levied thereon. Each person shall be entitled to select the property to which he is entitled under the several subdivisions of this act.

SEC. 2. The act to amend section 347 of the Code of Washington Territory, approved November 23, 1883, is hereby repealed.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved January 29, 1886.

AN ACT

TO DIVIDE THE TERRITORY OF WASHINGTON INTO COUNCIL AND REPRESENTATIVE DISTRICTS, AND TO APPORTION THE MEMBERS OF THE COUNCIL AND HOUSE OF REPRESENTATIVES, AMONG THE SEVERAL DISTRICTS, IN ACCORDANCE WITH THE POPULATION.

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

SECTION 1. That the Territory of Washington, be, and is hereby divided into council and representative districts, as hereinafter provided, and the several members of the council and house of representatives are apportioned among the several districts, as near as may be, in accordance with the population, as hereinafter provided.

SEC. 2. The county of Walla Walla shall constitute the first council district, and shall be entitled to and elect one member of the council. The counties of Columbia, Garfield and Asotin shall constitute the second council district, and shall be entitled to, and elect one member of the council. The county of Whitman shall constitute the third council district, and shall be entitled to, and elect one member of the council. The counties of Spokane and Stevens shall constitute the fourth council district, and shall be entitled to, and elect one member of the council. The counties of Lincoln, Douglass, Franklin, Adams, Yakima and Kittitass shall constitute the fifth council district, and shall be entitled to, and elect one member of the council. The counties of Klickitat, Skamania and Clarke shall constitute the sixth council district, and shall be entitled to, and elect one member of the council. The counties of Clarke, Cowlitz and Lewis shall constitute the seventh council district, and shall be entitled to, and elect one member of the council. The counties of Wahkiakum, Pacific, Chehalis and Thurston shall constitute the eighth council district, and shall be entitled to, and elect one member of the council. The county of Pierce shall constitute the ninth council district, and shall be entitled to, and elect one member of the council. The county of King shall constitute the tenth council district, and shall be entitled to, and elect one member of the council. The counties of King, Snohomish and Skagit shall constitute the eleventh council district, and shall be entitled to, and elect one member of the council. The counties of Whatcom, San Juan, Island, Jefferson, Clallam, Mason and Kitsap shall constitute the twelfth council district, and shall be entitled to, and elect one member of the council.

SEC. 3. The county of Walla Walla shall constitute the first representative district, and shall be entitled to, and elect two representatives. The county of Columbia shall constitute the second representative district, and shall be entitled to, and elect one representative. The counties of Garfield and Asotin shall constitute the third representative district, and shall be entitled to, and elect one representative. The county of Whitman shall constitute the fourth representative district and shall be entitled to, and elect two representatives. The county of Spokane shall constitute the fifth representative district, and shall be entitled to, and elect one representative. The counties of Spokane and Stevens shall constitute the sixth representative district and shall be entitled to, and elect one representative. The counties of Lincoln, Douglass, Franklin and

Adams shall constitute the seventh representative district, and shall be entitled to, and elect one representative. The counties of Yakima and Kittitas shall constitute the eighth representative district, and shall be entitled to, and elect one representative. The county of Klickitat shall constitute the ninth representative district, and shall be entitled to, and elect one representative. The county of Clarke shall constitute the tenth representative district, and shall be entitled to, and elect one representative. The counties of Skamania, Clarke and Cowlitz shall constitute the eleventh representative district, and shall be entitled to, and elect one representative. The counties of Wahkiakum, Pacific and Chehalis shall constitute the twelfth representative district, and shall be entitled to, and elect one representative. The county of Lewis shall constitute the thirteenth representative district, and shall be entitled to, and elect one representative. The counties of Thurston and Mason shall constitute the fourteenth representative district, and shall be entitled to, and elect one representative. The county of Pierce shall constitute the fifteenth representative district and shall be entitled to, and elect two representatives. The county of King shall constitute the sixteenth representative district, and shall be entitled to, and elect three representatives. The counties of Snohomish and Skagit shall constitute the seventeenth representative district, and shall be entitled to, and elect one representative. The counties of Whatcom, San Juan and Island shall constitute the eighteenth representative district, and shall be entitled to, and elect one representative. The counties of Jefferson, Clallam and Kitsap shall constitute the nineteenth representative district, and shall be entitled to, and elect one representative.

SEC. 4. All acts, and parts of act, in conflict with the provisions of this act, are hereby repealed, and the several members of the legislative assembly shall be elected in the several districts as hereinabove provided.

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

Approved January 29, 1886.

AN ACT

TO PRESCRIBE THE TENURE OF OFFICE IN THE TERRITORY OF WASHINGTON.

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

SECTION 1. That all district, county and precinct officers

elected by the people at the general election in the year 1884, and now holding office by virtue of law thereunder, shall hold their offices until the first Monday in March, 1887 and until their successors are elected and qualified.

SEC. 2. That all district, county and precinct officers hereafter to be elected in this territory in pursuance of law, shall hold their offices for the term of two (2) years from and after the first Monday in March not succeeding their election, and until their successors are elected and qualified.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act be, and the same are hereby repealed.

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

Approved February 4, 1886.

AN ACT

TO FIX THE TERM AND TENURE OF CERTAIN OFFICES AND OFFICERS OF THE TERRITORY.

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

SECTION 1. That the territorial auditor, territorial treasurer, territorial librarian, the superintendent of public instruction, the members of the board of education, the inspector of coal mines, trustees of the hospital for the insane, the regents of the university, and each and every officer who was nominated by the governor, and by and with the advice and consent of the legislative council, appointed to the several offices [offices] respectively, now held by them, shall, each and every of them, hold their several offices until the third Monday of February, 1886, and until their successors are appointed and qualified.

SEC. 2. The term of office of each and every officer named in the first section hereof, and referred to in said section, shall not expire until the third Monday in February, 1886.

SEC. 3. The governor shall on or before the first Monday in February, nominate and by and with the advice and consent of the legislative council, appoint some suitable and qualified person to fill each and every of the offices named in said section one, as well as each and every officer he is required to nominate, and by and with the advice and consent of the legislative council to appoint, the terms of office of each and every of

such officers shall commence on the third Monday in February, 1886, and expire on the third Monday of February, 1888.

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

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

Approved December 23, 1885.

AN ACT

TO AMEND SECTIONS 2419 AND 2420 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO ALIENS.

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

SECTION 1. That section 2419 of the Code of Washington Territory, be and the same is amended to read as follows: "Section 2419. Any alien, except such as by the laws of the United States, are incapable of becoming citizens of the United States, may acquire and hold lands, or any right thereto or interest therein by purchase, devise, or descent, and he may convey, mortgage and devise the same, and if he shall die intestate, the same shall descend to his heirs; and in all cases such lands shall be held conveyed, mortgaged or devised, or shall descend in like manner and with like effect as if such lien were a citizen of this territory or of the United States.

SEC. 2. That section 2420 of the Code of Washington Territory, be and the same is hereby amended to read as follows: "Section 2420. That any alien, except such as, by the laws of the United States, are incapable of becoming citizens of the United States, whether a resident of this territory or not, shall be and is hereby permitted to construct, build, equip, lease use, sell, hold and dispose of, or acquire, by purchase, or other-

wise, any railroad, tramway, or bridge, in this territory, and shall be, and is hereby allowed to work and operate the same, to acquire and hold lands in connection therewith, to mortgage the same, or said railroad, tramway or bridge, and to transact the business, collect and receive tolls, hold, use and dispose of the franchise, and rights of any such railroad, tramway or bridge, with the same powers and privileges in all respects as now, or may hereafter belong to citizens of this territory.

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

Approved January 29, 1886.

AN ACT

RELATING TO PUBLIC HIGHWAYS.

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

SECTION 1. That all highways, crossings, or ending on any river, creek or stream, shall be open the same width down to, and across said river, creek, or stream, as it is before it reaches said stream.

SEC. 2. *Be it further enacted:* That the passage-ways for stock, under any road, shall be covered with suitable plank, not less than sixteen feet in length, and it shall be lawful for the fences, of either side, to converge to the bridge over said passage-way. The said passage-way shall be kept securely covered by the person who owns the adjoining lands, and shall be kept in repair by said owner. The approaches to the bridges over said passage-ways shall also be kept in good repair by said owner.

SEC. 3. All acts, and parts of acts in conflict with this act are hereby repealed.

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

Approved January 20, 1886.

AN ACT

TO AMEND SECTION 2762, OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 2762 be, and hereby is amended to read as follows: Section 2762. The said surveyor and his deputies may demand and receive for their services the following fees, to-wit: For a half, or fraction less than one-half days work, two dollars and fifty cents; for every day's work actually employed, five dollars, and for every mile traveled in going to and returning from work, the sum of ten cents; for copy of a plat of land or certificate of survey, fifty cents; making out a complete report of any road, including field notes, one dollar; if such survey exceeds five miles, two dollars: *Provided*, That the surveyor shall not draw pay as road viewer and surveyor at the same time: *Provided*, In all surveys made by authority of the board of county commissioners, or any board of trustees; chain bearers and axmen shall receive two dollars per day.

SEC. 2. All acts, or 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 February 3, 1886.

 AN ACT

TO PROVIDE FOR THE RE-ESTABLISHMENT OF LOST AND UNCERTAIN BOUNDARIES TO LANDS.

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

SECTION 1. That whenever the boundaries of lands between two or more adjoining proprietors shall have been lost, or by time, accident or any other cause, shall have become obscure, or uncertain, and the adjoining proprietors cannot agree to estab-

lish the same, one or more of said adjoining proprietors may bring his civil action in equity, in the district court, for the county in which such lands, or part of them are situated, and such district court, as a court of equity, may upon such complaint, order such lost or uncertain boundaries to be erected and established and properly marked.

SEC. 2. Said court may, in its discretion, appoint commissioners, not exceeding three competent and disinterested persons, one or more of whom shall be practical surveyors, residents of the territory, which commissioners shall be, before entering upon their duties, duly sworn to perform their said duties faithfully, and the said commissioners shall thereupon, survey, erect, establish and properly mark said boundaries, and return to the court a plat of said survey, and the field notes thereof, together with their report. Said report shall be advisory and either party may except thereto, in the same manner as to a report of referees.

SEC. 3. That the proceedings shall be conducted as other civil actions, and the court, on final decree, shall apportion the costs of the proceedings equitably, and the cost so apportioned, shall be a lien upon the said lands, severally, as against any transfer or incumbrance made of, or attaching to said lands, from the time of the filing of the complaint: *Provided*, A notice of *Lis pendens*, is filed in the auditor's office of the proper county, in accordance with law.

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

Approved January 16, 1886.

AN ACT

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

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

SECTION 1. That the compensation for incidental printing for the legislative assembly shall be as follows: For composition for all reports and pamphlets, not to exceed sixty (60) cents per thousand ems, printer's measurement, and not to exceed

thirty (30) cents per token of two hundred and fifty impressions per form of press-work; for paper not to exceed fifteen (15) cents per pound; for paper binding, actual cost; for composition of all resolutions and memorials not to exceed thirty (30) cents per thousand ems, for press-work, not to exceed thirty (30) cents per token of two hundred and fifty impressions, each form, and for paper not to exceed twenty-five cents per pound.

SEC. 2. That John M. Murphy, Thos. G. Nicklin, and T. M. Reed, territorial auditor, who shall be duly sworn, be, and they are hereby appointed and constituted a board to audit the accounts of T. H. Cavanaugh, for printing the reports, pamphlets, resolutions and memorials.

SEC. 3. That the territorial auditor shall draw his warrants upon the territorial treasury in favor of T. H. Cavanaugh for incidental printing as audited by said board; which amounts shall be paid out of any money in the treasury, not otherwise appropriated.

SEC. 4. That John M. Murphy and Thos. G. Nicklin be and the same are hereby allowed the sum of five dollars each for their services upon said board, to be audited and paid in the same manner that other accounts against the territory are paid.

SEC. 5. All acts and parts of acts in conflict with this act be and the same are repealed.

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

Approved February 3, 1886.

AN ACT

IN RELATION TO THE FISCAL YEAR, REPORTS OF OFFICERS AND INCIDENTAL PRINTING OF THE TERRITORY OF WASHINGTON.

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

SECTION 1. That the fiscal year of the Territory of Washington, for the purposes of this act, shall commence on the first day of October and end on the thirtieth day of September of each year.

SEC. 2. It is hereby made the duty of all officers, who are required by law to make reports to any territorial officer or

officers, to transmit such reports to the proper officers on or before the tenth day of October of each year.

SEC. 3. The territorial treasurer, superintendent and board of trustees of the hospital for the insane, board of regents of the territorial university, pilot commissioners, librarian and all other territorial officers, elected or appointed by the governor, shall transmit their biennial reports to the governor before October 15, immediately preceding the commencement of each biennial session of the legislative assembly. *Provided*, That the territorial auditor and superintendent of public instruction, shall be granted until the 31 day of the same month in which to report to the governor.

SEC. 4. It shall be the duty of the territorial auditor to publish for four consecutive weeks in the month of September, immediately preceding the biennial session of the legislature, in one newspaper in each judicial district of the territory, a notice to printers, calling for bids for the printing of the reports of the territorial officers; said bids to state the price per thousand ems for composition; the price per token of 250 impressions of eight page forms, press work; the weight, quality and price of paper and price of binding of said reports. There shall be printed 1,000 reports of the territorial auditor, and 500 copies of each of the reports of the treasurer, superintendent, and board of trustees hospital for insane; 1,000 copies of the report of the superintendent of public instruction, and 100 copies each of the reports of other territorial officers.

SEC. 5. On the second Monday in October, next preceding the biennial session of the legislature, the territorial auditor shall, in presence of the territorial treasurer, proceed to open and examine the bids for the territorial printing and the bid or bids of the lowest responsible publisher in the Territory of Washington shall be accepted and the person or firm to whom the contract is awarded shall be required, before commencing the work, to give a good and sufficient bond to the territory in the sum of one thousand dollars, to be approved by the territorial auditor, conditioned for the faithful and prompt execution of the printing of said reports in a good and workmanlike manner, and to deliver the same to the territorial auditor on or before the first day of the biennial session of the legislature next ensuing.

SEC. 6. It shall be the duty of the governor, not later than ten days after he shall have received the reports of the territorial officers, as provided in section 3 of this act, to deliver the same upon application to the successful bidder for the printing of the same: *Provided*, The said bidder shall have executed and filed his bond as required in this act.

SEC. 7. When said reports shall have been printed and delivered to the territorial auditor, as provided in section 5 of this act, the said auditor shall deliver the said printed reports into the custody of the governor, to be transmitted by him to the legislative assembly.

SEC. 8. It shall be the duty of the territorial auditor to audit all bills or accounts in connection with the advertising for bids and in the printing and binding of said reports, as provided in section 4 of this act, as shall be found reasonable and just, and to draw warrants upon the territorial treasurer for the payment of the same.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act to take effect and be in force on and after its approval by the governor.

Approved February 4, 1886.

AN ACT

TO AMEND SECTIONS TWENTY-SIX HUNDRED AND NINETY-TWO AND TWENTY-SIX HUNDRED AND NINETY-THREE, OF THE CODE OF WASHINGTON TERRITORY, RELATING TO COUNTY PRINTING.

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

SECTION 1. That section twenty-six hundred and ninety-two of the Code of Washington Territory, be and the same is hereby amended to read as follows: Section 2692. In all counties where two or more weekly newspapers are published it shall be the duty of the county commissioners, at their May meeting each year, to let the advertising and official publication of all notices to the publisher thereof who is the best and lowest responsible bidder: *Provided*, That in all cases the county commissioners shall consider the question of circulation in awarding the county printing contract with view to giving said printing the widest publicity: and no newspaper shall be eligible as a competitor, nor shall a contract be let to any newspaper, unless the same shall have been established for at least six months, and has a general and *bona fide* circulation throughout the county

in which it is published: *And provided further*, That in counties where there is no newspaper published, the commissioners of such county, shall cause the printing of said county to be done in some newspaper in the territory, of general circulation in the county, have [having] no resident newspaper, and the newspaper to which such contract is let, shall be designated as the official newspaper of the county: *Provided*, That the county commissioners shall require a bond in double the amount involved in the contract, for the correct and faithful performance of the work: *Provided, further*, That the term of the successful bidder shall not commence until the first of July succeeding the May term.

SEC. 2. That Sec. twenty-six hundred and ninety-three, of the Code of Washington, be, and the same is hereby amended to read as follows: Section twenty-six hundred and ninety-three. It shall be the duty of the county auditor, at least five weeks before, and not more than eight weeks before the meeting of the county commissioners at the May term, to advertise for proposals for the public printing, for the term of one year, which advertisement shall be inserted for four (4) consecutive weeks in the official newspaper of the county, or if there be no official newspaper, then in some newspaper adjacent to said county, having a general circulation in said county, as provided in section one of this act: *Provided*, That the county commissioners shall not be compelled in any event to accept any bid for a greater price than one dollar per square, nonpareil, for first insertion, straight matter, and fifty cents per square for each subsequent insertion.

SEC. 3. All acts, and parts of acts in conflict with this act are hereby repealed.

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

Approved February 3, 1886.

AN ACT

TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE GOVERNOR'S
MESSAGE AND REPORT.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the sum of fourteen hundred dollars, or

so much thereof as may be necessary for the purpose, be and the same is hereby appropriated from the treasury of this territory, for the purpose of printing seventeen thousand copies of the message and report of the governor of this territory for the year 1885, with a map of the territory.

SEC. 2. The governor of this territory is hereby authorized to contract with the Lowman & Hanford, stationery and printing company, for the printing of seventeen thousand copies of said message and report, with a map of the territory, in pamphlet form, and in a neat and workman-like manner, on bookpaper of good quality, for a sum not exceeding the sum of fourteen hundred dollars, in accordance with the offer made by said company.

SEC. 3. Upon the delivery of the said seventeen thousand printed copies of said report to the territorial auditor, by said company, the auditor shall issue to said company his warrant upon the territorial treasurer for the amount of the contract price for said work, which amount shall be certified to by the governor.

SEC. 4. The territorial auditor shall distribute said pamphlets as follows: Four thousand copies shall be sent to E. Meeker, commissioner for this territory to the World's Exposition at New Orleans; two thousand copies shall be given to the governor; two hundred copies shall be given to each member of the present legislative assembly; two thousand copies shall be given to the several chambers of commerce, now organized and existing within the territory, each to receive an equal number; one hundred copies shall be placed in the custody of the territorial librarian, to be preserved for future reference; and the remaining copies shall be for general distribution, among the people of the territory by the territorial auditor.

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

Approved February 4, 1886.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT FOR THE PROTECTION OF FISH AND GAME," APPROVED NOVEMBER 27, 1883.

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

SECTION 1. That section one, of said act be, and is hereby

amended to read as follows: Section 1. That every person who shall, within the Territory of Washington, between the fifteenth day of January and the fifteenth day of August, from and after the passage of this act, pursue, hunt, take, kill or destroy any deer or fawn, shall be deemed guilty of a misdemeanor. Every person who, after the passage of this act, shall take, kill or destroy any deer, at any time, unless the carcass of such animal is used or preserved by the person slaying it, or is sold for food is guilty of a misdemeanor. Every person, who after the passage of this act, shall hunt or pursue deer with a dog or dogs in the counties of San Juan, Whatcom, Island, Mason, Cowlitz, Kitsap, and Kittitass, shall be guilty of a misdemeanor.

SEC. 2. That section 4, of said act be, and the same is hereby amended to read as follows: Section 4. Every person who shall, within the Territory of Washington, between the first day of April and the first day of September, of each year, take, kill, injure, or destroy, or have in possession, sell or offer for sale, any wild swan, mallard duck, wood duck, widgeon, teal, butter-ball, spoon-bill, gray, black, sprig-tail, or canvas-back duck, shall be deemed guilty of a misdemeanor.

SEC. 3. That section 5, of said act, be, and the same is hereby amended to read as follows: Section 5. Every person who shall, within the Territory of Washington, between the first day of February and the first day of September, of each year, for any purpose, take, kill, injure or destroy, or have in possession, sell, or offer for sale, any prairie chicken, sage hen, grouse, pheasant, partridge or quail, shall be deemed guilty of a misdemeanor.

SEC. 4. That section seven of said act be, and the same is hereby amended to read as follows: Section 7. Every person who shall, within the Territory of Washington, during the months of November, December, January, February and March, of any year, catch, kill, or have in possession, sell, or offer for sale, any mountain or brook trout, shall be guilty of a misdemeanor. Every person who shall, within the Territory of Washington, take, or attempt to take, or catch with any seine, net, weir, or other device than hook and line, any mountain, brook, or bull trout, or salmon trout, at any time after the passage of this act, shall be deemed guilty of a misdemeanor.

SEC. 5. Section 9 of said act shall be, and the same is hereby amended by striking out the words "or other wild fowl" and inserting the word "or" between the words "quail" and "partridge."

SEC. 6. Any person may, at any time, kill on his own

premises, ducks, prairie chickens or deer, to protect his growing crops.

SEC. 7. *Be it further enacted*, That section 6, of said act, is hereby repealed.

SEC. 8. All acts, or parts of acts, in conflict herewith are hereby repealed.

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

Approved January 29, 1886.

AN ACT

TO AMEND SECTIONS 2557 AND 2558 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO BOUNTY FOR KILLING WILD ANIMALS.

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

SECTION 1. That section 2557 of the Code of Washington Territory, be amended to read as follows: Section 2557. 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 or mountain lions, black or cinnamon bears, wild cats, black and gray wolves, musk rats, squirrels, lynx and cayotes.

SEC. 2. That section 2558, of the Code of Washington Territory, be amended to read as follows: Section 2558. The bounty provided for in this chapter shall not exceed, for each scalp as follows: For each mountain lion, cougar or panther, not more than five dollars; for each black or cinnamon bear, not more than four dollars; for each black or gray wolf, not more than five dollars; for each wild cat, not more than two dollars; for each cayote, not more than one dollar; for each lynx, not more than two dollars; for each musk rat, caught within fifty yards of any dike or dam, not less than ten, nor more than twenty cents; and for each squirrel, not more than five cents: *Provided*, That in the county of Clarke, the board of commissioners may offer and pay double the amount specified as a bounty for killing the animals named.

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

Approved February 3, 1886.

AN ACT

MORE SPECIFICALLY DEFINING THE JURISDICTION AND DUTIES OF DISTRICT COURTS IN THE TERRITORY OF WASHINGTON, IN REGARD TO THE NATURALIZATION OF ALIENS.

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

SECTION 1. The district courts holding terms at the several times and places, fixed by law, in this territory, shall have jurisdiction, and it shall be their duty to hear applications and proofs by aliens to become citizens of the United States, and to grant certificates of citizenship to such applicants, in accordance with section 2165, of the revised statutes of the United States.

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

Approved January 19, 1886.

AN ACT

TO AMEND SECTION 3050, OF CHAPTER 238 OF THE CODE OF WASHINGTON TERRITORY, AS AMENDED BY AN ACT, ENTITLED "AN ACT TO AMEND SECTION 3050, OF CHAPTER 238 OF THE CODE OF WASHINGTON TERRITORY," APPROVED NOVEMBER 23, 1883.

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

SECTION 1. That section 3050 of chapter 238 of the Code of Washington Territory, as amended by an act, entitled "An act to amend section 3050 of chapter 238 of the Code of Washington Territory," approved Nov. 23, 1883, be, and is hereby further amended to read as follows, to-wit: Section 3050. All American citizens, male and female, above the age of twenty-one years, and all American half-breeds, male and female, over that age, who have adopted the habits of the whites, and all other inhabitants, male and female, of this territory, above that age who

shall have declared, on oath, their intentions to become citizens, at least six months previous to the day of election, and shall have taken an oath to support the constitution of the United States, and the organic act of this territory, at least six months previous to the day of election, and who shall have resided six months in the territory, sixty days in the county, and thirty days in the precinct, next preceding the day of election, and none other shall be entitled to hold office, or vote at any election in this territory: *Provided*, That no officer, soldier, seaman or marine in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this territory, by reason of being in service therein, unless said territory is, and has been for the period of six months, his permanent domicile, provided he was a citizen of this territory at the time of his enlistment: *And provided further*, That no person belonging to the army or navy of the United States shall be elected to, or hold any civil office, or appointment in this territory: *Providing*, That this provision shall not apply to officers of the army or navy on the retired list.

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 January 29, 1886.

AN ACT

TO AMEND SECTIONS 1975 AND 1977 OF CHAPTER 139 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO LIENS.

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

SECTION 1. That section 1975 of chapter 139 of the Code of Washington Territory, be and the same is hereby amended to read as follows, to-wit: Section 1975. 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 shall have a lien upon all such crop or crops as shall have been raised upon all or any of said land, for such work and labor, and every landlord shall have a lien upon the crops grown or growing upon the demised premises of any year, for the rent accrued or accruing for such year, whether the same is paid wholly or in part, in money or specific articles of property, or products of the premises or labor, and also for the faithful performance of the lease. In all cases where the demised premises shall be sublet, or the lease is assigned, the landlord shall have the same right to enforce his lien against the sublessee or assignee that he has against the tenant to whom the premises were demised. When a tenant abandons or removes from the premises or any part thereof, the landlord, his agent or attorney, may seize upon any grain or other crops grown or growing upon the premises or any part thereof, so abandoned, whether the rent is due or not, and hold the same until he can enforce his lien. If such grain or other crops, or any part thereof, is not fully grown or matured, the landlord, his agent or attorney, may cause the same to be properly cultivated and harvested, or gathered. When the same are sold the proceeds shall be applied so far as may be necessary to compensate him for his labor and expenses, and to pay the rent: *Provided*, The tenant may, at any time before sale of the property so seized, redeem the same by paying the rent due, and the reasonable compensation and expenses of the cultivating and harvesting, or gathering the same: *Provided*, That the laborer's lien herein shall be a preferred lien over the landlord's lien provided for in this section.

SEC. 2. That section 1977 of said chapter 139, be and the same is hereby amended to read as follows: Section 1977. Any person claiming the benefit of this chapter, must within thirty days after the close of said work and labor, or after the expiration of the term, or after the expiration of each year of the lease, for which any lands were demised, file for record with the county auditor, of the county in which said work and labor was performed, or said demised lands are situated, a claim which shall be in substance in accordance with the provisions of section 1947, so far as the same may be applicable, which said claim shall be verified as in said section provided, and said liens may be enforced in a civil action in the same manner as near as may be, as provided in section 1951:

Provided, That the lien hereby created in favor of landlords shall only apply when the lease has been recorded.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved January 21, 1886.

AN ACT

TO PROVIDE FOR THE REDEMPTION OF REAL ESTATE SOLD UNDER JUDGMENT OR FORECLOSURE OF MORTGAGE.

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

SECTION 1. That the judgment debtor, or his successor, in interest may redeem any real estate sold under execution of judgment or foreclosure of mortgage, at any time within one year from the date of the sale, by paying the amount of purchase money with interest, at the rate of one per centum per month thereon from the date of sale together with the amount of any taxes which the purchaser may have paid.

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

Approved February 3, 1886.

AN ACT

TO SECURE THE CANCELLATION OF SATISFIED MORTGAGES.

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

SECTION 1. That whenever the amount due on any mort-

gage is paid and satisfied, the mortgagee or his legal representatives shall, at the request of the mortgagor or his authorized agent, acknowledge satisfaction of the same in the margin of the page upon which the mortgage is recorded, or by executing an instrument referring to the mortgage, specifically describing the property mortgaged, giving the amount for which it was given to secure, the date of execution, and date of record of said mortgage, and shall acknowledge satisfaction in full of the same, which shall be duly acknowledged and recorded upon the records of the county wherein the mortgage is recorded.

SEC. 2. If the mortgagee shall fail so to do after sixty days from the date of such request or demand, he shall forfeit and pay to the mortgagor the sum of twenty five dollars, to be recovered in any court having competent jurisdiction, and said court, when convinced that said mortgage has been fully satisfied, shall issue an order in writing, directing the auditor to cancel said mortgage, and the auditor shall immediately record the order and cancel the mortgage as directed by the court, upon the margin of the page upon which the mortgage is recorded, making reference thereupon to the order of the court and to the page where the order is recorded.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved January 29, 1886.

AN ACT

TO AMEND SECTION TWO OF AN ACT IN RELATION TO SAW LOGS AND OTHER TIMBER, APPROVED NOVEMBER 28, 1883.

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

SECTION 1. That section two of an act entitled an act in relation to saw logs and other timber, approved November 28th, 1883, be, and the same is, amended to read: Section 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be

fined in any sum not exceeding three hundred dollars, and stand committed until paid: *Provided*, That the provisions of this act apply only to the counties of Whatcom, Skagit, Snohomish and Island.

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

Approved January 16, 1886.

AN ACT

TO AMEND SECTION 2552, CHAPTER 198 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO MARKS AND BRANDS.

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

SECTION 1. That section 2552, chapter 198 of the Code of Washington Territory, be amended to read as follows: Section 2552. Every county auditor in this territory shall furnish a list of the owners of stock, from the records in his office, together with a brief description of the marks and brands of such owner, to the newspaper doing the county printing, by December first of each year, which list and description shall be printed in three consecutive numbers of such newspaper during the month of December. Any county auditor who shall refuse or neglect to furnish such list and description as herein provided, shall be liable to a fine of any sum not exceeding fifty dollars, which may be recovered before any justice of the peace in the county, with costs of suit, for the use of the county school fund.

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

Approved February 4, 1886.

AN ACT

TO PREVENT AND PUNISH FRAUD AND DECEPTION IN THE MANUFACTURE AND SALE OF BUTTER AND CHEESE.

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

SECTION 1. No person shall manufacture, sell or keep

or offer for sale, or cause to be manufactured, sold or kept or offered for sale, any substance purporting to be butter or cheese, having the semblance of butter or cheese, unless the same be manufactured, sold or kept or offered for sale under its true and appropriate name, and unless each package, roll or parcel of such substance, and each vessel containing one or more packages of such substance has distinctly and durably painted, burnt, stamped or marked thereon, in English, in ordinary bold face capital letters, the true and appropriate name of such substance. Whoever violates any of the provisions of this section, shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than twenty-five days nor more than six month, or by both such fine and imprisonment.

SEC. 2. No person shall sell, or keep or offer for sale, or cause to be sold or kept or offered for sale, any substance purporting to be butter or cheese, having the semblance of butter or cheese, unless such person has posted in a conspicuous place, so that the same may readily be seen and read by the purchaser or intending purchaser, in the room, store, public dining or eating room, or other place where such substance shall be sold or kept or offered for sale, a placard, not smaller than eighteen inches in length by twelve inches in width, on which placard shall be printed, in English, in bold face capital letters of not less than two inches in height, the true and appropriate name of such substance, followed by the words "sold here" in like letters. Whoever violates any of the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than twenty-five days nor more than six month, or by both such fine and imprisonment. This section shall not be construed to impair or affect the prohibitions of section one of this act.

SEC. 3. No person shall bargain, sell, barter, give or dispose of to another, any substance purporting to be butter or cheese, having the semblance of butter or cheese, unless such person shall, at the time, inform the person to whom such substance may be bargained, sold, bartered or given of the true and appropriate name and character of such substance, and shall also call the attention of such person to the name of such substance painted, burnt, stamped or marked thereon, or on the vessel containing the same, as provided in section one

of this act. Whoever violates any of the provisions of this section, shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than twenty-five days nor more than six months, or by both such fine and imprisonment. This section shall not be construed to impair or affect the prohibitions of section one or section two of this act.

SEC. 4. Nothing contained in this act shall be construed to prevent the use of skimmed milk, salt rennet or harmless coloring matter in the manufacture of butter or cheese.

SEC. 5. The person or persons making complaint of any violation of the provisions of this act shall, upon conviction of the offender, be entitled to two-thirds the fine imposed, the remaining one-third to go to the common school fund of the county in which the offense may be committed.

SEC. 6. This act shall take effect and be in force from and after its approval by the governor.

Approved February 4, 1886.

AN ACT

TO AMEND SECTION 2000 OF THE CODE OF WASHINGTON TERRITORY
RELATING TO DIVORCES.

Be it enacted by the Legislative assembly of the Territory of Washington:

SECTION 1. That section 2000 of the Code of Washington Territory be, and the same is amended by adding to and at the end of said section, the following, to-wit:

And in case of incurable, chronic mania or dementia of either party, having existed for ten years or more, the court may in its discretion grant a divorce.

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

Approved December 22, 1885.

AN ACT

IN RELATION TO BILLS OF LADING AND WAREHOUSE RECEIPTS.

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

SECTION 1. A bill of lading or warehouse receipt is an instrument in writing signed by a carrier, warehouse proprietor or his agent, describing the freight so as to identify it, stating the name of the consignor or owner, the terms of the contract for carriage or storage, and agreeing or directing that the freight be delivered to the order or assigns of a specified person at a specified place.

SEC. 2. All the title to the freight which the first holder of a bill of lading or warehouse receipt had, when he received it, passes to every subsequent indorsee thereof in good faith, and for value in the ordinary course of business, with like effect and in like manner as in the case of a bill of exchange.

SEC. 3. When a bill of lading or warehouse receipt is made to "bearer" or in equivalent terms, a simple transfer thereof by delivery conveys the same title as an indorsement.

SEC. 4. A bill of lading or warehouse receipt does not alter the rights or obligations of the carrier or warehouse proprietor as defined in this act, unless it is plainly inconsistent therewith.

SEC. 5. A carrier or warehouse proprietor must subscribe and deliver to the consignor on demand any reasonable number of bills of lading or warehouse receipts, not exceeding three (one original and the balance marked "duplicate," and the original to state the number of duplicates issued) of the same tenor, expressing truly the original contract for carriage or storage, and if he refuses to do so, the consignor may take the freight from him, and recover from him besides all damages thereby occasioned.

SEC. 6. A carrier or warehouse proprietor is exonerated from liability for freight by delivery thereof, in good faith, to any holder of an original bill of lading or warehouse receipt thereof properly indorsed, or made in favor of the bearer.

SEC. 7. When a carrier or warehouse proprietor has given a bill of lading, warehouse receipt or other instrument substantially equivalent thereto, he may require its surrender, or a reasonable indemnity against claims thereon, before delivering the freight.

SEC. 8. Words used in this act in the singular number

shall be construed to import the plural number, whenever such construction is necessary to give force and effect to the provisions of this act.

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

Approved January 19, 1886.

AN ACT

IN RELATION TO FALSE WEIGHTS AND MEASURES.

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

SECTION 1. Every person who uses any weight or measure, knowing it to be false, by which use another is defrauded or otherwise injured, is guilty of a misdemeanor.

SEC. 2. In all sales of coal, hay and other commodities usually sold by the ton or fractional part thereof, the seller must give to the purchaser full weight, at the rate of two thousand pounds to the ton; and in all sales of articles which are sold in commerce or trade, by avoirdupois weight, the seller must give to the purchaser full weight, at the rate of sixteen ounces to the pound. Any person violating this section is guilty of a misdemeanor.

SEC. 3. A false weight or measure is hereby defined to be one which does not conform to the standard established by the laws of the United States of America.

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

Approved February 4, 1886.

AN ACT

TO PREVENT THE CIRCULATION OF DEMORALIZING PRINTS, PICTURES AND PUBLICATIONS.

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

SECTION 1. If any person shall import, print, publish sell

lend, give away, distribute or show, or have in his possession, with intent to sell, or give away, or to show or advertise, or otherwise offer for loan, gift, sale or distribution, any obscene or indecent book, magazine, pamphlet, newspaper, story-paper, writing paper, picture, engraving, drawing, or photograph, or if any person shall design, copy, draw, photograph, print, utter, publish, or otherwise prepare any of the articles mentioned in this section, or shall write or print, or cause to be written or printed a notice of any kind, giving information, or shall give information stating when, where and how, or of whom, or by what means any of the articles mentioned in this section could be purchased or obtained, or if any person sells, lends, gives away, or shows, or has in his possession, with intent to sell or give away, or to show, or advertise, or otherwise offers for loan, gift, sale or distribution to any minor child any book, pamphlet, magazine, newspaper, or other printed paper, devoted to the publication, or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of blood-shed, lust or crime, or if any person exhibits upon any street, or highway, or in any other place within the view, or which may be within the view of any minor child, any book, magazine, pamphlet, newspaper, writing paper, picture, engraving, drawing, photograph, or other article coming within the description of the articles mentioned in the first and second subdivision of this section, or any of them, or if any person, in any manner, hires, uses, or employs any minor child to sell or give away, or in any manner to distribute, or who having the care, custody or control of any minor child, permits such child to sell, give away, or in any other manner, to distribute any book, magazine, pamphlet, newspaper, story-paper, writing paper, picture, engraving, drawing, photograph, or other article or thing coming within the description of articles and matter mentioned in this section, or any, of them, upon conviction thereof, shall be punished by imprisonment in the penitentiary, not exceeding three years, or by a fine not exceeding two thousand dollars: *Provided, however,* That if such obscene or indecent matter is circulated in any school or institution of learning, or in any charitable or reformatory institution, or in any jail or penitentiary, supported in whole, or in part, by public money, or moneys raised by taxation, then the minimum of imprisonment shall not be less than thirty days, and in all such cases imprisonment shall follow conviction.

SEC. 2. The jury in all prosecutions, under this act, shall be the sole and exclusive judges, as to whether or not the matter circulated is obscene or indecent.

SEC. 3. This act to take effect and be in force from and after its approval by the governor.
Approved January 30, 1886.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS IN THE SEVERAL COUNTIES OF WASHINGTON TERRITORY TO OFFER AND PAY REWARDS FOR THE APPREHENSION OF CRIMINALS.

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

SECTION 1. That the county commissioners in the several counties of Washington Territory, when in their opinion the public good requires it, be and are hereby authorized to to offer and pay a suitable reward, not to exceed five hundred dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back and secures any person or persons, convicted of or charged with any criminal offense, if the offense be a felony.

SEC. 2. Whenever any such reward has been offered by any board of county commissioners in Washington Territory, for the apprehension of any person or persons, convicted of or charged with any criminal offense, if the offense be a felony, the person or persons who shall first apprehend, bring back and secure such person or persons so charged, shall be entitled to such reward, and the board of county commissioners who have offered such reward, are authorized to draw a warrant or warrants on the county treasurer for the amount of such reward, who shall pay the amount of said warrant or warrants, out of any money in the county treasury not otherwise appropriated.

SEC. 3. When more than one claimant applies for the payment of any reward, offered by any board of county commissioners, such commissioners shall determine, in their respective counties, to whom the same shall be paid, and if to more than one person, in what proportion to each: and their determination shall be final and conclusive.

SEC. 4. This act to take effect and be in force from and after its passage and approval by the governor.
Approved February 3, 1886.

AN ACT

TO AMEND SECTIONS 2539, 2540, and 2543, CHAPTER 196, OF THE CODE OF WASHINGTON TERRITORY, RELATING TO ESTRAYS.

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

SECTION 1. That sections 2539, 2540, and 2543 are amended as follows: Section 2539. Any householder about whose premises any estrays may be in the habit of running at large, may take up the same and shall, within ten days give notice by advertising the same in the newspaper doing the county printing, which advertising shall be continued for at least three weeks, giving as correct description as may be, of natural and artificial marks and brands, also the probable age and size: *Provided*, That no estray shall be taken up from the 15th of March to the 15th of December, except breachy or vicious animals, which may be taken up in any month; *And provided further*, That if the animal be marked or branded and the mark or brand is recorded in the auditors's office of the county where such animal is found, such animal shall not be held to be an estray, unless the finder shall give the owner ten days' notice by mail, or otherwise, of his intention to take up said estray.

SEC. 2. That section 2540 be amended to read as follows: Section 2540. If, previous to the expiration of ten days from the time of publishing the said notices, the owner shall prove said estray to be his, he shall be entitled to the same, by paying charges, which shall be two dollars for taking up, posting, etc., and a reasonable rate for keeping the same, and if the owner shall further prove that the person so posting an estray, knew to whom such estray belonged and yet did not notify the owner of his intention to post said estray, the person so taking up, and posting, shall not recover for either posting or keeping.

SEC. 3. That section 2543 be amended to read as follows: Section 2543. If the person entitled to the possession of an estray, shall not appear and make out his title thereto within thirty days from the time the notice is filed with the county auditor, as provided in section twenty-five hundred and forty-two, such estray shall be sold, at the request of the finder by the sheriff or any constable of the county, at public auction, upon

first giving public notice thereof, in writing, by posting up the same in three public places in the precinct where said estray was taken up, at least ten days before such sale: *Provided*, That if such animal be appraised at twenty-five dollars or upwards, it shall be advertised for one week in the newspaper doing the county printing, and the finder may bid therefor at such sale, and after deducting all lawful charges of the finder as aforesaid, to be ascertained by the justice who appraised said animal, and the fees of the justice for appraising, and constable or sheriff, which shall be the same as a sale on execution, the remaining proceeds of such sale shall be deposited in the treasury of the county for the use of common schools: *Provided*, That if the owner of the property sold, or his legal representative shall, within six months after the money shall have been deposited in the county treasury, furnish satisfactory evidence to the justice of the peace, who has appraised said animal, of the ownership of said property, he or they shall be entitled to receive the amount so deposited in the county treasury, and shall also have the animal, by refunding all allowances and expenditures on the same, and such further amount as the justice, who appraised the same shall deem just, and in case of an animal that was sold for fifty dollars or more, the owner shall have one year's time to redeem the same: *Provided however*, That the taker up of estrays shall forfeit all right to a consideration, for subsisting the same, if he work, or in any way use such estray, or take and keep the same out of the county in which the estray was taken up, more than three days at one time.

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

Approved February 4, 1886.

AN ACT

REGULATING THE BUILDING OF BARBED WIRE FENCES.

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

SECTION I. That it shall be unlawful for any person or per-

sons to construct, erect or maintain any fence, or portion of a fence of barbed wire, except as hereinafter provided.

SEC. 2. Any person desiring to construct, erect or maintain any fence of barbed wire, shall construct the same in the following manner, and not otherwise: The posts shall be set not more than thirty feet apart, the first wire shall be not more than twenty-two inches from the ground, the second wire thirty-four inches, and the third wire forty-eight inches. Each and every one of said wires shall be securely fastened to the said posts with four light strips or poles, fastened between every two posts, to said wires, vertically, leaving no greater space than about six feet between said posts and strips, or poles, or said posts shall be set not more than twelve feet apart, with two barbed wires and one pole, rail or plank securely fastened to said posts, or one barbed wire with two rails, poles, or planks, securely fastened to said posts.

SEC. 3. All fences constructed and maintained according to the provisions of section two of this act shall be lawful fences.

SEC. 4. It shall be the duty of every person building, erecting or maintaining in whole, or in part, any of the hereinbefore mentioned wire fences, to keep the same in good repair, and if upon five days' notice to any such person or persons, his or her agent, that his or her fence is not in good repair, and he or she shall neglect to repair the said fence, for a period of five days after receiving notice thereof, such person shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than twenty-five, nor more than fifty dollars.

SEC. 5. Any person violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in any sum not less than twenty-five, nor more than two hundred dollars: *Provided*, That nothing herein contained shall prevent any person from using more wires, posts, or strips in the erection of any fence.

SEC. 6. That the provisions of this act shall not apply to the county of Walla Walla, nor to any county of this territory situated west of the Cascade mountains, except the county of Lewis.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act to take effect and be in force from and after the first day of May, A. D. 1886.

Approved January 19, 1886.

AN ACT

TO AMEND SECTIONS 3079 AND 3084 OF CHAPTER 242 OF THE CODE OF WASHINGTON TERRITORY, RELATING TO ELECTIONS.

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

SECTION 1. That sections 3079 and 3084 of chapter 242 of the Code of Washington Territory relating to elections be, and are hereby amended to read as follows, to-wit:

Section 3079. The voting shall be by ballot. The ballot shall be a plain, white paper ticket, containing the names of the persons for whom the electors intend to vote, and designating the office to which such person so named is intended by him to be chosen. No ballot shall bear upon the outside thereof any impression, device, color or thing designed to distinguish such ballot from other legal ballots, or whereby the same may be known or designated. Whenever any person offers to vote the inspector shall pronounce his or her name in an audible voice, and if there be no objections to the qualifications of such person as an elector, he shall receive his ballot, and in the presence of the judges put the same, without being opened or examined, into the ballot box. The ballot shall be four inches in width and twelve inches in length, or not to vary one-fourth of an inch in length or breadth from above specifications.

Section 3084. If such person shall insist that he is entitled to vote, and the board of judges find no cause to reject his vote under the preliminary examination, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he takes the following oath, to be administered by the inspector or one of the judges, viz.: "You do swear (or affirm, as the case may be), that you have resided in this territory six months next preceding this election, in this county sixty days, and in this precinct thirty days, and have not voted this day, and that you are otherwise qualified to vote at this election," and in case the person offering to vote produces a certified transcript of the record of a court of competent jurisdiction admitting him to citizenship, or certificate of declaration of citizenship, duly attested by the clerk thereof, as evidence of his right to vote, and if the person so producing

the same is unknown to the board of judges, he shall make oath that he is the person therein named.

SEC. 2. Words used in this act, and the act hereby amended, indicating persons of the masculine gender, shall be construed to include persons of the feminine gender.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved February 3, 1886.

AN ACT

TO AMEND SECTIONS ONE (1), TEN (10), THIRTEEN (13), FOURTEEN (14) AND NINETEEN (19), OF "AN ACT RELATING TO INSPECTOR OF COAL MINES AND VENTILATION OF COAL MINES," AND TO FURTHER AMEND SAID ACT BY ADDING THERETO SECTIONS TO BE NUMBERED TWENTY-FOUR (24) AND TWENTY-FIVE (25), APPROVED NOVEMBER 28, 1883, AND IN FORCE FROM AND AFTER JANUARY 1, 1884.

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

SECTION 1. That sections one (1), ten (10), thirteen (13), fourteen (14), and nineteen (19), of "An act relating to inspector of coal mines and ventilation of coal mines," be and are hereby amended to read as follows, and that said act be and is hereby amended by adding thereto the following sections numbered twenty-four (24) and twenty-five (25):

Section 1. That the governor shall appoint a suitable person inspector of coal mines, in and for this territory, who shall hold his office for the term of two years, from and after the first Monday in February, 1886, and until his successor is appointed and qualified; and no person shall be appointed unless he is possessed of a competent knowledge, and has a practical knowledge of mining and engineering, and different systems of working and ventilating coal mines, and of the nature and

properties of the noxious and poisonous gasses of mines, particularly fire-damp; and such person shall be a reputable coal miner of known experience and practice, at the time of his appointment, and shall also be a sober person, and in case such person shall, at any time, be found in a state of intoxication it shall be sufficient cause for removal.

Section 10. If at such inquest it shall appear in evidence that the accident was caused by neglect or fault of any person or persons, or defect in or about the mine or mines, the coroner shall make a full written report thereof, to the inspector of mines, for his information and assistance in the prompt enforcement of this act, and shall therein notify the inspector in particular of such neglect or defects as require his immediate action.

Section 13. That the inspector may enter, inspect and examine any mine in the territory, and the works and machinery belonging thereto, at all reasonable times by night or by day, so as not to unnecessarily obstruct or impede the working of any mine or mines, and to make inquiry into the state and condition of the mine or mines, as to the ventilation, works and machinery and general security, and the owner or owners, agent or operator of such mine or mines, are hereby required to furnish the means necessary for such entry and inspection, of which inspection the inspector shall make a record, noting the time and all the material circumstances, and if the said owner, agent or operator aforesaid, shall refuse to permit such inspection, or furnish the necessary means for such entry, examination and inspection the inspector shall file his affidavit, setting forth such refusal, with the judge of the district court in the district in which said mine is situated, either in term time or vacation, or in the absence of said judge, with any other district judge of this territory, most convenient to said mine or mines, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary means for the entry and inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly; and whenever loss of life or serious personal injury shall occur by reason of any explosion or any accident whatsoever, in or about any coal mine, it shall be the duty of the person having charge of such coal mine to report the facts thereof, without delay, to the inspector of such mine or mines, and if any person is killed thereby, to notify the coroner of the county also, or in his absence or inability to act,

any justice of the peace of the county where such mine is located, who shall hold an inquest as in other cases by law provided: and the inspector shall, if he deem it necessary from the facts reported, or other information, go immediately to the scene of said accident and make such suggestion and render such assistance as he may deem necessary for the safety of the men, and the inspector shall investigate and ascertain the cause of such explosion, or accident, and make a report thereof, which he shall preserve with the other records of his office; and to enable him to make such investigations he shall have power to compel the attendance of witnesses and administer oaths and affirmations to them, and the costs of such investigations shall be paid by the county in which such accident has occurred in the same manner as costs of coroner's inquests are now paid, and the failure of the person in charge of the coal mine, in which any such accident may have occurred, to give notice to the inspector, or coroner, or justice of the peace, as provided for in this section, shall subject such person to a fine of not less than one hundred dollars nor more than three hundred dollars, to be recovered in the name of the territory, before any justice of the peace of such county, and such fine, when collected, shall be paid into the county treasury for the use of the county in which such accident may have occurred.

Section 14. The inspector while in office shall not act as an agent, manager or mining engineer or be interested in operating any mine. It shall be his duty to use every precaution to insure the health and safety of the workmen employed in all mines; he shall personally visit and inspect each mine and all the working places therein, at least once in every three months, and shall see that all the provisions and requirements of the law are faithfully observed and obeyed and the penalties of the law enforced; he shall also collect and tabulate the following facts, namely: The number of acres of workable coal lands in the territory; the number and thickness of the coal beds and their respective depths below the surface; how they are mined, whether by shaft, slope or drift; the number of mines in operation; the number of men employed therein, and the average yearly production in tons, together with an estimate of the amount of capital employed in coal mining in the territory, and any other information relative to coal mining that he may deem necessary; all of which facts, so tabulated, together with a statement of the condition of all mines, as to safety and ventilation, and the general results of his examina-

tion into the causes of all accidents in and about the coal mines of the territory, he shall fully set forth in an annual report to the governor, with his recommendations as to such other legislation on this subject as may be proper. In addition to such annual report said inspector shall, on the first Monday of May, August and November, of each year, make a report to the governor of his proceedings, the condition and operation of all mines for those periods, which, together with said annual report, shall be published by the governor in some newspaper in general circulation in the territory. For the enforcement of this and the act to which it is an amendment, the inspector may call upon the prosecuting attorney of the district in which any mine violating said act is located, for his advice and services in any case, and it shall be the duty of such prosecuting attorney to give such advice and render such services as may be necessary and proper in the premises.

Section 19. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this act, and the act to which this is an amendment, or the owner or owners, agent or operator disregard the requirements thereof, any court of competent jurisdiction may, on application of the inspector, by civil action, in the name of the territory, enjoin or restrain without bonds, the owner or owners, agent or operator of such mine from working or operating the same, until it is made to conform to the provisions of said acts, and the court may award such costs in such proceeding as may be just, and such remedy shall be cumulative and shall not take the place of or affect any other proceeding against such owner or owners, agent or operator authorized by law for enforcing the provisions of this act.

Section 24. The owner, agent or operator of every coal mine, operated by shaft or slope, shall provide and maintain a metal tube from top to bottom of such shaft or slope, through which conversation may be held between persons at the top and bottom thereof, and shall provide suitable means of signaling between the bottom and top of such mines, and shall also adopt rules for the government of their respective mines, which rules must be approved by the inspector, and when so approved by him, shall be posted and maintained in conspicuous places in and about the mine adopting them by such owner, agent or operator. No such agent, owner, operator shall place in charge of any engine, whereby men are lowered into or hoisted out of the mines, any but an experienced, competent and sober person,

not under the age of eighteen years, and no person shall ride upon a loaded cage or wagon used for hoisting purposes, in any shaft or slope, and in no case shall more than twelve (12) persons ride on any cage or car at one time, nor shall any coal be hoisted out of any coal mine while persons are descending into the same, nor shall persons be lowered into or hoisted out of any mine more rapidly than six hundred (600) feet to the minute. No boy under twelve years of age shall be allowed to work in any mine, nor any minor between the ages of twelve and sixteen years, unless he can read and write.

Section 25. For any injury to person or property, occasioned by any willful violations of this act or the act to which this is an amendment, or willful failure to comply with any of the provisions thereof, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such willful violation, or willful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or any other person or persons who were before such loss of life dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

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 by the governor.

Approved February 4, 1886.

AN ACT

IN RELATION TO TERRITORIAL TREASURER.

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

SECTION 1. That the territorial treasurer shall reside and keep his office at the seat of government, and before entering upon his duties shall execute and deliver to the governor, a bond to the territory in the sum of one hundred and fifty thousand dollars, to be approved by him and one of the justices of the

supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace within the territory, to be endorsed on his commission, and file a copy thereof, together with his bond, in the office of the secretary of the territory.

SEC. 2. It shall be the duty of the territorial treasurer: 1. To receive and keep all moneys of the territory not expressly required by law to be received and kept by some other person; 2. To disburse the public moneys only upon warrants drawn upon the treasurer, in the order of their number, date and issue, salaries of the territorial auditor and treasurer excepted; 3. To keep a just, true and comprehensive account of all moneys received and disbursed; 4. To keep a just and true account of each head of appropriations made by law, and the disbursements under the same; 5. To render his accounts to the territorial auditor in detail for settlement quarterly, on the thirty-first day of March, thirtieth day of June, thirtieth day of September and thirty-first day of December of each year, or oftener if required; 6. To endorse on each warrant the date of payment, the amount of the principal and the interest due on said date; 7. To report to each house of the legislative assembly, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding year; 8. To give information in writing to either house of the legislative assembly whenever required, upon any subject connected with the treasury, or touching any duty of his office; 9. He shall account for and pay over all moneys on hand as such treasurer to his successor in office, and deliver all books, vouchers and effects of office to him, and such successor shall receipt therefor.

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

SEC. 4. All persons who are required by law to pay any moneys into the territorial treasury, or to transmit any public funds to the territorial treasurer on territorial account, shall, at

the time of making such payments or transmissions, notify the territorial auditor thereof, specifying the amount and date of such payment and for what particular fund or account. For all sums of money so paid into the treasury, the territorial treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the territorial auditor, who shall credit such person or county accordingly, and charge the treasurer with the amount, the other receipt the treasurer shall transmit to the person or party paying the money.

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

SEC. 6. The treasurer shall keep a seal of office for the authentication of all papers, writings and documents required by law to be certified by him, and copies so authenticated of all documents lawfully deposited in his office, shall be received in evidence as the originals.

SEC. 7. It shall be the duty of the territorial treasurer each year, when balancing up the accounts of the several counties, to credit said counties with the amount of delinquent territorial tax duly reported to him by the territorial auditor.

SEC. 8. If the territorial treasurer shall willfully refuse to pay any warrant lawfully drawn upon the treasurer, or shall knowingly pay any warrant out of the order of its number, date and issue, he shall forfeit and pay fourfold the amount to any person injured thereby, to be recovered by action against the treasurer and his surties on his official bond.

SEC. 9. The territorial treasurer shall, when he has any money on hand to pay warrants, exceeding one thousand dollars, and said warrants are not presented for payment, advertise in some weekly newspaper at the seat of government having the largest circulation in the territory, for two weeks, stating the amount of money on hand and the number of warrants he is prepared to pay, and if such warrants are not presented for payment within twenty days after the publication of such notice, such warrants shall not draw interest after such date.

SEC. 10. The territorial treasurer shall receive an annual salary of fifteen hundred dollars, and to provide for the incidental expenses of his office, rents, lights, fuel, postage and stationery, he shall receive the further sum of two hundred and fifty dollars per annum, which amounts shall be paid in quarterly installments by warrant drawn by the territorial auditor on the territorial treasurer.

SEC. 11. If any person exercising the office of territorial treasurer shall fail to account for and pay over all moneys in his hands in accordance with law, or shall unlawfully convert to his

own use in any way whatever or use by way of investment in any kind of property, or loan without the authority of law, any portion of the public money intrusted to him for safe keeping, transfer or disbursement, or unlawfully convert to his own use any money that may come into his hands by virtue of his office, shall be deemed guilty of embezzlement to the amount of so much of said money as is thus taken, converted, invested, used, loaned or unaccounted for, and upon conviction thereof he shall be imprisoned in the penitentiary not exceeding five years and fined a sum equal to the amount of money embezzled, and, moreover, is forever after disqualified from holding any office under the laws of this territory.

SEC. 12. All acts and parts of acts in any manner conflicting with any of the provisions of this act be, and the same are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 20, 1886.

AN ACT

TO ESTABLISH A SCHOOL FOR THE DEAF, MUTE, BLIND AND FEEBLE-MINDED YOUTH OF WASHINGTON TERRITORY.

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

SECTION 1. That a territorial school be, and hereby is established, to be known as "The Washington School for Defective Youth," for the education of the deaf, blind and feeble-minded youth of Washington Territory.

SEC. 2. Said school shall be free to all resident youth in Washington Territory, who are too deaf, blind or feeble minded to be taught by ordinary methods, in other public schools: *Provided*, They are free from vicious habits and from loathsome or contagious diseases.

SEC. 3. The location of said school shall be at Vancouver, in Clarke county.

SEC. 4. Immediately after the passage and approval of this act, three commissioners shall be appointed by the governor,

whose duty it shall be, within thirty days from the date of their appointment to select a suitable site and report their action to the governor.

SEC. 5. Said school shall be under the management of a board of trustees, consisting of five persons of good repute and learning, being citizens of the territory, nominated by the governor, on or before the seventh day of February, 1886, and confirmed by the council, to hold office for the terms hereinafter specified in section 6.

SEC. 6. Two of said trustees shall be appointed to serve until the thirtieth (30) day of June, 1888; two to serve until the thirtieth day of June, 1890, and one to serve until the thirtieth day of June, 1892, and until their successors shall be appointed and confirmed, subject, however, to removal by the governor at any time for good and sufficient cause.

SEC. 7. After organization, as hereinafter provided, said board of trustees, and their successors shall have the management of real and personal property, funds, financial business, and all general and public interests of the school, with power to receive, hold, manage, dispose of, and convey any, and all, real and personal property, made over to them by purchase, gift, devise or bequest, and the proceeds, and interest thereof, for the use and benefit of the school.

SEC. 8. On the fifteenth day of February, 1886, the trustees shall meet at a place to be named by the governor in the official notification of their appointment, and they shall then and there, proceed to elect by ballot, from their own number, a secretary *pro tem*, for that meeting, a president, a vice president and a treasurer, each to serve until the thirtieth day of June, 1887; an executive committee of three members, one to serve until the thirtieth day of June, 1887; one to serve until the thirtieth day of June, 1888, and one to serve until the thirtieth day of June 1889; an auditor, not of their own number, to serve until the thirtieth day of June, 1887, and a director of the school, not of their own number, who shall be *ex officio* an honorary member of the board of trustees, without the right to vote, and shall act as secretary of the board, with custody of its records, for the keeping of which suitable books shall be provided.

SEC. 9. The treasurer of the board of trustees shall, within thirty days from the date of his election, file with the secretary of Washington Territory, a duly executed and approved bond, in the sum of five thousand dollars (\$5,000,) for the faithful performance of his duties as treasurer, during his term of office.

SEC. 10. The board of trustees shall, at the time of the

first meeting above provided for, adopt suitable by-laws for its own government in the transaction of business.

SEC. 11. Vacancies in the board of trustees, occurring biennially by the expiration of the term or terms of a member or members, shall be filled by nomination by the governor, at least five days before the adjournment of the legislative assembly, of a trustee or trustees to be confirmed by the council, to serve for six years from the first day of July following the date of his or their confirmation, and until his or their successor or successors shall be appointed and confirmed.

SEC. 12. Vacancies in the board of trustees, caused by the death, resignation, departure from Washington Territory, or removal for cause, of a member of the board, shall be filled for the unexpired balance of term, by the appointment of a trustee, by the governor, which appointment shall at the session of the legislative assembly held next thereafter, be submitted to the council for confirmation.

SEC. 13. All appointments shall be such that the board shall always contain at least one practical educator, one physician and one lawyer.

SEC. 14. Official notice of appointment shall be given to each trustee, by the secretary of the territory, within ten days from the date of the confirmation of said trustees by the council.

SEC. 15. After the first meeting of the board of trustees, as hereinbefore provided, the regular annual meeting shall be held at the school, on the last Wednesday of May, in each year, at which meeting a president, a vice president and a treasurer shall be elected, by ballot, from the board, and an auditor, not of the board, each to serve one year from the first day of July following; and one member of the executive committee, to serve three years from the first day of July following, and any other business, proper to come before said meeting, may be transacted.

SEC. 16. Special meetings of the board of trustees may be held at any time, on request of the executive committee, and shall be held on the written request of any three trustees. The official notification of each special meeting shall state the business to be transacted at said meeting, and no business other than that so stated, shall be brought before said meeting.

SEC. 17. Three members of the board of trustees shall constitute a quorum for the transaction of business.

SEC. 18. Official notice of each meeting of the board of trustees shall be issued by the secretary to each trustee, at least fifteen days before the date of such meeting.

SEC. 19. The executive committee shall meet at the school on the last Wednesdays of August, November, Febru-

ary and May, in each school year, and at other times as often as may be necessary for the proper performance of their duties.

SEC. 20. The executive committee shall, on their visits to the school, inspect the real and personal property of the school, shall purchase all supplies in the manner authorized in section 2269 of the Code of Washington Territory, relating to the purchase of supplies for the hospital for the insane, shall examine the accounts, bills and vouchers, draw orders on the treasurer of the board, for the payment of bills approved, and at suitable times, submit the accounts to the inspection of the auditor.

SEC. 21. No trustee shall, during his term of office have any direct or indirect personal interest in any contract, agreement or indebtedness on account of the school in any way.

SEC. 22. The financial and official year of the school shall begin on the first day of July, and end on the thirtieth day of June following. After the thirtieth day of June, 1886, all financial business, contracts and official terms shall conform thereto.

SEC. 23. The regular term of school shall begin on the last Wednesday of August in each year, and end on the last Wednesday of May following.

SEC. 24. At each regular assembly of the legislature of Washington Territory, the board of trustees shall present to the governor, for transmission to the legislature, a full report of the operations of the school during the previous two school years, showing the amount, condition and value of all real and personal property of the school, receipts and expenditures of money, number of persons employed, and amount of salary paid to each, and the number of pupils in attendance.

SEC. 25. The director of the school shall be a competent expert educator of defective youth; a hearing man of sound learning and morals, not under thirty nor over seventy years of age; practically acquainted with the school management and class instruction of the deaf, blind and feeble-minded. He shall reside in the school and be furnished quarters, heat, light and food.

SEC. 26. The director shall be responsible for the care of the premises and property of the school, selection and control of employes, regulation of the household, discipline of the school, arrangement and execution of a proper course of study, training of the pupils in morals and manners, and the general oversight of all internal affairs of the school, and shall lay before the regular annual meeting of the board of trus-

tees, on the last Wednesday of May in each year, a full report of the operation of the school during the previous school year.

SEC. 27. The salary of the director shall be nine hundred dollars for the first year of his service in the school, with an increase of not more than one hundred dollars per annum, up to a maximum salary of fifteen hundred dollars per annum, and no more. He shall have no other occupation during his term of service in the school.

SEC. 28. The director may be removed at any time by a three-fifths vote of the full board of trustees, on proof of incompetency, mismanagement, inefficiency or immorality.

SEC. 29. No unemployed person, other than pupils, shall be permitted to reside on the school premises, except members of the director's family, for whom the sum of one hundred dollars (\$100) per annum shall be paid by the director to the treasurer of the board of trustees, for the board and lodging of each such unemployed person over twelve years of age.

SEC. 30. The parent, guardian or next friend of any defective youth, residing in Washington Territory, desiring the admission of such youth to the school, shall, at least ten days before the last Wednesday in February and August of each year, furnish to the secretary of the board of trustees, in writing, full and satisfactory information concerning such youth. The board of trustees shall have the power to expel any pupil from the school for good cause shown.

SEC. 31. If the parent, guardian or next friend of any defective youth, residing in Washington Territory, is, by reason of poverty, unable to pay the cost of transporting such youth to and from the school and maintenance therein, then, on satisfactory proof of such inability being presented to the judge of the probate court in the county where such youth resides, said judge shall issue to such parent, guardian or next friend, a certificate authorizing the admission of such youth to the school at the expense of that county, on condition of compliance with the provisions of section thirty (30), which certificate shall be filed with the secretary of the board of trustees, and shall be deemed sufficient warrant for the payment, by the treasurer of the aforesaid county, of all duly certified and audited bills presented to him by the secretary of the board of trustees on account of the transportation of such

youth, said bills not to exceed the actual cost of transportation over the usually traveled routes for each of said youth.

SEC. 32. Defective youth not residing in the territory, shall be admitted on such terms and conditions as may be prescribed by the board of trustees.

SEC. 33. The sum of seven thousand five hundred dollars (\$7500) is hereby appropriated from any money in the treasury of Washington Territory not otherwise appropriated, to pay the expenses of the school from the first day of January, 1886, to the thirtieth day of June, 1888, the same to be paid to the treasurer of the board of trustees, in equal installments, on the first day of April, July and October in 1886; January, April, July and October in 1887, and January and April in 1888.

SEC. 34. All former acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 35. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 3, 1886.

AN ACT

TO PROVIDE FOR THE PERMANENT LOCATION AND CONSTRUCTION OF A HOSPITAL FOR THE INSANE AT FORT STEILACOOM IN WASHINGTON TERRITORY.

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

SECTION 1. That a hospital for the insane in Washington Territory shall be, and hereby is, permanently located and established at Fort Steilacoom in Pierce county.

SEC. 2. That the board of trustees of the hospital for the insane shall, in addition to their other duties, constitute, a board of commissioners for the construction of said hospital for the insane, under the provisions of this act: *Provided*, That the governor shall have power to remove any member of said commission for good and sufficient cause.

SEC. 3. That each of said commissioners, before entering upon the duties of his office, shall take and subscribe an

oath, before any officer of the territory qualified to administer the same, that he will faithfully and impartially perform the duties of his office according to law; and shall execute and deliver to the governor a bond to the Territory of Washington, with two (2) or more good and sufficient sureties, to be approved by the governor, in the sum of ten thousand (\$10,000) dollars, conditioned for the faithful performance of his duties according to law, which oath and bond shall be filed in the office of the secretary of the territory.

SEC. 4. That the persons appointed as commissioners under the provisions of this act, or a majority of them, shall meet at Fort Steilacoom on the third Monday of March, 1886, and shall organize by electing one of their number president and one of the number secretary.

SEC. 5. That should a vacancy occur in said board of commissioners, by failure to qualify, death, resignation or other cause, the governor shall appoint some suitable person, a resident of this territory, to fill such vacancy, and the person so appointed shall qualify according to the provisions of this act, and shall enter upon the duties of commissioner as herein provided.

SEC. 6. That it shall be the duty of the president of the board to preside at the meetings thereof, and to superintend the performance of all contracts for labor and material which may have been authorized by the board; to see that the terms of each contract are fulfilled, and to do and perform such other duties pertaining to the erection of said hospital for the insane as the board shall direct: *Provided*, That no member of the board shall be interested directly or indirectly in any contract of any kind connected with the erection of said hospital for the insane during his continuance in office, under penalty of three thousand (\$3000) dollars, to be prosecuted and collected of him and the sureties upon his official bond, upon an action of debt brought under the direction of the governor, in any court of competent jurisdiction.

SEC. 7. That all accounts shall be audited by the territorial auditor, and no money shall be paid by the territorial treasurer for any purpose connected with the erection of said hospital for the insane, except on a warrant or warrants drawn on him by the territorial auditor for the payment of bills certified to by the said board of commissioners, and every such warrant shall express upon its face whether the amount so required is for material furnished or services rendered, or

labor performed, and the board shall in no case sanction the payment of any money unless the labor has been performed or the materials have been furnished in accordance with a contract entered into under the provisions of this act, for which any such payment is contemplated, and it shall be the duty of the territorial treasurer to pay all warrants drawn by said territorial auditor, as herein provided, out of any money in his hands not otherwise appropriated.

SEC. 8. That the board of commissioners may, in their discretion, visit and inspect the hospital for the insane in Oregon, previous to adopting any plan for the proposed hospital at Fort Steilacoom, and shall receive ten (10) cents per mile for each mile necessarily traveled in the performance of such duty.

SEC. 9. That the board of commissioners shall proceed with as little delay as possible to erect a suitable hospital building or buildings, of brick and stone, in accordance with the plan or plans thereof, which may be adopted by said board, or a majority of them: *Provided*, That a plan shall be adopted for a complete hospital, capable of holding, when finished, two hundred and fifty (250) patients or more; and that if the appropriation hereinafter provided for is not sufficient for the erection of the whole hospital, such portions thereof shall be first built and finished for the occupation of patients as shall, in the judgment of the board, be deemed most expedient.

SEC. 10. That all contracts, and all work thereunder, of whatever nature, shall be under the supervision and control of said board; and no contract shall be entered into for materials or labor for the erection of said hospital for the insane until approved by said board, or a majority thereof; nor until the said board shall first have given notice by publication in four or more leading weekly newspapers published in this territory, for four (4) consecutive weeks, inviting sealed proposals for the labor and furnishing the necessary materials for the fulfillment of the proposed contracts, and specifying the character and amount of the bond which will be required for the fulfillment of the conditions of said contracts; and in all cases contracts shall be awarded by the board to the lowest and most responsible bidder who will give the required security: *Provided*, That should there be one bid, the approval of every member of the board shall be necessary to complete the proposed contracts: *Provided, also*, That the said board may reject any

or all bids at their discretion when deemed too high, and again advertise for proposals, as before provided.

SEC. 11. That the board of commissioners shall have an office at Fort Steilacoom, and after the first meeting as in this act provided, they shall meet at such times as they may elect.

SEC. 12. The said board of commissioners shall, while acting as such, receive the same pay as that provided by the provisions of section 2254 of the Code of Washington Territory, for the compensation of the members of the board of trustees for said hospital for the insane: *Provided*, That no member of said commission shall receive pay for more than one hundred days in any one year: *And provided further*, That no member of said commission shall, while acting in the discharge of his duties, as such, receive any pay as a member of said board of trustees: *And provided further*, That the president while acting under the provisions of section 6, as superintendent, shall receive three dollars per day.

SEC. 13. That for the purpose of carrying out the provisions of this act, there is hereby appropriated, out of the territorial treasury, not otherwise appropriated, the sum of one hundred thousand (100,000) dollars.

SEC. 14. That all acts and parts of acts in conflict herewith be, and the same are hereby repealed.

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

Approved February 3, 1886.

AN ACT

PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS TO SELECT A LOCATION FOR A HOSPITAL FOR THE INSANE IN EASTERN WASHINGTON.

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

SECTION 1. That it shall be the duty of the governor within ten days after the approval of this act to appoint three competent persons who shall constitute a board of commissioners

and be known as the asylum commissioners for eastern Washington.

SEC. 2. That said commissioners shall be selected from the residents of eastern Washington, one of them shall be a practicing physician, and no two shall be appointed from the same county.

SEC. 3. It shall be the duty of the said board of commissioners, to select a suitable place in eastern Washington to locate a hospital for the insane, taking into consideration climate, accessibility by railroads, etc., water, fuel and material for building purposes. Said selection to contain not less than one hundred and sixty acres of land, and to report location, price of land, with their recommendations and suggestions, during the first five days of the session of the next legislature.

SEC. 4. Said commissioners shall meet on the first Tuesday in March, 1886, in the town of Medical Lake, Spokane county, Washington Territory, and organize by selecting one of their number as president of the board and one as secretary thereof. They shall appoint their own time and place of meeting thereafter.

SEC. 5. The said commissioners shall receive as pay for their services the sum of five dollars per day while engaged in performing the duties imposed by this act, together with mileage at the rate of ten cents per mile each way for actual travel to and from the place of meeting of the board and in the discharge of their respective duties.

SEC. 6. That the sum of five hundred dollars, or so much thereof as is necessary, is hereby appropriated out of the territorial treasury from moneys not otherwise appropriated, for the purpose of paying said commissioners for their per diem and mileage and the territorial auditor is hereby authorized to draw warrants on the treasurer for the respective amounts, upon an itemized account of mileage and per diem being filed with said territorial auditor signed by the president of said board of commissioners and countersigned by the secretary thereof: *Provided*, That the whole expense of selecting the location shall not exceed five hundred dollars.

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

Approved February 3, 1886.

AN ACT

TO PROVIDE FOR THE TRANSPORTATION OF INSANE PERSONS TO THE ASYLUM AND TO FIX THE RATE OF COMPENSATION THEREFOR.

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

SECTION 1. That the costs of transporting persons to the hospital for the insane, by commitment under the laws of this territory, shall be paid for by the territory except as hereinafter provided.

SEC. 2. That all persons adjudged insane and committed to the asylum shall be conveyed to the asylum by the sheriff of the county in which such person or persons were adjudged insane or by some person appointed by the sheriff as his deputy or guard, for that purpose.

SEC. 3. That in case of any female person, or persons having been adjudged insane and committed to the asylum, the probate judge of the county shall require the sheriff to select some suitable female to accompany said insane patient, as an attendant or guard to the asylum. The said attendant so selected shall receive for her services as guard, the sum of three dollars per day, and her actual traveling expenses, en route from and returning to the county seat of the county from which the patient is conveyed, by the nearest traveled route, while engaged in said service. An itemized bill for the per diem and expenses as provided in this section shall be made out and verified by the oath of the female attendant or by the sheriff of the county and filed with the territorial auditor who, if he deem the amount reasonable and just, shall draw his warrant on the treasurer for the payment of the same, or for such portion thereof as shall be deemed legal and just.

SEC. 4. In case the probate judge shall deem it necessary he may direct in the order adjudging the insanity of any male person or persons, that the sheriff may select one person as a guard to assist in conveying said male person or persons to the asylum, and the compensation for the services of said guard shall be the same as provided in section three (3) of this act for a female guard or attendant.

SEC. 5. The sheriff of the county or his deputy shall receive the sum of five dollars per day and his actual traveling expenses, for the time necessarily employed in conveying insane

persons to the asylum, computing the time by the nearest traveled route from the county seat of his county to the asylum and return: *Provided*, That the time and personal expenses of the sheriff on his return from the asylum shall not be greater than the time and personal expenses necessarily involved in going to the asylum. In addition to his own personal expenses, the sheriff or his deputy shall be allowed his actual disbursements, necessarily paid out by him, for the board and traveling expenses of the insane person, or persons, conveyed to the asylum, and he shall make out an itemized account of his own and the expenses of the patient, and verify the same by his oath. The accounts so made out shall be filed with and audited by the territorial auditor, and the same, or so much thereof as shall be deemed just and lawful, paid by the territory.

SEC. 6. In all cases of the adjudged insanity and commitment of any person or persons to the asylum, it shall be the duty of the probate judge to make out a copy of the commitment, with any order for the appointment of a guard to assist in conveying the patient or patients to the asylum, which commitment and order shall be filed with the territorial auditor, before any amount for the expenses of such conveyance shall be allowed.

SEC. 7. Whenever any patient or patients are delivered to the asylum under the provisions of this act, the superintendent of the asylum shall give to the sheriff or his deputy, delivering such patient, a certificate stating the name of the patient, the county from which admitted and the court that committed the same, and stating whether such patient was accompanied by an additional guard or attendant.

SEC. 8. The territorial auditor shall examine the sworn statement of the sheriff or his deputy, or any guard appointed under the provisions of section four (4) of this act, and also the certificate of the superintendent of the asylum, and if he find the same correct, he shall audit the bills and accounts presented, or any part thereof, and issue a warrant on the territorial treasurer who shall pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 9. Chapter CLXVIII (one hundred and sixty-eight) of the Code of Washington, in relation to "expenses transporting insane persons" and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

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

, Approved February 3, 1886.

AN ACT

TO APPROPRIATE MONEY TO DEFRAY THE EXPENSES OF THE HOSPITAL FOR THE INSANE.

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

SECTION 1. That section 2266 of the Code of Washington Territory, be amended to read as follows: The superintendent, by and with the consent of the board of trustees, shall employ such assistances as are necessary for the effectual and economical administration of the institution, and the regular officers shall not receive salaries to exceed the following sums: one superintendent, twenty-two hundred (2200) dollars per annum; one assistant physician, one thousand one hundred (1100) dollars per annum; one accountant and steward, thirteen hundred (1300) dollars per annum; one head warden, six hundred and fifty (650) dollars per annum; one male attendant additional for every twenty-five male patients, each five hundred and forty (540) dollars per annum; one matron, six hundred and fifty (650) dollars per annum; one night attendant on male wards, five hundred and forty (540) dollars per annum; one outside attendant, five hundred (540) dollars per annum; one female attendant for every twenty-five female patients, each five hundred and forty (540) dollars per annum; one night attendant on the female wards, five hundred and forty (540) dollars per annum; one laundress, three hundred (300) dollars per annum; one carpenter, six hundred (600) dollars per annum; one cook, nine hundred (900) dollars per annum; one baker, who shall also assist the cook, five hundred (500) dollars per annum; one assistant in the kitchen and dining rooms, three hundred (300) dollars per annum; one teamster, four hundred (400) dollars per annum.

SEC. 2. All officers and employes may be furnished subsistence, quarters, lights, and fuel for one, and the superintendent, assistant physician, accountant and steward, with quarters for their families in excess of salary.

SEC. 3. *And be it further enacted,* That section 2272 of the Code of Washington Territory, be amended to read as follows: Thirty-two thousand five hundred (32,500) dollars, or so much thereof, as may be necessary, are hereby appropriated for each fiscal year, to defray the expenses of said institution.

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 its passage and approval by the governor.

Approved February 3, 1886.

AN ACT

FOR THE SUPPORT OF THE UNIVERSITY OF WASHINGTON TERRITORY.

Be it enacted by the Legislative assembly of the Territory of Washington:

SECTION 1. That there be and hereby is, appropriated out of any money in the territorial treasury, not otherwise appropriated, the sum of ten thousand dollars (\$10,000,) for the payment of the salaries of teachers and professors in the literary department of the university of the Territory of Washington, for the two (2) years commencing on the first day of January, 1886, and ending on the first day of January, 1888.

SEC. 2. That there be, and hereby is appropriated out of the territorial treasury, the further sum of three hundred dollars (\$300), to be expended by the regents in the purchase of books for the library of said university.

SEC. 3. That there be, and hereby is appropriated out of the said territorial treasury, the further sum of three hundred dollars (\$300) for the purchase of philosophical and chemical apparatus, as well as chemicals for the use of said university.

SEC. 4. The sum mentioned and appropriated in section one (1) shall be paid in quarterly installments by warrant drawn by the territorial auditor on the territorial treasurer, in favor of the treasurer of the board of regents. The first quarter shall commence on the first day of January, A. D., 1886, and end on the thirtieth day of March of said year; and so on by quarterly payments in the manner above provided, during the two (2) years mentioned in section 1. The sums mentioned and appropriated in sections 2 and 3 of this act shall be drawn on warrant as provided for above, in two (2) equal installments; the first to be drawn on the first day of July A. D. 1886, and the last on the first day of July, 1887.

SEC. 5. Each member of the legislative assembly of this territory may appoint one person, who may attend the university without payment of any tuition, in the literary department of the same, while the official term of the person appointing remains. The person so appointed must be a *bona fide* resi-

dent of the district of the person appointing, at the time of his appointment. For the purposes of this act the term of the person appointing shall commence at the time he is declared elected, and end when his successor is qualified. A copy of the appointment shall be sent to the president of the university, and also one shall be given to the person appointed. The original shall be kept by the member making the appointment. All persons attending the university as students, outside of the county of King, during each school year, shall have deducted from their tuition the actual cost of their going to, and returning from said university to their respective homes.

SEC. 6. All acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 7. This act shall take effect from and after its passage and approval by the governor.

Approved January 16, 1886.

AN ACT

TO APPROPRIATE FUNDS TO PAY FOR THE BOARD AND TUITION OF CERTAIN DEAF MUTES.

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

SECTION 1. That the sum of two hundred and forty-five dollars, or so much thereof as may be necessary, be, and is appropriated from any funds in the treasury not otherwise appropriated to defray the board and tuition of Edith Jones, Nelson A. Woods and Lee Brown, at the Oregon school for deaf mutes, from January 1st, 1885, to May 1st, 1885, the bill for which is hereby audited at three hundred dollars.

SEC. 2. The territorial auditor is directed to draw his warrant on the treasurer of the territory in favor of P. S. Knight, superintendent, for the said sum of three hundred dollars, and the treasurer is directed to pay the same from the unexpended balance of the appropriation for such purpose and the sum hereby appropriated.

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

Approved January 2, 1886.

AN ACT

TO APPROPRIATE FUNDS TO DEFRAY THE EXPENSES OF THE COMMISSIONER, ON THE PART OF THE TERRITORY, AND THE EXHIBIT FROM THE TERRITORY AT NEW ORLEANS EXPOSITION.

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

SECTION 1. That the sum of two thousand and five hundred dollars be, and is hereby, appropriated from the funds of the territory not otherwise appropriated, to defray the expenses of the commissioner, on the part of the territory, and the exhibits from the territory at the exposition at New Orleans.

SEC. 2. The sum hereby appropriated shall be expended under the direction of his excellency, the governor of Washington Territory, and the auditor of the territory shall, from time to time, as required by the governor, draw his warrant in favor of the governor for an amount not exceeding the sum hereby appropriated, in sums not exceeding one thousand dollars, on the territorial treasurer, who shall pay the same.

SEC. 3. The governor shall file his receipt for the sums so drawn with the auditor, and forward the said sums to Ezra Meeker, the territorial commissioner at New Orleans, and if in the opinion of the governor the whole sum herein appropriated is not requisite and necessary for the purposes hereinaforesaid, then, and in such case, he shall forward only so much thereof as is in his opinion necessary.

SEC. 4. The said commissioner shall forward receipts for the said sums received to the governor, who shall file the same with the auditor of the territory, and on or before the first day of July, 1886, the said commissioner shall file with the auditor a detailed statement of the manner and purpose for which the sums received by him were expended, which statement shall be sworn to by the commissioner.

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

Approved January 6, 1886.

AN ACT

TO PROVIDE FOR THE PERMANENT LOCATION AND CONSTRUCTION OF A
TERRITORIAL PENITENTIARY AT WALLA WALLA.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That a penitentiary, or state, or territorial prison, of this territory, shall be, and hereby is, permanently located and established, in the vicinity of the city of Walla Walla, in Walla Walla county.

SEC. 2. That it shall be the duty of the governor, within ten (10) days after the approval of this act, to appoint by, and with the consent of the council, three (3) competent persons, residents of this territory, who shall constitute a board of commissioners, for the construction of said penitentiary, and whose terms of office shall be two (2) years, and until their successors are appointed and qualified.

SEC. 3. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe an oath, before any officer of the territory, qualified to administer the same, that he will faithfully and impartially perform the duties of his office according to law, and shall execute and deliver to the governor a bond to the territory, with two (2) or more good and sufficient sureties, to be approved by said governor, in the sum of five thousand (5,000) dollars, conditioned for the faithful performance of his duty according to law, which oath and bond shall be filed in the office of the secretary of the territory.

SEC. 4. The persons appointed as commissioners, under the provisions of this act, or a majority of them, shall meet at the said city of Walla Walla, on the second Monday of March, 1886, and shall organize by electing one of their number president of the board, and one of their number secretary.

SEC. 5. Should a vacancy occur in said board of commissioners, by failure to qualify, death, resignation or otherwise, the governor shall appoint some suitable person, a resident of the territory, to fill such vacancy, and the person so appointed shall qualify according to the provisions of this act, and shall enter upon the duties of commissioner, as herein provided.

SEC. 6. It shall be the duty of the president of the board to preside at the meetings thereof, and to superintend the performance of all contracts for the erection of the penitentiary, and for labor and material which may have been authorized by

the board; to see that the terms of each contract are fulfilled, and to do and perform such other duties pertaining to the erection of said penitentiary, as the board shall direct: *Provided*, That no member of the board shall be interested directly, or indirectly, in any contract, of any kind, connected with the erection of said penitentiary, during their continuance in office, under the penalty of three thousand (3,000) dollars, to be prosecuted and collected of him, and the sureties upon his official bond, upon an action of debt commenced under the direction of the governor, in any court of competent jurisdiction.

SEC. 7. All accounts shall be audited by the territorial auditor, and no money shall be paid by the territorial treasurer for any purpose connected with the erection of said penitentiary, except on a warrant, or warrants, drawn on him by the territorial auditor for the payment of bills certified to by the said board of commissioners, and signed by the president and secretary thereof, and every such warrant shall express upon its face whether the amount, so required, is for materials furnished, or services rendered, or labor performed, and the board shall in no case sanction the payment of any money, unless the labor has been performed, or the materials have been furnished in accordance with a contract entered into, under the provisions of this act, for which any such is contemplated; and it shall be the duty of the territorial treasurer to pay all warrants drawn by said territorial auditor, as herein provided, out of any money in his hands applicable thereto.

SEC. 8. The said commissioners shall receive a deed of conveyance, clear of all incumbrance, in trust for the people of Washington Territory, for one hundred and sixty (160) acres of land in the vicinity of the city of Walla Walla, more particularly described as follows: $S\frac{1}{2}$ of $SW\frac{1}{4}$, section 18, containing eighty-five (85) acres; and $N\frac{1}{2}$ of $NW\frac{1}{4}$, section 19, containing seventy-five (75) acres, all in township 7 N., R. 36 E. Said land being donated by the citizens of said city of Walla Walla, and upon which land the said penitentiary shall be erected. Said land and location having been selected by a majority of the board of commissioners, as authorized by the legislative assembly, in an act entitled "An act to provide for the proper confinement of territorial convicts, appoint commissioners and levy a tax to build a penitentiary," approved November 28, 1883.

SEC. 9. The said board of commissioners may, in their discretion, inspect the penitentiaries of the states of California and Oregon previous to adopting any plan for the proposed penitentiary at Walla Walla, and shall receive ten (10) cents per mile for each mile necessarily traveled in the performance of such duty, and they shall have power to enter into contracts, as here-

inafter provided, for the erection of a penitentiary building, near said city of Walla Walla, and on the grounds donated therefor, and to make all contracts for the materials and labor necessary therefor. They shall proceed, with as little delay as possible, to erect a suitable fire-proof building, or buildings, of stone, brick and iron or steele, or either of said materials, in accordance with the plan or plans thereof, which may be adopted by said board, or a majority of them: *Provided*, That the stockade enclosing said buildings may be constructed of wood and shall be erected at such distance from the buildings as the board may determine.

SEC. 10. All contracts for the erection of said penitentiary, and for labor or materials therefor, shall be made by said board, or a majority thereof, and the execution of all said contracts shall be under the supervision and control of said board. No contract shall be entered into for the erection of said penitentiary, or for the materials or labor therefor, before the said board shall have first given notice, by publication, in three newspapers, published in this territory, one at the city of Seattle, one at the city of Tacoma, and one at the city of Walla Walla, for three (3) consecutive weeks prior thereto, inviting sealed proposals for the erection of said penitentiary, or for all, or any portion of the designated materials therefor, or for all or any portion of the different kinds of work necessary in the erection of the same, and specifying the character and amount of the bond which will be required for the fulfillment of the conditions of said contract or contracts, and in all cases the contract or contracts shall be given, by the board, to the lowest and most responsible bidder, who will give the required security: *Provided*, Said bid, or bids, shall not be opened in less than fifteen days after said publication: *Provided, also*, That when there shall be but one bid, the approval of every member of the board shall be necessary to complete the proposed contract or contracts: *Provided, also*, That the said board shall reject any, or all bids, at their discretion, when deemed excessive, and again advertise for proposals.

SEC. 11. The said board of commissioners shall keep an office at the city of Walla Walla, and after the first meeting, as in this act provided, they shall meet at such time as they may elect.

SEC. 12. Each of said commissioners, in consideration of services rendered, shall receive an annual salary of (\$600) six hundred dollars, and no more, payable quarterly, out of the fund appropriated for the erection of said penitentiary, and in the same manner that other accounts against said fund are paid.

SEC. 13. It shall be the duty of the governor, upon the receipt of notice from said board of commissioners, that the

said penitentiary, at Walla Walla, is ready for occupancy, to cause the territorial convicts to be removed thereto, by such means, and in such manner, as he may deem expedient, and all expenses of said removal shall be paid from, and out of the general fund, and it is hereby made the duty of the territorial treasurer to pay such expenses, as above provided, upon the warrant of the auditor.

SEC. 14. The governor, upon the removal of said convicts to the penitentiary at Walla Walla, if prior to the next regular session of the legislative assembly, shall appoint such officers, and prescribe such rules as may be necessary for the government and discipline of said penitentiary until the same are provided for by law.

SEC. 15. For the purpose of carrying into effect the provisions of this act, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of (\$60,000) sixty thousand dollars to be transferred from the general fund and added to and made part of the "territorial penitentiary fund," created by and act entitled "An act providing for the proper confinement of territorial convicts, appoint commissioners and levy a tax to build a penitentiary," approved November 28, 1883. From which fund the territorial treasurer shall pay all warrants as herein provided.

SEC. 16. Said penitentiary building shall be such dimensions, size and capacity as the said sixty thousand dollars (\$60,000) added to the penitentiary fund, economically expended, will possibly make.

SEC. 17. That all acts and parts of acts in conflict herewith be, and the same are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved January 22, 1886.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE CONTINGENT EXPENSES OF THE LEGISLATIVE ASSEMBLY.

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

SECTION 1. The auditor of the territory is hereby directed.

to draw his warrants in favor of the following persons and firms for the sums following, to-wit: The Tacoma lodge library the sum of fifty dollars for rent of room for use of committees. T. M. Reed, for the sum of thirty dollars for drayage, expressage and storage. H. D. Cook, for drayage paid, three dollars. H. Sabin, for the sum of eight dollars for lock and keys. Olympia water company, for the sum of four dollars for two months water rent. Austin brothers, for the sum of forty-one and 75-100 dollars for barrels and hauling water. Meacham & Co., for the sum of twenty dollars for tables. W. H. Taylor, for the sum of twenty-four dollars for carpenter work. M. O'Conner for the sum of eight dollars stationery bill. H. O. Drewry, for the sum of one dollar and twenty-five cents for draying.

SEC. 2. The territorial treasurer is directed to pay the the amount of said several warrants above provided for out of any money in the treasury not otherwise appropriated.

SEC. 3. The territorial auditor is further directed to draw his warrant on the territorial treasurer for the funds necessary for the payment of the necessary expenses incurred in the distribution of the message and report of the governor, the printing of which is ordered to be done by the Lowman & Hanford, stationery and printing company, on bills rendered therefor, and the treasurer is hereby directed to pay the same from any funds in the treasury not otherwise appropriated.

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

Approved, February 4, 1886.

AN ACT

TO APPROPRIATE MONEY FOR TERRITORIAL INCIDENTAL EXPENSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of (\$500) five hundred dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the territorial treasury, not

otherwise appropriated, for territorial incidental expenses of the executive office.

SEC. 2. The territorial auditor is hereby authorized to draw warrants on the territorial treasurer to an amount not exceeding five hundred dollars on presentation to him of vouchers duly certified by the governor that the amount has been expended for territorial incidental expenses.

SEC. 3. The territorial treasurer is hereby authorized to pay such warrants upon presentation out of any money not otherwise appropriated.

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

Approved February 4, 1886.

AN ACT

TO PROVIDE FOR THE CLEARING AND IMPROVING THE CAPITOL GROUNDS AND BUILDINGS, AND PROVIDE FOR PAYMENT FOR THE SAME.

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

SECTION 1. That the sum of five hundred dollars be and is appropriated for the repair of the capitol building and grounds, to be expended in the manner following, to-wit: For clearing the brush and trees on three sides of the grounds for the distance of one hundred feet from the fence outside, and clearing off the brush inside the fence, one hundred dollars. For repairing and painting fence one coat, seventy dollars. For building water closet, fifty dollars. For building side walk from building to street, eighty dollars. For shelving in library, one hundred dollars. For general repairs, one hundred dollars.

SEC. 2. The territorial auditor and treasurer are directed to supervise the repairs, provided by section one to be made, and on completion of such, the bills for the same shall be certified by the auditor and treasurer and the auditor is directed to draw his warrants on the territorial treasurer for the same, and the treasurer is directed to pay the same.

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

Approved February 4, 1886.

AN ACT

TO APPROPRIATE THE SUM OF ONE HUNDRED AND EIGHTY (180) DOLLARS FOR POSTAGE STAMPS FOR THE USE OF MEMBERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the territorial auditor be, and is hereby, authorized to draw a warrant upon the territorial treasurer in favor of H. D. Cock, sergeant-at-arms of the council, for the sum of sixty (\$60) dollars, and another warrant in favor of J. E. Gandy, sergeant-at-arms of the house, for the sum of one-hundred and twenty (120) dollars, for the purpose of purchasing postage stamps, to be divided equally among the members of the assembly.

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

Approved December 23, 1885.

AN ACT

TO PRESCRIBE THE MANNER OF SELLING THE SULPHATE AND OTHER PREPARATIONS OF MORPHINE IN THE TERRITORY OF WASHINGTON AND FOR OTHER PURPOSES.

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

SECTION 1. That on and after the first day of July, eighteen hundred and eighty-six, it shall not be lawful for any druggist or other dealer in drugs and medicines to sell or offer for sale any sulphate or other preparations of morphine in any bottle, vial, envelope or other package unless the same shall be wrapped in a scarlet paper or envelope, and all bottles or vials used for the above purposes shall have in addition to said scarlet wrapper

a scarlet label lettered in white letters, plainly naming the contents of said bottle.

SEC. 2. *Be it further enacted by the authority aforesaid,* That any one violating the provisions of the above section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than fifty dollars, at the discretion of the court, for each and every violation of the preceding section.

SEC. 3. *Be it further enacted,* That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

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

Approved February 3, 1886.

AN ACT

TO AMEND SECTION 2097 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION I. That section 2097 of the Code of Washington Territory, be amended to read as follows: "Section 2097. Milage of officers who are required to reside at the county seat, shall be computed from the court house of the county, and every portion of a mile shall be computed as one milé. Milage shall be allowed as follows: There shall be but one milage in the summons and complaint in any action, and that shall be computed on all the miles actually and necessarily traveled in the service of the same, on the defendant or defendants, in the action. Four (4) names of witnesses may be inserted by the plaintiff or defendant, in one subpœna, and only one milage shall be charged for the service of such subpœna, and that shall be allowed for the number of miles actually and necessarily traveled in serving said subpœna. There shall be but one milage allowed for the service of a warrant, or other process, no matter how many defendants there may be named in the same, and said milage shall be for

the miles actually and necessarily traveled in serving the same. There shall be but one milage allowed for the service of a venire for a grand or petit jury, and that shall be for the miles actually and necessarily traveled in service of the same: *Provided*, That Whatcom county shall be exempt from the operation of this act.

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

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

Approved January 29, 1886.

AN ACT

TO AMEND CHAPTER 113 OF THE CODE OF WASHINGTON TERRITORY, AS AMENDED BY AN ACT ENTITLED "AN ACT TO DECLARE CERTAIN PERSONS HABITUAL DRUNKARDS, AND TO PROTECT THEM AND OTHERS IN PERSON AND PROPERTY," APPROVED NOVEMBER 28, 1883.

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

SECTION 1. That section 1676 of Chapter 113 of the Code of Washington Territory, as amended by an act entitled "An act to declare certain persons habitual drunkards, and to protect them and others in person and property," approved November 28, 1883, be and is hereby further amended to read as follows, to-wit:

Section 1676. It shall be the duty of the probate judge of each county to furnish a list of the names of all persons adjudged habitual drunkards, to all parties licensed to sell, by retail, intoxicating liquors in such county, and such retail dealer shall keep posted up in some conspicuous place in his place of business a list of such habitual drunkards. A person failing to keep such list so posted shall forfeit his license, and if he thereafter sells intoxicating liquors he shall be punished as if selling without a license.

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

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

Approved January 15, 1886.

AN ACT

ORDERING THE TERRITORIAL TREASURER TO PAY ALL WARRANTS
IN THE ORDER OF THEIR PRESENTMENT.

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

SECTION 1. That the territorial treasurer be, and he is hereby, ordered to pay all warrants drawn on the territorial treasury in the order of their issuance: *Provided*, That all warrants drawn in payment of the current expenses of this legislature, be paid upon presentation.

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

Approved February 3, 1886.

AN ACT

RELATING TO THE CANCELLATION OF COUNTY WARRANTS.

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

SECTION 1. That in each of the counties of Washington Territory where warrants have been drawn and remain uncalled for, for a period of six years from the date of their issue, then the county commissioners of any county in which such warrants remain may cancel the same, when it shall be the duty of the auditor of any county in which such warrants are canceled to present the same to the county treasurer of said county, who shall transfer the amount of said warrants from the general fund of said county to the common school fund of said county.

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

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

Approved February 3, 1886.

AN ACT

TO AMEND SECTION 2747 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 2747 of the Code of Washington Territory be, and the same is hereby amended to read as follows: Section 2747. County orders shall be redeemed by the treasurer according to the priority of their issue, and it shall be his duty to make calls for, and pay county orders whenever the amount on hand exceeds five hundred dollars.

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

Approved January 19, 1886.

AN ACT

TO AMEND SECTION 2731 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section two thousand seven hundred and thirty-one of the Code of Washington Territory, be and the same is hereby amended to read as follows:

Section 2731. When any instrument, paper or notice, authorized or required by law to be recorded, is deposited in the county auditor's office for record, that officer must endorse upon the same the time when it was received, noting the year, month, day, hour and minute of its reception, and must record the same without delay, together with the acknowledgments, proofs and certificates written or printed upon or annexed to the same, with the plates, surveys, schedules and other papers thereto annexed, in the order and as of the time when the same was

received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded, and the same shall be considered and deemed to be recorded from the time it was so deposited in such county auditor's office.

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

Approved January 15, 1886.

AN ACT

TO AMEND SECTION 2736 OF THE CODE OF WASHINGTON TERRITORY AS AMENDED BY THE ACT OF THE LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY, APPROVED NOVEMBER 28, 1883.

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

SECTION 1. That section 2736 of the Code of Washington, as amended by the act of the legislative assembly of the Territory of Washington, approved November 28, 1883, be, and the same is hereby amended to read as follows: Section 2736. The county auditor in his capacity of recorder of deeds is sole custodian of all books in which are recorded deeds, mortgages, judgments, liens, incumbrances and other instruments of writing, indexes thereto, maps, charts, town plats, survey and other books and papers constituting the records and files in said office of recorder of deeds, and all such records and files are, and shall be, matters of public information, free of charge to any and all persons demanding to inspect or to examine the same, or to search the same for titles of property. It is said recorder's duty to arrange in suitable places the indexes of said books of record, and when practicable, the record books themselves, to the end that the same may be accessible to the public and convenient for said public inspection, examination and search, and not interfere with the said auditor's personal control and responsibility for the same, or prevent him from promptly furnishing the said

records and files of his said office to persons demanding any information from the same. The said auditor or recorder must and shall, upon demand, and without charge, freely permit any and all persons, during reasonable office hours, to inspect, examine and search any or all of the records and files of his said office, and to gather any information therefrom, and to make any desired notes or memoranda about or concerning the same, and to prepare an abstract or abstracts of title to any and all property therein contained.

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

Approved January 15, 1886.

AN ACT

TO AMEND SECTION 2752, OF THE CODE OF WASHINGTON TERRITORY,
RELATING TO COUNTY ASSESSORS.

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

SECTION 1. That section 2752 of the Code of Washington Territory, relating to county assessors be and the same is hereby amended so as to read:

Section 2752. At the general election in this territory there shall be elected in each county a county assessor who shall have the qualifications of a voter and shall continue in office for two years and until his successor is elected and qualified: *Provided*, That in the counties of Clallam, Island, San Juan, Yakima, Kittitass, Jefferson, Pacific, Kitsap, and Mason, the sheriffs in said counties shall be *ex officio* assessors, and as such shall perform the duties of assessor.

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

Approved January 20, 1886.

AN ACT

TO ABOLISH THE RIGHT OF SURVIVORSHIP IN ESTATES HELD IN
JOINT TENANCY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That if partition be not made between joint tenants, the parts of those who die first shall not accrue to the survivors, but descend, or pass by devise, and shall be subject to debts and other legal charges, or transmissible to executors or administrators, and be considered, to every intent and purpose, in the same view as if such deceased joint-tenants had been tenants in common, *provided*, that community property shall not be affected by this act.

SEC. 2. That all acts and parts of acts in conflict with this act be and are hereby repealed.

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

Approved December 23, 1885.

AN ACT

DECLARING WHAT SHALL CONSTITUTE A SUFFICIENT SEAL TO
ANY INSTRUMENT IN WRITING.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That any instrument of writing to which the maker shall affix a scrawl by way of seal, or shall adopt a printed scrawl or seal, shall be of the same effect and obligation, to all intents and purposes, as if the same were sealed.

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 by the governor.

Approved December 23, 1885.

AN ACT

TO PROVIDE FOR THE PUBLICATION AND DISTRIBUTION OF VOLUME TWO OF THE REPORTS OF THE SUPREME COURT OF WASHINGTON TERRITORY.

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

SECTION 1. That the auditor of the territory be, and is hereby, authorized and required to purchase from the publisher, for the territory, three hundred copies of volume two of the reports of the decisions of the supreme court of Washington Territory, reported by John B. Allen, at a price not exceeding five dollars per volume.

SEC. 2. Whenever said three hundred volumes, the purchase whereof is authorized by the preceding section, shall have been delivered to the said auditor, he shall draw his warrant upon the treasurer for the said purchase price, to-wit: the sum of fifteen hundred dollars, and also for the freight charges thereon from the place of publication, which warrants shall be delivered to the parties entitled thereto, and payable out of the general fund. A sufficient sum of money for such purposes is hereby appropriated for that purpose.

SEC. 3. The auditor shall thereupon deliver to the territorial librarian a sufficient number of copies for such purpose, and the librarian is directed to forward per mail, post paid, to the persons, and the number of copies following, to-wit: 1. To the library of congress, to copies; 2, to the secretary of state, war, navy, interior and attorney general of the United States, each one copy; 3, to each of the judges of the supreme, circuit and district courts of the United States and the court of claims, one copy; 4, to each state and territory of the United States, one copy; 5, to the governor, each justice of the supreme court, secretary, auditor, treasurer and United States district attorney for the territory, one copy each; 6, to the clerk of supreme court, one copy, and one copy each to each clerk and deputy clerk of the district courts of the territory, and to each district attorney, probate judge, county auditor and county treasurer in the several districts and counties in the territory, one copy; 7, the surplus copies to be

kept by the auditor of the territory for distribution as may be provided by law.

SEC. 4. The librarian of the territory is directed to securely wrap and forward the said copies to the persons and places above named, post paid, and the sum of one hundred dollars, or so much thereof as may be necessary for such purpose, is hereby appropriated for such purpose from the general fund, and the auditor is directed to audit the librarian's bill for such purpose and draw his warrant on the territorial treasurer therefor, and the treasurer is directed to pay the same.

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

Approved January 20, 1886.

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF THE SESSION LAWS
AND JOURNALS OF 1885 AND 1886.

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

SECTION 1. That the session laws and journals of the present session be distributed as follows: That the secretary of the territory shall furnish one copy each, of the journal of the house and council, to the governor, each member of the council and house of representatives, and the sergeant-at-arms and chief and assistant clerks of the council and house.

SEC. 2. The secretary shall cause to be bound in law sheep a sufficient number of copies of the session laws, to furnish one copy each, to the governor, secretary, auditor and territorial treasurer, each of the judges of the supreme court, the United States district attorney, the United States marshal, the clerk of the supreme court, each prosecuting attorney, two copies to the library of congress, one copy to each of the states and territories of the United States, for the use of the public library of such states and territories, one copy to the

Province of British Columbia, at Victoria, and one copy to each member of the council and house of representatives, the sergeant-at-arms, and clerk and assistant clerks of the council and house, and one copy each to the registers and receivers of the United States land offices within the territory, and one copy to the superintendent of public instruction.

SEC. 3. The secretary of the territory shall also forward to the county auditors of each court [county] a sufficient number of unbound copies, to supply one copy to each auditor, clerk of the district court, probate judge, sheriff, county treasurer, assessor, county commissioner, county superintendent of common schools, coroner and justice of the peace within their respective counties, as public property, for the use of their respective offices, to be delivered to their successors in office.

SEC. 4. The remaining copies of such laws shall be delivered by the secretary to the territorial auditor, who shall sell the same at the price of two dollars and fifty cents per volume and pay into the territorial treasury the proceeds of such sales for the use of the general fund of the territory.

SEC. 5. It shall be the duty of the secretary to carry into effect the provisions of the foregoing sections, and any and all necessary expenses incurred by him in so doing, shall be allowed and paid out of the territorial treasury, upon presentation of the bills therefor to the satisfaction of the territorial auditor, who shall draw his warrants therefor, in favor of the secretary, upon the territorial treasurer, who shall pay the same out of the territorial treasury out of any funds not otherwise appropriated.

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

Approved February 4, 1886.

AN ACT

TO CHANGE THE BOUNDARY LINE BETWEEN KITTITASS AND YAKIMA COUNTIES.

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

SECTION 1. That the boundary line between Kittitass and

Yakima counties, in Washington Territory, be and the same is hereby changed and shall hereafter be as follows, viz: Commencing at a point where the main channel of the Columbia river crosses the township line between township fourteen (14) and fifteen (15) north, of range number twenty-three (23) east of the Willamette meridian, and running thence west on the said township line to the range line between ranges eighteen and nineteen east, thence north on said range line six miles, or to the township line between the townships fifteen (15) and sixteen (16) north, thence west on the said township line to the range line between ranges seventeen (17) and eighteen (18) east, thence north to the township line between townships sixteen (16) and seventeen (17) north, thence west along said township line and a line prolonged due west, to the Nachess river, and thence northerly along the main channel of the Nachess river to the summit of the Cascade mountains, or to the eastern boundary of Pierce county.

SEC. 2. That all acts or parts of acts in conflict with this act be and they are hereby repealed.

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

Approved February 4, 1886.

AN ACT

TO AMEND SECTION 2289 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 2289 be amended by adding thereto after the last word in said section, "Any person or persons not resident in said territory, who shall advertise as a physician or surgeon, and go from place to place, for the purpose of practicing medicine or surgery, shall, before he enters upon such practice, present to the auditor of the county in which he proposes to practice, his medical diploma, as well as a true copy of the same, including any indorsements thereon: *Provided further*, That nothing in this act shall be so construed as to repeal

section 2292 of the Code of Washington Territory, or any portion thereof, and shall make affidavit, before such auditor, that the diploma and indorsements are genuine, and said auditor shall preserve said copy of diploma, and make the same entries as provided in section 2285 of the code, and the person so proposing to practice shall pay to said auditor, for the use of the county, the sum of fifty dollars. Any person practicing medicine or surgery, in any county in this territory in violation of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be fined in the sum of two hundred dollars with costs of prosecution, which fine shall be paid into the county treasury, for the use and benefit of common schools therein."

SEC. 2. All acts or 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 by the governor.

Approved February 3, 1886.

AN ACT

TO AMEND SECTION 1461 OF THE CODE OF WASHINGTON TERRITORY, AND SECTION 1460 OF THE CODE OF WASHINGTON TERRITORY, AS AMENDED BY AN ACT ENTITLED "AN ACT TO CORRECT ERRORS AND SUPPLY OMISSIONS IN THE CODE OF WASHINGTON TERRITORY," APPROVED NOV. 28, 1883.

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

SECTION 1. That section 1460 of the Code be amended to read as follows: Section 1460. When a person shall die leaving a widow or minor child or children, the widow, child or children shall be entitled to remain in possession of the homestead, and of all the wearing apparel of the family, and of all the household furniture of the deceased; and if the head of the family in his lifetime had not complied with the provisions of the law relative to the acquisition of a homestead, the widow, or the child, or children, may comply with such provisions and shall be entitled on such compliance to a homestead as now provided by

law for the head of a family, and the same shall be set aside for the use of the widow, child or children, and shall be exempt from all claims for the payment of any debt, whether individual or community. Said homestead shall be for the use and support of said widow, child or children, and shall not be assets in the hands of any administrator or executor for the debts of the deceased whether individual or community.

SEC. 2. That section 1461 shall be amended to read as follows: Section 1461. In the case of the appointment of an executor or administrator upon the death of the husband, as mentioned in section 1460, the probate court so appointing, shall without cost to the widow, minor child or children, set apart for the use of such widow, minor child or children, all the property of the estate by law exempt from execution; if the amount thus exempt be insufficient for the support of the widow and minor child or children, the probate court shall make such further reasonable allowance out of the estate, as may be necessary for the maintenance of the family according to their circumstances during the progress of the settlement of the estate.

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

Approved February 3, 1886.

AN ACT

TO PROVIDE FOR INDEXING THE CODE AND SESSION LAWS OF THE TERRITORY OF WASHINGTON, AND APPROPRIATING MONEY TO PAY FOR THE SAME.

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

SECTION 1. That the governor of the territory of Washington is hereby authorized to employ a competent and qualified person to index the Code of 1881 and the session laws of 1881, 1883, and all acts passed by the legislative assembly in 1885-6, and also all laws of a general and local nature left in operation after the compilation of the Code of 1881.

SEC. 2. That said index shall contain the subject matter of the law, the section of the Code where found, the date of pas-

sage of the law, and if a session act, the page of the session laws where found; and also all amendments to and repeals of the law, with the date of their passage and the page of the session laws where found.

SEC. 3. That said index, when completed, shall be presented to the governor for his examination and approval, and if upon such examination the work is satisfactorily done, the governor shall certify to the auditor such fact, and the auditor shall thereupon draw a warrant in favor of the person designated in such certificate on the treasurer for the sum of money certified by the governor to be due for making such index.

SEC. 4. The sum of three hundred dollars (\$300), or so much thereof as shall be necessary, is hereby appropriated out of any funds not otherwise appropriated in the territorial treasury to pay for said index.

SEC. 5. Said index shall be printed and bound together with the laws passed at the tenth biennial session of the legislative assembly of the territory: *Provided*, That the printing of said index shall not be at the expense of the territory.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. This act shall take effect from and after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

TO AMEND SECTION 2683 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION I. That section 2683 of the Code of Washington Territory, be, and the same is hereby amended to read as follows: Section 2683. Whenever, in the opinion of the county commissioners of any county, the public good requires a courthouse, jail or other county building, they shall estimate the cost

thereof, and submit the same to a vote of the qualified electors of their county, at a general or special election for that purpose, which election shall be held in the usual manner of general elections, after giving four weeks' notice by publication in the official newspaper of such county; and if a majority of the voters at such election favor such special tax, the commissioners shall assess and cause to be collected such tax, in the same manner as other county taxes are collected.

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

Approved February 3, 1886.

AN ACT.

TO AMEND SECTION 3034 OF CHAPTER 233 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 3034, of chapter 233, of the Code of Washington Territory be amended so as to read as follows:

Section 3034. Whenever any bridge is to be built, by any county in this territory, the estimated cost of which shall exceed the sum of two hundred dollars, the board of county commissioners shall advertise for sealed bids, said bids to be accompanied by plans, specifications and strain diagrams for the same, said advertisement to be published for three successive weeks in the official newspaper of the county, if a weekly, and twenty days if a daily paper. With each bid shall be deposited a bond, with a penalty equal to ten per cent. of the amount of such bid, conditioned that said bond shall be forfeited to the county if the party making said bid shall fail or neglect to enter into written contract and give the requisite bond within five days from date of award. Upon the day and hour appointed by said board, to receive said sealed bids, the said board shall proceed to open said bids and award the contract to the party whose bid, in their judgment, is the lowest and best. If in their judgment one is required, the said board may appoint a super-

intendent, whose duty it shall be to superintend the construction of such bridge: *Provided, always,* That said board of county commissioners, in its discretion, may reject any or all bids.

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

Approved February 3, 1886.

AN ACT.

TO AMEND SECTION 2768 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 2768 of the Code of Washington Territory, be amended to read as follows: Section 2768. Every deputy sheriff shall possess all the power and may perform any of the duties prescribed by law to be performed by the sheriff, or by his deputies; shall serve or execute, according to law, all process, writs, precepts and orders, issued or made by lawful authority, and to him directed, and he shall attend upon all courts of record at every term: *Provided,* That neither the sheriff nor any of his deputies shall receive a per diem allowance for attendance on probate courts, except when having insane persons in charge.

SEC. 2. All acts and parts of acts in conflict with this act be and they are hereby repealed.

SEC. 3. This act shall be in force from and after its approval.

Approved January 9, 1886.

AN ACT

TO AMEND SECTION 1705 OF THE CODE OF WASHINGTON TERRITORY.

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

SECTION 1. That section 1705 be amended to read as fol-

laws: Every person whose duty it is to deliver over the dockets, books, records and papers, as prescribed in the last section, shall forfeit and pay for the use of the county one hundred dollars for neglect to perform such duty, which sum may be recovered in an action in the name of the county from such persons or their bondsmen.

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

Approved February 4, 1886.

AN ACT

TO PROVIDE FOR THE SINKING OF ARTESIAN WELLS IN THE COUNTIES OF ADAMS AND FRANKLIN, WASHINGTON TERRITORY, AND APPROPRIATING MONEY THEREFOR.

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

SECTION 1. That the sum of six thousand dollars (\$6000) be and is hereby appropriated out of the general fund of the territory for the purpose of sinking artesian wells in Adams and Franklin counties, in order to ascertain if artesian water can be obtained in the desert land district of eastern Washington.

SEC. 2. That N. H. Green, T. W. Martin of Adams county, and J. W. O'Keefe of Franklin county shall constitute a board of commissioners to act without salary or other compensation. It shall be the duty of such commissioners, on or before April 1, 1886, to locate the place for sinking said well or wells and they are hereby authorized to accept a donation to the county in which said well is to be bored, of at least one (1) acre of land bordering on a highway, and shall notify the governor as soon as said place has been selected and said land obtained, and shall forward to him the deed of said land with a plat thereof showing its location.

SEC. 3. Should any of the commissioners herein named fail to qualify, the governor shall fill the vacancy by the appointment of some citizen of the same county of which the commissioner failing to qualify was a resident.

SEC. 4. Within ten (10) days after notice from said commissioners that the land has been obtained and the place

located, it shall be the duty of the governor to advertise for bids to sink such well by the foot, and he shall let the contract to the lowest responsible bidder upon such bidders filing with him a satisfactory bond for the faithful performance of the conditions of the contract; and the conditions of the contract obligating the territory shall not extend beyond finding flowing water, or in case flowing water is not obtained, beyond an expenditure of the sum hereby appropriated.

SEC. 5. The well to be bored under the provisions of this act shall be of standard size, and every time a hundred (100) feet has been drilled the commissioners shall examine said well and if they find that said one hundred (100) feet has been sunk in good and workman like manner, they shall so certify to the governor and he shall thereupon notify the territorial auditor, and shall direct the territorial auditor to draw a warrant upon the territorial treasurer to pay for sinking said one hundred (100) feet, and the territorial treasurer shall pay the warrants issued under this act.

SEC. 6. Should the money hereby appropriated be insufficient to sink one (1) artesian well in each of said counties, the county commissioners of Adams and Franklin counties are authorized to appropriate, from time to time, so much money as shall in their judgment be necessary to complete said wells, from the treasury of their respective counties out of any money not otherwise appropriated, and such money when so appropriated shall be paid to the contractor upon the commissioners appointed in this act making a like certificate to the county auditor as they are required to make to the governor, whereupon the auditor shall draw the warrant upon the county treasurer, which said warrant the county treasurer shall pay out of the money appropriated therefor.

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

Approved January 30, 1886.

AN ACT

TO REGULATE THE FEES OF ATTORNEYS IN JUDGMENTS ON PROMISSORY NOTES AND SIMILAR INSTRUMENTS IN WRITING.

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

SECTION 1. That in all judgments on promissory notes

and similar instruments, in writing, whether secured by mortgages or not, an attorney's fee may be allowed when specially contracted to be paid by the terms of the note, or mortgage, not to exceed as follows: Five per cent. on all sums less than one thousand dollars, four per cent. on all sums of more than one thousand dollars and less than two, and three per cent. on all sums in excess of two thousand dollars: *Provided*, That the court may, in its discretion, allow such less sums as it may deem reasonable.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved January 29, 1886.

AN ACT

CONCERNING CONVEYANCES OF REAL ESTATE AND PROVIDING A FORM FOR DEEDS, MORTGAGES AND CERTIFICATES OF ACKNOWLEDGMENTS, AND DECLARING THE EFFECT THEREOF.

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

SECTION 1. That all conveyances of real estate or of any interest therein, and all contracts creating or evidencing any incumbrance upon real estate shall be by deed.

SEC. 2. A deed shall be in writing, signed and sealed by the party bound thereby, witnessed by two witnesses and acknowledged by the party making it, before some person authorized by the laws of this territory to take the acknowledgment of deeds.

SEC. 3. That warranty deeds for the conveyance of land, may be substantially in the following form: The grantor (here insert the name or names and place of residence,) for and in consideration of (here insert consideration), in hand paid, convey and warrant to (here insert the grantee's name

or names), the following described real estate (here insert description), situated in the county of ----- Washington Territory. Dated this--- day of----- 18-- , --- } seal. } Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a conveyance in fee simple to the grantee, his heirs and assigns, with covenants on the part of the grantee: 1. That at the time of the making and delivery of such deed he was lawfully seized of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same. 2. That the same were then free from all incumbrances, and 3. That he warrants to the grantee, his heirs and assigns, the quiet and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same, and such covenants shall be obligatory upon any grantor, his heirs and personal representatives, as fully and with like effect as if written at full length in such deed.

SEC. 4. Bargain and sale deeds for the conveyance of land may be substantially in the following form: The grantor (here insert name or names and place of residence), for [and] in consideration of (here insert consideration) in hand paid, bargain, sell and convey to (here insert the grantee's name or names,) the following described real estate (here insert description,) situated in the county of-----, Territory of Washington. Dated this--- day of----- 18-- , --- } SEAL. } Every deed in substance in the above form shall convey to the grantee, his heirs or other legal representatives and estate of inheritance in fee simple, and shall be adjudged an express covenant to the grantee, his heirs or other legal representatives, to-wit: That any grantor was seized of an indefeasible estate in fee simple, free from incumbrance, done or suffered from the grantor, except the rents and services that may be reserved, as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed; and the grantee, his heirs, executors, administrators and assigns may in any action recover for breeches as if such covenants were expressly inserted.

SEC. 5. Quit-claim deeds may be in substance in the following form: The grantor (here insert name or names and place of residences), for the consideration (here insert consideration,) convey and quit-claim to (here insert grantee's name or names) all interest in the following described real estate (here insert description), situated in the county of-----,

Washington Territory. Dated this— day of— 18—, —
 } seal. } Every deed in substance in form prescribed in
 this section, when otherwise duly executed, shall be deemed
 and held a good and sufficient conveyance, release and quit-
 claim to the grantee, his heirs and assigns in fee of all the
 then existing legal or equitable rights of the grantor, in the
 premises therein described, but shall not extend to the after
 acquired title unless words are added expressing such inten-
 tion.

SEC. 6. Mortgages of land may be in the following
 form, substantially: The mortgagor (here insert name or
 names), mortgages to (here insert name or names of mort-
 gagee or mortgagees) to secure the payment of (here recite the
 nature and amount of indebtedness. showing when due, rate
 of interest, and whether secured by note or not), the follow-
 ing described real estate (here insert description), situated in
 the county of— Washington Territory. Dated this—
 day of— 18—, — } seal. } Every such mortgage,
 when otherwise properly executed, shall be deemed and held
 a good and sufficient conveyance and mortgage to secure the
 payment of the moneys therein specified. The parties may
 insert in such mortgage any lawful agreement or condition,
 not usurious or unconscientious: *Provided, however,* That no
 mortgage shall be valid against the wife of any mortgagor
 who may be occupying the homestead with him, unless she
 shall freely and voluntarily, separate and apart from her hus-
 band, sign and acknowledge said mortgage; and the officer
 taking the acknowledgment shall fully apprise her of her
 rights and the effect of signing such mortgage.

SEC. 7. A certificate of acknowledgment, substantially
 in the following form, shall be sufficient:

Territory of Washington, }
 County of ———. } ss.

I, (here give name of officer and official title) do hereby
 certify that on this — day of —, 18—, personally
 appeared before me (name of grantor, and if acknowledged
 by wife, her name, and add "his wife"), to me known to be
 the individual or (individuals) described in and who executed
 the within instrument, and acknowledged that he (she or
 they) signed and sealed the same as (his her or their) free
 and voluntary act and deed, for the uses and purposes therein
 mentioned. Given under my hand and official this— day
 of—, A. D., 18—. (Signature of officer). } seal }

It shall not be necessary to take the acknowledgment of the wife separate and apart from the husband, except as to mortgages of the homestead, as herein provided.

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

Approved January 21, 1886.

LOCAL AND PRIVATE LAWS.

LOCAL AND PRIVATE LAWS.

AN ACT

TO INCORPORATE THE CITY OF TACOMA AND DEFINE THE POWERS THEREOF.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

SECTION 1. *Be it enacted the by the Legislative Assembly of the Territory of Washington:* The inhabitants of Pierce county, Washington Territory, and their successors, within the limits and boundaries hereinafter described, are hereby constituted and declared to be a city corporation by the name and style of Tacoma, and by such name shall have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits or proceedings whatsoever; may purchase, hold and receive property, both real and personal, within said city, for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for city parks, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons affected with contagious diseases, for work-houses and for houses of correction; also for the erection of water works to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter or break the same, or make a new one at pleasure.

SEC. 2. The corporate limits and boundaries of Tacoma shall be as follows: Commencing upon the shore line of Commencement bay, where it is intersected by the section line dividing sections twenty-three (23) and twenty-four (24) in township twenty-one (21) north of range two (2) east, and running thence south along section lines to southwest corner of section twenty-five (25), in said township; thence east to township line between ranges two (2) and three (3) east; thence south and along said township line to the southwest corner of section six (6) in township twenty (20) north of range three (3) east; thence east along section line on south boundary of section six (6) to the southeast corner of said section six (6); thence south along the section line between sections seven (7) and eight (8) to the southwest corner of section eight; thence east along section line on south boundary of sections eight (8), nine (9) and ten (10) to west boundary of said Puyallup Indian reservation; thence northerly along the west boundary of said reservation to the north boundary of Pierce county; thence following said boundary northwesterly to a point opposite and north of the point of beginning on the shore line of Commencement bay; thence south to the point of beginning—including sections twenty-four (24) and twenty-five (25) in township twenty-one (21) north of range two (2) east, sections twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34) in township twenty-one (21) north of range three (3) east and sections four (4), five (5), six (6), eight (8), nine (9), and fractional sections three (3) and ten (10) in township twenty (20) north of range three (3) east.

SEC. 3. The corporate city limits aforesaid shall not be included within any road district, nor shall the county commissioners of Pierce county have any jurisdiction to assess, levy or collect any road property or road poll tax upon the property or inhabitants therein; and so much of any county public road as lies within said corporate limits, shall be kept in repair by the council of said city. But the said council may by ordinance vacate any such road or parts thereof, and conform the same to opened and established streets. Said city shall be a separate and independent road district under the exclusive control of the said city corporation. All road taxes, whether road poll or road property taxes, levied, assessed or collected within the corporate limits of said city, shall belong to said city, and be expended therein under the authority and direction of the city council thereof, upon county roads or parts thereof lying within said said city limits and upon the streets, highways and alleys of said city. The city may appropriate from its general municipal fund money to aid in the opening of streets or work upon roads or bridges or the

construction or repair of wharves, docks, piers or landing places within the city limits, but the said city shall not be entitled to receive from the county of Pierce any appropriation of county funds in aid of roads or bridges within the corporate limits of said city.

SEC. 4. Said corporate limits shall be divided into two school districts to be respectively known as west Tacoma school district and east Tacoma school district. All of the city limits included within the boundaries of the first ward of the city as herein defined or as said boundaries may be changed and defined by the city council, shall constitute the west Tacoma school district. The remainder of the city shall be embraced in and be known as east Tacoma school district. Said school districts shall be separate and independent school districts, entitled to receive and enjoy their separate share of the common school fund of the county, and maintain schools therein, and one-third of the money received by the city for liquor licenses, wholesale or retail, if issued to be used within the limits of west Tacoma school district, shall be paid to the school fund of said district, and one-third of the money issued for such liquor licenses to be used within the limits of east Tacoma school district shall be paid to the school fund of said district.

CHAPTER II.

OF THE GOVERNMENT OF THE CITY.

SEC. 5. The power and authority given to the city government of Tacoma by this act shall be vested in a mayor and city council, together with such other officers as are in this act provided or may be created under its authority.

SEC. 6. For the purposes of municipal representation, said city of Tacoma is hereby divided into four wards, designated and bounded as follows: First ward shall include all that part of the said city which is bounded as follows: Commencing upon the shore line of Commencement bay where it is intersected by the section line dividing sections twenty-three (23) and twenty-four (24), in township twenty-one (21) north of range two (2) east, and running thence south along section lines to the southwest corner of section twenty-five (25) in said township; thence east to township line between ranges two (2) and three (3) east; thence south along said township line to the southwest corner of section thirty-one (31) in township twenty-one (21) north of range three (3) east; thence east along the south lines of said section thirty-one (31) and section thirty-two

(32) in said township, four hundred (400) rods; thence north three hundred and twenty (320) rods to the section line dividing said section thirty-two (32) from section twenty-nine (29) in said township; thence east along said last mentioned section line and a line drawn in extension thereof eastward, to the main channel of Commencement bay; thence northwesterly along said main channel of Commencement bay to a point opposite and north of the place of beginning; and thence southerly to the place of beginning. Second ward shall embrace all of the corporate limits lying between said first ward and centre line of South Eleventh street and lines drawn in extension of said centre line of South Eleventh street eastward and westward to the east and west boundaries of the city, and between the main channel of Commencement bay and the east boundary of the city and the west boundary thereof; and third ward all of the corporate limits between the said second ward and the centre line of Twenty-first street extended eastward and westward to the east and west boundaries of the city, and between the main channel of Commencement bay and the east boundary of the city and the west boundary thereof; the remainder of the corporate limits of the city—

SEC. 7. Each ward of the city is and shall be entitled to a representation of two members of the city council. The councilmen elected heretofore in the first ward, to wit: D. B. Hannah and H. M. Lillie; and in the second ward, George O. Kelley and J. H. Houghton; and in the third ward, F. W. Bashford and E. G. Bacon, shall hold their offices for the full terms for which they were elected, to wit: For one and two years, respectively, from the first Tuesday in May, 1886, and there shall be elected at the annual election in 1886 two members from the fourth ward, one for the term of one year, and one for the term of two years, and annually after the election in May, 1886, there shall be elected in each of the wards of the city, one member for the term of two years.

SEC. 8. The mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified and shall be *ex officio* president of the city council, but shall not be entitled to vote at any session of the city council, except in case of a tie vote, where he may give the casting vote.

SEC. 9. There shall be elected, as hereinafter provided, a city clerk, city attorney, city treasurer, street commissioner, city surveyor, health officer, fire warden, harbor master, port warden, chief of police, city assessor and committing magistrates, who shall be officers of the municipal corporation. The city treasurer, city attorney, street commissioner, and city surveyor shall be elected by the qualified voters of the corporation, and each

shall hold his office for one year, or until his successor is elected and qualified. The city council shall annually, at the regular meeting thereof, appointed to be held on the second Saturday after the annual city election, designate as committing magistrates of the city, one of the justices of the peace for each of the precincts, including said city, who shall have been duly elected and qualified, as required by law; said committing magistrates shall have jurisdiction to hear and determine, without a jury, all complaints of violation of any ordinances of the city, and all actions brought to enforce any fine, penalty, or forfeiture imposed by such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings before such committing magistrates, under and by authority of this act, shall be governed and regulated by the general laws of the territory, as herein modified, relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court, by *certiorari* or appeal, the same as other cases. The city clerk, city assessor, chief of police, health officer, fire warden, harbor master and port warden shall be elected by the city council, at the meeting above specified, and they shall be liable, at any time, to be removed by the council for malfeasance, misfeasance, inattention, or incompetency. Said officers shall be elected *viva voce*, and the concurrence of a majority of all the members of the council shall be necessary to an election. Nothing in this section contained shall be construed as prohibiting the election of one and the same person to two or more of said offices, where the duties of such are not incompatible.

SEC. 10. No person is eligible to any office in the municipal corporation, who, at the time of his election, or appointment, is not an elector according to the laws of the territory, and qualified to vote at a municipal election, under this charter, and who has not resided in the city for the six months next preceding such election or appointment. Nor shall any person be eligible to the city council except he be a resident of the ward at the time he is chosen. Removal from the ward for which he was elected, shall disqualify him as a member of the city council.

CHAPTER III.

OF ELECTIONS.

SEC. 11. The annual municipal election for officers required to be elected, under this act, shall be held on the first Tuesday of May, of each and every year.

SEC. 12. No person shall be entitled to vote at any

municipal election, annual or special, who is not a qualified elector, for territorial and county officers, according to the laws of the Territory of Washington, and who shall not have resided in said city for the six months next preceding the day of election and in the ward in which he resides on the day of election, ten days next prior thereto, and who shall not have entered his name upon the city register, for the ward in which he resides, as hereinafter provided,

SEC. 13. The city clerk shall keep a book in his office for each ward, entitled "City Register ——— Ward," in which all voters shall annually, within ninety days, and at least ten days before the annual election, register their names and designate the ward in which they reside, and the city clerk shall furnish the judges of election, in each ward, with a list of the registered voters of said ward and none but such registered voters shall be entitled to vote at any municipal election. The city clerk is empowered and authorized to administer the necessary oath to parties applying for registration, and who may be entitled to register, as provided in section twelve, but he shall receive no fees for administering such oath.

SEC. 14. The city clerk shall furnish the inspector and judges of election in each ward, at each annual election, with a list of the voters of such ward who have registered as aforesaid, within ninety, and at least ten days before such election and at each special election, with a list of the votes of such ward, who have registered, as aforesaid, before the annual election next preceding such special election, and none but such registered voters shall be allowed to vote at any municipal election.

SEC. 15. That at all elections for city officers the vote shall be by ballot at the time and place designated by the city council. The ballots for city councilmen shall, in all cases, designate the period for which a person voted for is to serve whether for a full term or to fill a vacancy, or unexpired term and shall specify what vacancy or unexpired term. The council shall designate one place in each ward for holding the election therein, and appoint an inspector and two judges and two clerks of election for each ward. No ballot or ticket must be used at any election of the city, or circulated on the day of election unless

1. It is written or printed on paper furnished by the city clerk.

2. It is four inches in width, or within one-fourth of an inch of such width, and twelve inches in length, or within one half of an inch, of such length. No ballot, or ticket must be used or circulated on the day of any election, having any mark or thing thereon, by or from which it can be ascertained what

person, or what class of persons used or voted it, or at what time in the day such ballot was voted or used. The city clerk must provide, and keep constantly on hand a sufficient quantity of paper, uniform in color, texture and appearance, without marks of any kind thereon, to supply the demand for paper for tickets. He must, upon the payment of the cost thereof, furnish such paper to every person applying therefor, and who files with him an affidavit that such paper is to be used in providing tickets and stating the number required to be used as ballots at any election in the city, next to ensue. The money derived from the sale of such paper by him, shall be paid into the city treasury by said clerk, within five days after receipt thereof. If in said ballot box, tickets or ballots are found which are not of the paper furnished by the said city clerk, and of the size as herein provided, such ballots or tickets must be rejected and not be counted, and if in the ballot-box two or more tickets, or ballots are found folded together, the said tickets or ballots so folded together must all be rejected and not be counted; a name or names may be erased from said tickets or ballots and other name or names may be written, or pasted thereupon. No ticket or ballot must, on the day of election, be given, or delivered to, or received by any person, except the inspector or judge, acting as such inspector, within one hundred feet of the polling place.

SEC. 16. 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 the city, of such municipal election, the officers to be elected, the place designated for holding the election, and the inspector and judges and clerks appointed to conduct the same.

SEC. 17. All elections shall commence at nine o'clock, A. M. and continue until 7 o'clock, P. M. of the same day, without closing the polls. If any inspector or judge of election fails to attend at the proper time, the voters of the ward, then present, may elect another in his place, and if any clerk of election fails to attend at the proper time, the inspector and judges of election may appoint another in his place. The mayor, city treasurer, city attorney, street commissioner and city surveyor shall each be elected by the qualified electors of the whole city, and the councilmen by the qualified voters of the ward from which chosen.

SEC. 18. Inspectors and judges of elections must possess the qualifications of voters in the wards where they act as such, but a mistake, or error in this respect, or a failure to give the

notice required by section 17 shall not invalidate any election otherwise legal.

SEC. 19. A meeting of the council shall be held on the first Saturday after such election at 10 o'clock A. M., when the returns thereof shall be canvassed by the city council, and a written statement of such canvass shall be made and signed by the presiding officer and attested by the clerk, and immediately filed with the clerk; and in the performance of the duties herein specified, may be compelled to canvass the votes by mandamus on any subsequent day, in the event or failure or neglect of said city council to make such canvass on the day herein provided; such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any office, and the names of persons elected and to what office.

SEC. 20. 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, on his taking the oath of office.

SEC. 21. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of its own members; a contested election for any other office must be determined according to the laws of the territory, regulating proceedings in contested elections for county officers, except as herein otherwise provided.

SEC. 22. The term of office of every person elected to office under this act, shall commence on the next Saturday 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 giving such official bond for the faithful performance of his duties as may be required, or he shall be deemed to have declined and the office shall be considered vacant.

SEC. 23. 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 the organic act 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 o

the last clause, there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 24. 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.

SEC. 25. Each clerk of election shall write on the tally sheets each office to be filled, specifying, in the case of the city councilmen, whether a full term or unexpired term, or vacancy is to be filled. The returns of the election shall be delivered by the inspector to the city clerk. No ballots or election returns shall be delivered or sent to the county auditor.

SEC. 26. At the time appointed for the canvass of the returns, the city clerk shall deliver the same to the council, and shall make the following oath or affirmation, which may be administered to him by the presiding officer: I do solemnly swear (or affirm) that the returns, purporting to be the election returns, of the several wards (or the ward), of this city, have been in nowise altered by additions or erasures, and that they are the same as when I received them, so help me God.

SEC. 27. The envelope containing the ballots, when sealed up, shall be indorsed ballots of—— ward, Tacoma, of election held this—— day of——, 18——; and shall be delivered by the inspector to the city clerk, who shall keep said sealed envelope unopened until the time appointed for the canvass of the returns, and until directed by the city council to open the same, in the presence of the council; said envelope shall not be opened by direction of the city council, as aforesaid, except for the purpose of counting the votes cast for a member or members of the council. If opened for such purpose the same shall be opened in such manner as to preserve the indorsement, and the council shall at once proceed to count the votes for such councilman or councilmen, and continue the counting thereof, without adjournment until all the votes for such councilman or councilmen, shall be counted, and as soon as such count is completed, the ballots, together with the envelope opened, shall be placed by the clerk, in the presence of the council, in another sealed envelope, which shall then be indorsed by the clerk "ballots of—— ward, Tacoma, of election held—— 18——, original envelope opened by the city clerk, in the presence of the city council (giving date)."

The like proceedings with respect to the same ballots may be had from time to time, all envelopes opened being placed

with the ballots in a new sealed envelope, which shall be indorsed by the clerk, with a copy of the indorsement of the original envelope, and the date of the opening of the last envelope opened; and said ballots shall have the same effect as evidence in any contest concerning an election, to an office other than a member of the council, as if the original envelope had never been opened by the council; said ballots may be destroyed by the clerk, whenever ordered by the council, at any time after the expiration of six months after the election.

SEC. 28. If two or more persons have an equal number of votes for one and the same office, and such number be higher than that of the votes cast for any other person for such office, said election shall be decided by lot between the candidates having the highest number of votes.

SEC. 29. A special election for taking a vote upon the question authorized to be submitted to the qualified city electors, by section forty-eight, may be ordered by the council at any time, and held in the several wards of the city, on not less than ten or more than fourteen days from notice. Such notice shall be given by posting in the several wards, or by publication in a newspaper, and such election shall be held and conducted, and the returns thereof, shall be canvassed in like manner as in the case of a special election under this act to fill a vacancy in the city council.

CHAPTER IV.

VACANCIES IN OFFICE.

SEC. 30. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required. the office of mayor, clerk, treasurer or assessor shall be deemed vacant, whenever the incumbent thereof shall be absent, without leave of the council, from the city for a period of sixty days; the office of chief of police, or committing magistrate, shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the council, for the period of twenty days; the office of councilman shall be deemed vacant whenever an incumbent shall fail to attend three regular consecutive meetings of the council, unless absent upon leave of the council, first obtained, or when he shall

remove from or cease to be a resident of the ward for which elected.

SEC. 31. All vacancies occurring in the offices of city treasurer, city attorney, street commissioner and city surveyor, and such offices as are elective by the city council, shall forthwith be filled by said city council. If the office of mayor becomes vacant the city council shall forthwith proceed to elect one of its own members to fill such vacancy, until the next annual municipal election. The concurrence of a majority of all the members of the council shall be necessary to such election. A councilman thus elected mayor, upon qualification to the latter office ceases to be a member of the council, and a vacancy therein exists. Vacancies in the city council shall be filled by special election in the proper ward ordered by the council, and held on not less than ten nor more than fourteen days' notice, given by the clerk under the direction of the council, by posting in at least two public places in the ward, and by publication in some newspaper, published in the city, shall be conducted as the annual election and by the like officers to be appointed by the council, and shall be held to fill the vacancy until the next annual election, at which annual election a councilman shall be elected to fill the unexpired term. Such special election shall be held on a Tuesday; the returns thereof, shall be canvassed by the city council on the first Saturday thereafter, and the councilmen elected shall take office on the next Saturday after the canvass of the returns, and must qualify by that time or be deemed to have declined, in which case the office shall be considered vacant. Any officer appointed or elected to fill a vacancy in an office elective at annual election, shall continue to hold his office until the next annual election and until his successor is elected and qualified.

SEC. 32. An officer appointed or elected by the council to fill a vacancy must, within five days after being notified of appointment or election, by the clerk, qualify therefor, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER V.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 33. 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. 34. 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 or by a majority of the members of the council at any time, upon a day's notice given to each of the members. Such notice shall be given by the clerk whenever there shall be filed with him a call, in writing, for such meeting, signed by the mayor or a majority of the members.

SEC. 35. 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. 36. 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 its 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. 37. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a two-third vote expel a member.

SEC. 38. The mayor shall preside at the meetings of the council. He shall 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 number president, *pro tempore*, to serve during the meeting or until the mayor attends.

SEC. 39. On the second Saturday next following the annual municipal 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. 40. 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. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance, or the appointment or election of an officer as provided in sections 9 [and] 31.

SEC. 41. A member of the council for words uttered in debate therein shall not be questioned in any other place.

CHAPTER VI.

ORDINANCES.

SEC. 42. The style of every ordinance shall be "The city council of the city of Tacoma does ordain as follows."

SEC. 43. An ordinance shall not refer to 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 contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 44. All ordinances and resolutions, or orders 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 money shall be drawn from the treasury except in pursuance of an appropriation for that purpose made by ordinance: *Provided always*, That where a fund has been created to be expended for a specific purpose, the council may from time to time direct payments to be made therefrom for such purpose without additional ordinances. 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 provision shall be void.

SEC. 45. No ordinance, resolution or order, obligating the city for the payment of more than one thousand dollars, or authorizing the making of any contract binding the city for the payment of more than one thousand dollars, or appropriating more than the sum of one thousand dollars for any purpose, or vacating any street, highway or alley, or granting any franchise or privilege, shall be passed before the second regular meeting of the council after its introduction, nor unless introduced and read at a regular meeting and again read at two regular meetings thereafter.

SEC. 46. All ordinances after their approval shall be forthwith recorded in a book kept for that purpose, which record shall be authenticated by the signature of the presiding officer and the clerk. All those of a general and permanent nature and those imposing any fine, penalty or forfeiture shall be published three days by posting the same in at least two public places in each ward of the city, or by printing the same in some newspaper published in 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. All such ordinance

shall take effect and be in force at the expiration of three days after they have been first published in either manner above provided.

SEC. 47. The district court holding terms in said city shall take judicial notice of the ordinances of said city.

CHAPTER VII.

POWERS OF THE CITY GOVERNMENT.

SEC. 48. The city government of Tacoma has power and authority:--

1. To assess, levy and collect taxes for general municipal purposes not to exceed one-half of one per centum per annum upon all property, both real and personal, within the city, which is by law taxable for territorial and county purposes, upon the valuation shown by the annual city assessment; and to levy and collect special taxes upon the same assessed valuation as hereinafter provided.

2. To assess, levy and collect in each year a road property tax of not less than one or more than five mills on every dollar's worth of property within the city as returned by the annual city assessment, and a road poll tax of not more than four dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except paupers, idiotic and insane persons, and every active fireman who has been a member of any fire company in the territory for a year preceeding the assessment of taxes.

3. To make regulations for prevention of accidents by fire; to organize and establish a fire department, ordain rules for government of same, to provide fire engines and apparatus and a sufficient supply of water; and to levy and collect a special tax of not to exceed three mills for either of such purposes, or the expense thereof may be paid out of the general fund for the purpose.

4. To prohibit from time to time the erection within certain limits of the city any building or any addition to any building unless the outer walls thereof be made of brick and mortar, iron or stone and mortar, and may provide for the removal of any building, or any addition erected contrary to such prohibition, at the expense of the owners thereof. The expense of the work of such removal if done by the city shall be recoverable by personal action against such owner in the name of the city; and in case the owner of the building or addition so removed be the owner of the lot or parcel of land from which the same is so

removed, such expense shall be a lien upon such lot or parcel of land, and may be collected as liens for street improvement upon property fronting thereon. The building or addition removed may be left at such place as may be convenient for the officer or person removing the same on behalf of the city, at the expense of the owner of such building or addition.

5. To purchase or condemn, enter upon and take any lands water works or gas works within the corporate limits for public use and for public squares, streets, wharves, docks, 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 enclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings and works, and all lands purchased or condemned under the provisions of this subdivision, and all streets, highways squares, wharves, docks and other public grounds or places 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 and works 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 or 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.

6. To provide for the lighting of 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, for either of said objects, a special tax, not exceeding two mills, or the expense of lighting said city may be paid out of the general fund.

7. To erect and maintain water works within or without the city, 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, assent thereto; and has power to, and are hereby authorized, to condemn and appropriate so much private property that shall be necessary for the construction and operation of

said gas works or water works within the city limits, the appropriation to be made as provided by chapter twelve of this charter.

8. When the right to build and operate such works is granted the private individuals or incorporated companies by said city they may make such grant inure for a term of not more than fifty years, and authorize such individuals or company to charge and collect from each person supplied by them such water rents as may be agreed upon between said person or corporation so building said works, and said city is authorized and empowered to enter into a contract with the individuals or company constructing and operating said works, to supply said city with water for such 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. Nothing herein contained shall be construed to interfere or abridge the rights and powers of the city council to regulate and fix the rates of compensation as provided by subdivision twenty-five of section forty-eight of this charter.

9. To provide for opening, widening, clearing, grading, graveling, bridging, paving, macadamizing, curbing, guttering, draining or other manner of improving or repairing of streets, highways and alleys, and for the construction and repairing of sidewalks upon said streets, highways and alleys. Said improvements shall not, however, be made at the expense of the owners of said lots or parcels of land fronting upon such street, highway or alley, or portion thereof proposed to be improved in any of the manners herein recited, unless the resident owners of more than one-half of the property fronting upon the proposed improvement shall have petitioned the city council to order such improvements to be made, except as provided in section one hundred and twenty-five.

10. To provide for the prevention and removal of obstructions of any streets, highway or alley, sidewalk or street crossing; to regulate cellar-ways and cellar lights in sidewalks, and to provide for cleaning the streets; also for the construction of sewers, gutters or drains and cleaning and repairing the same.

11. To cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause any vault 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, such owner shall be deemed thereby to have consented that the work necessary may be done by the city at the expense of the owner, and that such expense shall be a lien on the property and collected as liens for street improvements upon property fronting thereon are collected, and that the same, at the election of the council, shall be recoverable by personal action against such owner.

12. To provide for 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, change, extend, vacate and establish streets, highways and alleys and all public grounds, and to provide for the purchase or condemnation of such real estate as may be necessary for such purposes, and to authorize or prevent the laying down of railway tracks and street railways on all streets, highways, alleys and public places.

13. To provide for, and by ordinance adopt, and change from time to time, such system or systems of sewerage as may be needed.

14. 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, and to provide for their support, and if said persons be solvent to collect from them or their estates the expense of keeping them in such hospital; to provide for the restraint and employment of vagrants; to restrain and punish any disturbance or any unlawful or indecent practice, and to define what shall constitute the same.

15. To cause every person to keep his property or the property he occupies or controls, and adjacent streets and alleys, clean and free from all things dangerous to health or offensive to the senses or dangerous to travels, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit.

16. To make regulations and pass ordinances preventing domestic and other animals from 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 to authorize their destruction.

17. To regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements, and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers, hotel runners and all such callings, trades and employments as the public good may require to be licensed and regulated, as are not prohibited by law.

18. To pass ordinances and prescribe regulation to promote or secure the health, peace, morals, education or good order of the city and the inhabitants thereof or sojourners therein; fix the number of policemen from time to time, and prescribe duties for the chief of police and all policemen, and rules and regulations for their government; to summon aid and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders.

19. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, or to cause any nuisance to be abated; to suppress or 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 or for any unlawful purpose; to regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other explosives, and to provide or license magazines for the same and to prevent by all possible and proper means danger or risk of injury or damage by fire arising from carelessness, negligence or otherwise: to prevent and punish fast or immoderate 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: to regulate and prohibit the carrying of deadly weapons in a concealed manner: to regulate and prohibit the use of guns, pistols and firearms, fire-crackers, bombs and detonating works of all descriptions: to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash house and public laundries and to provide for their exclusion from the city limits, or from any part thereof: to regulate the driving of stock through the streets; to compel all persons erecting or maintaining privies or cess-pools within one hundred and fifty feet of any street in which a sewer has been or may

hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of gas or other lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate and prohibit the use of the streets and sidewalks for the use of signs, sign-posts, telegraph posts, awning posts and other purposes; to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues, and the naming of the streets and avenues; to provide for cleaning and sprinkling the streets, and to punish those who shall refuse to clean any portion of the same when lawfully required so to do; to prohibit persons from roaming the streets at unreasonable hours, and to prevent and punish by ordinance all other wrongful acts which amount to misdemeanors at common law or by the statutes of the territory, within the criminal jurisdiction of a justice of the peace.

20. To license, regulate and restrain wholesale and retail dealers in spirituous and malt liquors, bar-rooms, drinking shops or saloons, tipping houses, billiard tables, pool tables, pigeon-hole, jenny lind and other gaming tables kept for hire, and bowling alleys, and fix the rates and terms upon which such licenses shall be granted. But the rate of license and bond of applicant shall not be less than prescribed in the general license law of the Territory of Washington. The moneys arising from the issue of such licenses shall be paid into the city treasury of the city; and one-third of the money derived from liquor licenses shall go to the school fund as provided in section four of this charter; *Provided*, That no license shall be granted by this charter contrary to the provisions of the general laws of the territory, nor for any less license fee than that provided by law.

21. To suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to smoke opium, and to provide by ordinance for the summary closing of such places, houses or rooms.

22. To regulate the burial of the dead and to prevent any interments within the limits of the city and to cause anybody interred contrary to such prohibition to be taken up and buried without the limits of the city.

23. To establish and regulate markets: to provide for the measuring or weighing of hay, coal, or any other article of sale.

24. To regulate and fix from time to time, the rates or compensation which may be charged or collected by any person or corporation, for water or gas supplied or furnished within the city limits to the city or inhabitants thereof: *Provided*, That the provisions of this subdivision shall not permit or authorize the city council to fix or regulate the rates or compensation of persons or corporations, already existing, and which are now furnishing water or gas to such city, in any manner other than the charter of such corporation and the ordinances of the city provided in granting them the privileges to use the streets of the city for such purposes.

25. To levy and collect a special tax in addition to those authorized in subdivisions three and six of this section, not to exceed three mills in any year, upon all taxable property as shown by the annual city assessment, for any purpose authorized by this charter, including the payment of any existing indebtedness of the city of New Tacoma, existing prior to 1st of January, 1884. Every ordinance providing for the levy of a special tax must specify the object for which levied, and the estimated amount required to be raised. The indebtedness of the city must never exceed, in the aggregate, not to exceed the sum of thirty thousand dollars: *Provided however*, That no assessment levied under the provision of this section to pay any indebtedness of the city of New Tacoma, prior to November 28, 1883, shall be assessed upon any property in the first ward of the city of Tacoma, as now defined: *Provided further*, That all taxes for general, special and municipal purposes, exclusive of assessments for street improvements, as herein provided for, shall not exceed one per centum in any one year on the assessed valuation of the property of said city, and: *Provided further*, That an additional tax of five mills on the dollar may be levied by the city council when so authorized by the vote of the qualified electors of said city.

26. To enact proper ordinances for the government of the city, and to carry into effect the powers 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 and the costs of prosecution, upon the streets or public squares during the term thereof, a day's labor being equivalent to two dollars in payment of such fine

and costs; and such fine and costs may also be collected by execution against the property of the defendant, the amount so collected to be credited on the judgment.

27. To make harbor regulations and rules, to prescribe harbor dues from all vessels and water craft whatever, arriving at or departing from the city; to license wharfingers; and to build, construct and regulate wharves, docks, piers and landing places, and prescribe and collect dues or tolls for the use thereof.

28. To establish and regulate the fees and compensation of all its officers, except when otherwise provided; and such other powers and privileges, not herein specifically enumerated, as are incident to municipal corporations of like character and degree, not inconsistent with 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 VIII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 49. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in July, to communicate by message to the city council a general statement of the condition and affairs of the corporation, and to recommend such measures as he may deem expedient, and to make special communications to the council from time to time as he may think useful.

SEC. 50. The mayor shall approve all official and other bonds, except as herein otherwise provided, which by the city ordinances are required to be given, and when he approves such bonds they shall be immediately filed in the office of the city clerk. He shall exercise a constant supervision over the conduct of all subordinate officers, and receive and examine into all complaints made or preferred upon oath of a respectable party against any such officer for a violation or neglect of duty, and certify the same to the common council, who shall investigate the same. If the complaint be true and the cause sufficient, the city council shall have power to declare the office of the person so complained against vacant. The mayor is authorized to administer any oath authorized or required to be taken by this act or any ordinance of the city.

SEC. 51. He shall perform such other duties and exer-

cise 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. 52. 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 return it, with his objections in writing, to the council, by depositing the same with the city clerk, to be presented to the council at the next regular meeting thereafter. The council shall cause the said objections to be entered on their journal, and shall proceed to reconsider the said ordinance. If, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law. If any ordinance shall not be returned by the mayor within five days (exclusive of Sundays), after it shall have been presented to him, the same shall become a law in like manner as if he had approved the same.

SEC. 53. 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 own 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. A councilman thus elected acting mayor shall not thereby cease to be a member of the council, and while serving as such acting mayor shall continue to perform all his duties as a councilman. He must qualify as such acting mayor by taking the oath of office before the clerk. He must, if present at such election, qualify forthwith, and if not so present, must qualify within one day after such election, or be deemed to have declined the same.

CHAPTER IX.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 54. The city attorney shall represent the city in all suits or proceeding 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, and perform such other duties as may be designated by ordinance or other direction of the city council.

SEC. 55. The city clerk shall be the clerk of the city council. 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 authorized or required to be taken by this act or any ordinance of the city.

SEC. 56. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support hereof, and he must submit the same to the council, who shall, by vote, direct whether the same shall be paid, or any part hereof.

SEC. 57. 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 or 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. 58. 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 hereon 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. Warrants in the city treasury must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant it must be registered by the treasurer, and hereafter paid in the order of its presentation.

SEC. 59. 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. 60. The treasurer must make a report of the receipts and expenditures to the city council, at the first regular meeting in the months of November and May of each year, which report shall be published in some newspaper published in the city, or by posting in two public places in each ward of the city. He must also make a monthly report of the same to the city council at the first regular meeting in each month. Said monthly reports need not be published.

SEC. 61. The city treasurer before he enters on the duties of his office, shall give a bond to the city with at least two sureties, residing in the city, in a penal sum of not less than double the amount of money liable to come into his hands during his term of office. Said amount shall be fixed and such bond and

sureties shall be approved by the city council. Said bond shall be conditioned that all moneys received by the treasurer for the use of the city, shall be paid as the city council shall from time to time direct, except when special provision is made by order of any court having jurisdiction, or is otherwise made by law, for the payment of such moneys, and for the faithful discharge of his duties.

SEC. 62. The city treasurer may appoint one or more persons, having the qualifications of voters at municipal elections, his deputy, or deputies, and may take from them bond with sureties. He shall have power to remove his deputies at pleasure, and he and his sureties shall be liable for all official acts of his deputies. Said deputies shall receive no compensation from the city. Said deputies before entering upon the discharge of their duties shall take and subscribe the oath of office.

63. Every deputy treasurer shall possess all the power and may perform any of the duties of the treasurer, unless his powers and duties be limited in his appointment, in which case he shall have only the powers and perform only the duties specified in his appointment. Such appointments shall be made by certificate in writing, signed by the treasurer, and filed with the city clerk. The city clerk shall issue to every deputy treasurer a certified copy of the treasurer's certificate of his appointment, upon receipt of a written order therefor from the treasurer, and when such deputy shall have taken the oath of office.

SEC. 64. The city assessor, in addition to performing the duties prescribed by chapter X hereof, shall take the census of the inhabitants of the city when and in the manner directed by ordinance, and shall perform such other duties as may be from time to time required of him by ordinance.

SEC. 65. The city assessor before entering on the performance of the duties of his office shall give bond to the city with at least two sureties, residing in the city, in such sum as may be fixed by the city council, conditioned for the faithful performance of his duties.

SEC. 66. The city assessor may appoint one or more persons having the qualifications of voters at municipal elections: his deputy or deputies, subject to the approval of the council. His appointments shall be made in writing and filed with the city clerk, and shall not take effect until the approval of the council is obtained. The council shall prescribe the time for which such deputies may serve, and either the assessor or the council may remove such deputies at pleasure before the expiration of the time prescribed. Said deputies before entering upon the discharge of their duties shall take and subscribe the oath of office, and every deputy assessor shall hav

all the powers and may perform any of the duties of the assessor. The assessor may take from them bond with sureties. The city clerk shall issue to every deputy assessor a certificate of his appointment, and approval upon receipt of a written order therefor from the assessor, and when such deputy shall have taken the oath of office. The assessor and his deputies are each empowered to administer any oath authorized or required to be taken in connection with the duties of the office of assessor; but said deputies shall receive no compensation from the city.

SEC. 67. The chief of police is a peace officer and must execute all process issued by the committing magistrates of the city, or directed to him by any magistrate of the territory; he must attend regularly upon the courts of said committing magistrates, and the meeting of the council. He shall make arrest for breach of the peace or for commission of a crime or misdemeanor within the city limits, with or without a 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 is keeper of the city jail or house of correction, unless otherwise provided by ordinance.

SEC. 68. The chief of police shall be the head of all police force which may be established by the city council, and all policemen shall be under his immediate direction and control, subject to such rules and regulations as the council may prescribe. He shall appoint all policemen provided for by the city council, subject to the approval of the council. His appointments shall not go into effect until such approval is obtained. He may at any time suspend any policemen from office until the regular meeting of the council thereafter, and he may with the consent of the council, given at any regular meeting thereof, remove any policeman from office. The council may also at any time of its own motion suspend or remove any policemen from office. All policemen shall be appointed to hold office until so suspended or removed. They shall while in office be considered the deputies of the chief of police, and have the same powers as the chief in regard to the execution of process and the arresting of offenders with or without warrant within the city limits.

SEC. 69. The chief of police must keep a correct record of all arrests made by him or policemen, showing the time when, and 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, or whensoever demanded by said council.

SEC. 70. Each of the committing magistrates of the city shall, before exercising any of the functions of such office, give a bond to the city in such sum and 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 city moneys and fines by him collected, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 71. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 72. 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. 73. The official books and papers of any officer mentioned in this act may be inspected at any time by a committee of the council, or by any tax payer of the city.

CHAPTER X.

OF THE ASSESSMENT OF PROPERTY, AND LEVY AND COLLECTION OF TAXES.

SEC. 74. The city assessor shall annually, between the first Monday in February and the first Monday in April, in each year, make out an assessment roll, containing the names of all persons liable to taxation in the city, and descriptions of all property taxable by the city, and appraise the value of said property. He shall, within said time, require every person liable to be taxed in the city, to furnish him a list of all real estate situated in the city and liable to taxation, and all personal property liable to taxation by the city, which such person owned at twelve o'clock meridian, on said first Monday of February, stating the same in detail, and shall require such person to make oath or affirmation that to the best of his knowledge and belief such list contains a full, true and correct statement of all property liable to be taxed by said city which he owned on said first Monday of February, at twelve o'clock meridian. Such oath or affirmation may be taken before the assessor, or his deputy, or any person authorized by law to administer oaths, and shall be made by affidavit, indorsed on said detail list or statement, and subscribed by the person making the same, which affidavit shall be substantially in the following form:

TERRITORY OF WASHINGTON, }
CITY OF TACOMA. } ss.

I, ———, do solemnly swear (or affirm) that the within

list contains a full, true and correct statement of all real estate situated in this city and subject to taxation, and all personal property liable to taxation by the city, 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 in February, 18—, at twelve 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 city or my possession for the purpose of avoiding any assessment upon the same, or of making this statement. (Signature.) _____.

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

SEC. 75. If any person shall refuse or neglect to furnish such list, or to make oath or affirmation thereto as aforesaid, when required so to do by the assessor, he shall forfeit and pay to the city for its use the sum of one hundred dollars, which sum may be recovered by action in any court having jurisdiction of matters of debt and contract to said amount and costs of suit, such suit to be prosecuted by and in the name of the city.

SEC. 76. 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 the assessment roll and the rule for ascertaining the ownership of property and in whose name it may be assessed, may be prescribed by ordinance.

SEC. 77. The city assessor must complete his assessment roll on or before the first Monday in April, in each year, and file the same with the city clerk, together with the detail lists of taxable property furnished him, alphabetically arranged, and must make and subscribe an affidavit on said roll before the city clerk substantially as follows:

TERRITORY OF WASHINGTON, }
CITY OF TACOMA. } ss.

I, ---, city assessor of said city, do solemnly swear (or affirm) that between the first Monday in February and the first Monday in April, 18—, I made diligent inquiry and examination to ascertain the names of all persons liable to taxation in said city, and all the property subject to taxation by said city, and that I have entered said property and 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 me under the revenue laws of the territory and the charter and ordinances of this city to the best of my ability; and 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 for reward, and that the foregoing, on pages — to — inclusive, contains said property, names and assessment as required by law.

(Signature.) _____

City assessor of Tacoma.

Subscribed and sworn to before me this — day of —, ,

18—. (Signature.) _____

City clerk of Tacoma.

SEC. 78. The city council or a committee of not less than three of its own number, appointed by the council at the regular meeting next preceding the first Monday in April in each year, as may be determined at said meeting, shall constitute a board for the equalization of taxes for the city, and shall meet for the equalization of assessments and the correction of the assessment roll on the first Monday in April in each year, and continue in session thereafter from day to day for two weeks, unless such business is sooner completed. A majority of said board, of whatever number said [board] may be composed, shall constitute a quorum.

SEC. 79. Said board of equalization shall have the same powers as are given to boards of county commissioners in the second territorial revenue district by chapter CCXXII of the Code of Washington of 1881, and shall proceed in like manner as such commissioners are directed to proceed in said chapter. The city clerk shall act as clerk of said board. The record of their proceedings shall be attested with the city seal. The city assessor, when required by the board, his deputy or deputies, shall attend the sessions of the board and answer and proceed as the county assessor or his deputies are required and authorized before the county commissioners under said chapter.

SEC. 80. At the first regular meeting of the city council in the month of May in each year, or as soon thereafter as practicable, the council shall by ordinance levy the annual tax for general municipal purposes, and the annual road property tax, and prescribe therein the time, not less than thirty or

more than sixty days after said ordinance shall take effect, when said taxes shall be paid or draw interest thereafter at the rate of ten per cent. per annum.

SEC. 81. No special municipal tax authorized to be levied by the city by section 48 of this act shall be levied before the time of levying the annual tax for general municipal purposes. Any or all of said special taxes may be levied at the time of levying said annual municipal tax or at any time thereafter, not later than the first day of October in any year, and the time limited for the payment thereof must not be later than the last Saturday preceding the last Monday in November next after the time of the levy thereof.

SEC. 82. Such special taxes when delinquent shall be collected in the same manner and by the like proceedings as herein provided for the collection of delinquent general taxes.

SEC. 83. The council must provide by ordinance within what time all general or special, municipal, or road property taxes levied by the city may be paid to the treasurer; and all such taxes not paid to the treasurer within such time, except road-poll taxes, shall draw interest at ten per cent. per annum until paid.

SEC. 84. The city clerk shall within such time as he may be ordered by the council enter in the assessment roll the amounts of the taxes levied, in such form as the council may direct, and annex thereto a warrant directing the city treasurer to receive and collect the taxes named therein, and deliver the same to the city treasurer. The treasurer shall forthwith give notice by three weekly insertions in some newspaper published in the city, or by posting in two public places in each ward of the city that the tax roll is in his hands, that the taxes are payable, and the date at which interest accrues if they remain unpaid.

SEC. 85. The city treasurer shall be the collector of all taxes levied by the city.

SEC. 86. The city assessor, clerk and treasurer are each and all empowered to list on any assessment roll and attach a proper valuation to property which may have escaped assessment, or add names thereon which may have been omitted of persons liable to poll tax, or add names which may have been omitted of persons liable to road poll tax to the road list, noting any such addition as a supplementary assessment.

SEC. 87. 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 city treasurer and pay all taxes assessed against him or his property before the same becomes delinquent.

SEC. 88. All taxes assessed or levied under the provisions

of this act have the effect of judgments against the persons who are or whose property is assessed. Every such tax is a lien upon all property assessed, and upon all property not exempt from taxation belonging to the person assessed, and takes precedence of all other liens and claims thereon whatever; and every such lien has the force and effect of an execution duly levied upon all such property. The judgment is not satisfied or the lien removed until all the taxes assessed against such person, or upon any property belonging to him are paid. Every tax assessed upon real property is a lien upon the property assessed, and upon all other real property belonging to the owner thereof; and every tax assessed upon improvements upon real property belonging to other than the owner of such real property, is a lien upon said land as well as the improvements. Every tax assessed against any person or upon his personal property, is a lien upon all his real property. The property both real and personal not exempt from taxation, of any person owing a tax or taxes assessed against him or upon his property, real or personal, is liable for all taxes without regard to the nature of the tax or the particular property upon which the same is assessed and may be sold according to law to pay such taxes.

SEC. 89. The city treasurer shall collect all delinquent taxes when required by warrant or law.

SEC. 90. On the last Monday in November in each year a penalty of ten per cent. on the principal amounts of all general and special municipal taxes, and road property taxes, levied by the city, shall accrue to such taxes in addition to the interest thereon, and must then and thereafter be collected therewith.

SEC. 91. On said last Monday in November the treasurer must return to the city clerk all delinquent tax rolls, general and special, then in his hands for collection of taxes thereon, distinguishing thereon the taxes paid and those unpaid. The city clerk shall within one week thereafter enter in the delinquent general tax roll against the descriptions of the property assessed for delinquent special taxes the amounts of all delinquent special taxes appearing on delinquent special tax rolls returned to him, together with the names of the persons against whom such delinquent special taxes are assessed, and forthwith after making such entries in said general tax roll issue and annex thereto a warrant directing the city treasurer to collect all the delinquent taxes entered upon said roll with interest, penalty and costs by sale of personal property of the persons owing the same, and deliver the same to the city treasurer.

SEC. 92. Such warrant for the purpose of collecting such taxes shall be deemed and taken as an execution against the personal property of the persons in said tax roll named and for the

erty taxes, or assessed upon real or personal property, or as poll taxes or road poll taxes, due to the city from the owners of said real property, with interest, penalty and costs.

SEC. 95. On the third Monday in April in each year at 10 o'clock A. M., at the front door of the building in which the city council holds its sessions, the city treasurer or his deputy must commence the sale by auction of real estate mentioned and described in said delinquent tax roll in pursuance of the warrant issued and annexed thereto, as provided in the preceding section hereof.

SEC. 96. The city treasurer shall give notice of such sales by publishing for three consecutive weeks in some newspaper published in the city or by posting for the same length of time in two public places in each ward of the city and also on the door of the city clerk's office a list of the names of all persons appearing on said delinquent tax roll as owing or charged with any delinquent tax, together with the total amount of all such delinquent taxes, including interest, penalty and costs to date of sale, owing by or charged against each, and descriptions of all the real property assessed to each person and liable to be sold for such delinquent taxes, and together with a notice that such real property, or so much thereof as may be necessary, will be sold at public auction to satisfy all said delinquent taxes with interest, penalty and costs owing by or charged against the owners thereof, or unknown owners, as the case may be, and specifying the time and place of sale.

SEC. 97. On the day fixed for sale, and on each subsequent day adjourned to, between the hours of 10 A. M. and 3 P. M., the treasurer must offer for sale the property advertised, commencing at the head of the list and continuing in alphabetical order with the names of the persons whose taxes are delinquent, and must sell to the persons who will take the least quantity of land offered or in case an undivided interested is assessed, then the smallest portion of such interest, and pay all the delinquent taxes assessed against such person or upon any property belonging to him, with interest, penalty and costs: *Provided*, That no lot or parcel of land which shall have been aliened since the lien of the taxes sold for, attached thereto, shall be sold if there remain other land not aliened, liable for such taxes and sufficient on such treasurer's sale to satisfy said taxes with interest, penalty and costs.

SEC. 98. The land assessed to each person whose taxes are delinquent on said published list must be twice offered for sale if not sold on the first offer, and if there be no bidder

for any part or the whole of said land, of a sum sufficient to pay all taxes, interest, penalty and costs, including costs of advertising, for which said land is liable to be sold, the whole of the same shall be stricken off the city for the whole amount of such taxes, interest, penalty and costs.

SEC. 99. When a person offers to take a less quantity than the whole of any lot or parcel of land offered for sale by the treasurer for delinquent taxes, he must not make his selection from or near the center of any division or subdivision assessed, but must start from one of the descriptive points of said lot or parcel of land, and run his lines so that they will not divide any building situated on said land.

SEC. 100. If any bidder to whom property is stricken off does not pay the taxes, interest, penalty and costs, including one dollar which is allowed the treasurer for the certificate of purchase, before 10 o'clock A. M., of the day following the day of sale, the property must then be resold, or if the tax sale is closed, be deemed to have been sold to the city, and a certificate of purchase shall be issued to the city therefor.

SEC. 101. The bid of any person to whom any property shall have been stricken off, and who shall neglect to make payment therefor within the time limited in the preceding section, shall not be received on a re-sale of the property or for any other property at the delinquent tax sale of that year.

SEC. 102. The treasurer shall execute to the purchaser a certificate of purchase dated on the day of sale, describing the lots and parcels of land sold to him, stating that the same were sold for taxes due the city of Tacoma, the amount paid therefor, the year for which said taxes were levied, and when known, the name of the person assessed for said taxes. Such receipt shall be signed by the treasurer in his official capacity, and shall be *prima facie* evidence of the regularity of all prior proceedings.

SEC. 103. At or before the first regular meeting of the city council in the month of May in each year, the treasurer must make return to the city clerk of said warrant and delinquent tax roll, with a statement of his doings thereon, showing all lots and parcels of land sold by him, to whom sold and the sum paid therefor, which tax roll shall remain on file in the office of the clerk.

SEC. 104. The city treasurer shall be the custodian of all certificates of purchase for lots or parcels of land sold to

the city; and shall at any time within three years from the date of such certificate, and before redemption of the land therein described, sell and transfer such certificate to any person who will pay to him the amount for which the lot or parcel of land therein described was stricken off to the city, with the interest subsequently accrued thereon; and the treasurer may if so authorized by the council sell and transfer any such certificate in like manner after the expiration of said three years from the date of the certificate.

SEC. 105. The purchaser at tax sales acquires a lien on the lots and parcels of land sold for the amount paid by him at the sale as well as for all taxes and improvements, assessments and all costs and charges thereon, whether levied previously or subsequently to the sale, subsequently paid by him on such lots and parcels of land, and shall be entitled to interest thereon at the rate of twenty per cent. per annum from the date of such payment.

SEC. 106. All lots and parcels of land sold for taxes shall be subject to redemption by the former owner or his grantee or heir, within three years from the date of the certificate of purchase, on payment to the city treasurer, for the purchaser, of the amount the same was sold for, with twenty per cent. interest per annum, together with all taxes and improvement assessments and costs and charges thereon paid by the purchaser on such lots or parcels of land since such sale, with like interest thereon, and on such redemption being made the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount received for such redemption to the purchaser or his assigns. Should no redemption be made within the period of three years the treasurer shall, on demand by the purchaser or his assigns and the surrender of the certificate, execute to him a deed for such lots and parcels of land therein described. Such deed shall be executed only for the lots and parcels of land named in the certificate and after payment of all subsequent taxes and improvement assessments thereon. The deed shall be executed in the name of the city of Tacoma, shall recite in substance the matters contained in the certificate, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer as such, and shall be recorded within six months from its date. The deed shall be *prima facie* evidence that the property was assessed as required by law, that it was equalized as required by law, that the taxes were not paid, that the property was sold as required by law, that it was not redeemed, and that the person executing the deed was the proper officer, and the deed shall be conclusive evidence of the

regularity of all other proceedings from the assessment by the assessor inclusive up to the execution of the deed.

SEC. 107. The city treasurer shall be entitled to receive from the person taking a tax deed a fee of three dollars for drawing and executing the same, which sum shall be payable on the delivery of the deed.

SEC. 108. At any regular meeting of the city council after the return of said road poll tax list, the council may by ordinance levy the road poll tax for the year. Said road poll tax shall be due and payable as soon as said ordinance goes into effect. The city clerk shall forthwith after such ordinance goes into effect issue and annex to said road poll list a warrant directing the city treasurer to receive and collect such road poll tax, and deliver the same to the treasurer. The treasurer must add to said list the names of all persons found within the city liable to pay such road poll tax, whose names have been omitted from said list, and may demand the amount of said poll tax from each person liable therefor. The warrant issued by the clerk for the collection of road poll taxes shall after the expiration of five days after such poll tax becomes due be deemed an execution against personal property, and shall have the force and effect thereof against any property not exempt from execution. If any person on demand made at any time after the expiration of said five days, neglects or refuses to pay said tax, it shall be lawful for the treasurer to levy upon his personal property not exempt from execution and sell the same to satisfy said tax and costs and expenses of sale in the manner provided by law for constable's sales of property on execution, except that notice of sale need not be longer than five days. The same fees, mileage and expenses shall be allowed the treasurer, and added to said tax, that are allowed him on other sales of personal property for other taxes under this act. If no personal property can be found whereon to levy the said warrant, said delinquent, at any time before the sale of his real estate therefor may, with the assent of the street commissioner and the treasurer, pay said tax in labor performed in person upon the roads or streets within the city by performing three days' labor, which shall be accepted in full discharge of said tax, the penalty and costs of collection. On refusal to work out said poll tax, the treasurer may then proceed as in the next section provided.

SEC. 109. If any delinquent who has not sufficient personal property, exempt from execution, out of which to make said road poll tax, and who shall have refused or neglected to pay said tax upon demand, is in the employ of any person, firm, corporation or company or agent thereof, the treasurer must demand from the person, firm, corporation, com-

poll taxes and penalty shall be collected by the treasurer by sale of the real estate of said delinquents in like manner as other delinquent taxes on said roll.

SEC. 112. All of the ten per cent. penalty accruing on delinquent taxes which shall be collected by the treasurer he shall have and retain for the collection of said taxes.

SEC. 113. All laws of the territory governing the assessment, equalization, levy and collection of territorial and county taxes, the sale of property for delinquent taxes, the redemption from such sales and the conveyance of property so sold shall apply to and govern the like matters and things respecting municipal taxes.

CHAPTER XI.

STREET GRADES AND IMPROVEMENTS—ENFORCEMENTS OF LIENS THEREFOR.

SEC. 114. Before ordering and [any] work done or improvements made, authorized by section 48 of this city charter, the city council shall pass a resolution declaring his intention so to do, and shall thereafter cause a survey, diagram and estimate of the entire 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 parties interested therein and the said city clerk shall forthwith cause a notice of such filing of such survey, diagram and estimate to be published weekly for two successive weeks, in some newspaper published in the city; such notice must contain a true copy of said resolution of intention, and must specify the street, highway or alley, or part thereof, proposed to be improved and the kinds of improvements proposed to be made, together with such estimated cost and expense thereof, and that if sufficient remonstrance be not made before the expiration of ten days after date of last publication, said improvement will be made at the expense of owners of the lots and the parcels of the land fronting upon the street, highway or alley, proposed to be improved within the limits of the improvement thereof, lengthwise of said street, highway or alley.

SEC. 115. If within ten days from the final publication, the persons owning one-half or more of the lots or parcels of land fronting upon the street, highway or alley proposed to be improved within the limits aforesaid, shall file with the city clerk a remonstrance against said improvement, grade or alteration the same shall not be made at the expense of the owners of the

lots or parcels of land fronting upon such street, highway or alley, as aforesaid, unless the city council shall deem such work or improvement necessary, but no such work shall be done, or improvement be made unless upon a unanimous vote of all councilmen then present.

SEC. 116. If no such remonstrance be made and filed as provided in the last section, and the owners of the lots and parcels of land fronting upon such street, highway or alley proposed to be improved within the limits aforesaid, shall be deemed to have consented to the making of said improvement, or of [if] such remonstrance has been made and filed and the said city council nevertheless order such work to be done, or said improvement to be made as provided in section 115, 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 at the cost and expense of the owners of the lots and parcels of land fronting upon the street, highway or alley proposed to be improved within the limits aforesaid, either by or through the street commissioner or other officer designated by the council, or by contract let by the council to any person: *Provided*, That no contract shall be made providing for the payment to the contractor for such improvement of any greater amount than the estimated cost and expense thereof published as aforesaid to complete some general system of improvement.

SEC. 117. Such cost and expense shall be assessed upon said lots and parcels of land in the following manner: The cost and expense of the work done and materials furnished in making the entire improvement shall be assessed upon the lots and parcels of land fronting upon the improved street, highway or alley within the limits of the improvement thereof, lengthwise of such street, highway or alley, ratable according to the valuation of each of said lots or parcels of land, exclusive of the improvements thereon as determined by the last annual assessment thereof for general and municipal taxation made previous to such assessment of said cost and expense thereon: *Provided*, That until the annual city assessment for the year 1886 is made and equalized, the valuation of such lots and parcels of land for the purpose of assessing such cost and expense thereon, shall be determined by the annual assessment of such lots and parcels of land for Pierce county for the year 1885, and said street commissioner shall also take in consideration and make proper allowance for any and all work

done by the owners of said several lots, portions of lots, pieces, parcels and subdivisions of land in front of their respective lots: *Provided further*, That no assessment shall be levied on any property which, together with all assessments for street improvements that may have been levied upon the same property during the preceding year, will amount to a sum greater than fifty per cent. of the value at which said property was assessed upon the last preceding assessment roll of the city.

SEC. 118. Within five days after the receipt by him of said survey, diagram and estimates, unless further time be granted by said city council therefor, the said street commissioner shall make out and complete an assessment list which shall show and exhibit in separate columns,

First. The name of the owner of each separate lot, piece, parcel or subdivision of land, separately assessed, if known to him, and if the name of the owner be unknown to him the word "unknown" shall be written opposite the number of such subdivision of land.

Second. The assessment number of each subdivision of land separately assessed.

Third. A brief description by lot and block or otherwise of each such subdivision of land which, in connection with the diagram hereinbefore and hereinafter mentioned, shall be sufficient for the identification and location of each such subdivisions of land and also the assessed value of each such subdivision of land according to the assessment roll of the preceding year.

Fourth. The estimated benefits to each of such subdivision of land.

Fifth. The amount assessed separately to each such subdivision; and

Sixth. A list of separate lots, parcels or subdivisions of land, if any, which are not benefited by said work or improvement within said assessment district. To the assessment list thus completed said street commissioner shall attach said diagram showing the relative location of each of said subdivisions of land to the work proposed to be done, each of which said subdivisions of land shall by him be numbered on said diagram to correspond each respectively, with its assessment number as shown on said assessment list, and said assessment list and said diagram thus attached shall constitute and be known as the "assessment roll," said assessment roll when completed shall be by said street commissioner filed with the city clerk.

SEC. 119. Upon receiving said assessment roll, said city clerk shall forthwith give notice by publication, for at least

five days in a newspaper published in the city, that said assessment roll is on file in his office, the date of the filing of the same, and that the same is open for public inspection, and said notice shall contain a time within which the city council will meet to hear appeals of the parties aggrieved by such assessment.

SEC. 120. The owner of land in said assessment district, whether named or not in said assessment roll may, within ten days after the first publication of said notice provided for in the last section, appeal to said city council from said assessment or assessment roll, said appeal to be in writing and briefly stating the objections to said assessment or assessment roll, and filing the same with the clerk of said city council.

SEC. 121. At the time appointed by the council for hearing appeals from said assessment the city council shall hear and decide upon all objections which may be presented by any party interested, to the regularity of the proceedings in making said improvement or in levying said assessment, or to the correctness of the amount of said assessment, or of the amount levied upon any particular lot or parcel of land, and if the proceedings are found by them to have been regular they shall correct any errors which may be found in the assessment, and shall pass an order approving and confirming said proceedings and said assessment as so corrected by them, and their decision and order shall be a final determination of the regularity, validity and correctness of said assessment, and of the amount thereof levied upon each lot or parcel of land, and shall bar all persons appearing and objecting, or failing to appear, from any further recourse in law.

SEC. 122. The council must provide in said order approving and confirming such assessment within what time, not less than thirty nor more than sixty days after the time appointed for hearing appeals therefrom, the same may be paid to the city treasurer; and all such assessments not paid to the treasurer within such time shall thereafter draw interest at the rate of ten per cent. per annum until paid.

SEC. 123. Before entering into any contract with a contractor for such improvement, the council shall invite sealed bids for such improvement, by publishing notice, requesting such bids, for ten days in some newspaper published in the city. All bids shall be filed with the city clerk, within such time as may be specified in the notice, and none others shall be considered by the council. Such bids shall not be opened, except at a meeting of the council. The council may renew such invitation for bids from time to time, by publishing notice as aforesaid, and either

before or after the opening of any bids on file. The council may reject any or all of such bids, and may adopt any one of them, which in their discretion, they may deem best, whether the same be the lowest or not.

SEC. 124. All such contracts shall be made in writing and no such contract shall be executed on the part of the city, until the contractor shall give bond to the city, with one or more sureties, to the satisfaction of the officer authorized by the council to execute such contract on behalf of the city, and to the satisfaction of the council, as hereinafter provided, in an amount to be fixed by the council, in authorizing the making of such contract, conditioned for the faithful performance of such contract on the part of the contractor, and for indemnifying and saving harmless the city from and against any and all liens and claims of persons performing work or furnishing materials upon or in, or about such improvement, and any all loss, damage and expense which may accrue or be occasioned to the city by reason of any breach of such contract, or any neglect, or omission on the part of the contractor, in or about the performance of the work contracted for. The officer shall indorse his approval of such bond and sureties on the bond, and return the same to the city council for its approval at the next meeting after the approval thereof by said officer. All such improvements made by contract shall be made and completed to the satisfaction of the street commissioner, or other officer designated by the council, and the committee of the city council on streets.

SEC. 125. All such assessments shall be liens upon the property assessed, and as such liens shall relate back to and take effect as of the time of the first publication of the notice of the proposed improvement provided for in section one hundred and fifteen (115) hereof.

SEC. 126. The city treasurer shall be the collector of all such assessment for improvements both before and after delinquency.

SEC. 127. No demand shall be necessary for any such assessment, but it shall be the duty of every person whose property is assessed for improvements, as herein provided, to attend in person or by agent or attorney at the office of the city treasurer and pay all such assessments levied upon such property before the same become delinquent.

SEC. 128. The city clerk shall, within five days after the confirmation of any such assessment for improvements by the council, certify and annex to the assessment roll a copy of the order of confirmation, and issue and annex to said roll a warrant directing the city treasurer to receive and collect

the assessments named therein, and deliver the same to the city treasurer. The treasurer shall forthwith give notice by three weekly insertions in some newspaper published in the city, that such assessment roll is in his hands, that the assessments are payable, and the date at which interest accrues if they remain unpaid.

SEC. 129. Within five days from the expiration of the time limited for the payment of any such assessments to the treasurer, the treasurer must return the improvement assessment roll to the city clerk, distinguishing thereon the assessments paid, and those unpaid. The clerk shall thereupon issue and annex thereto a warrant directing the city treasurer to sell all the lots and parcels of land described in said roll, and upon which assessments are levied, whether in the name of a designated owner, or in the name of an unknown owner, to satisfy all delinquent and unpaid assessments upon said roll, with interest, penalty and costs. On the day of the commencement of the sale of said real property, in pursuance of such warrant, a penalty of ten per cent. on the principal amount of every unpaid assessment on said improvement assessment roll shall accrue to such assessment in addition to the interest thereon and must then and thereafter be collected therewith.

SEC. 130. Such warrant shall, for the purpose of making sale of said real property on which assessments are delinquent and unpaid, be deemed and taken as an execution against said real property for the amounts of said assessments, with interest, penalty and costs, and the treasurer or his deputy shall, within sixty days from the receipt thereof by him, commence the sale of said real property, and continue such sale from day to day, thereafter, until all the lots and parcels of land, described in said assessment roll, on which any such assessment is delinquent and unpaid, are sold. Such sales shall take place at the front door of the building in which the city council holds its sessions. The treasurer shall give notice of such sales by publishing a notice thereof, once a week, for three consecutive weeks in some newspaper published in the city. Such notice shall contain a list of all lots and parcels of land upon which such assessments are delinquent, with the amount of the assessment, interest, penalty and costs to date of sale, including costs of advertising, due upon each of such lots or parcels of land, together with the names of the owners thereof, or the words "unknown owner" as the same may appear on said improvement assessment roll, and shall specify the time and place of sale, and that the several lots or parcels of land therein described will be sold to satisfy the assessment, interest, penalty and costs due upon each.

SEC. 131. All such sales shall be made between the

hours of 10 A. M., and 3 P. M., each lot or parcel of land shall be sold separately for the delinquent and unpaid assessment thereon, with interest, penalty and costs, and shall be sold in the order in which the same appears on the improvement assessment roll, commencing at the head thereof. If there be no bidder for any lot or parcel of land of a sum sufficient to pay the delinquent assessment thereon, with the interest, penalty and costs, the treasurer shall strike the same off to the city for the whole amount which he is required to collect by such sale thereof.

SEC. 132. All lots and parcels of land sold for delinquent improvement assessments shall be sold to the highest bidder; and whenever any such lot is sold for more than the sum sufficient to satisfy the delinquent assessment with interest, penalty and costs, the surplus shall be kept by the treasurer in a separate fund, and thereafter the owner or his legal representatives shall, on application to the city council, be entitled to a warrant therefor.

SEC. 133. If any bidder to whom any lot or parcel of land is stricken off does not pay the assessment, interest, penalty and costs, including one dollar which is allowed the treasurer for the certificate of purchase, before 10 o'clock A. M., of the day following the day of sale, such lot or parcel of land must then be re-sold, or if the assessment sale is closed, be deemed to have been sold to the city, and a certificate of purchase shall be issued to the city therefor.

SEC. 134. The treasurer shall execute to the purchaser a certificate of purchase for each lot or parcel of land sold to him, dated on the day of sale, describing the lot or parcel of land sold, stating that the same was sold for a delinquent improvement assessment, levied by the city of Tacoma, the amount paid therefor, the date of the levy of said assessment, and when known the name of the person assessed for the improvement. Such certificate shall be signed by the treasurer in his official capacity, and shall be *prima facie* evidence of the regularity of all prior proceedings.

SEC. 135. The city treasurer shall be the custodian of all certificates of purchase for lots or parcels of land sold to the city, and shall at any time within three years from the date of any such certificate, and before the redemption of the lot or parcel of land therein described, sell and transfer any such certificate to any person who will pay to him the amount for which the lot or parcel of land therein described was stricken off to the city, with the interest subsequently accrued thereon; and the treasurer may, if so authorized by the council, sell and

transfer any such certificate in like manner, after the expiration of said three years from the date of the certificate.

SEC. 136. Within ten days after the completion of the sale of all the lots and parcels of land described in such improvement assessment roll, and authorized to be sold as aforesaid, the treasurer must make return to the city clerk of said assessment roll, with a statement of his doings thereon, showing all lots and parcels of land sold by him, to whom sold and the sum paid therefor.

SEC. 137. The purchaser at improvement assessment sales acquires a lien on the lot or parcel of land sold for the amount paid by him at such sale, as well as for all taxes and improvement assessments, and all costs and charges thereon, whether levied previously or subsequently to such sale, subsequently paid by him on the lot or parcel of land, and shall be entitled to interest thereon at the rate of twenty per cent. per annum from the date of such payment.

SEC. 138. Every lot and parcel of land sold for an improvement assessment shall be subject to redemption by the former owner or his grantee or heir, within three years from the date of the certificate of purchase, on payment to the city treasurer for the purchaser of the amount the same was sold for with twenty per cent. interest per annum, together with all taxes and improvement assessments and costs and charges thereon, paid by the purchaser on such lot or parcel of land since such sale, with like interest thereon. And on such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor and pay over the amount received from such redemptioner to the purchaser or his assigns. Should no redemption be made within the period of three years the treasurer shall on demand by the purchaser or his assigns and the surrender of the certificate, execute to him a deed for the lot or parcel of land therein described. Such deed shall be executed only for the lot or parcel of land named in the certificate, and after payment of all subsequent taxes and improvement assessments thereon. The deed shall be executed in the name of the city of Tacoma, shall recite in substance the matter contained in the certificate, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer as such and shall be recorded within six months from its date. The deed shall be *prima facie* evidence that the property was assessed as required by law, that the improvement assessment was not paid, that the property was sold as required by law, that it was not redeemed, and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the

regularity of all other proceedings from the assessment by the assessor, inclusive, up to the execution of the deed.

SEC. 139. All moneys received and collected by the treasurer upon assessments for improvements of streets, highways or alleys, when such improvement shall be made directly by the city, shall be kept as a separate fund, and in no wise used for any other purpose whatever.

SEC. 140. All moneys, including interest, but excluding penalty and costs, received or collected by the treasurer upon assessments for improvements of streets, highways or alleys, when such improvement shall be made by and through a contractor with the city, shall be kept as a separate fund and paid out by the treasurer to the contractor from time to time on demand, upon the receipt of the contractor therefor.

SEC. 141. Whenever, before sale of any lot or parcel of land, the amount of any assessment for improvements thereon, with all interest, penalty and cost accrued thereon, shall be paid to the treasurer, he shall thereupon enter the same satisfied, with the date of satisfaction thereof on the record of such assessment roll in office; and whenever, after sale of any lot or parcel of land for any such assessment the same shall be redeemed, he shall thereupon enter the same redeemed, with the date of such redemption on said record. Such entries shall be made on the margin of the record, opposite the description of such lot or parcel of land.

SEC. 142. Whenever the expense of any work done by the city, in pursuance of subdivision four (4) of section forty-eight (48) of this act, is a lien upon the lot or parcel of land referred to in such subdivision as therein provided; such lien shall attach to such lot or parcel of land at the time of the commencement of the erection of the prohibited building or addition, and continue in force until such expense is paid, and shall have the like force and effect as the lien of an assessment for street improvements, as herein provided.

SEC. 143. Whenever any work is done by the city, under the provisions of subdivision nine (9) of section forty-eight (48) of this act, the expense thereof, including cost of the material used therein, shall be a lien upon the lot or parcel of land upon which the work is done from the time of giving the notice to the owner to do such work, provided for in such subdivision, until the same is paid, of like force and effect as the lien of an assessment for street improvements, as herein provided.

SEC. 144. The expense referred to in either of the two

next preceding sections and constituting a lien as therein mentioned, may be collected by the levy of an assessment thereon on the lot or parcel of land liable therefor, and by sale thereon in the same manner and with like effect as though the same were a lien for street improvements on such lot or parcel of land; or until such assessment be levied such expense may be recovered by the city by suit in any court having jurisdiction in matters of debt or contract to the amount of such expense and costs of suit. The amount of such expense shall draw interest at ten per cent. per annum from the time of the completion of the work until paid, and in case of sale on a delinquent assessment therefor, a penalty of ten per cent. on the principal amount of such expense shall accrue and be collected thereon.

SEC. 145. All of the ten per cent. penalty accruing on delinquent improvement assessments, which shall be collected by the treasurer, he shall have and retain for the collection of said assessments.

SEC. 146. All of the provisions of chapter X of this act, governing the sale of property for delinquent taxes, the redemption from such sales and the conveyance of property so sold, and not inapplicable to delinquent improvement assessments, or inconsistent with the provisions of this chapter, shall apply to and govern the sale of property for delinquent improvement assessments, the redemption from such sales and the conveyance of property so sold.

CHAPTER XII.

APPROPRIATION OF PRIVATE PROPERTY.

SEC. 147. When the grade of any street, highway or alley shall have been established by authority of the city, 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 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 appraised 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 so 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 improvement: they shall sign their report and deliver the same to the clerk of the district court, holding terms at the county seat of Pierce county, 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 the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient the clerk of said district court shall, upon the filing of 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 or such special pleadings as the court shall allow, and the issue thus formed shall be tried as other civil actions; the costs to be taxed against the city when the judgment is for a larger amount than was awarded by the appraisers, or the cause 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. 148. Whenever, in the judgment of the city council, it shall become necessary or expedient to condemn any lands, tenements, hereditaments or premises within the corporate limits, for any of the purposes specified in section 48, the council shall by resolution declare its intent to condemn the same, and the purpose of such condemnation, setting forth in such resolution a pertinent general description of the property designed to be condemned.

SEC. 149. Thereafter, and within thirty days from the adoption of such resolution, the council may appoint three disinterested persons, residents of and free-holders in the city of Tacoma, no kin to any owner or person interested in any property to be appropriated, possessing the qualifications of jurors of the district court holden at the county seat of the county of Pierce, to view the property proposed to be condemned as aforesaid, and make an assessment of damages and benefits. When such viewers are appointed the council shall assign a day and place for them to meet, which place shall be at the office of some justice of the peace of Pierce county, having an office in said city; and a notice of the

appointment of such viewers, with their names and the time and place appointed for them to meet, specifying with convenient certainty the boundaries and description of the private property proposed to be appropriated and the purpose for which the same is designed to be appropriated, shall be served personally upon all resident owners of such lands, tenements and hereditaments, if such resident owners are found within the county, and in case they cannot be found and in the case of non-resident owners, by publication for three consecutive weeks in some newspaper published in said city. The liability to pay a tax to satisfy any such assessment of damages, (except an assessment upon property benefited), shall not disqualify any person from serving as such viewer.

SEC. 150. The city clerk shall immediately, and at least five days before the time assigned for such meeting, cause such viewers to be notified of their appointment and of the time and place of such meeting, and such viewers shall meet at the time and place designated, and take an oath before said justice of the peace, to the effect that they are twenty-one years of age, citizens and householders of Pierce county, Washington Territory, that they are not related to any of the persons whose property is sought to be appropriated, and that if upon viewing the property not to be appropriated but to which especial and peculiar benefits will accrue by reason of such appropriation, said viewers shall be found to be related to owner thereof, either by affinity or consanguinity, the same shall not affect his appraisement, and that they are qualified jurors, that they will faithfully discharge the duties assigned by them, and shall then or on any other day to which they may adjourn, not exceeding one week thereafter, proceed to view the property proposed to be condemned and having viewed the same, shall proceed to make a just and equitable estimate and assessment of the amount of the loss and damage, if any, over and above the benefit and advantage which are especial and peculiar to said owner, but benefits which are general to the public shall not be taken into consideration by said viewers, and said viewers shall also make an estimate of the benefits and advantages which will be special and peculiar to the owners of the lands, tenements and hereditaments not proposed to be condemned, but which, in the opinion of said viewers will be benefited by such condemnation and appropriation, and within a reasonable time after completing said appraisements the said viewers shall make two written reports of their doings and appraisements in the

case of the property sought to be condemned, one of which they will file with the said justice of the peace, and the other with the clerk of said city and shall make and file with the said clerk a report of the assessment of benefits and advantages which they find to be special and peculiar to the owners of lands, tenements and hereditaments not proposed to be condemned, but which, in the opinion of such viewers, will be benefited by such appropriations, all of which reports shall be verified by said viewers before said justice of the peace, and shall be signed by a majority of their number. The city clerk shall, within two days after the expiration of the twenty days named in section 155, and if said council has not reconsidered their said resolutions to condemn said lands, file with the city treasurer said report and said city treasurer shall proceed to collect said assessment, so provided in chapter XI and section 147 of this chapter, for the collection of taxes and enforcements of liens for improvements.

SEC. 151. Said justice of the peace shall within five days after the filing of the report of said viewers make and certify to the clerk of the district court of said Pierce county a transcript of the proceedings had before him, and shall attach thereto the report of said viewers together with the notices and returns thereon as required by section 149. The clerk of said district court shall thereupon put the case upon the trial docket of the next term of said court, the city to be the plaintiff and the other party defendant, and thereupon if no objections are made within twenty days by either party the same shall stand confirmed and judgment be entered accordingly. But either or both parties may elect to have said cause tried and the parties then shall be at liberty to file the ordinary pleadings in a civil action or such special pleadings as the court may order, and the issues thus formed shall be tried as in other civil cases. The costs to be taxed against the city only when the verdict is for a larger amount than was awarded by the viewers, or the cause has been tried at the instance of said 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 owners of the land. The fact that one called as a juror on any such trial is a tax payer in the city of Tacoma shall not disqualify him from sitting as such juror.

SEC. 152. Upon payment to the clerk of said district court for the use of such owner or owners of the amount assessed by said viewers, said city shall be entitled to and have the right notwithstanding the objections or appeal of said owner or owners to immediately enter upon and take possession of said land, tene-

ments and hereditaments and appropriate them to the uses for which they have been condemned, subject however to the payment of such further damages as the district court of said county may order paid as provided in section 151. But nothing herein shall be construed to prevent said city from appropriating said lands, tenements and hereditaments for its uses, pending action in the district court with regard to said damages; and for the purpose of preliminary survey and laying out such works, said city shall have the right to enter upon any lands at any time.

SEC. 153. Said viewers may cause any surveys and maps or plats to be made which they may find necessary for the performance of their duties and shall annex any such maps or plats to their report, and file the same therewith. They shall each be entitled to receive from the city such reasonable sum as the council may allow, for each day actually employed in the duties of their said appointment. And all reasonable expenses for surveys, maps and plats and other necessary expenses and disbursements in the performance of their duties shall be allowed by the council and be paid by the city.

SEC. 154. Either party may appeal to the supreme court of the territory, as in other cases, provided that if the owner or owners of the land accepts the sum awarded by the viewers, he or they shall thereby waive trial in the district court and appeal to the supreme court, and final judgment by default may be rendered in the district court, as in other cases: *Provided however*, It shall be lawful for said city council, by such person or persons as they shall direct, at any time before the final rendering of judgment, to agree with any of the parties interested as to the amount they shall receive for damages or pay for benefits.

SEC. 155. Said city shall have the right at any time within twenty days from filing the report with the justice of the peace of the assessment of damages to reconsider its resolution to condemn and appropriate any of said lands, tenements and hereditaments, in which case the city clerk shall notify by publication for three consecutive weeks, in some weekly newspaper published in said city, the resolution of abandonment: *Provided however*, That in such case the city shall pay all costs accrued up to the time of said reconsideration and all matters then pending with referance thereto shall cease, but no owner of property condemned shall be entitled to any damages or compensation by reason of any act done by said city in condemning such property, except actual damages sustained by the destruction of fences, buildings or other injury to his property.

SEC. 156. At the time of the filing of said report by the

justice with the clerk of said district court, or thereafter upon paying to the persons respectively entitled thereto, the amounts first assessed and reported by the viewers, as the amounts to be paid to the owners or lessees of persons entitled to or interested in the property designed to be appropriated, or upon depositing said amounts with said clerk of said court for the use of such persons, respectively, or upon paying to such persons, or depositing with the clerk, as aforesaid, the amounts assessed and reported by viewers on a revisal and correction of the report, or assessed by a jury, as hereinbefore provided, as the amounts to be paid to such persons respectively, all the lands, tenements, hereditaments and premises, proposed to be condemned as aforesaid, shall be deemed so condemned, and the city shall become seized thereof and the city may thereupon, by such person as the city council shall order, either immediately or at any time or times thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose, and remove all buildings and other impediments as the city council shall direct. But the city shall nevertheless in case such persons or any of them entitled as aforesaid, do not accept the aforesaid amounts assessed to them, respectively, be subject to the liability to pay to such persons respectively the amounts which may be finally assessed and confirmed to them for the taking of said lands or premises as in this act provided.

SEC. 157. If after any such deposit be made with the clerk of said court, the amount of loss or damage assessed as the sum to be paid to any party interested in said condemned property, shall be decreased by viewers on a revisal or correction of the reports, or by the verdict of a jury, the difference between the amount of such loss and damage as so decreased, and the amount so deposited with the clerk for such party, shall not thereafter be paid by the clerk to such party, but shall be paid to the city. Any party accepting the sum assessed to him for damages by the viewers, shall be deemed thereby to conclusively waive a hearing or trial of the question of the amount of loss or damage sustained by him, in the district court with or without jury, or before the judge thereof; and any party accepting such sum or the sum which may be assessed to him for damages by a jury in the district court, shall be deemed thereby conclusively to waive an appeal of the question of the amount of such loss or damage to the supreme court.

SEC. 158. In all other cases where private property is condemned or taken for public use by authority of this act,

and in the cases mentioned and referred to in section one hundred and fifty-nine (149) of this act, if the city council so elect and do not appoint viewers as provided in section one hundred and sixty (160) [150] hereof, 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 determined in the manner provided in this charter.

SEC. 159. The council may provide by ordinance any regulations as to the manner of condemning and appropriating private property for the use of the city not in conflict with this act, and may provide by ordinance anything convenient and necessary for the effectual carrying out of the spirit and intent of this chapter and of section 48 of this act.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SEC. 160. The city 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, thereunto duly authorized, 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 one hundred dollars.

SEC. 161. The city may regulate and provide as to the manner in which all additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and when filed and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries; and may cause an official map of said city to be made and kept for public inspection, which plat certified by the city surveyor, shall be *prima facie* evidence that the lines as they appear are correct; and all surveys made by the city surveyor at the instance and expense of the city, or private parties, shall be official surveys, and a minute thereof shall be kept by the city surveyor as a part of his official records, and shall be *prima facie* evidence of their own correctness; and the city has power to enforce this section and to prevent the sale of any real property not subdivided as aforesaid, and a plat whereof is not made and filed as herein provided, and to compel the establish-

ment and maintenance of such monuments, and to pass any and all ordinances necessary or expedient for carrying any of the provisions of this section into effect, and to fine or imprison or both for a violation thereof; and when the boundary or existence of any public street, alley, square or easement is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 162. 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. 163. In any action, suit or proceedings in any court concerning a change or lien upon property or levy of taxes or assessments authorized by this act, or the collection of any such taxes or assessments, or proceedings thereon, such charge, levy, consequent proceedings and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown.

SEC. 164. No street, highway or alley shall be vacated, except on petition to the city council, signed by a majority of the resident owners of real estate within the block or blocks, in or through which such street, highway or alley is proposed to be vacated. Said petition shall set forth the particular circumstances and the reasons for granting the same, and contain a certain description of the vacation applied for. The petition shall be filed with the city clerk, at least twenty days previous to the meeting of the council, at which said petition shall be heard and determined, and notice of the filing and time fixed for hearing by the council of said petition, embodying briefly an intelligent statement of the matters therein contained, shall be given for the same space of time, by written or printed notices, posted in three of the most public places in the city, and three weekly insertions in some newspaper, published in the city, such notice shall be posted or published as aforesaid at the expense of the petitioners. If any street or alley be vacated the land so vacated shall be attached to the lots or ground bordering on such street, or alley, and all right or title thereto, shall rest in the person or persons owning the property on each side thereof, in equal proportions. When such vacation is of part of a street only, or where lots border upon one side of such street only, such vacated land shall rest in the owner or owners of such lots bordering upon the vacated portion.

SEC. 165. No member of the city council must be interested, directly or indirectly, in any property purchased

for the use of the city, or in any purchase or sale of property belonging to the city, or in any contract made by the mayor or other person on behalf of the city for the erection of city buildings, the opening or improvement of streets, highways or alleys, the building of bridges or for any other purpose. Nor shall any member of the city council vote for any ordinance or other measure, in which he has a personal or pecuniary interest.

SEC. 166. The city council, under such regulations as they may adopt, must encourage the planting and preservation of shade and ornamental trees, on such street and highways as they may designate, and on and about the city parks, public grounds and buildings of the city; and may pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, such sum of compensation as may be deemed just and proper.

CHAPTER XIV.

SEC. 167. From and after the time this act shall take effect, the act entitled "an act to consolidate the cities of Tacoma and New Tacoma under the name of Tacoma," approved November 28, 1883, shall be and the same hereby is repealed, but such repeal shall not revive any act repealed by said act hereby repealed: *Provided, also*, That all acts lawfully done by the city of Tacoma incorporated by the act entitled "an act to incorporate the city of Tacoma," approved November 12, 1875, or by the city of New Tacoma, incorporated by the act entitled "an act to confer a city government upon New Tacoma," approved November 5, 1881, or by the city of Tacoma incorporated by said act hereby repealed, or by the officers of any of said city corporations, pursuant to their said respective charters, or any ordinance of said cities, respectively, and any and all ordinances passed by said city corporations and in force or unrepealed when this act takes effect and not inconsistent with this act or the laws of Washington Territory, shall be and remain in full force with like effect as though the same were or had been passed or done by the city of Tacoma hereby established, until repealed or rescinded. All warrants or certificates of indebtedness, all appropriations of money to certain specific funds, all taxes remaining unpaid, all claims, dues or demands in favor of, or due to any of said municipal corporations, all franchises, all contracts and liabilities lawfully granted, made or incurred by any of said corporations, all rights of every nature and kind, invested or con-

tingent, created or recognized by any of said charters or the ordinances, resolutions or acts of any of said cities, and not inconsistent with this act or the laws of the territory, shall not by this act be lost, impaired or discharged, but shall be continued and shall be and remain in full force and effect. All property of every name and nature and rights, privileges and franchises belonging to the said city of Tacoma, incorporated November 12, 1875, or the said city of New Tacoma or the said city of Tacoma, incorporated November 28, 1883, shall belong to, and are hereby vested in the city of Tacoma hereby established: *And provided also*, That all officers of the city of Tacoma, incorporated by said act hereby repealed, except the collector, in office when this act goes into effect, shall be the like officers of the city of Tacoma, under this charter, and shall continue to hold their respective offices, and shall exercise the powers and perform the duties prescribed for such officers, respectively, by this charter, until the expiration of the terms for which they were elected or appointed under said repealed charter and until their successors are elected and qualified: *Provided further*, That the county treasurer of Pierce county shall cease to be *ex officio* treasurer of this city upon the election and qualification of the city treasurer authorized by this charter to be elected at the annual municipal election thereunder in the year 1886: *Provided also*, That mayor shall continue to exercise and perform the powers and duties prescribed for him under, and by said repealed charter until the annual municipal election, in the year 1886, and the election and qualification of his successors: and that the marshal, elected under the provisions of said charter hereby repealed, shall be marshal of this city, and exercise and perform the powers and duties prescribed for him under and by said repealed charter, and such other powers and duties as may be prescribed for him by the city council of this city, until the election and qualification of the chief of police, authorized by this chapter, to be elected by the city council and in any office created by said charter hereby repealed, except collector, occurring before the annual municipal election, in the year 1886, shall be filled in manner provided in said charter hereby repealed. It being the true intent and meaning of this act to continue the existence of the same city as that incorporated by said act, November 28, 1883, hereby repealed, but with enlarged boundaries and with powers and manner of government as herein prescribed.

SEC. 168. Claims due to the said late city of New Tacoma, or to the city of Tacoma, incorporated November 28, 1883, at the time this act goes into effect, for improvements charged to

the owners of the property fronting upon the improvement made, may be enforced and collected in accordance with the provisions of the said act of November 28, 1883.

SEC. 169. All municipal taxes heretofore levied by the late city of New Tacoma and remaining unpaid when this charter shall go into effect, shall be collected as provided in the charter of said New Tacoma, or the ordinances passed levying the same, and when paid shall be applied to the liquidation of the outstanding debt of said city of New Tacoma, and any surplus thereof shall be paid into the school fund of east Tacoma school district. All municipal taxes levied by the late corporation, known as Tacoma, incorporated November 12, 1875, and remaining unpaid when this charter goes into effect, shall be collected as provided by the charter of said Tacoma, and when collected shall be paid into the school fund of west Tacoma school district.

SEC. 170. All municipal taxes heretofore levied by the city of Tacoma, incorporated November 28, 1883, and remaining unpaid when this charter shall go into effect, shall be collected as provided in said act of November 28, 1883, or the ordinances passed levying the same, and when paid shall be applied to the liquidation of the outstanding debt of said city, and any surplus shall be paid into the general fund in the city treasury of the city of Tacoma herein established.

SEC. 171. This act shall take effect and be in force from and after its passage.

Approved February 4, 1886.

AN ACT

TO REVISE AND AMEND THE CHARTER OF THE CITY OF SEATTLE.

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

SECTION 1. That the act of the legislative assembly of the Territory of Washington, approved December 2, 1869, entitled "An act to incorporate the City of Seattle," and the several acts amendatory thereof, approved November 12, 1875, November 9, 1877, November 13, 1879, and November

28, 1883, be, and the same are hereby, so revised and amended as to read as follows, and the same as hereby revised and amended are continued in force, and hereby re-enacted, that is to say:

CHAPTER I.

BOUNDARIES AND INCORPORATION.

Section 1. The City of Seattle shall include within its limits the following lands, premises and territory, to-wit: The north half of section 17, all of Sections 3, 4, 5, 6, 8, 9 and 10, in township 24 north, of range 4 east, and the south half of sections 19 and 20, and all of sections 27, 28, 29, 30, 31, 32, 33, and 34, in township 25 north, of range 4 east, and the south half of section 24, and all of sections 25 and 36, in township 25 north, of range 3 east, and including also the water fronting said above described land westward to the center of Elliott's bay and the Duwamish river, and eastward to the middle of lake Washington, and all the water of lake Union south of a line running east and west through the center of sections 19 and 20, in township 25 north, of range 4 east.

Section 2. The inhabitants within the City of Seattle are hereby constituted and declared to be a municipal corporation, by the name and style of the "City of Seattle," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of justice; contract and be contracted with, acquire, hold, sell and convey property, real and personal, and have and use a common seal and attest the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

Section 3. The City of Seattle has power to assess, levy and collect taxes for general municipal purposes, not to exceed two-fifths per centum per annum, upon all the 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 municipal purposes, exclusive of assessments

for improvements, as hereinafter provided in sections 8, 9 and 11, shall not in any year exceed one and one-half per centum on the property assessed.

FIRES, PREVENTION, DEPARTMENT, LIMITS, ETC.

Section 4. The city of Seattle has power to make regulations for the prevention of accidents by fire, to organize and establish a fire department, ordain rules for the 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 one year one-fifth of one per centum upon all the taxable property within the city. And has power, also, to prohibit the erection within the city, within any prescribed limits, of any building or any addition to any building, unless the outer walls thereof be made of brick and mortar, or iron or stone and mortar, and to provide for the removal of any building or any addition erected contrary to such prohibition.

LANDS--MAY CONDEMN, IMPROVE, PURCHASE AND SELL, ETC.

Section 5. The city of Seattle has power to purchase or condemn and enter upon, and take any lands within or purchase any lands 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 enclose, 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 one year. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this sections, 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, or 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.

LIGHTS AND GAS-WORKS.

Section 6. The city of Seattle 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 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.

OPENING STREETS, ETC.

Section 7. The city of Seattle has power to provide for clearing, opening, graveling, planking, improving, repairing and cleaning its streets, alleys and highways, and for the prevention and removal of all obstructions therefrom and from any cross-walk, or side-walk, and to repair sidewalks, and to regulate cellar-ways and cellar-lights in sidewalks; and to construct sewers and to clean and repair the same; and has power to assess, levy and collect each year a road poll tax of not more than four dollars on every male inhabitant of the city, between the ages of twenty-one and fifty years, except persons who are a public charge, and a road tax on all taxable property within the city of not more than three mills on every dollar's worth of said property, which taxes shall be expended for the purposes specified in this section; and all improvements of the character specified in this section to streets, alleys and highways, must be paid for out of the fund arising from the taxes authorized by this section; and the officers of King county shall not assess, levy or collect any road tax or road poll tax upon the property of inhabitants of said city.

Section 8. The City of Seattle shall have power to construct 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 special taxes or assessments on all lots and parcels of land fronting on any such street or streets, alley or alleys, highway or highways, so improved, or any part thereof, sufficient to pay the expense of such improvement; and for such purpose may establish assessment districts, embracing all lots and parcels of land subject to assessment for such purposes. In all cases where any street, or highway so improved is located in or extends through platted land, all lots and parcels of land situated between the termini of such improvement and between the margins of such street or highway and the middle of each block adjoining the same, and all unplatted land situated within one hundred and twenty-eight feet of such street or highway, and between the termini of such improvement, shall be deemed to front upon such streets or highway, and shall be subject to assessment for such improve-

ment; and in case of alleys, all lots and parcels of land in the block through which any such alley extends, shall be deemed to front on any such alley, and shall be subject to assessment for improving the same: *Provided however*, That in all cases of special assessments under the provisions of this section, improvements upon land, whether affixed to the same or not, shall not be taxed or assessed as a part of the land, nor assessed at all: *And provided further*, That all special assessments for street improvements heretofore, as well as hereafter, levied upon lands of the United States, the Territory of Washington, the Territorial University, the County of King, the City of Seattle, or any school district or other untaxable property shall be paid by the City of Seattle out of its general road fund: *And provided further*, That unless the owners of more than one-half of the property subject to assessment for any improvement for which an assessment may be levied under the provisions of this section, petition the council to make such improvement, the same shall not be made unless authorized at a regular meeting of the council by a vote of all the members present in favor thereof.

DRAINAGE.

Section 9. The City of Seattle has power to compel the owners and occupants of lands, buildings or premises within the city at their own expense, to properly drain the same, or drain or clean any vaults, cesspool, ditch, pipe or drain therein used as a receptacle or conductor of filth or refuse matter, and to assess all expenditures of the city in draining private premises upon such premises. Every such assessment shall be a lien upon the premises so drained, and such assessment may be collected and the lien enforced by a suit in the name of the city or any officer, contractor or contractors, to whom it shall have directed payment to be made. If any premises are so situated as to collect water or drainage and to hold the same upon the surface until it becomes stagnant and offensive to the public and drainage of such premises be impracticable from any cause, the city may compel the owner of such premises to fill the same at his own expense or cause such work to be done, and assess the costs thereof upon such premises, and every such assessment shall be a lien thereon and may be collected, and such lien may be enforced as in this section above provided. This section shall not be so construed as to authorize special assessments for public sewers constructed by the city for general use. And in all cases where an embankment shall be made by the city in any street, the city must provide suitable culverts through the same to drain the surface water from the property abutting upon such embankment.

COLLECTION OF ASSESSMENTS.

Section 10. The City of Seattle has power, by general ordinance, to prescribe the mode in which the costs and expenses of all public improvements which, by the provisions of this act, are to be provided for and paid by special assessments upon property shall be divided, apportioned, assessed and collected. All such special assessments shall be liens upon the respective lots and parcels of land subject thereto, as provided in this act, from the date of the ordinance levying such assessment. Such assessments may be collected, and such liens may be enforced, by actions at law or suit in equity, either in the name of the City of Seattle or of the officer, or any contractor or contractors, to whom it shall have directed payment to be made; and in any such action or suit, it shall be a sufficient statement of the cause of action in the complaint to allege the making and completion of the improvement, describing it, and the amount of the assessment on the premises proceeded against, giving an accurate description thereof, and the amount of such assessment remaining unpaid, and the names of the owner of, and each person having an interest in such premises at the time of commencing the action or suit. In any such action or suit, if it shall appear to the court on the trial thereof that the work has been done, or material furnished in making improvements authorized by the council for which, under the provisions of this act, special assessments may be levied, the court shall decree against the premises and in favor of the city, or other proper party plaintiff, to the extent of the proportion of the reasonable value of such work or materials justly chargeable to such premises, notwithstanding any defect, informality or irregularity in the proceedings. But in such case, if defects, informalities or irregularities, prejudicial to the party objecting on account thereof appear, the court, in its discretion, may disallow any part or the whole of the plaintiff's costs, or allow costs to the defendant; and if the assessment proceedings shall appear to be regular, the plaintiff shall be entitled to include in the recovery the full amount of the assessment and interest thereon at the rate of ten per cent. per annum, from the time when the assessment shall have become delinquent, and five per cent. additional as penalty and damages for delay.

GRADES, RAILWAYS, ETC.

Section 11. The City of Seattle has 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, narrow, change, extend, vacate and establish streets, highways, 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 improvement, 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 any and all streets and alleys and public places within the city: *Provided*, That no street or alley shall be extended or vacated except by a vote of six members of the council in favor thereof: *And, provided further*, That any person or corporation laying down such railway shall be liable to the owners of property abutting upon such streets, alley or alleys, for all damages or injury caused thereby, to be ascertained on the petition of the property owners, in the manner provided by chapter 188, sections 2473 to 2576, inclusive, of the Code of Washington of 1881, and the judgment and decree thereon shall be that the company or persons shall pay such damages, and on such payment shall be entitled to such right of way, and if no petition for such compensation shall be filed within two years after the track is so laid, such claim shall be barred.

WATER-WORKS.

Section 12. The city of Seattle has 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 election of the city shall vote upon the same.

MAY CONFER RIGHTS-- WATER SUPPLY.

Section 13. If the right to construct and operate such water-works is granted to private individuals or incorporated companies by the city of Seattle, it may make such grant to inure for 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 person or corporation so building such water-works, and said city; and the city

of Seattle is authorized and empowered to enter into a contract with the individual or company constructing such works, to supply the city 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.

WATER-WORKS--CONDEMNATION FOR.

Section 14. The city of Seattle 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.

WATER SUPPLY--TAX FOR.

Section 15. The city of Seattle shall have power, at the regular term, 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 such works shall have been constructed, the city of Seattle shall have power to assess and collect, from time to time, in such manner as the city council shall 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 corporations by the city, and the city shall contract with such individual 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 work, 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.

SANITARY REGULATIONS.

Section 16. The city of Seattle has power to preserve and improve the sanitary condition of the city; to compel the proper ventilation and cleansing of lodging and tenement houses; to prevent the over crowding of sleeping apartments in such houses or any other class or description of houses or buildings; to prevent the introduction or spread within the city of contagious, infectious or epidemic diseases; to remove person or animals affected with such diseases therefrom; to provide and care for such affected persons and animals, or cause the destruction of animals so affected; to provide and maintain suitable hospitals or pest-houses; to cause the collection, preservation and publication of vital statistics, and to provide for the support, restraint, and employment of vagrants and paupers.

ANIMALS AT LARGE.

Section 17. The city of Seattle has power to make regulations and pass ordinances preventing domestic and other animals from 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 proceedings; or may authorize their destruction.

LICENSES.

Section 18. The city of Seattle has power to regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate, or prohibit theatricals, shows and other exhibitions and public amusements, and to license tax and regulate auctioneers, hawkers, peddlars, brokers, pawnbrokers, and all offensive or noxious trades or occupations.

POLICE OFFICERS.

Section 19. The city of Seattle has power to maintain a sufficient police force, and to provide for the election or appointment of such number of police officers as the council may, from time to time, deem necessary, and to prescribe rules and regulations for the government and discipline of such officers. Such officers shall have full power and authority to make arrests for violations of the laws of this territory, or ordinances of the city, with or without warrant, within or without the

limits of the city, serve notices and process issued by the common council, or under the authority thereof, and any process issued by a justice of the peace in any action or proceeding to which the city is a party, to summon aid and exercise all other powers necessary for the prevention of crime, apprehension of offenders, or to maintain peace and good order within the city. And for all services rendered by such officers in cases prosecuted under the general laws of the territory, they shall be entitled to receive the same fees as sheriffs and constables for similar services.

NUISANCES, OFFENSES, ETC.

Section 20. The city of Seattle has power to prevent injury or annoyance to any of its inhabitants from anything dangerous, offensive or unhealthy; to restrain and punish any disturbance, or any unlawful, indecent, dangerous, immoral, or offensive act or practice; to cause any nuisance within the city to be abated; to restrain, prohibit and punish the keeping of disorderly houses, houses of ill fame, or gambling houses; to regulate the transportation and keeping of gun-powder or other combustibles, and to provide or license magazines for the same; to prevent and punish fast, immoderate or reckless riding or driving of horses or other animals through the streets; to regulate the speed of trains and locomotives and street railways within the city; to prevent, suppress and punish riots, noises, disturbances, disorderly assemblages, or disorderly conduct within the city; and to protect the property of the city and its inhabitants, and to preserve peace and good order therein.

LIQUOR TRAFFIC AND GAMING TABLES.

Section 21. The city of Seattle has power to regulate the traffic in intoxicating liquors within its limits, and to license, tax, regulate and restrain the keeping of 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 of one gallon and upwards; also breweries or groceries where lager beer is sold or disposed of; also all billiard tables, pigen-hole, jenny lind and other gaming tables kept for hire within the city: *Provided*, That 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 wines for medical 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 King county to grant licenses for any such house, or places, or business enumerated in this section, shall apply or be held to authorize the granting of such license within the city by county officers, and all such licenses paid to the city shall be in lieu of the license required by the general laws of the territory for similar houses or business. The sum required for such license shall in no case be less than the amount required by the general laws of the territory for houses or business of like character. And bonds required to be given by keepers of saloons or drinking houses shall not be fixed at less than two thousand dollars: *Provided*, That in the granting or refusal of all licenses, the then general laws of the territory shall govern.

POWER TO REGULATE THE BURIAL OF THE DEAD.

Section 22. The city of Seattle has 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.

POWER TO REGULATE MARKETS.

Section 23. The city of Seattle has power to establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

MAY BORROW MONEY—DEBT LIMITED.

Section 24. The city of Seattle has power to borrow money on the credit of the city for any purpose within its authority, including the payment of any existing debt; and may issue negotiable bonds or negotiable warrants on the city treasury, payable at a specified time, bearing interest at a rate to be therein named, not exceeding ten per cent. per annum. Such bonds or warrants must specify the particular fund out of which the same are to be paid, and shall be paid out of the fund so specified; and the city shall levy and collect taxes within the limitations prescribed by this act sufficient to redeem all such bonds or warrants: *Provided*, That the indebtedness of the city must not at any time exceed the sum of sixty thousand dollars, exclusive

of indebtedness for water-works and street improvements made under the provisions of section eight of this act.

ORDINANCES—PUNISHMENTS.

Section 25. The city of Seattle has power to adopt proper ordinances for the government of the city and to carry into effect the powers 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 not exceeding thirty days, or both, 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.

HARBOR REGULATIONS—BALLAST.

Section 26. The city of Seattle shall have power to make harbor regulations and rules, to regulate or prevent the discharge of ballast or other material in any harbor within the city limits; to assess and collect harbor dues from all vessels and water-crafts whatever, arriving at or departing from the city; to license and tax wharfingers, and to build, construct and regulate wharves, piers and landing places at the foot of any street terminating at the shore of Elliott's Bay, Lake Union or Lake Washington, and to regulate and prescribe the limits of the extension of wharves into the water of any harbors within the city limits, to prevent the construction of wharves beyond such limits, and to remove any wharf or wharves that have heretofore been, or shall hereafter be constructed beyond such limits, at the expense of the owner or owners of such wharf or wharves, to be recovered by ordinary civil action, or as the city council may by ordinance provide.

COMPENSATION OF OFFICERS—GENERAL POWERS.

Section 27. The city of Seattle has power to establish and regulate the fees and compensation of all its officers, except when otherwise provided; and has such other powers and privileges, not herein specifically enumerated, as are incident to municipal corporations of like character and degree, or necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER III.

OF THE GOVERNMENT OF THE CITY.

Section 28. The power and authority, given to the municipal corporation by this act, shall be vested in the mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

COUNCILMEN—TERMS.

Section 29. The common council shall consist of eight members, who shall be elected for the term of two years, except as hereinafter provided, and shall hold their offices until their successors are elected and qualified.

OTHER OFFICERS—ELECTION AND TERMS.

Section 30. The mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

CITY OFFICERS—ELECTION TERMS, ETC.

Section 31. There shall be appointed or elected as hereinafter provided, a city attorney, chief of police, treasurer, clerk, surveyor, and such other subordinate officers as the council may provide. The city attorney, and chief of police shall be elected by the qualified electors of said city, at the time and in the manner provided for in the election of mayor and councilman; and the council shall, on their own motion, elect all other officers above named and such other subordinate officers as may be provided for, annually at its first regular meeting, after the new members thereof elected at each general election of city officers shall have taken their seats. Each of the justices of the peace, for King county, residing and keeping his office within the city, shall, during his continuance in office, as such justice of the peace, be a police justice of the city, and they shall have exclusive original jurisdiction over all crimes and misdemeanors defined by the ordinances of the city, and of all actions brought to recover or enforce any penalty or forfeiture, given or declared by such ordinances, and full power and authority to hear and determine all causes, civil or criminal, arising under such

ordinances, and to pronounce judgments in accordance therewith; to issue all writs and process necessary or proper to enforce and carry into execution such judgments. All proceedings before such justices, under and by authority of this act, or the ordinances of the city, shall be governed and regulated by the general law of the 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. And such justices shall, in all actions brought before them, take judicial notice of all ordinances of the city of Seattle, and it shall not be necessary, in any action or proceeding before either of them, to plead or prove the existence of any ordinance of said city or the publication thereof. The officers of the city herein provided for (except justices of the peace) shall hold their offices for the term of one year, and until their successors are elected or appointed and qualified, unless sooner removed. Any officer of the city, except mayor, councilman or justice of the peace may be suspended from office by the mayor until the next regular meeting of the council thereafter, and may be by the mayor, at any regular meeting of the council, with the advice and consent of the council, removed from office summarily: *Provided however*, That the council shall not advise or consent to such removal otherwise than by a vote of at least six members in favor thereof, and in taking such vote the roll must be called and the record must show how each member voted. In case of any such removal from office, the council shall fill the vacancy caused thereby. The salaries or rate of compensation of city officers shall in no case be increased or diminished, during the terms for which they shall be elected or appointed.

WHO ELIGIBLE TO OFFICE.

Section 32. No person is eligible to office in the 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 the City of Seattle for the six months next preceding such election or appointment.

CHAPTER IV.

ELECTIONS—GENERAL ELECTION—CITY OFFICERS.

Section 33. There shall be a general election for all city

officers required to be elected under this act, on the 2d Monday of July in each year. At such election the polls shall be open at nine o'clock A. M., and close at 7 o'clock P. M. The city council shall designate the place of voting in each ward, and appoint the judges and the clerks of election: and in case of the absence of any judge or clerk, the voters present may proceed to fill such vacancy.

QUALIFICATION OF ELECTORS.

Section 34. No person is qualified to vote at any election under this act who has not been a resident of the city for the six month next preceding such election, and who is not otherwise qualified as a legal voter under the general laws of the territory, and who, if not exempt by law from the payment of a road poll tax, has not paid such tax to the city for the current year in which such election is held, and who has not registered in accordance with the registration law governing said city. Each voter, at city elections, must vote in the ward of the city in which he or she resides at the time of registering.

VOTE BY BALLOT.

Section 35. That at all elections for city officers the vote shall be by ballot, at the time and place designated by the common council.

NOTICE OF ELECTION.

Section 36. 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.

CITY WARDS.

Section 37. For the purposes of municipal representation the city of Seattle is hereby divided into four wards, designated and bounded as follows: The first ward shall include all that part of the city within the following boundaries, to wit: Commencing at the intersection of the centre line of Mill street with the centre line of South Tenth street and running thence south through the centre of South Tenth street to Jackson street, thence east

on a line with the centre of Jackson street to the east boundary of the city, thence following said east boundary to the south boundary of the city, thence west along the south boundary of the city to the west boundary of the city, thence north along the west boundary of the city to a point in Elliot's bay opposite Mill street, thence east in a straight line through the centre of Mill street to the place beginning. The second ward of the city shall include all that part of the city situated north of the first ward and south of a line running through the centre of Madison street from the west boundary to the east boundary of the city. The third ward shall include all that part of the city included within the following boundaries, to wit: Commencing at the northwest corner of the second ward and running thence on the west boundary of the city to a point on Elliot's bay opposite Stewart street, thence on a line with the centre of Stewart street to Howard street, as established and defined by Ordinance No. 659 of said city of Seattle, thence along the centre of said Howard street to a point 346 feet west and 30 feet north of the northeast corner of block numbered 29 of Pontius' addition to Seattle, thence east to the centre line of Elaine street, as extended by Ordinance No. 658, thence north on a line with the centre of said Elaine street to the north boundary line of the city, thence east and south on the north and east boundary lines of the city to the northeast corner of the second ward, thence west on the north line of the second ward to the place of beginning. The fourth ward shall include all that part of the city situated north and west of the third ward. Two members of the common council shall be elected in each of said wards by the electors thereof as follows: At the annual election in 1886 each of said wards shall elect one member of the council for a term of two years, and one member for a term of one year. And at said election the electors must specify upon the tickets used in voting the term of each member voted for; and all votes for councilman at said election not specifying the terms of the persons voted for shall be rejected and not counted; and the persons in each ward receiving the highest number of votes for councilmen for a term of one year shall be elected for such term; and the persons in each ward receiving the highest number of votes for councilman for a term of two years shall be elected for two years.

JUDGES AND CLERKS OF ELECTION.

Section 38. Judges and clerks of elections 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 the notice as required by section 37, shall not invalidate any election otherwise legal.

RETURNS—CANVASS OF ELECTIONS BY COUNCIL.

Section 39. On the first regular meeting of the council next after such election, the returns thereof shall be canvassed by the council, and the written statement of such canvass shall be made and signed by the presiding officer, 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 what 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 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 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.

CERTIFICATES OF ELECTION.

Section 40. 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 to deliver the same to him on demand.

COUNCIL TO JUDGE OF ELECTION AND QUALIFICATION OF MEMBERS.

Section 41. A certificate of election is *prima facie* evidence of the facts therein stated; but the council shall decide all questions as to the qualifications and elections of its own members; and a contested election for any other office must be decided by the council according to the laws of the territory regulating proceedings in cases of contest for county officers.

COMMENCEMENT OF TERMS—QUALIFY WHEN.

Section 42. The term of office of any person elected to 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 after the termination of such contest.

OATH OF OFFICE—FORM.

Section 43. 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 _____, 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."

ELECTIONS.

Section 44. 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.

Section 45. An office becomes vacant upon the death, removal from office, or resignation of the incumbent, or failure to qualify as required. The office of mayor, clerk or treasurer, shall be deemed vacant whenever the incumbent thereof shall have been absent from the city for a period of sixty days. The office of chief of police shall be deemed vacant when the incumbent thereof shall have been absent from the city without leave from the mayor for a period of twenty days. The office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six consecutive regular meetings of the council, without leave of the council first obtained.

VACANCIES FILLED BY COUNCIL—WHEN.

Section 46. A vacancy in any office shall be filled by the council at a regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

MUST QUALIFY—WHEN AFTER VACANCY FILLED.

Section 47. An officer appointed to fill a vacancy must, within 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.

THE ORGANIZATION AND POWERS OF THE COUNCIL.

Section 48. 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.

MEETINGS OF COUNCIL.

Section 49. 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 two 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.

QUORUM—WHAT CONSTITUTES.

Section 50. 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.

RULES OF THE COUNCIL.

Section 51. 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 its journal, on 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.

PUNISHMENT OF MEMBERS OF COUNCIL.

Section 52. The council may punish any member for disorderly, or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may, by a three-fourths vote, expel a member.

POWERS AND DUTIES OF MAYOR.

Section 53. The mayor is *ex officio* president of the council, and shall preside over its deliberations when in session. He is not entitled to a vote, except in case of a tie vote, in which case he shall have the casting vote. He has authority to preserve

order, enforce the rules of the council and to determine the order of business, subject to such rules and to an appeal to the council. If the mayor is absent from any meeting of the council, the council must appoint one of its number president to serve during the meeting, or until the mayor attends.

FIRST REGULAR MEETING AFTER ELECTION.

Section 54. 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.

WHAT IS A MAJORITY UNDER THIS ACT.

Section 55. 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 a 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.

Section 56. The mayor is the chief executive officer of the city, and full power and authority is hereby vested in him to execute and enforce the laws and ordinances of the city, to supervise, direct and control the police force and all subordinate officers of the city, and to maintain peace and good order in the city. It shall be his duty, annually at the first meeting of the council in July, to communicate by message to the council a statement of the condition and affairs of the city, and to recommend 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.

MAYOR TO APPROVE OFFICIAL BOND.

Section 57. 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.

MAYOR'S OTHER DUTIES.

Section 58. 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.

ORDINANCES—ACTION ON.

Section 59. Any ordinance which shall have passed the council shall, before it becomes a law, be presented to the mayor for his approval. If he approve it, 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 upon their journal and shall proceed to reconsider the same. If, after such reconsideration, three-fourths of the members of the council vote for the passage of the same it shall become a law.

ACTING MAYOR.

Section 60. 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 own members who shall be the acting mayor, and perform all the duties of such office during such temporary absence or disability, except as in otherwise provided in this act.

IMPEACHMENT.

Section 61. If the mayor shall be adjudged to be insane, or guilty of a crime or misdemeanor involving moral turpitude by a court of competent jurisdiction, the council may, at a regular meeting, summarily remove him from office. The council may also impeach and remove the mayor for malfeasance or misfeasance in office, continued willful neglect of official duty or abuse of official power. Written articles setting forth the charges against the mayor and grounds for his impeachment must be signed by a member of the council, filed with the clerk, and a copy thereof, with a notice stating the time and place of trial, must be served upon the accused at least one week before the time of trial. The mayor may deny generally or specifically the charges, or answer, setting forth any affirmative defense he may have. All affirmative matter in the answer shall be deemed denied. The council shall grant a fair trial, and all its proceedings and deliberations upon such trial shall be public. The accuser shall have the right to participate in all the proceedings, and have equal privileges with other members in all discussions, but he shall not vote upon any question. The council shall have

power to issue process for witnesses, compel them to attend and testify under oath; and shall choose one of its members president *pro tempore* to preside during the trial. A separate vote shall be taken by ayes and nays, and recorded, on each charge in the articles of impeachment; the votes of at least six members in the affirmative shall be necessary to sustain any charge. If any one of a number of charges be sustained, the mayor shall be removed, otherwise he shall be acquitted; and he shall not be twice tried for the same act or offense. Witnesses upon such trials shall be entitled to the same fees as in other cases in this territory.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION--CITY ATTORNEY--DUTIES OF.

Section 62. The city attorney shall represent the city in all suits or proceedings in which the city is interested, and give his advice or 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.

DUTIES OF CLERK.

Section 63. The clerk shall be the custodian of the records and seal of the city. He is authorized to make and certify transcripts of the records and papers in his office; to use the seal of the city to authenticate his official acts, and to administer any oath which may be lawfully taken within the city; and it shall be his duty to keep a fair and correct record of the proceedings of the council; to record the ordinances of the city and perform such other duties as the council may prescribe.

DEMANDS AGAINST THE CITY.

Section 64. All demands and accounts against the city including claims for damages, must be presented to the city council, with the necessary evidence in support thereof, to fully inform the council as to the nature thereof; and the council must allow or reject the same before any suit against the city can be maintained thereon.

CLERK TO DRAW WARRANTS.

Section 65. 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.

CLERK TO KEEP BOOKS OF ACCOUNT.

Section 66. 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 city finances.

DUTIES OF TREASURER.

Section 67. The treasurer is the collector of taxes and the receiver and disbursing officer of the moneys of the city. He shall collect all taxes and assessments levied by the city and all moneys and revenues coming to the city by taxation or otherwise, and pay out the same only upon warrants signed by the mayor and clerk: *Provided*, That special assessments for local improvements may be, by authority of the council, collected by any contractor or contractors with the city.

TREASURER TO KEEP ACCOUNTS WITH SEPARATE FUNDS.

Section 68. 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.

REPORT OF TREASURER.

Section 69. The treasurer must make a report of the receipts and expenditures to the common council, at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper published in the city.

ANNUAL ASSESSMENT—TAX LIST.

Section 70. The assessor of King county must, after the first Monday of April, 1886, make an assessment roll and tax list in books to be furnished him by the city, in such form as the council may prescribe, containing a list of all tax payers, includ-

ing persons subject to a poll tax, and a list and description, with the value thereof, of all taxable property, real and personal, within the city of Seattle, and deliver such assessment roll and tax list to the city clerk, at the time of returning the assessment roll to the county in each year. And for his services in making each assessment roll and tax list, the city shall pay to the said assessor the sum of two hundred and fifty dollars, unless a different sum, or rate of compensation shall be mutually agreed upon by said assessor and the council. Each such assessment roll and tax list may be revised, added to or otherwise corrected, and the valuations of property thereon, be equalized by the council, at such time in each year as may be prescribed by ordinance of the city, and after completing the revision and equalization of such assessment roll and tax list, the council shall adopt the same for all purposes of taxation and assessment within the city for the year in which the same is made.

Section 71. Any person feeling aggrieved by any such assessment, either in the valuation or listing of property, may apply in writing to the council within such time as may be prescribed by ordinance, and shall have the right to be heard upon such application, in person or by his agent or attorney, and may be examined under oath, as a witness upon his own request, or if the council so require, and the council must correct all errors and unfair assessments shown to exist by any such applicant.

CHIEF OF POLICE --POWERS AND DUTIES.

Section 72. The chief of police shall be the peace officer of the city, and must execute or cause to be executed all process issued by the common council, or any justice of the peace of the city, directed to him, and all process issued for violation of city ordinances shall be directed to him for service. The chief of police must attend upon the courts of the police justices and at all meetings of the council, and shall make arrests for all crimes and violations of the laws of the territory, and ordinances of the city, committed within the city, with or without warrants, and make arrests in any part of King county. He shall exercise vigilant control over the police force, and maintain the peace and quiet of the city; shall be keeper of the city prison, and discharge all other duties the council may prescribe.

RECORD OF ARRESTS.

Section 73. The chief of police shall keep a correct record of all arrests made by him or members of the police force, showing the time, cause or complaint upon which such arrests were made, and must make a full report in writing each month to the city council.

DUTIES OF JUSTICES OF THE PEACE.

Section 74. Each justice of the peace within the city of Seattle shall, before entering upon the discharge of the duties of his office, give a bond to the city of Seattle in the sum of five hundred dollars, in such form and upon such conditions as may be prescribed by ordinance; and keep an accurate account of all fines, costs or any moneys received by him when acting under and by authority of this act or any ordinance of the city, and make monthly payments to the city treasurer of all such moneys except the fees of officers and witnesses, which he shall disburse to the persons entitled thereto; and file duplicate receipts for all moneys paid to the treasurer with the clerk.

POWERS AND DUTIES OF OTHER OFFICERS PRESCRIBED BY ORDINANCE.

Section 75. The powers and duties of all other officers of the city shall be prescribed by ordinance.

OFFICIAL BOOKS, ETC., CITY PROPERTY.

Section 76. The official books and papers of 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.

INSPECTION OF OFFICERS' BOOKS AND PAPERS.

Section 77. 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.

Section 78. The style of every ordinance shall be "The City of Seattle does ordain as follows:" All ordinances and resolutions or orders for the appropriation or payment of money, shall require for their passage or 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.

ORDINANCES RECORDED, AUTHENTICATED, PUBLISHED.

Section 79. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and authenticated by the signature of the presiding officer and the clerk, and all those of a general or permanent nature, and those imposing any fine, penalty or forfeiture shall be published in some newspaper of general circulation within the city.

Section 80. In pleading any ordinance of the City of Seattle, it shall be sufficient to state the title of such ordinance, and the date of its passage or appeal; transcripts from the record of ordinance and the printed copies of the compiled ordinances of the city, certified to by the city clerk, shall be received in any court of this territory as sufficient evidence of the due passage of the ordinances so transcribed or compiled and printed, and when so proved, the court shall have judicial knowledge of the existence, recording and publication of such ordinances and the tenor and effect thereof.

CHAPTER X.

ASSESSMENT AND COLLECTION OF TAXES

Section 81. The common council shall, annually, upon completing the revision of the assessment roll, assess and levy the taxes for the current year, and fix such rate of taxation as they may deem necessary for the purposes authorized by sections 3, 4, 5, 6, 7, and 16 of this act. And within twenty days thereafter the city clerk shall extend upon said assessment roll and tax list the taxes so assessed and levied; and at the first regular meeting of the council after the completion of said tax list by the clerk, the council shall order the clerk to issue the same, with a warrant for the collection of the taxes therein, to the city treasurer. Such warrant may be in the following form:

TERRITORY OF WASHINGTON, }
CITY OF SEATTLE. } ss.

To———, treasurer of said city:—

Each and all of the taxes on the above tax roll for the year A. D., 18—, have been assessed and levied by authority of said city, and by order of the council of said city, you are

authorized and commanded to proceed forthwith to collect the same.

Witness my hand and the seal of the city this _____ day of _____, 18____.
 } seal } _____ City Clerk.

WARRANTS FOR COLLECTION DEEMED AN EXECUTION.

Section 82. Such warrant, for the purpose of collecting such taxes, shall be deemed and taken as an execution against the personal property of the persons in said tax roll named, and for the amount of tax therein charged against each, and the treasurer must at once proceed to collect the same, by levy and sale of sufficient of the personal property of the several persons against whom the tax is charged. He shall take into his possession, by virtue of such warrant and tax roll, so much of the personal property of the party against whom the tax stands charged, to be found in the city, as will be sufficient to make the amount of the tax with interest and costs. He shall give five days' notice of the time and place of sale, by posting notice thereof in three public places in the city, one of which notices shall be posted on the door of the office of the city clerk, which notice must be posted at least five days before the day fixed for the sale. Such sale shall take place in front of the building in said city in which the common council assembles, and the same shall be at public auction to the highest bidder. So much of the property levied upon shall be sold as will be sufficient to pay the tax with interest and costs, and the same fees shall be allowed the treasurer that are allowed to sheriffs on sale of property on execution. Any surplus remaining in the treasurer's hands after such payment, shall be paid over to the party to whom it belongs on demand: *Provided*, That said treasurer shall not take possession of or sell personal property for taxes before the same shall have become delinquent, except in cases wherein he shall believe it necessary so to do in order to secure taxes assessed against persons owning no real estate within the city, and who the treasurer shall believe to be about to leave the city or dispose of their personal property.

DELINQUENT TAXES.

Section 83. The council must provide by ordinance within what time all taxes levied as provided and authorized in chapter II may be paid to the treasurer; and all taxes not paid to the

treasurer within such time are thereafter delinquent taxes, and must be collected as such by levy upon and sale of personal property of the delinquents in the manner provided in the preceding section, if sufficient personal property for the purpose be found within the city.

TIME OF RETURNING TAX ROLL.

Section 84. Within seventy days after the day on which taxes become delinquent in each year, the treasurer shall return the tax roll and warrant to the council, and must make and subscribe therein before the city clerk an affidavit in substance as follows.

TERRITORY OF WASHINGTON, }
 CITY OF SEATTLE. } ss.

I, _____, treasurer of the city of Seattle, do solemnly swear that I have made due and diligent search to find sufficient personal property subject to levy, belonging to each person whose tax is now delinquent and unpaid on this tax roll, and that I have been unable to find any such property from which to make such tax, so help me God.

Subscribed and sworn to before me, this _____ day of _____, 18____. _____, City Clerk.

WARRANT FOR SALE OF REAL ESTATE.

Section 85. At its first regular meeting after the return of the tax roll, as provided in the preceding section, the council shall order the clerk to enter in such tax roll a warrant under the seal of the city, for the sale of real estate for delinquent taxes returned as uncollected, which warrant shall be substantially as follows:

TERRITORY OF WASHINGTON, }
 CITY OF SEATTLE, } ss.

COMMENCEMENT OF TAX SALES, ETC.

Section 86. At a time to be fixed and designated in the treasurer's notice of sale, which time shall be within five weeks after he received the roll with the warrant for the sale of real estate in each year, at the front door of the building in which the city council holds its sessions, the city treasurer or his deputy must commence the sale of real estate named in said tax roll for the preceding year upon which the taxes have not been paid. The treasurer shall give the same notice, and proceed in the same manner to make such sales that the sheriff is

required to give and do by the provisions of sections 2917, 2918, 2919 and 2920 of the Code of Washington of 1881, and shall execute to the purchaser a certificate of purchase, for the lands and lots sold to him, stating the amount paid therefor; and any number of lots and parcels of land sold to one person may be included in one certificate, but the amount paid for each lot or parcel shall be separately stated. Such receipt shall be signed by the treasurer in his official capacity. Such certificate shall be *prima facie* evidence of the regularity of all prior proceedings.

TREASURER'S RETURN OF SALES OF REAL ESTATE.

Section 87. Within five weeks from the day of commencing the sale of real estate for taxes, as provided in the preceding section, the treasurer shall make and file with the clerk, a report in such form as the council may prescribe, of real estate sold for taxes, containing a list and description of the lots and parcels of land sold, and showing to whom the same were assessed, to whom sold, the price paid therefor and the date of sale; which report shall remain on file in the office of the clerk. The tax roll shall remain in the hands of the treasurer, and all delinquent and unpaid taxes there in charged shall be carried forward and charged to the same persons and lands on the tax rolls for each succeeding year, until the same shall be paid or collected by sale of property as other taxes. Notwithstanding the treasurer's return thereof, the warrant issued as provided in section 82 of this act shall remain in full force and virtue until all taxes charged in each assessment roll shall be collected or carried forward and charged upon the tax roll for the next succeeding year; and by virtue thereof the treasurer shall collect delinquent taxes whenever he shall find personal property of a delinquent to levy upon within the city; and delinquent taxes upon real estate remaining unsold after the close of tax sales of real estate may be paid to the treasurer at any time.

WHAT PURCHASER ACQUIRES.

Section 88. The purchaser at tax sales acquires a lien on the lots and lands sold for the taxes, interest, and costs paid by him at such sale, being for the whole amount bid and paid by him, as well as for all taxes subsequently paid by him on the lands and lots, and shall be entitled to interest thereon, at the rate of twenty per cent. per annum from the date of such payment.

REDEMPTION--WHEN.

Section 89. All lots and parcels of land sold for taxes shall be subject to redemption by the former owner or his grantee or heir, within three years from the date of the certificate of purchase on payment to the city treasurer, for the purchaser, of the amount the same was sold for, with twenty per cent. interest per annum, together with the costs and charges and taxes since such sale paid thereon by the purchaser, with like interest thereon. And on such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount received for such redemption to the purchaser or his assigns. Should no redemption be made within the period of three years, the treasurer shall, on demand, by the purchaser, or his assigns, and the surrender of the certificate, execute to him a deed for such lands and lots therein described. Such deed shall be executed only for the lands and lots named in the certificate, and after payment of all subsequent taxes thereon. The deed shall be executed in the name of the city of Seattle, shall recite in substance the matters contained in the certificate, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer as such, and shall be recorded within six months from its date. The deed shall be *prima facie* evidence that the property was assessed as required by law, that it was equalized as required by law, that the taxes were not paid, that the property was sold as required by law, that it was not redeemed, and that the person executing the deed was the proper officer, and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment by the assessor inclusive up to the execution of the deed.

INTEREST ON TAXES--LIENS.

Section 90. All general and special taxes levied as provided and authorized in chapter II of this act, and every part thereof, shall bear interest at the legal rate from the time of becoming delinquent until paid or collected; and all such taxes assessed upon real estate, or against persons owning real estate within the city, shall be liens upon such real estate from the date of the assessment.

CHAPTER XI.

MISCELLANEOUS PROVISIONS. CONTRACTS, LIABILITY OF CITY
ON--WHEN.

Section 91. The city of Seattle is not bound by any con-

tract, 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.

LIABILITY OF CITY FOR INJURIES.

Section 92. The city of Seattle shall be liable to any one for any loss or injury to person or property, growing out of any casualty or accident, happening to 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 the city of Seattle, 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.

NO MONEY DRAWN FROM THE TREASURY EXCEPT BY ORDINANCE.

Section 93. No money shall be drawn from the city treasury except in pursuance of an appropriation for that purpose, made by 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 provision, shall be void and not otherwise.

WORDS UTTERED IN DEBATE.

Section 94. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

REGULARITY OF PROCEEDINGS PRESUMED FOR LEVY OF ASSESSMENT AND COLLECTION OF TAX.

Section 95. In any action, suit or proceeding 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 done or 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.

GAS FRANCHISES.

Section 96. The city council is hereby authorized to grant the exclusive right to use the streets of the city of Seattle 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.

TAX DEEDS—SUFFICIENCY OF.

Section 97. In making a deed for real property sold for delinquent taxes, it is not necessary to recite or set forth the proceedings 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 of Seattle, and the note thereof for a delinquent tax, and the amount thereof, together with the date of the sale and the amount paid thereat by the purchaser.

MAYOR AND COUNCILMEN NOT ALLOWED COMPENSATION.

Section 98. The mayor and councilmen are not entitled to and must not receive any salary or compensation for their services.

LAND ASSESSED BY THE ACRE WHEN NOT LAID OFF.

Section 99. All real property within the limits of the city of Seattle not laid off in blocks at the time of making any assessment authorized by this act, must be assessed at its cash value per acre, or fraction thereof, as the case may be.

DAMAGES BY CHANGE OF GRADES—HOW PAID.

Section 100. When the grade of any street, highway or alley shall have been established by authority of the city of Seattle, and any person, or persons, shall have built or made improvements on such street, highway or alley, and the city shall afterward change such established grade, or shall change the boundary lines of any block, street, highway or alley in such a 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 so appointed, or in case of their disagreement, by the city council. Such 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 improvement. They shall sign their report and deliver the same to the clerk of the district court holding terms at Seattle, 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 *præcipe* therefor, the party entitled may have judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk shall, upon filing a written *præcipe* therefor by the city or any person agreed [aggrieved], within twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be plaintiff and the city shall be defendant. The usual pleadings in a civil action may be filed, or such special pleadings as the court shall allow, and the issues thus formed shall be tried as other civil actions. The costs to be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the cause 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 party claiming damages.

HOW CONDEMNED PROPERTY TO BE PAID FOR.

Section 101. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the property to be benefited thereby, as provided in section 11 of this act, the assessment upon the various lots or parcels of land so charged, and the appraisal of damages to be paid to the owners 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 the property subject to the assessment, and one by the owner or owners of the property condemned, or damaged; or if either or both said classes of property owners shall 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 assessment, and shall report within the time and in the manner prescribed for making appraisements 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 præcipe 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 the 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 cause tried and determined, and the costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city, and all costs for the appraisal 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 therein charged.

WHEN CITY SHALL PAY FOR PROPERTY CONDEMNED.

Section 102. 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.

CERTIFIED TRANSCRIPTS LEGAL EVIDENCE.

Section 103. Transcripts of the records and proceedings of the common council of the city of Seattle, and copies of all papers and documents on file in the office of the city clerk, certified to by the city clerk and authenticated by the seal of the city, shall be admissible in evidence in all the courts of this territory, and shall have similar force and value in evidence as certified transcripts of other records, papers and documents of this territory.

PRESENT COUNCILMEN TO CONTINUE IN OFFICE--WHEN TO RETIRE.

Section 104. Until the time fixed by this act for the beginning of the terms of officers to be elected at the annual city election in 1886, the common council shall consist of nine members; and the present members of the council shall continue in office until that time (except in cases of vacancies occurring sooner in the manner provided in this act); and at the said time all the present members of the council shall retire, whether elected for longer period or not; and thereafter the council shall consist of but eight members, as provided in section 30 of this act: *Provided*, That this section shall not be so construed as to render any of the present councilmen ineligible to re-election at the election in 1886.

SAVING CLAUSE.

Section 105. The provisions of this act shall not affect or impair the validity of any ordinance or any act done, contract made, or tax or assessment assessed or levied prior to the time this act takes effect; but such acts, contracts, taxes and assessments shall remain valid and be in force and collected in the same manner as if this act had not been passed: *Provided*, That general municipal and road taxes for purposes authorized by sections 3, 4, 5, 6, 7, and 16, shall be collected in the manner herein provided. All the provisions of this act which are identical with previous enactments not heretofore expressly repealed, shall be construed as continuations of such previous enactments, and not as new enactments; and all the present incumbents of city officers, except assessor and councilmen, shall remain in their respective offices until the expiration of their present terms, and until their successors are elected and qualified, as herein provided, unless vacancies occur in the manner specified in this act.

ACTS REPEALED.

Section 106. All the provisions of the several acts enumerated in section 1 of this act, not contained and re-enacted herein, and all acts or parts of act in conflict with this act, are (except as provided in the preceding section) hereby repealed.

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

Approved February 4, 1886.

AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO INCORPORATE THE CITY OF WAITSBURG.

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

CHAPTER I.

SECTION 1. That the corporate limits of the city of Waitsburg, and the boundaries thereof, shall be as follows: Beginning at the northeast corner of section fourteen (14), township nine (9) north of range thirty-seven (37) east Willamette meridian, running thence north on the section line between sections eleven (11) and twelve (12) in said township, one hundred and sixty (160) rods: thence at right angles west four hundred (400) rods: thence at right angles south two hundred and forty (240) rods: thence at right angles east four hundred (400) rods: thence at right angles north eighty (80) rods, to the place of beginning.

CHAPTER II.

AS TO THE POWERS THEREOF.

SEC. 2. The inhabitants of the city of Waitsburg 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 Waitsburg", 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 and 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.

SEC. 3. The city of Waitsburg has power to assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one 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 municipal purposes shall not exceed in any one year one-half of one per centum on the property assessed: *Provided however*, That the above limitations shall not apply to local assessments in assessment districts.

SEC. 4. The city of Waitsburg shall have power to make regulations for prevention of accidents by fire. To organize and establish fire departments, and shall have control thereof, and ordain rules for the 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-tenth 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, of any building, or any addition to any building, unless the outer walls be made of brick, mortar and iron, or stone, mortar and iron and to provide for the removal of any building, or any addition erected contrary to such prohibition.

SEC. 5. The city of Waitsburg may regulate and provide as to the manner in which all lands and additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and when filed and the kind of monuments in all parts of the city, and place and manner of erection, and maintenance thereof, to prevent mistakes and confusion of boundaries, and may cause an official map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct; any all surveys made by the city surveyor whatever, at the instance and expense of the city or private parties, shall be official surveys, and a minute thereof shall be kept by the city surveyor as a part of his official records, and shall be *prima facie* evidence of their own correctness, and the city has power to enforce this by ordinance and to compel the establishment and maintenance of such monuments and to fine or imprison, or both, for violation thereof; and when the boun-

dary or existence of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 6. The city of Waitsburg has power to purchase or condemn and enter upon, and take any lands within 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 proper and legitimate municipal purpose, and to enclose, 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 fifteenth of one per cent. in any year. The city shall have entire control of 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 hereafter be dedicated to public use by any person or persons, and has power to regulate and improve the same, and in case such lands are deemed unsuitable or insufficient for the purpose 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 causes of said city and 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. 7. The said city of Waitsburg has power to provide for the lighting of streets, and furnishing the city with lights, and for the erection or construction of such works as may be necessary and convenient therefor; and has power to levy and collect, for these objects, a special tax not exceeding one-fifteenth of one per centum per annum upon the taxable property within the limits of the city for the benefit of such lights.

SEC. 8. The said city of Waitsburg shall have power to provide for clearing, opening, ornamenting, vacating, graveling, improving and repairing the streets, highways and alleys, to gutter the same, and to construct and repair sidewalks, and build bridges and to prevent the obstructing thereof, and to remove all obstruction therefrom, or from any cross or sidewalk; also to regulate cellarways and cellar lights, or sidewalks within the city, and to provide for clearing the streets, and to establish the grade thereof; also for con-

structing sewers, and cleaning and repairing the same, and have power to assess, levy and collect each year, a road poll tax of not less than two, nor more than four dollars, on every male inhabitant of the city, between the ages of twenty-one and fifty years, except actual and exempt members of the fire department, and except persons that are a public charge: also a special tax on property of not less than two, nor more than five mills on every dollar's worth of property within the city: which taxes shall be expended for the purpose specified in this section, and there shall not be levied or collected by the county of Walla Walla, or the officers thereof, any any road tax or road poll tax upon the property or inhabitants within the said city.

SEC. 9. The said city of Waitsburg shall have power to cause every person to keep his property, or the property he occupies or controls, and the adjacent streets and alleys clean, and free from all things dangerous to health, or offensive to the senses, or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings, to provide suitable means of exit, to abate all nuisances, and provide for public safety.

SEC. 10. The said city of Waitsburg is hereby authorized to grant the right to the streets of said city, for the purposes of laying gas and other pipes, intended to furnish the inhabitants of said city with light or water, to any persons, or association of persons, for a term not exceeding twenty-five years; and to authorize, or forbid the location and laying down of tracks for railways and street railways, telegraph and telephone appliances, on all streets, alleys and public places, but no railway track can be thus located and laid down until after the injury to streets, alleys and to property abutting upon the streets, 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 for private property, taken for public use by said city, in this act: *Provided always*, That none of the rights or privileges herein granted shall be exclusive, nor prevent the council from granting the same right to others.

SEC. 11. The said city of Waitsburg shall have power to erect and maintain water-works within or without the city limits, or to authorize the erection of the same, for the purpose of furnishing the city, or the inhabitants thereof, with a sufficient supply of water, and maintain and protect the same from injury, and the water from pollution, and its jurisdiction shall extend over the territory occupied by such works, and all reservoirs, streams, springs, trenches, pipes and drains used in, and neces-

sary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, within its corporate limits, above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect; but no water-works shall be erected by the city until two-thirds of the voters, who shall be those only who are freeholders in the city, or pay a property tax therein on not less than five hundred dollars worth of property, shall at a general or special election vote for the same. Such proposition shall be formulated and submitted not less than thirty days before such election.

SEC. 12. Said city of Waitsburg 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 shall have power to purchase or condemn water-works already erected or which may be erected and may mortgage or hypothecate the same to the persons from whom the same may be purchased, the payment of the purchase price thereof; said city shall have power to regulate and sell the water thus brought therein, and the moneys arising therefrom shall constitute a fund to be used to defray the expenses of operating the same, and to pay the purchase price thereof, and said city may levy and collect a special tax each year until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum: *Provided however*, No such tax shall be levied, or collected until the question has been submitted, as provided in section eleven (11) of this act, to electors as therein named, and two-thirds thereof at an election shall favor the same.

SEC. 13. The said city of Waitsburg shall have power to provide for, and by ordinance adopt such a system of sewerage as may be needed, but no moneys shall be expended for pipes, main or laterals, to be used therefor, until the system proposed, and the cost therefor has been ascertained and submitted for satisfaction or rejection to the qualified voters of said city: said voters to be qualified as prescribed in sections eleven (11) and twelve (12) of this act, at an annual or special election, and the expenditure thereof be authorized by two-thirds of such voters: *Provided*, That this section shall not prohibit construction of sewers under section eight (8) of this chapter.

SEC. 14. The said city of Waitsburg shall have power to make regulations to prevent the introduction and spread of contagious diseases in the city; to remove persons affected with such disease therefrom to suitable hospitals provided by the city for that purpose; and to provide for their support during their sickness only, and to provide that solvent persons

and their estate shall pay for the expense of keeping them in such hospital: *Provided, however,* That persons shall not be moved from their own house without their consent, but the city may quarantine any house wherein a contagious disease exists, or the whole city.

SEC. 15. The city of Waitsburg shall have power to make regulations, and pass ordinances preventing domestic animals from running at large within the city limits, and restrain, impound and forfeit such animals, and may sell the same when forfeited and apply the proceeds as it deems expedient; and in the case of dogs may cause them to be killed or sold when they are found running at large without license; and may also impose a license tax on dogs within the city.

SEC. 16. The said city of Waitsburg 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, bankers, brokers and pawnbrokers; to license, tax, regulate, prohibit and restrain drinking saloons and beershops and breweries or other places where intoxicating or other beverages are sold or disposed of in less quantities than one gallon: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirit or malt liquors for medical purposes only when prescribed by regular practicing physicians; to license, tax and regulate wash-houses, slaughter-houses, abattoirs, and to license and tax all hotels, livery stables, business houses and wholesale and retail establishments of every kind and description: *Provided further,* That no tax shall be imposed or license required for the sale in said city of any of the natural products of the country when sold by the producer: *Provided further,* That nothing herein shall be so construed as to conflict with any license or revenue laws of this territory: *Provided,* That said city shall not issue any license to sell spirituous, malt or vinous liquors for any less license fee than that provided by the general laws of the territory.

SEC. 17. That said city of Waitsburg has power to establish and maintain a day and night police, which shall consist of the marshal and such deputies, if any, as may be by ordinance provided, and to regulate the pay and duties thereof.

SEC. 18. The said city of Waitsburg shall have power to

prohibit, restrain and abate houses of ill-fame, gambling houses, opium smoking houses, and to confiscate the opium found therein, and to authorize the destruction of gaming devices, and opium smoking devices; to prohibit, restrain or abate disorderly houses; to regulate the transportation and keeping of gun-powder and other combustibles, and to provide magazines for the keeping thereof, and license and tax such keeping, and punish any violation of such regulation by fine, imprisonment or forfeiture of the gun-powder or combustible kept or transported contrary to such regulation: to regulate the speed and manner in which animals or vehicles of any kinds, including locomotives or cars, shall be driven or allowed to run through the streets of said city; to prevent riots, assaults, assaults and batteries or affrays, noisy or disorderly conduct, and assemblies within said city: and to prevent the maintenance of and abate anything which is annoying, offensive or unhealthy whatever its nature, and to prevent all other acts which are misdemeanors at common law, or by the statutes of the Territory of Washington, and may punish violations of this section as provided in section twenty-second (22) of this act.

SEC. 19. The said city of Waitsburg 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, and have full jurisdiction over all cemeteries belonging to the city, whether within or without the city limits and of the walks and ways leading from the city to such cemeteries, and power to regulate and improve and protect the same in all respects, and to punish by fine and imprisonment, as provided by section 22, of this act, any violation of ordinance in respect to the same.

SEC. 20. The said city of Waitsburg shall have power to establish and regulate markets, to provide for the measuring or weighing of hay, coal, wood or any other article.

SEC. 21. The said city of Waitsburg shall have power to protect that city and the inhabitants thereof, from the floods of the Touchet river and other streams, and to that end may prescribe the width between the banks, prevent obstructions therein and cause the same to be removed therefrom; prescribe the place where embankments shall be made and the nature thereof, and prescribe the duties of the owners of the abutting land, or shore of said river, or streams as to putting in and maintaining protections against the overflow or washing thereof; and in case said duty is not performed the city may construct such protection wholly at the expense of the city, or at the expense of said owners of abutting property to the extent of ten per

cent. of the assessed value of said abutting property, and abutting property is all property within seventy-five feet of said river or streams.

SEC. 22. The said city of Waitsburg shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city, by a fine, not exceeding three hundred dollars, and costs, or by imprisonment, not exceeding thirty days, or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall have power to imprison, not to exceed one day for every two dollars, and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment; and any person while imprisoned as aforesaid may be compelled to work during the time he is so imprisoned at such hard labor as the city marshal may direct.

SEC. 23. The said city of Waitsburg shall have power to determine and prescribe the amounts which abutting property shall pay for any improvements in this charter mentioned to the extent of ten per cent. of the value of said property; which amounts are hereby denominated a special tax.

SEC. 24. The said city of Waitsburg shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other powers and privileges, not here specifically enumerated as are incident to municipal corporations.

CHAPTER VI.

LIMITATIONS OF THE POWERS OF THE CITY.

SEC. 25. The city of Waitsburg shall pass no ordinance which shall conflict with the constitution of the United States, the organic act, or the legislative acts of Territory of Washington.

SEC. 26. The said city of Waitsburg shall pass no ordinance providing a fine or penalty exceeding three hundred dollars, or imprisonment exceeding thirty days, or such fine and imprisonment.

SEC. 27. The said city of Waitsburg shall pass no ordinance imposing a greater penalty for nonpayment of tax than

is provided as a penalty therefor by the laws of the Territory of Washington.

SEC. 28. No ordinance or resolution of said city of Waitsburg shall be in force unless it is passed and engrossed and approved as provided in this act.

CHAPTER IV.

THE COUNCIL--ITS ORGANIZATION AND MANNER OF ACTION.

SEC. 29. The mayor and five councilmen elected according to the provisions of this act are denominated, "The council of Waitsburg," and each member shall qualify and take his seat as soon as he receives the certificate of election and hold his office until his successor is elected and qualified.

SEC. 30. When the mayor, or acting mayor, is absent from a meeting the councilmen may elect one of their number to act as president of the council. When the mayor, or acting mayor is present, he shall act as president, and in case of a tie vote only may cast the deciding vote.

SEC. 31. The council shall also elect a city clerk, who shall be present at all its meetings, and if he is absent the council may elect a clerk *pro tem.* to perform his duties thereat; said clerk shall be subject to the orders of the council, and shall keep a correct record of the proceedings of the council in a well bound book, and safely keep all books and papers entrusted to him by the council, and perform such other duties as are provided by this act, or as may be provided by ordinance.

SEC. 32. The council may provide by ordinance who shall act as sergeant-at-arms of said body, and for his powers and duties and may empower and remove him at pleasure.

SEC. 33. A majority of councilmen elect shall when met in pursuance to ordinance be deemed a quorum to do any business, but a less number may meet and adjourn or compel the presence of other members, and a majority of the quorum is sufficient to pass any measure except an ordinance for taxation or general appropriation of money.

SEC. 34. The meetings of the council shall be at such place and time, and shall be called together in such manner, as may be provided by ordinance.

CHAPTER V.

POWER OF THE COUNCIL

SEC. 35. The council of Waitsburg is hereby invested with all legislative power necessary to provide for the enforcement of each and every power granted to the city of Waitsburg by this act, and to that end it has plenary power in all respects to as full an extent as the legislative power of the territory of Washington, save and except wherein the power of the city is limited by the provisions of this act.

SEC. 36. The said body has also such executive and administrative power as is not expressly conferred upon other officers by this act, or as shall be provided by ordinance.

SEC. 37. When a mode of action is prescribed in this act proceedings shall conform to such mode as nearly as practicable: but in case that any step is omitted to make such mode effectual it may be supplied by ordinance, and where no mode is prescribed by this act the council may adopt such mode as it may deem proper.

CHAPTER VI.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 38. The mayor of the city of Waitsburg, in addition to his powers and duties as part of the body known as "the council of Waitsburg," shall have power to veto all ordinances or resolutions passed by said council in the manner provided by this act.

SEC. 39. He shall have power to commute the sentence of any person convicted of a breach of ordinance.

SEC. 40. He shall be chief executive officer of the city of Waitsburg.

SEC. 41. He shall have power to suspend all officers and agents of the city from power until the next meeting of the council for any cause he may deem just, and appoint a person to act in the mean time in the place of the person so suspended: *Provided*, He shall not suspend any officer or agent of the city but once during a fiscal year, and he shall be responsible personally for the damage done to the person suspended in a civil action, unless the council shall approve the suspension.

SEC. 42. He shall carefully examine each bond and contract to which the city is a party and see that it is in proper form

and has security according to the provisions of law or ordinance.

SEC. 43. He shall countersign all warrants drawn in pursuance of ordinance whether he approved the same or not and shall not be responsible to any party for so doing; if the ordinance authorizing the warrant is declared illegal and his refusal to so sign shall be sufficient cause for the council to remove him from office, and fill the vacancy.

SEC. 44. He shall perform such other and further duties as may be prescribed by ordinance.

CHAPTER VII.

THE CITY TREASURER, HIS POWERS AND DUTIES.

SEC. 45. The treasurer of the city of Waitsburg shall keep his office in the city limits. He shall receive and safely keep all moneys of the city, including all city taxes. He shall be receiver of all city taxes, and during the time the tax roll is in his hands he shall keep his office open at all reasonable hours for the receipt of taxes, and when paid shall receipt therefor, and when it is made evident to him by affidavits that a person has been charged for taxes which he is not legally bound to pay, he shall receive such affidavits and report the same with his recommendation to the council for its action, and in case he shall be informed that any property has not been assessed for the fiscal year, or is assessed to the wrong person, he shall have power to, and shall assess the same, and add the proper assessment to the assessment roll, and notify the person assessed, if in the city, and if not, by publication in a weekly newspaper of general circulation published in said city if there be one, and if not, in one published in the county of Walla Walla and Territory of Washington, nearest to the said city for the period of fourteen days, and that fifteen days after the date of the first publication of said notice, or after the date of giving personal notice, the tax thereon shall be due and collectable as other delinquent taxes, and he shall so enter the same upon the assessment roll.

SEC. 46. The treasurer shall, when money is paid for licenses, give a receipt to the person paying the same, showing the amount received, and the purpose for which it is received. He shall pay out no city moneys, except on a warrant properly drawn upon him.

SEC. 47. He shall keep an account of all moneys received for taxes, from licenses and from fines separately, which money shall go into the general fund; and also keep an account of the warrants drawn and presented thereon; and an

account of the disbursements therefrom in separate items, showing to whom each payment is made, and the date and amount of payment. He shall also keep the warrants upon which payment is made. He shall keep an account of the road tax and poll tax receipts and disbursements in a separate account substantially as aforesaid, and when any tax is levied for any special purpose, he shall keep an account of the receipts and disbursements in the same manner.

SEC. 48. The treasurer shall, at least one week before the first meeting of the council in December, make out his report showing the condition of each fund and file it with the city clerk for him to examine and compare with his works, and place before the council at its said meeting.

SEC. 49. The treasurer's books shall at all reasonable times be open to the inspection of each officer and agent of the city.

SEC. 50. The treasurer, before entering upon his duties, shall file such bond and security for the faithful performance of his duties as shall by ordinance be prescribed, and approved by the mayor and council, and that body may require additional bond and security, whenever it deems proper, and unless such additional bond and security be filed in such time as an ordinance may provide, his office shall be forfeit[ed] and vacant, and the mayor, assisted by the police force, may seize all his official books and papers forthwith, breaking open any door, box or safe and enter upon and into any place or premise necessary as for that purpose.

SEC. 51. In case the treasurer should die, become insane, convert to his own use any city money, be convicted of any crime, abscond from the city, or be absent from the city more than twenty days without leave, the mayor and council may declare the office vacant, and the mayor as aforesaid, shall immediately seize and keep all moneys, books and papers of the office and deliver the same to said treasurer's successor in office, who shall be immediately appointed by the council, and shall be subject to all the conditions and qualifications and shall have the same power as his predecessor, and may be removed for the same cause.

CHAPTER VIII.

CITY CLERK - HIS POWERS AND DUTIES.

SEC. 52. The clerk of the city of Waitsburg, in addition

to his powers and duties as clerk of the council, shall receive and present to the council for its action all claims against the city, and when a claim is allowed and ordered paid, and then only, he shall draw a warrant on the city treasurer therefor, according to the order of the council.

SEC. 53. The clerk shall number each warrant issued in its order, specify the name of the payer and the fund out of which it shall be paid therein.

SEC. 54. The clerk shall sign the warrant and present it to the mayor for his signature, and thereupon the mayor must sign the same, whether he approves of the same or not, on pain of amotion from office.

SEC. 55. The clerk shall keep, in a well bound book, an account of each warrant drawn by him, with date, number, amount and name of payer.

SEC. 56. The clerk shall issue all licenses upon receipts from the city treasurer of the payment therefor, and he shall keep said receipts as his vouchers for issuance of licenses, and he shall keep an account of each license issued in a well bound book.

SEC. 57. The clerk shall compare the annual account of the treasurer, when the same shall have been filed with him, with his account and annex his report of the result of the comparisons between his and the treasurer's accounts to the account of the treasurer, and read the same at the first meeting of the council in December, or at such other session of the council as may be fixed by ordinance.

SEC. 58. The clerk, when the council shall have fixed the sum to be raised by taxation, shall, as soon as possible, deliver blank assessment rolls, detail lists, poll tax and road poll tax receipts to the assessor, and charge the assessor with such receipts.

SEC. 59. The clerk shall, when the assessor returns to him the road tax or road poll tax receipts, credit the assessor with the kind, number and amount thus returned.

SEC. 60. The clerk shall, when the assessor returns the assessment roll and detail lists, apportion the amount to be raised among the persons assessed in accordance with the assessment roll and detail list according to value, and place the sum assessed to each person opposite the person's name.

SEC. 61. The clerk, when he has thus prepared the assessment roll, shall give ten days' notice to the taxpayers of when he will present the same to the council, which notice shall be sufficient, if posted in three public places in the

city, or published in a newspaper printed and published therein, and the proof of the said posting or publication shall be the certificate of the clerk that it has been done.

SEC. 62. The clerk shall, at the time specified in said notice, place the detailed lists and the assessment roll, as completed by him, and said notice to tax payers before the council, and shall mark on said assessment roll all changes ordered made by the council, when the president of the council shall mark them approved by the council, and sign the same.

SEC. 63. The clerk shall have power to administer oaths, and on an application to change the assessment roll, shall swear the witnesses who are present for that purpose, and when any person shall claim that property is wrongfully assessed to him, the clerk shall refer to the detail list of said person's property, if he has the same, and annex thereto the oath of the person who claims that it is incorrect, and in case no detail list has been made by the tax payer, the clerk shall have a blank detail list, which shall be filled up and sworn to by any person applying for a correction or reduction of his assessment, and such proceedings shall be had that the council shall hear and determine all questions concerning assessments, and make the assessment roll conform to the true levy of taxes on all property which then comes to its knowledge, according to the value thereof.

SEC. 64. The clerk shall, when the council has passed upon the assessment roll, preserve the detail lists, and turn over the corrected assessment roll to the city treasurer for the reception of taxes, and at the same time deliver to the said treasurer blank poll tax and road poll tax receipts, and charge him therefor.

SEC. 65. The clerk shall, when the time has transpired for the city treasurer to receive taxes, and when the treasurer has turned over to the clerk the assessment roll, make out a list of the tax payers whose taxes are delinquent, and the amount each is delinquent, and attach it to the assessment roll, and deliver a copy of the assessment roll and delinquent list certified by him to be such, to the tax collector, with blank poll tax and road tax receipts, and charge such receipts to the tax collector.

SEC. 66. The clerk, when the tax collector makes his return, shall, in accordance therewith, make a duplicate list of all tax sales of real property, and keep one list himself, and certify another to the auditor of the county of Walla Walla, who shall record the same as of records of deeds, and such record shall be notice to all the world that sales have been duly made, as therein appears.

SEC. 67. The clerk, when the tax collector makes return that a tax is still delinquent, shall make a list thereof, and keep the same in his office; and at the next annual city election, shall furnish the boards of election with a certified copy thereof, and shall charge the tax collector with all the taxes which he returns as having been by him collected, and credit him with all which he shows by receipts he has paid to the city treasurer.

CHAPTER IX.

CITY ASSESSOR, HIS POWERS AND DUTIES.

SEC. 68. The assessor of the city of Waitsburg shall be the collector of poll taxes and road poll taxes, while he is assessing property within the city, and shall have all the powers and duties thereof.

SEC. 69. The assessor shall receive the blank assessment roll, and detail list and blank poll tax and road poll tax receipts, at the time prescribed by ordinance, and proceed, continue and perform the said duties of assessor and tax collector, and make due returns at such time as may be fixed by ordinance.

SEC. 70. The assessor shall cause every taxable person whom he can find in the city, to fill out a detail list of his property taxable by the city, and verify the same on oath which he shall present to him, or her, or the agent of property, when the owner cannot be found and the agent can, an executor, administrator, or other officer, shall swear to a detail list of such property, as is in his or her hands as such executor, administrator, or officer, and in case he can find no person to verify the detail list, he shall fill out the same and certify it is correct to the best of his knowledge.

SEC. 71. The assessor shall have the power and right to administer oaths to detail lists, and may cross-examine any tax payer as to his property and its ownership, when he thinks proper. He shall number each detail list and place the number opposite the name of the person assessed on his assessment roll.

SEC. 72. The assessor shall return the said detail lists, so numbered, and the assessment roll, with the names of each taxpayer opposite the number of the detail list, to the city clerk, at such time as required by ordinance; when he is of the opinion that a detail list is incorrect he shall state his reasons therefor in

writing, and attach it to the detail list, and make due return of all according to ordinance.

SEC. 73. The assessor shall assess each inhabitant of the city with all the personal property owned by him at the time the assessment roll came into his hands, and when personal property is situated in the city for permanent use, or for sale, he shall also assess the same to the owner and person in possession jointly; and when it is so situated, and in possession of an executor, administrator, sheriff, or other officer or trustee, it shall be assessed to such possessor.

SEC. 74. The assessor shall assess all real property situated in the city, when unincumbered, to the owner thereof, if held in severalty, and if held jointly, or as tenants in common, he shall assess to those owning jointly: in case less than a freehold is owned, he shall assess the estate held by each person. Community property shall be assessed to husband and wife jointly. The separate property of each married person shall be assessed to each. In case of mortgage or lien the property shall be assessed jointly against all parties having an interest therein, if held by an executor or administrator, sheriff or trustee it shall be assessed against them, and a detail list verified by any one person interested as aforesaid shall be sufficient.

SEC. 75. The assessor, when he has reason to believe that personal property liable to assessment, is about to be removed from the city may seize and hold the same until reasonable security is given to secure the tax levy thereon, or until after the regular tax collector enters upon his duties, then deliver the same to him.

SEC. 76. The assessor, in collecting poll tax or road poll taxes, may do and perform any and all acts which the regular tax collector may do when the taxes are in his hands for collection.

SEC. 77. If any person refuse, or after demand, fail to give a verified detail list of property to the assessor as in this chapter provided, such person for every such act shall be liable to a fine not exceeding three hundred dollars for every such offense when convicted before any justice of the peace thereof.

SEC. 78. Property within the meaning of this act is anything corporal or incorporeal which is capable of being sold for value at any place, and includes choses in action, debts, liens, pledges, mortgages, franchises, stocks in companies and corporations; and the detail list must embrace all of these things, and their value.

SEC. 79. All private property shall be assessed, but so

much property as is necessary for the actual use of a family, and all wearing apparel of each person, and family libraries and keep-sakes, all school houses and school books, all public libraries, all church property may be by ordinance exempted from taxation; and all property of the United States, the Territory of Washington, and of the counties and school districts therein, and of the city of Waitsburg, shall be exempt from taxation or assessment.

CHAPTER X.

CITY TAX COLLECTOR—HIS POWERS AND DUTIES.

SEC. 80. The tax collector of the city of Waitsburg, when he shall receive the assessment roll and blank receipts for poll and road poll taxes from the city clerk, shall have the power, and it shall be his duty, to collect all delinquent taxes due the city, and the assessment roll shall be sufficient warrant and authority for him to do so, by distress and sale of property, in all respects as the county sheriffs in the Territory of Washington can by law do in collecting delinquent county taxes.

SEC. 81. The tax collector, in levying upon and distraining property for city taxes, shall be governed by the same rules as the county sheriffs in the Territory of Washington are governed in levying upon and distraining property for county taxes: and in addition thereto, has power to levy a distress upon the property of any debtor of any delinquent tax payer, not exceeding the amount of the tax, and the debt due.

SEC. 82. The tax collector shall have power, in case he shall find that property has escaped proper assessment by the assessor and treasurer, to, and he shall assess the same property, and add the assessment to the assessment roll.

SEC. 83. The tax collector, in collecting poll tax or road poll tax, must use only the receipts which have been delivered and charged to him by the clerk.

SEC. 84. The tax collector, in case he finds that any person whose name is on the delinquent list has a receipt for his said taxes, shall not proceed further towards the collection of the same, but shall take up said receipt and return it with the tax roll and give said person his receipt in lieu thereof, specifying it as so given.

SEC. 85. The tax collector, in making sale of property levied upon for taxes, shall follow the same rules as govern the county sheriffs under the laws of the Territory of Washington, in the sale of property for taxes, as to the mode of giving notice

and manner of sale; but the place of sale shall be in the city, and the time may be fixed by ordinance.

SEC. 86. Property sold for city taxes may be bid in by the city, but the real property so sold shall be subject to assessment and tax as before until the time of redemption is past.

SEC. 87. When personal property has been distrained for taxes, no more thereof shall be sold than is sufficient to pay the tax, penalty and costs of sale.

SEC. 88. Sales of personal property for taxes shall convey to the purchaser at the time of sale all the title which the person owing the tax had at the time of the levy.

SEC. 89. The sales of real property shall convey all the title which the tax payer had to the property at the time the assessment was made, subject to the conditions subsequent that the owner of the property shall pay the amount bid on the sale, with interest thereon at the rate of two per cent. per month from date of sale to date of payment, on or before two years from the date of sale, and if the same is not paid then the title of the purchaser shall become absolute.

SEC. 90. In case the real property sold for taxes has been mortgaged such sale shall convey all the title of the mortgagor and mortgagee, subject to redemption as aforesaid by either or both.

SEC. 91. When land sold for taxes is redeemed as aforesaid the person redeeming shall be entitled to the certificate of sale, and if he file the same with the county auditor of Walla Walla county, with his oath attached that he has redeemed the same, then the auditor shall record the same, and such record shall be notice to all the world that the redemption is made and the tax sale becomes void.

SEC. 92. The tax collector, at the time he shall make his return of assessment roll, shall certify that he has used due diligence to collect the taxes due thereon, and all poll and road poll taxes due the city, and shall also certify to each sale of real property that he has made, and to what persons, and at what price and as to any tax, still delinquent, he shall certify to the facts which disabled him from collecting the same; and he shall further certify that he has given such receipt as the city clerk delivered to him in blank, and charged him with, for all poll tax and road poll tax collected by him, and return to the clerk the blank receipts not used by him, and if he does not do so, to state in writing, under oath why he does not.

CHAPTER XI.

ASSESSMENT AND TAXES—GENERAL PROVISIONS.

SEC. 93. The rule for the assessment, levy and collection of taxes, shall be as provided in the provisions of this act as to assessor, clerk, treasurer, tax collector and council on that subject, but the council may modify, change or ordain different rules, or supplement said rules by ordinance.

SEC. 94. The time and place when any act is to be performed, and the duties of all officers as to assessments and taxes, may be as prescribed by ordinances.

SEC. 95. Officers and agents for the collection of taxes may be created by ordinance, and they shall qualify as ordinances provide; and all offices may be filled by the council, except city treasurer.

SEC. 96. Land may be assessed and taxed separate from the improvements thereon.

SEC. 97. The city may elect to bring a civil action for the recovery of any tax, and may attach and garnishee and cause debtors of tax payers to appear and answer, as in other civil actions, and a judgment therefor shall have the same effect and execution issue thereon, in the same manner, as in other civil actions.

SEC. 98. In actions for the recovery of city tax, it shall be sufficient to state in the complaint the amount due from the tax payer for the taxes in a certain fiscal year, and evidence that the tax payer owned property taxable during that year, shall be sufficient for the court to enter judgment for the amount of taxes which would be due, according to the assessment and tax levy of that year, on other property, and no plea of want of assessment or defective assessment or return or omissions of any officer or body to perform its duty, shall be a defence and no evidence shall be admitted of the truth of such plea.

SEC. 99. A civil action may be brought as aforesaid when it has not been discovered that property taxable has not been properly given in, and hence the assessment has not been sufficient, or when by act of the tax payer the valuation has been too low.

SEC. 100. In such action either party may summon witnesses and examine them as in other cases as to any fact

which shows what the tax sued for ought to be according to the rates that other tax payers paid.

SEC. 101. In case a party has not had notice that he owed a tax until action has been commenced, and he shall pay into court before trial the amount he justly owes, no costs shall be taxed against him, and in case he has had notice thereof and makes payment to the justice of the peace, before whom such action is pending, of what tax he owes, no costs accruing after said payment shall be taxed against him, and he may recover from the city all costs and disbursements which accrue to him after such payment.

CHAPTER XII.

CITY ELECTORS, WHO ARE.

SEC. 102. All inhabitants of the city of Waitsburg who are electors under territorial laws, and who have resided in the city thirty days next preceding the election, and have paid a city tax if such tax, either poll or property, has been assessed against him or her for the fiscal year preceding, are electors of said city.

CHAPTER XIII.

CITY ELECTION.

SEC. 103. An election for mayor, councilman and treasurer of the city of Waitsburg shall be held annually in the city of Waitsburg, on the first Monday of April of each year: *Provided however,* That if from any cause said election is not held at the time aforesaid, or if some illegality is found to have existed by which such election is made unlawful and invalid, then the council shall call another election forthwith, upon giving notice as provided in Section 105 of this chapter.

SEC. 104. The election shall be by ballot, at such place or places in said city as may be designated by ordinance, or if for any reason an ordinance does not designate a place where the polls can be or are to be held, then the mayor, for the time being, shall designate the place or places thereof.

SEC. 105. At the time the council or mayor designates the place for holding the polls, or as soon thereafter as possible, the clerk shall issue a notice directed to all electors of the city, of the time of election and place of holding the polls, and said notice

shall be published not less than ten days prior to, and immediately preceding the election, said publication may be made by posting the said notice at the door of the house where the council is held and on the bridge across the Touchet river, in the city, and at the door of one of the justices' of the peace office, of the city, or it may be published in any newspaper printed in the city.

SEC. 106. The officers of the polls shall consist of one clerk and two judges, constituting a board of election, a majority of which shall decide all questions which arise at the election, and they shall receive all ballots offered by legal electors and deposit the same in a box securely locked and with an aperture only sufficiently large to admit a ballot, and the clerk shall keep said box securely locked and fastened as aforesaid, until after the election, when it shall be opened in the presence of the said board, for the purpose of counting the votes.

SEC. 107. As soon as the election is closed, the clerk and judges must proceed to count the votes and tally as is provided by the election laws of the Territory of Washington.

SEC. 108. After the ballots have been counted and tallied, as aforesaid, the clerk shall return the ballots into a secure box, and seal the same in the presence of the judges and return the ballots and box, so sealed, to the city clerk, who shall keep the same as thus sealed for six months, only to be opened and used in case of election contests. At the end of which time, in presence of the mayor, the clerk may break the seal, open the box, and must burn the ballots without any persons inspecting the same.

SEC. 109. The clerk and judges of election as soon as they have made the tally-list, shall affix their affidavit thereto, to the effect that the same shows the true number of votes cast for each candidate.

SEC. 110. The clerk of the election shall immediately enclose and seal said verified tally-list and deliver it to the city clerk, who shall keep the same sealed, as aforesaid, until the time it shall be opened at the meeting of the mayor and council for the purpose of determining who has been elected.

SEC. 111. At the first regular meeting of the council after an election, the tally-list, as returned by the board of election, shall be opened, and the mayor and council shall determine therefrom who has the greatest number of votes for each office, and after determining the same shall declare such person duly elected thereto, and the mayor and council, in determining who has been elected, shall disregard all defects and omissions of officers and returns which do not

effect the truth of the vote as cast, and decide as to who was in fact duly elected, and their judgment is conclusive; and in case the returns and lists are so defective that the truth cannot be ascertained therefrom, they shall certify that fact and the whole matter to a justice of the peace of said city, who shall summon the members of the election board to appear before him to make the count and return definite and certain, so the true vote may be ascertained, and the justice shall enforce the appearance of said board by attachment in case of failure to appear upon summons. All candidates claiming to have been elected, shall be notified to appear on the return day of the summons, and if the members of the board of election can correct the list so as to make it show truly the facts of who was elected, they shall do so in the presence of the justice of the peace, and the justice shall enter the result on his docket, which entry shall be evidence of the facts of who was elected; but in case it can not be ascertained from the tally sheets, as corrected, who was elected, then the justice of the peace shall summons the city clerk to produce the box containing the ballots, which the justice shall cause to be opened and the ballots recounted in his presence, by himself and two assistants, whom he shall call and swear to faithfully assist him; and the justice, after making said examination and counting, and hearing all evidence offered, shall enter a judgment as to which persons were duly elected, and such judgment shall be conclusive.

• SEC. 112. In case of a tie vote for any office the mayor and council shall elect one of the persons who has even votes with another or others; a plurality of the council being sufficient to elect, and in case of a tie vote in the council, the mayor to cast the deciding vote.

SEC. 113. When the council shall declare the result of the election, the city clerk shall forthwith issue a certificate of election to the person or persons elected, and when a justice of the peace shall declare the result of an election, as in this act provided, he shall forthwith furnish to the person or persons elected a certified copy of the judgment therein, which certificate or judgment shall be authority to the person receiving the same to qualify and enter upon his duties, and the officers elected shall take their offices on the second Monday of April of each year, and at noon of said day, unless they fail to receive their authority as aforesaid, and if any officer elect shall fail to qualify and enter into his duties within ten days after his authority is offered to him, he shall forfeit his office, which shall be immediately filled

by appointment by the council, and the manner of qualifying shall be as by ordinance provided.

SEC. 114. The mayor and council may pass ordinances to supply any defect in or failure of elections, or the returns thereof, or make them valid, and in fact cause a fair and honest election of mayor, councilman and treasurer annually, and as near the time mentioned herein as is practicable.

CHAPTER XIV.

JUDICIAL DEPARTMENT.

SEC. 115. Each justice of the peace holding court within the city, in addition to his jurisdiction and powers conferred by statutes under territorial laws, shall have jurisdiction and power to the same extent, and exercised in the same manner, as to all breaches of city ordinance, and the acquittal or conviction of a person of a breach of ordinance, which breach is founded upon the same facts as those which constitute a misdemeanor under the territorial statutes, may be pleaded in bar to a prosecution therefor under the statute and laws.

SEC. 116. The justice of the peace shall perform his ministerial duties as to ordinances according to the provisions thereof.

SEC. 117. The judgments and proceedings of the said justice of the peace may be reviewed in the same manner as in territorial cases.

CHAPTER XV.

POLICE DEPARTMENT.

SEC. 118. The police force of the city of Waitsburg shall be as provided by ordinance, and each policeman shall be *ex officio* constable, and have all the powers which the statutes of the territory give constables, and similar powers as to offences against ordinances, and in exercising said powers shall be governed by the same rules in making arrests, complaints, imprisonments and performing other duties under city ordinances as constables are governed by in performing similar acts and duties under territorial statutes.

SEC. 119. The jurisdiction and power of police officers shall extend to all places within ten miles of the city of Waitsburg, as well as within the city.

SEC. 120. Policemen shall perform such duties as may be prescribed by ordinance.

CHAPTER XVI.

AMOTION FROM AND VACANCIES IN OFFICE.

SEC. 121. The term of office of the mayor, councilmen and treasurer shall continue for the period of one year after election and until their successors are elected and qualified, unless four-fifths of the council declare the same vacant, and such declaration shall be conclusive as to the vacancy, and shall not be questioned in any court as to the right to the office, but if any member vote to remove such officer and create a vacancy on malicious and willful grounds alone, he shall forfeit to the party aggrieved one hundred dollars, to be recovered in a civil action.

SEC. 122. When any of said offices from any cause shall become vacant the councilmen remaining in office shall fill the vacancy.

SEC. 123. All other officers and agents of the city of Waitsburg shall be created and governed by ordinance, and may be suspended and removed, and vacancies filled as in this act, or by ordinance prescribed, but no term shall exist in such office or agent which may not be suspended, vacated and filled at the will of the council.

CHAPTER XVII.

ORDINANCES.

SEC. 123 [124]. Each ordinance of the city of Waitsburg shall embrace one general subject only, and that must be embraced in its title, and each ordinance must be numbered in its order.

SEC. 124 [125]. The enacting clause of each ordinance shall be, "Be it ordained by the City of Waitsburg," and each resolution, "Be it Resolved by the City of Waitsburg."

SEC. 125 [126]. Each ordinance shall have its sections numbered.

SEC. 126 [127]. In repealing an ordinance it shall be sufficient to refer to the same by number, and in repealing a section to refer to the number of the ordinance and section, and not less than a section shall be repealed.

SEC. 127 [128]. When an ordinance or resolution has passed the council, it shall be engrossed in a well bound book kept for that purpose and signed by the clerk, and in case the mayor approves the same, he shall sign the same as engrossed; if he vetoes the same, he shall mark the word "vetoed," adding the date thereof above his signature.

SEC. 128 [129]. In case an ordinance is vetoed the clerk shall present the engrossed copy to the council at its next regular meeting, and the mayor shall, at said meeting, submit his objections to said ordinance in writing, and the council shall cause the same to be entered in the journal, and shall proceed to reconsider the passage of said ordinance, and if, after such reconsideration, four-fifths of the members of the council shall agree to pass the same, it shall become a law, and the clerk shall note on the ordinance "veto not sustained." But if four-fifths of the members do not, after reconsideration, agree to pass the same, than it shall not become a law, and the clerk shall note on the ordinance "veto sustained," which notes shall be subscribed by the clerk with the date of endorsement, and the council shall vote as aforesaid by yeas and nays: *Provided*, That if the above proceedings are not had in the time above mentioned, they may be consummated at any time within three months from the date of the passage of the ordinance, but not thereafter.

SEC. 129 [130]. An ordinance or resolution shall be in force from the time the engrossed ordinance in the book is signed by the clerk and mayor, if the same has not been vetoed, if vetoed, from the time the clerk shall note on the margin, "veto not sustained," as aforesaid.

SEC. 130 [131]. The clerk shall keep an index to the ordinance book, which shall show each particular subject legislated upon, and the page upon which the same is to be found, and the same shall be open at all reasonable times to the inspection of all electors.

SEC. 131 [132]. When a petition or other preliminary is requisite to the validity of an ordinance, the date, passage and engrossing of the ordinance shall be *prima facie* proof that the proper petition or preliminary steps were taken for six months after the passage of the ordinance, and after that time conclusive proof thereof.

SEC. 132 [133]. The engrossed ordinance or a copy thereof, certified to be a correct copy by the clerk, under the seal of the city, shall be received as conclusive proof of the

contents of the ordinance, and of its due passage by all courts; and the courts within the city shall take judicial knowledge of an ordinance without formal proof.

SEC. 133 [134]. In a prosecution for a breach of ordinance it shall be sufficient to plead the facts constituting the breach, and refer to the number of the ordinance violated.

CHAPTER XVIII.

MISCELLANEOUS PROVISIONS.

SEC 134 [135]. In appropriating private property to public use the mode of procedure shall be as provided by ordinance, but the ordinance must provide that a just compensation shall be paid, and that in the first instance disinterested viewers shall determine and report the amount of compensation, and any party who is interested may, by appeal, have the facts as to compensation tried anew and judgment entered, as in other civil actions. Costs to be recovered by the appealing party only in the event of his recovering a verdict more favorable to him than the award.

SEC. 135 [136]. The improvement of streets, sidewalks, sewers and bridges, when not made from the proceeds of the general fund, or road fund of the city, shall be made upon assessment of the land abutting the improvement exclusive of improvements on the land, save and except in cases where the improvement of the street has been voluntarily made by owners of abutting property, on each side of the property of some one person when the city may notify the person to make improvements, abutting his property, equal to, and to correspond with the improvements opposite said adjoining property, and unless such person shall comply with such notice the city may make the improvements and recover the costs thereof, from the abutting proprietor.

SEC. 136 [137]. All words used in this act denoting sex shall be construed to include either the masculine, feminine or neuter gender in order to make the same applicable to all persons, natural or artificial, and words singular or plural shall indicate either according to the subject matter to which they are applied, and the word streets shall include all ways of every description.

SEC. 137 [138]. The appointment and motion of officers shall be deemed a part of the legislative power of the council of Waitsburg, over the officers of the city of Waitsburg, and of its organization, and the council shall create, by ordinance, such

offices not herein mentioned, as may be necessary to carry out the provisions of this act, and regulate the powers, duties and pay thereof, and shall, at such time as shall be provided by ordinance, elect by vote of the council, persons to fill all the offices of said city, save those elected at the annual election, as in this act provided, and the council shall have the power to elect the county surveyor of the county of Walla Walla city surveyor of the city of Waitsburg, notwithstanding any thing in this act contained to the contrary.

SEC. 138 [139]. This act shall not be strictly construed as in derogation of the common law, but shall be liberally construed so as to make every grant of power effective according to the intent of this act.

SEC. 139 [140]. This act shall continue the existence of the city of Waitsburg, leave in force all the acts done under the former charter, and all the ordinances of said city until repealed, and shall continue in office all the officers of said city until the officers elected at the next annual election shall qualify and enter into office.

SEC. 140 [141]. After this act goes into effect the powers of the city of Waitsburg, and of the officers thereof, shall be as this act provides. The city treasurer for the first year holding his office by appointment from the council, after that time by election as herein provided, and the first annual election shall be held under the preceding charter, and the officers elected thereat, hold their offices for the terms therein defined.

SEC. 141 [142]. The fiscal year of the city of Waitsburg under this act shall commence on the first day of June and end on the last day of May in each year.

SEC. 142 [143]. Whenever any addition to said city shall be platted and recorded in the office of the county auditor of Walla Walla county as required by law, then and in that case, the city of Waitsburg shall have power by ordinance to include such addition within the corporate limits thereof: *Provided, always,* That such addition is joined to the already established boundaries of said city.

SEC. 143 [144]. The limit of indebtedness of the city of Waitsburg is hereby fixed at one thousand dollars.

SEC. 144 [145]. All acts and parts of acts relating to the incorporation of the city of Waitsburg, and not herein reserved and continued, are hereby repealed.

SEC. 145 [146]. This act to take effect from and after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF SPOKANE FALLS, APPROVED NOVEMBER 28, 1883."

Be it enacted by the Legislative Assembly of the Territory of Washington: That the act of the Legislative assembly of the Territory of Washington approved November 28, 1883, entitled "an act to amend an act to incorporate the city of Spokane Falls" be and the same is amended to read as follows, to wit:

CHAPTER I.

THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. The city of Spokane Falls shall include within its limits the following lands, premises and territory, to wit: Commencing at the northeast corner of section eighteen, in township twenty-five north, range forty-three east, running thence west one and a half miles; thence south two miles; thence east two miles; thence north two miles; thence west one-half mile to place of beginning; all situated, lying and being in the county of Spokane, Territory of Washington.

SEC. 2. The inhabitants of the city of Spokane Falls 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 Spokane Falls," and by that name shall have perpetual succession and may sue and be sued, plead and be impleaded, defend and be defended in all courts of justice; contract and be contracted with, acquire, hold and sell and convey property real, personal and mixed, and have and use a common seal, and amend and alter the same at pleasure. The said city is hereby divided into four wards: All that portion of the city lying east of Howard street, and south of Riverside avenue shall be in the first ward; and all that portion of the city lying north of Riverside avenue and east Howard street, shall be in the second ward; all that portion of the city lying west of Howard street and north of Riverside avenue shall be the third ward; all that

portion of the city lying west of Howard street and south of of Riverside avenue shall be the fourth ward.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Spokane Falls has power to assess, levy and collect taxes for general municipal purposes not to exceed one-half of one 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 municipal purposes, exclusive of assessments for improvements as hereinafter provided in section seven, shall not in any one year exceed one and one-half per centum on the property assessed.

SEC. 4. The city of Spokane Falls has power to make regulations for the prevention of accidents by fire, to organize and establish a fire department; ordain rules for the 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 one year one-fifth of one per centum upon the property assessed within said city; and has power also to prohibit the erection within the city, within any prescribed limits, of any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, and to provide for the removal of, and to remove any building or any addition erected contrary to such prohibition.

SEC. 5. The city of Spokane Falls has power to purchase or condemn and enter upon and take any lands within its territorial limits, and has power to purchase and enter upon and take any land without its territorial limits for public squares, streets, parks, commons, 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 of one per centum in any one year on the property assessed in said city. The city shall have entire control of such buildings, and all lands purchased or condemned under the provisions of this act, 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 hereafter be dedicated to public use by any person or persons, and has power in case such lands are deemed by it unsuitable or insufficient for the purpose intended, to dispose of and convey the same, and conveyances of such property executed in the manner prescribed by ordinance, shall be held to extinguish all rights and claims of said city, and of the public existing prior to such conveyance; but when such lands are so disposed and conveyed, enough thereof shall be reserved for streets to accommodate adjoining land owners.

SEC. 6. The city of Spokane Falls has power to provide for the lighting of the streets, and furnishing the city with gas or other 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 such purpose a special tax not exceeding one-fifth of one per centum in any one year upon the taxable property of said city.

SEC. 7. The city of Spokane Falls shall have power to construct and repair side-walks, and to curb, pave, grade, plank, 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 or any part thereof sufficient to pay the expenses 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, alley or alleys, highway or highways 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 improvement: *Provided further*, That in all assessments and levies to pay the expenses of such improvements, the real estate only shall be assessed, excluding from such assessment all improvements thereon, whether the same are affixed to the land or not, and the improvements on such lands shall not be taken or assessed as any part of the land or at all: *And provided further*, That unless the owners of more than one-half of the land subject to assessment for such improvement petition the council to make such improvements, the same shall not be made, unless six members of the council are present and vote in favor of making the same.

SEC. 8. The city of Spokane Falls has power to provide for clearing, opening, graveling, improving, repairing and clearing streets, alleys and highways, and for the prevention and removal of all obstructions therefrom, or from any cross-walk or sidewalk, and to regulate cellar-ways and cellar lights on sidewalks, and to construct sewers and clean and repair the

same, and has power to assess and levy and collect each year a road poll tax of not more than four dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except persons who are a public charge, idiotic and insane persons, and active firemen who have been members of a fire company for one year, and a special tax on property of not more than three mills on every dollar of property within the city, which shall be expended for the purposes specified in this section, and the officers of the county shall not levy any road or road poll tax upon the property or inhabitants of the city.

SEC. 9. The city of Spokane Falls has power to cause any lot of land within its limits, on which water at any time becomes stagnant or impure, to be drained or filled up, and to cause any vault 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 is prescribed, the work necessary may be done at the expense of city, and the amount so expended shall be assessed as a tax upon such property, and collected as other assessments.

SEC. 10. The city of Spokane Falls has power by general ordinance to prescribe the mode in which the charge on respective owners of lots or land, and on lots or lands shall be assessed and determined for the purposes authorized by this act; such charge when assessed shall be a lien upon the respective lots or parcels of land from the time of the assessments; such charge may be collected and such lien may be enforced by a proceeding in law or in equity, in the name of the city of Spokane Falls. In any such proceedings, when pleadings are required, it shall be sufficient to declare generally for work and labor done and materials furnished on the particular lot or parcel of land, or street, highway or alley. In such proceedings where the court trying the same shall be satisfied that the work has been done or materials furnished, which, according to the true intent and meaning of this act, would be chargeable upon the lot or land through or by which the street, highway or alley improved or repaired may pass, a recovery shall be permitted or a charge enforced to the extent of a proper proportion of the value of the work or materials which should be chargeable on such lot or land, notwithstanding any informality, irregularity or defect in the pro-

ceedings of the officers of the city; but in such case the court may adjudge as to costs as may be deemed proper, and in cases where an assessment shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, the city shall be entitled to demand and recover, in addition to the amount assessed, interest thereon at the rate of ten per cent. per annum from the time of the assessment, and five per cent. to defray the expenses of collection, which shall be included in the judgment or decree which may be rendered.

SEC. 11. The city of Spokane Falls has 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, narrow, change, extend, vacate and establish streets, highways, 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 improvement, authorized by this section, sufficient to make compensation for all property condemned or damaged and to authorize or forbid the location and lying down of tracks for railways, or street railways on any and all streets, and alleys and public places within said city: *Provided*, That no street or alley shall be vacated or extended, except five members of the city council vote in favor thereof: *And provided further*, That any person or corporation laying down such railway shall be liable to the owners of the property abutting on such streets or alleys for all damages and injury caused thereby, to be ascertained on the petition of the property owner or owners, in the manner provided by chapter 188, sections 2473 to 2476 inclusive, of the Code of Washington, of 1881, and the judgment and decree thereon shall be that the company or person shall pay such damages and on such payment shall be entitled to such right of way, and if no petition for such compensation shall be filed within two years after the track is laid, such claims shall be barred.

SEC. 12. The city of Spokane Falls has power to own, erect, construct, maintain and operate water-works within or without the city limits, for the purpose of furnishing said city, and the inhabitants thereof, with a sufficient supply of water, and for the purpose of protecting the same from injury and the water from pollution. Said city shall have power to regulate and sell the water from such water-works and the moneys arising therefrom shall constitute a fund to be used only to defray

the expenses of operating, extending and enlarging the same, and to discharge the indebtedness of said city, created in the purchase and construction of such water-works; and said city also has power to authorize the construction, maintainance and operating of water-works by any person, persons or private corporations for any length of time, not exceeding twenty years, and may authorize such persons or corporations so authorized by it, to charge and collect from each person supplied by them with water such water-rent as may be provided by ordinance conferring the franchise. Said city has power to enact all such ordinances and regulations, as shall be necessary to carry into effect the powers conferred by this section.

SEC. 13. The city of Spokane Falls 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.

SEC. 14. The city of Spokane Falls has 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, dance houses and gambling houses and to authorize the destruction of all instruments or devices used for purposes of gambling; to regulate the transportation and storage of gun powder, giant powder, dynamite, nitroglycerine or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate driving or riding through the streets; to regulate the speed of trains and locomotives on railways over the streets, to prevent and punish riot, noise, disturbance or disorderly assemblies and to protect the property of the city and its inhabitants and to preserve peace and order therein; to regulate and prevent the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and firearms, firecrackers, toy-pistols, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting, quarreling or disorderly conduct within the city; to control and regulate slaughter-houses, wash-houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; to control and regulate the erecting and maintaining of privies and cess pools, and to compel persons erecting or maintaining the same to connect the same with a sewer which may be or has been constructed in any street; to regulate and control the opening of streets, surfaces and laying of gas and water-pipe and mains, the con-

struction of telegraph and telephone lines or wires for electric lights or other purposes; the building or repairing of sewers and the erection of gas or other lights; to regulate and prevent public criers, advertising noises, steam-whistles, the ringing of bells in the streets, and to control and limit traffic on the streets and public places, to regulate the uses of the streets and side-walks, for the use of signs, posts, telegraph posts, telephone posts, electric lights, awnings and all other purposes; to regulate and prohibit the exhibition and hanging upon the streets of banners, placards and flags; to regulate and provide for the numbering of houses and lots within the city; to provide for cleaning streets and side-walks; to punish those who refuse to do so, and to prohibit persons from roaming the streets at unreasonable hours.

SEC. 15. The city of Spokane Falls has power to make regulations and pass ordinances preventing domestic and other animals from running at large, and to license and restrain the keeping of dogs, and to authorize and provide for distraining, impounding and sale of the same, for the penalty incurred, and costs of proceedings; to regulate, license and tax all carts, drays, wagons, carriages, coaches, omnibuses and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and all other exhibitions; to license tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; to suppress and prohibit the keeping of houses or places in which persons are permitted to smoke or inhale opium, and to prohibit and punish the smoking or inhaling opium therein, and to provide by ordinance for the summary closing of such houses or places. To license, tax and regulate wash-houses, slaughter-houses, livery-stables, barber-shops, hotels and business houses and places, and wholesale and retail establishments of every kind and description, and all such callings and employments as the public good may require to be licensed and regulated as are not prohibited by law: *Provided*, That no tax shall be imposed, or license required for sale inside of the limits of said city of any product of the country when sold by the producer.

SEC. 16. The city of Spokane Falls has power to license, tax, regulate and restrain bar-rooms drinking shops or saloons, tippling houses, billiard tables, pool tables, pigeon-hole, Jenny Lind tables, kept for hire, and bowling alleys: *Provided*, That no law or part thereof authorizing any tribunals or officer of Spokane county to grant license for any of the privileges enumerated in this section shall apply to persons within the city limits of Spokane Falls, and all such

license paid to the city shall be at the same rate and in lieu of the license required by the general law of the territory for such houses, business or privilege: *And provided further*, That no license shall be granted except upon the following conditions, viz: The person wishing to apply for license to sell spirituous or malt liquors shall accompany his petition with a bond to the said city in the sum of one thousand dollars, with two or more sureties, to be approved by the city council, conditioned that he will keep an orderly house and comply with all the requirements of this act, and of the ordinances of said city and the laws of the territory. No license shall be granted for less than six months nor more than one year, nor for a less sum than for \$300 per year, nor shall any license to sell spirituous or malt liquors be granted to any minor under the age of twenty-one years, nor to any person who shall permit women or girls, other than members of his family, to frequent his place of business, either as customers, servants, waiters, waitresses, dancers, singers, actors or musicians, or for purpose of attracting custom: *Provided further*, Nor shall any person sell spirituous or malt liquors to any minor, nor shall such person holding such license allow or permit his place of business to be frequented or visited by women or girls, other than members of his family; and upon doing any of the things herein prohibited, such license may be by the city council revoked: *And provided*, That the revocation of the license shall not in any way relieve the person to whom the same was granted from any penalty prescribed by ordinance for violation of this act, or any statute of Washington Territory.

SEC. 17. The city of Spokane Falls has power to regulate the burial of the dead, and to prevent interment within the city limits, and to cause any body interred contrary to such regulations to be taken up and buried without the city limits.

SEC. 18. The city of Spokane Falls has power to establish and regulate markets, to provide for the measuring or weighing of hay, coal, wood or any other article of sale.

SEC. 19. The city of Spokane Falls has 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, and for such purpose may issue its warrants on the city treasurer, payable at a specified time, with a rate of interest therein named, not exceeding the rate of 8 per cent per annum; and has further power to levy and collect a tax sufficient to pay the principal and interest on such sum borrowed, and for the

existing indebtedness and interest thereon: *Provided*, The entire indebtedness of said city must not at any one time exceed the sum of twenty-five thousand dollars, excluding its indebtedness for water-works and assessments for improving streets under the provisions of section 7 of this chapter: *Provided further*, That all indebtedness heretofore contracted by the city shall be and are hereby declared to be valid.

SEC. 20. The city of Spokane Falls has power to adopt proper ordinances for the government of the city and to carry into effect the powers 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. 21. The city of Spokane Falls has power to establish and regulate the fees and compensations of its officers, except when otherwise provided, and has such other powers and privileges not herein specifically enumerated, as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States or of the 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.

OF THE GOVERNMENT OF THE CITY.

SEC. 22. The power and authority of the municipal corporation, conferred by this act shall be vested in a mayor and city council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 23. The city council shall consist of two members from each ward, who shall be elected for the term of two years, except as hereinafter provided and shall hold their office for the term of two years; and until their successors are elected and qualified.

SEC. 24. The mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

SEC. 25. There shall be elected and appointed, as hereinafter provided, a city attorney, chief of police, treasurer, clerk, assessor, surveyor, and such other subordinate officers as the

council may provide. The city attorney, assessor, treasurer, and chief of police shall be elected by the qualified electors of said city at the time and in the manner provided for the election of mayor and councilmen, and the council shall, on their own motion, elect all other officers provided for. The city council shall also appoint one of the justices of the peace within the city, as the police justice of the city. Such justice shall keep his office within the city and shall have jurisdiction over all crimes defined by any ordinances of the city, and of all actions brought to enforce or recover any penalty or forfeiture, declared or given by any such ordinances and full power to hear and determine all cases, civil and criminal, arising under such ordinances, and to pronounce judgment in accordance therewith, and issue all writs and process necessary to enforce such judgments; all proceedings before such justice, under and by the authority of this act, shall be governed and regulated by the general laws of the 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: *Provided however*, That such police justice shall, in all actions brought before him, take judicial notice of all ordinances of the city of Spokane Falls, and it shall not be necessary in any proceedings before him to plead such ordinance, nor shall it be necessary in any complaint before him for the violation of such ordinances. The said officers herein provided for, shall hold their offices for the term of one year and until their successors are elected and qualified, unless sooner removed, and the city council may at any regular meeting remove any such officer for cause to be stated in the order making such removal: *Provided*, Three-fourths of the council shall vote for such order of removal, and in case of such removal, the city council shall fill the vacancy caused thereby. The salary of none of the said officers shall be increased or diminished during the term for which he was elected or appointed.

SEC. 26. No person is eligible to any office in the city of Spokane Falls, who, at the time of his election or appointment is not entitled to the privilege of an elector, according to the laws of Washington Territory and who has not resided in said city for the six months, immediately preceding his election or appointment.

CHAPTER IV.

OF ELECTIONS.

SEC. 27. The annual municipal election of officers

required to be elected under this act, shall be held on the first Tuesday in the month of April, each year.

SEC. 28. No person is entitled to vote at any municipal election who is not a qualified elector of Washington Territory, and who has not resided within the city for the one month immediately preceding the election, and of the ward in which he shall offer to vote, five days.

SEC. 29. The city council may, from time to time, divide the city into as many wards as they by ordinance may provide, and one councilman shall annually be elected in and for each ward: *Provided*, That at the first election of councilmen in any ward, two members shall be elected, one of whom shall be elected for one year, and one for two years.

SEC. 30. The council shall designate the place for holding elections, and appoint the judges, and clerks thereof, and cause notice to be printed in some newspaper published in the city, of the times and places of election, and of the officers to be elected, at least ten days prior to such election. The council shall designate one place in each ward for holding the election therein, and shall appoint three judges and two clerks of each election for each ward.

SEC. 31. The manner of conducting and voting at elections to be held for the purpose of electing city officers and contesting the same, the keeping of poll lists and canvassing votes shall be the same as in case of the election of county officers under the general laws of the territory in force at the time of each election. The judges shall appoint clerks when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as judges and clerks of general elections. After closing the polls the ballots shall be counted and the returns made out and returned to the city clerk; thereupon within ten days after the election the council shall examine and canvass the same and declare the result, and cause the same to be entered upon the journal of proceedings.

SEC. 32. On the first regular meeting of the council next after such election, the returns thereof shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the presiding officer of the council, and attested by the city clerk. Such written statement of the canvass shall contain the whole number of votes cast at such election, the number given for any person for any office, and the names of persons elected by the highest number of votes, and to what office: *Provided*, If the requisite number of officers

shall not be elected by reason of two or more persons having received an equal and the highest number of votes for one and the same office, the city council shall give notice to the several person having the highest and an equal number of votes, to attend the council chamber, and the city council shall then and there publicly proceed to decide by lot which of said persons shall be deemed duly elected, and a certificate of election shall be issued to the person thus declared elected.

SEC. 33. After such canvass and the filing of such statement, the city clerk shall within two days thereafter make and sign a certificate of election for each person declared thereby to be elected, and shall deliver the same to him on demand.

SEC. 34. A certificate of election is *prima facie* evidence of the fact therein contained, but the council shall decide all questions as to qualifications and election of its own members; and a contested election for any other office must be decided by the council according to the laws of the territory relating proceedings in case of contest for county offices.

SEC. 35. The term of office of every person elected to 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 prescribed, 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 after the determination of the contest.

SEC. 36. All the 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, ———, 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 inserted "under the pains and penalty of perjury."

SEC. 37. All laws of this territory regulating and concerning general elections and proceedings incidental thereto shall apply to and govern elections under this act except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 38. An office becomes vacant upon the death or res-

ignation of an incumbent, or failure to qualify as required. The office of mayor, clerk, assessor and treasurer shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days continuously. The offices of chief of police and police justice shall be deemed vacant when the incumbent shall be absent from the city twenty days. The office of councilman shall be deemed vacant when an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent on leave of the council first obtained.

SEC. 39. A vacancy in any office shall be filled by the city council at a regular meeting. The city council shall fill any vacancy existing at the time of the approval of this act.

SEC. 40. Any officer appointed to fill a vacancy must within five days after being notified of his appointment by the clerk, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 41. The city council shall possess all the legislative powers granted by this act, and all the corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 42. 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 one day's notice given to each member who is within the city.

SEC. 43. 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. 44. 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 its 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. 45. The council may punish any member for disorderly or improper 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. 46. The mayor is *ex officio* president of the council, and shall preside over its deliberations when in session. He is not entitled to vote, except in case of a tie vote, in which case he shall have the casting vote. He has authority to preserve order, enforce the rules of the council, and to determine the order of business, subject to such rules, and to an appeal to the council. If the mayor is absent at any meeting of the council, the council must appoint one of its number president so serve during the meeting, or until the mayor attends.

SEC. 47. 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. 48. 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 a majority of a quorum is a sufficient majority to determine any question or matter.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 49. The mayor is the executive of the corporation; it is his duty annually at the first regular meeting in May, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the 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. 50. The mayor shall take and approve all official undertakings which the ordinances of this city may require any officer to give, as a security for his 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. 51. 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. 52. 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 it he shall sign; if not, he shall within ten days return it with his objections in writing, to the council, and file with the clerk, who shall cause the same to be entered upon their journal and shall proceed to reconsider the same. If, after such reconsideration, two-thirds of the members of the council vote for the passage of the same it shall become a law.

SEC. 53. 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 own members who shall be the acting mayor and perform all the duties of such office during such temporary absence or disability except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 54. 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 city council, but the city may employ additional counsel when deemed advisable.

SEC. 55. 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 duties of his office.

SEC. 56. 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. 57. 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. 58. 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. 59. The treasurer is the receiver of taxes and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor attested by the clerk.

SEC. 60. The city 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. 61. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the month of April of each year, and at such other times as the council shall direct, which reports shall be published in a newspaper published in the city.

SEC. 62. The assessor must annually make a correct list of all the property subject to taxation in the city of Spokane Falls with the valuation thereof, and certify and return the same to the clerk.

SEC. 63. Any 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 desires it or the council require it.

SEC. 64. 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. 65. The city treasurer shall collect all delinquent taxes and assessments when required by warrant or law, and keep and pay out the same upon the order of the city council.

SEC. 66. The chief of police shall be the peace officer

of the city, and must execute all process issued by the police justice or other justice of the peace of the city directed to him, and all process issued by the police justice for violations of any city ordinances shall be directed to him for service. The chief of police must attend upon the court of the police justice and at all meetings of the council, and shall make arrests for all crimes committed within the city with or without a warrant, and make arrests in any part of Spokane county. He shall exercise vigilant control over the peace and quiet of the city; shall be keeper of the city prison and discharge all other duties the council may prescribe.

SEC. 67. The chief of police shall keep a correct record of all arrests made by him or members of the police force, showing the time, cause or complaint upon which such arrests were made, and must make a full report in writing each month to the city council.

SEC. 68. The judicial officer 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 condition 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. 69. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 70. 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. 71. 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.

OF ORDINANCES.

SEC. 72. The style of every ordinance shall be "The City of Spokane Falls does ordain as follows." All ordinances and resolutions or orders for the appropriations or payment of money shall require for their passage or 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 reviewed; and the ordinance or section so amended shall be repealed.

SEC. 73. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and authenticated by the signature of the presiding officer and the clerk, and all those of a general or permanent nature 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 such ordinances shall take effect and be in force at the expiration of five days after they have been published.

CHAPTER X. (10).

OF ASSESSMENTS AND COLLECTION OF TAXES.

SEC. 74. The assessor shall annually make out a list of the names of all persons within the city who are liable to pay a road poll tax as provided in section 8 of this act, and return the same to the council with his assessment of property. Said list shall be delivered to the treasurer with the tax list for collection and he shall proceed to collect the same at the same time and manner that the road property tax is collected: *Provided*, That any person may pay said road poll tax in work on the streets of the city, under the direction of the superintendent of streets, and the rate of one dollar and fifty cents per day: in such case the superintendent of streets shall give to the party performing such labor, a receipt for such payment, stating the amount, and such receipt shall be received by the treasurer in payment of such poll tax. Any person or corporation having men under their employ within the city shall, on the request of the city assessor, furnish him with a list of the names of such persons, and on a failure or refusal so to do, shall pay a fine of one hundred dollars to be collected by civil action, in the name of the city.

SEC. 75. Whenever any general or special tax has been levied, as provided and authorized in chapter two of this

act, every part thereof shall bear interest at the legal rate from the time it is due and payable, until paid or collected.

SEC. 76. The council must provide by ordinance within what time all taxes levied as provided and authorized in chapter two, may be paid to the treasurer; and all taxes not paid to the treasurer within such time, are thereafter delinquent taxes, and must be collected as such. 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. 77. The council must, within twenty days after the receipt of such tax roll, order and direct the city clerk to annex to such tax roll a warrant under the seal of the city, directed to and commanding the city treasurer to proceed forthwith to collect the delinquent taxes upon such roll, in accordance with law, and deliver the same to the city treasurer. Such warrants may be in the following form:

TERRITORY OF WASHINGTON,
CITY OF SPOKANE FALLS. } ss.

To _____ treasurer of said city:

Each and all of the taxes on the above tax roll for the year A. D. 18—, not marked therein as paid are delinquent. By order of the council of said city, you are authorized and commanded to proceed forthwith to collect the same.

Witness my hand with the seal of the city this ____ day of _____ 18—.

City Clerk.

SEC. 78. Such warrant, for the purpose of collecting such taxes, shall be deemed and taken as an execution against the personal property of the persons in said tax roll named, and for the amount of tax therein charged against each, and the treasurer must at once proceed to collect the same by levy and sale of sufficient of the personal property of the several persons against whom the tax is charged. He shall take into his possession by virtue of such warrant and tax roll so much of such personal property of the party against whom the tax stands charged, to be found in the city, as will be sufficient to make the amount of the tax with interest and cost. He shall give five days' notice of the time and place of sale by posting notices thereof in three public places in the city, one of which notices shall be posted on the door of the office of the city clerk, which notices must be posted at least five days before the day fixed for sale: such sale shall take place in front of the building, in said city, in which

the common council assembles, and the same shall be at public auction to the highest bidder. So much shall be sold as will be sufficient to pay the tax with interest and costs, and the same fees shall be allowed the treasurer that are allowed to sheriffs on sale of property on execution. Any surplus remaining in the treasurer's hands after such payment shall be paid over to the party to whom it belongs on demand.

SEC. 79. On the first Monday of March each year the treasurer shall make return of said delinquent tax roll to the city council, and must make and subscribe therein before the city clerk, an affidavit in substance as follows:

TERRITORY OF WASHINGTON, }
 CITY OF SPOKANE FALLS. } ss.

I, _____ treasurer of the city of Spokane Falls, do solemnly swear that I have made due diligence and search to find sufficient personal property subject to levy belonging to each person whose tax is now delinquent and unpaid on this tax roll, and that I have been unable to find any such property from which to make such tax, so help me God.

 Treasurer.

Subscribed and sworn to before me this _____ day of _____

18__.

{ SEAL. }

 City Clerk.

SEC. 80. The city clerk shall, within ten days from the first Monday in March, enter in such tax roll an order under the seal of the city in substance as follows:

TERRITORY OF WASHINGTON, }
 CITY OF SPOKANE FALLS. } ss.

To _____ treasurer of said city:

You are commanded to proceed to sell for the payment of the delinquent and unpaid taxes on the within tax roll for the year 18__, with interest and cost, all the real estate mentioned and described therein, upon which taxes are levied, whether in the name of a designated owner or in the name of an unknown owner.

Witness my hand with the seal of the city this _____ day of _____

18__.

{ SEAL. }

 City Clerk.

SEC. 81. On the fourth Monday of April, each year, at 10 o'clock, A. M., at the front door of the building in which the city council holds its sessions, the city treasurer or his deputy must commence the sale of real estate named in said tax roll for the preceding year, upon which the taxes have not been paid. The treasurer shall give the same notice and proceed in the same

manner to make such sales that the sheriff is required to give, and do by the provisions of sections 2917, 2918, 2919, 2920 of the Code of Washington of 1881, and shall execute to the purchaser a certificate of purchase for the lands and lots sold to him, stating the amount paid therefor, and any number of lots and parcels of lands sold to one person may be included in one certificate, but the amount paid for each lot or parcel shall be separately stated. Such receipt shall be signed by the treasurer in his official capacity; such certificate shall be *prima facie* evidence of the regularity of all prior proceedings.

SEC. 82. On or before the third Monday of May each year, the treasurer must make return to the city clerk of said tax roll, with a statement of his doings thereon, showing all lands and lots sold by him, to whom sold and the sum paid therefor, which tax roll shall remain on file in the office of the clerk, and any and all delinquent and unpaid taxes therein charged shall be carried forward and charged to the person, and the lands on the tax roll for the year following that for which such taxes were levied.

SEC. 83. The purchaser at tax sales acquires a lien on the lots and lands sold for the taxes, interest and costs paid by him, at such sale, being for the whole amount bid and paid by him as well as for all taxes subsequently paid by him on the lands and lots, and shall be entitled to interest thereon at the rate of twenty per cent per annum from the date of such payment.

SEC. 84. All lots and parcels of land sold for taxes shall be subject to redemption by the former owner or his grantee or heir, within three years from the date of the certificate of purchase, on payment to the city treasurer for the purchaser of the amount the same was sold for, with twenty per cent. interest per annum, together with the costs and charges and taxes since such sale, paid thereon by the purchaser, with like interest thereon: and on such redemption being made, the treasurer shall give to the person redeeming the same a certificate of redemption therefor, and pay over the amount received for such redemption to the purchaser, or his assigns. Should no redemption be made within the period of three years, the treasurer shall, on demand by the purchaser or his assigns, and the surrender of the certificate, execute to him a deed for such lands and lots therein described. Such deed shall be executed only for the lands and lots named in the certificate, and after payment of all subsequent taxes thereon. The deed shall be executed in the name of the city of Spokane Falls, and shall recite in substance the matters contained in the certificate, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer, as

such, and shall be recorded within six months from its date. The deed shall be *prima facie* evidence that the property was assessed as required by law; that it was equalized as required by law; that the taxes were not paid; that the property was sold as required by law; that it was not redeemed, and that the person executing the deed was the proper officer, and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment by the assessor, inclusive, up to the execution of the deed.

MISCELLANEOUS PROVISIONS.

SEC. 85. The city of Spokane Falls 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 authorized by the city: but an ordinance or resolution 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 not exceeding fifty dollars.

SEC. 86. The fiscal year of the city shall commence on the first day of April of each year.

SEC. 87. 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 done, or 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 revived or called in question elsewhere.

SEC. 88. In making a deed for real property sold for delinquent taxes it is not necessary to recite or set forth the proceedings prior to 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 of Spokane Falls, and the amount thereof, for a delinquent tax, together with the date of the sale and the amount paid thereat by the purchaser.

SEC. 89. The mayor and councilmen are not entitled to, and must not receive any salary or compensation for their official service.

SEC. 90. When the grade of any street, highway or alley shall have been established by authority of the city of Spokane Falls, and any person or persons shall have built or made improvements on such street, highway or alley, and the city shall afterward change such established grade, or shall change such

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 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 so appointed, or in case of their disagreement, by the city council. Said appraisers shall be sworn to faithfully execute their duties to the best of their ability. They shall view the premises, and receive 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 damages sustained over and above the additional value of property by reason of the improvement or change. They shall sign their report and deliver the same to the clerk of the district court, holding terms at the county seat of Spokane county, 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 assessed and upon filing a praecipe therefor, the party entitled thereto, may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk shall, upon filing a praecipe, therefor by the city, or by any person aggrieved, within said twenty days, enter the case upon the trial docket of the next term of said court; the party claiming damages shall be plaintiff, and the city shall be defendant. The usual pleadings in a civil action may be filed or such special pleadings as the court shall allow, and the issues thus formed shall be tried as in other civil actions; the costs to be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the case has been tried at the instance of the city, for the purpose of reducing the amount of damages and the damages are not reduced. Otherwise the costs shall be taxed against the parties claiming damages.

SEC. 91. 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 eleven of this act, the assessments upon the various lots or parcels of land so charged, and the appraisalment of damages to be paid to the owners of 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 condemned or damaged, or if either or both of said classes of property owners fail or refuse to make such appointment after ten days' notice,

given in the manner prescribed in the ordinance providing for such condemnation of property, either or both of said appointments shall be made by the city council. The persons so appointed shall be sworn; shall proceed in making the assessment, and shall report within the time and in the manner prescribed for making appraisements 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 clerk. Any party aggrieved by the award may upon filing a præcipe therefor, have the case docketed for trial at the next term of the court. When 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 cause tried and determined, and the costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city, and all costs of the appraisal 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 the gross amount, and said assessment shall be a lien upon the property therewith charged.

SEC. 92. In all other cases where private property 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. 93. All valid ordinances of the city of Spokane Falls, when this act takes effect, shall be and remain in full force after this act takes effect, and until the same are repealed, and all rights vested and liabilities incurred when this act takes effect shall not thereby be lost, impaired or discharged.

SEC. 94. All acts and parts of acts relating to the incorporation of the city of Spokane Falls, and not herein reserved, are hereby repealed.

SEC. 95. This act shall take effect and be in force from and after the first day of February, 1886.

Approved January 29, 1886.

AN ACT

TO INCORPORATE THE CITY OF POMEROY.

CHAPTER I.

THE BOUNDARIES AND INCORPORATION OF THE CITY.

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

SECTION 1. That the corporate limits of the city of Pomeroy and the boundaries thereof shall be as follows, to wit: Beginning at the northwest corner of section thirty-six (36), in township twelve (12) north, of range forty-one (41) east of the Willamette meridian: thence running easterly along the section lines to the northeast corner of section thirty-two (32), in township twelve (12) north, of range forty-two (42); thence running south along the section lines to the quarter post at the center of the east line of section five (5), in township eleven north, of range forty-two (42); thence running westerly to the quarter post at the center of the west line of section one (1), in township eleven (11) north, of range forty-one (41): thence running north along the section lines to the place of beginning: containing three whole sections and three half sections, all in Garfield county, Washington Territory.

SEC. 2. The inhabitants of the city of Pomeroy 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 Pomeroy," 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 actions, suits or proceedings whatever, contract and be contracted with, and have and use a common seal, and alter or change the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Pomeroy has power to asses, 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 municipal purposes, exclusive of assessments for improvements, as in this act is hereinafter provided, shall not exceed in any year one and one-half per cent. per annum on the property assessed.

SEC. 4. The city of Pomeroy shall have power to make regulations for the prevention of accidents by fire; to organize and establish fire departments and make and ordain rules for the government of the same; to provide fire engines and other apparatus and to levy and collect special taxes for that purpose not to exceed in any one year one-fifth of one per centum upon the taxable property within the corporate limits of the city.

SEC. 5. The city of Pomeroy has power to purchase or condemn, and enter upon and take any lands within 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 enclose, 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 of one 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 hereafter be 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 same manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 6. The city of Pomeroy has power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance, 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 such districts or limits benefited by 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 be assessed upon and collected only from property within said districts or limits.

SEC. 7. The city of Pomeroy shall have power to provide for clearing, opening, graveling, improving and repairing, streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any cross or side-walk, also to regulate cellar-ways, cellar-lights and side-walks within the city and to provide for cleaning the streets and for constructing sewers, and cleaning and repairing the same, and shall have power to assess, levy and collect a special tax on property of not less than two, nor more than six mills on every dollar's worth of taxable property within the corporate limits of the city; also a road poll tax of not less than two (2) nor more than four (4) dollars on every male inhabitants of the city between the ages of twenty-one and fifty years, except active or exempt firemen and persons that are a public charge, which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the county of Garfield or the officers thereof, any road tax or any road poll tax upon the property or inhabitants within the city; all road poll taxes levied and assessed by the city, shall be collected and expended by and under supervision of the street commissioner of the city, and if the same are not duly paid in accordance with the laws of the city, he may maintain an action in the proper court in his own name, to collect the same and any judgment obtained by him in pursuance of such authority may be enforced as any judgment in civil actions is enforced.

SEC. 8. The city of Pomeroy shall have power to construct and repair side-walks, and to curb, pave, grade, macadamize and gutter any street or streets, highway or highways, alley or alleys, within the city 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 that purpose may establish assessment districts consisting of the whole, or any portion of 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 improvements shall not be

made until a majority of four-fifths of all the members of the council by vote authorize the making of the same.

SEC. 9. The city of Pomeroy shall have power to cause any lot of land within the city 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 Pomeroy 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, 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 to be applied on compensation of property so condemned or damaged, or to authorize or prevent the location and laying down of railway tracks and street railways on all streets, alleys and public places, and no railway track can thus be laid down until 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 regrade of streets in section 119 of this act.

SEC. 11. The city of Pomeroy 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 four-fifths of the members of the city council by vote assent thereto.

SEC. 12. The city of Pomeroy shall have power to construct or authorize the construction of such water-works within or 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 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 person 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 to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water-works.

SEC. 15. The city of Pomeroy 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 corporate limits of the city for the purpose of constructing such water-works: *Provided*, That no such tax shall be levied or collected for the purpose of aiding any private individual or corporation, and when such works 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 the taxable property within the city limits sufficient with the water-rents hereby authorized to pay the expenses of running and operating such works, and if the right to construct, maintain and operate such water-works shall be granted to private persons or corporation by the city, and the city shall contract with such person, persons or corporation for supply of water for any purpose, said city shall levy and collect each year, a special tax sufficient to pay such water-rent to such persons or corporation: *Provided further*, That said taxes shall not

exceed one-half of one per centum upon the taxable property within said city limits.

SEC. 16. The city of Pomeroy shall have power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbance or any unlawful or indecent practices.

SEC. 17. The city of Pomeroy shall have power to make regulations and to pass ordinances to prevent animals from running at large within said city limits, 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 to authorize their destruction.

SEC. 18. The city of Pomeroy shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire or for the transportation of persons or property for hire, and to prescribe and fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioners, hawkers, peddlers, brokers and pawnbrokers; to license and regulate drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of in less quantities than one gallon; to license, tax and regulate wash-houses, and to prescribe and designate places for carrying on the same, and to license and tax hotels, restaurants, lodging houses, 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 of any of the actual products of the country; nor shall any license be required of wheelwrights, carpenters, blacksmiths, boot and shoemakers, tailors, milliners and dressmakers: *Provided*, That no license shall be issued for any less license fee than that provided by the general laws of the territory.

SEC. 19. The city of Pomeroy shall have power to establish and maintain a day and night police, and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants and within or without the limits of the city, and such police officer shall

also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of the territory, such police officer shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services.

SEC. 20. The city of Pomeroy 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, and gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling: to regulate the transportation, storing and keeping of gun powder and other combustibles and to provide or license magazines for the same: to prevent and punish immoderate or fast riding, or driving horses and other animals through the streets: to regulate the speed of trains and locomotives on railways over the streets or through the city: to prevent any riots, noise disturbance, or disorderly assemblages, and to protect the property of the corporation and the persons and property of the inhabitants thereof, and to preserve peace and order therein.

SEC. 21. The city of Pomeroy shall have power to provide cemeteries and to regulate the burial of the dead, and shall have power to establish cemeteries or burial grounds within or without the city limits, and have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 22. The city of Pomeroy shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 23. The city of Pomeroy shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act and to provide for the punishment of violation of ordinances of the city by fine, not exceeding one hundred dollars, or imprisonment for not more than thirty days, or by both fine and imprisonment, or by 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 or costs, upon the streets or public grounds of said city, during the term thereof.

SEC. 24. The city of Pomeroy shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided. The indebtedness of the city must never exceed in the aggregate the sum of five thousand dollars, and any debt or liability incurred in excess of said five thousand dollars shall be invalid and void: and shall have such other pow-

ers and privileges, not herein specially enumerated as are incident to municipal corporations of like character 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.

OF THE GOVERNMENT OF THE CITY.

SEC. 25. The government of the city shall be vested in a mayor and a common council, consisting of five members.

SEC. 26. The mayor shall be elected for one year by the qualified votes of said city, and shall hold his office until ten days after the next annual election and until his successor is elected and qualified.

SEC. 27. The members of the common council shall be elected for two years, by the qualified voters of said city and shall hold their offices until their successors are respectively elected and qualified: *Provided*, That at the city election in July, 1886, two of said members shall be elected and hold their office for one year only, and three members shall be elected for two years, the term of each to be stated on the ballot; and after said first election there shall be elected annually two and three members alternately.

SEC. 28. There shall be appointed by the council with the approval of the mayor, annually, at their first regular meeting, a city marshal who shall be ex-officio street commissioner and health officer, a city recorder who shall be ex-officio city assessor and clerk of the board of common council, and a city treasurer, and may appoint a city attorney, and shall appoint one of the justices of the peace for Pomeroy precinct, who shall have been duly elected and qualified, to be the judicial officer of the city who shall keep his office therein, and shall have jurisdiction over all crimes defined by any ordinance of the city and of all actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All civil and 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 in other cases, and each of said appointees shall be liable at any time to be removed by the council for malfeasance, misfeasance, inattention or incompetency 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.

SEC. 29. No person shall be eligible to any office in the 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 the city for the six months next preceding his election or appointment.

CHAPTER IV.

ELECTIONS.

SEC. 30. There shall be a general election for all city officers, required to be elected under this act, on the second Monday in July of every year.

SEC. 31. No person is qualified to vote at any election under this act who does not possess the qualifications required in section 29 of this act for officers, and who if liable to pay, has not paid a poll or property tax in the city for the fiscal year 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 the city.

SEC. 32. That at all elections for city officers the vote shall be by ballot at the time and place designated by the common council.

SEC. 33. The city clerk, under the direction of the common 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 the city, of such general election, specifying the officers to be elected, the place or places designated for holding the election and the judges and clerks appointed to conduct the same.

SEC. 34. All elections shall commence at 9 o'clock A. M., and continue until 5 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. 35. 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 as required by section 33 of this act, shall not invalidate any election otherwise legal.

SEC. 36. At the first regular meeting of the common council next after such election, the returns 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 each person for any office, and the names of persons elected and to what 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 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. 37. 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. 38. 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. 39. The term of office of every person elected to 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 which time such person must qualify by taking and filing the oath of office and giving such official bond or undertaking for the faithful discharge 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. 40. 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 the organic act and the laws 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. 41. 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. 42. 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 as 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 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. A vacancy in any office shall be filled by the council at a regular meeting.

SEC. 43. An officer appointed to fill a vacancy must within five days after being notified of his 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.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 44. 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. 45. 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 any time prior thereto, and it may be convened by the mayor at any time upon one day's notice given to each of the members.

SEC. 46. 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. 47. 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 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 three members. Its deliberations and proceedings must be public.

SEC. 48. The council may punish any member for disorderly conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient cause therefor, and may, by a two-thirds vote, expel a member.

SEC. 49. 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 to determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent from 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. 50. On the tenth day after 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. 51. A majority of the whole number constituting the council, as 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 a 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. 52. The mayor is the executive officer of the corporation. It is his duty, annually, at the first regular meeting in July of each year, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council, from time to time, as he may think proper and useful.

SEC. 53. The mayor shall take and approve all official bonds and undertakings which the ordinances of the city may require any officer to give as security for the faithful performance of his duty, or which may be required of any contractor for the faithful performance of his contract, and when he approves any bond or undertaking, he must immediately file the same with the clerk.

SEC. 54. 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. 55. Any ordinance which shall have passed the council, shall, before it becomes a law, or of any force or validity, 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, four-fifths of the members of the council shall agree to pass the same, it shall become a law, and if the mayor fails to return the same within the said ten days it shall be deemed approved and become a law.

SEC. 56. 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. 57. The city attorney (if any be appointed) shall represent the city in all suits, actions and proceedings in which the city is legally interested, and shall 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. 58. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings of the city council and to file and keep all papers and books of the same. The clerk is authorized to administer any oath required to be taken, in connection with the duties of his office.

SEC. 59. 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 or any part thereof shall be paid as they may deem just and legal.

SEC. 60. 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 general or special fund appropriated therefor, and signed by the mayor and attested by the clerk.

SEC. 61. The clerk must keep proper books of account showing therein all sums of money 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 or required by ordinance, or proper or necessary to a correct understanding of the city finances.

SEC. 62. The treasurer is receiver of taxes and shall receive and keep all moneys that shall come to the city by taxation or otherwise and pay out the same upon the warrant of the mayor attested by the clerk.

SEC. 63. 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. 64. The treasurer must make a report of the receipts and expenditures to the common council at their first regular meeting in January and July of each year, after January, 1886, which report shall be published in some newspaper in the city.

SEC. 65. The assessor must annually make a correct list of all the property within the corporate limits of the city, subject to taxation by the city, with the valuation thereof and certify and return the same to the clerk.

SEC. 66. Any person feeling himself aggrieved by any such assessment, either in the valuation or listing of his property may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous or unjust, they shall correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desires it, or the council requires it.

SEC. 67. The assessment must be made on the property, and in the manner designated and prescribed by law for assessing property for territorial and county taxes. But the form of the 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 revision thereof must be prescribed by ordinance.

SEC. 68. The marshal is 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 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 powers of the marshal except that they shall not have power to appoint any deputy. He shall make arrests for breach of the peace or commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the territory, and may pursue and arrest persons without the city limits for crimes or offenses committed therein. He shall exercise a vigilant control over the peace and quiet of the city.

SEC. 69. The marshal must keep a correct record of all arrests made by him and his deputies, showing the time, cause or complaint upon which the arrest was made, and make a full and complete report, in writing, each month to the city council.

SEC. 70. 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, with such surety and in such sum and with such conditions as the council may require. He must keep a proper account of all fines, costs and other moneys received by him when acting under or 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. 71. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 72. The official books and papers of all the city officers are city property, and must be kept as such by said officers during their continuance in office, and shall, upon the expiration of their office, be delivered to their successors.

SEC. 73. The official books and papers of any officer mentioned in this act, may be inspected at any time by the council, or by any committee appointed by the council for that purpose.

CHAPTER IX.

OF ORDINANCES.

SEC. 74. The style of every ordinance shall be "The city of Pomeroy does ordain as follows." All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all the members of the council. No ordinance shall embrace more than one object, and that shall be expressed in the title, and no ordinance, or section thereof shall be revised or amended unless the new ordinance or section contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 75. 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 of the council and the clerk, and all ordinances 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.

CHAPTER X.

ASSESSING AND COLLECTING FOR STREET GRADES AND IMPROVEMENTS.

SEC. 76. 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 street commissioner, 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.

SEC. 77. The city council shall, at its first meeting thereafter, establish the grade in accordance with said survey and diagram and proceed to make the proposed improvements.

SEC. 78. 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 or alley, and the cost thereof has been duly estimated as herein provided, they shall cause an appraisalment of the lots and land abutting on said street adjacent to said improvement, and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling and other improvements shall be assessed *pro rata* on said lots or parts thereof and 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 newspaper, 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 such lots, parts of lots and other land respectively.

SEC. 79. The making of any such improvements as are specified in said sections five, six, seven, eight, nine and ten shall be proceeded with immediately after the said survey and diagram shall have been approved by the city council, and shall not be postponed by, or be dependent upon the time of making said assessment.

SEC. 80. Any person considering himself aggrieved by such appraisalment and assessment, may apply to the city council at its first sitting after the publication of the notice required by section 78 for a modification of said assessment, and the city council may amend the same as to them may seem just.

SEC. 81. When the tabulated statement, as provided in section 78, has been approved by the council, the same shall be recorded in the office of the county auditor, of the county of Garfield, in the records of liens of real property and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon respectively, and so fast as the said several assessments are paid, the city clerk is

authorized and required to enter on said county record of said liens a release thereof, which be made in the margin of said record opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 82. When the city council shall have duly approved of said assessment, and apportioned the cost of the 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 newspaper doing the city printing that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisal and assessment, who shall proceed to collect the same in the same manner as other city taxes, except as herein otherwise provided.

SEC. 83. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot, or other land, is not paid to the 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. 84. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the county auditor with his doings endorsed thereon, together with the receipts of the treasurer for the proceeds of such sale.

SEC. 85. The person executing such warrant shall immediately make a deed for the property sold to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from 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 sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 86. 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. 87. 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 holder the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 88. A sale of real property, under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner whether known or unknown.

SEC. 89. The fees and percentage 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 a 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 percentage, costs or fees.

SEC. 90. All moneys paid or collected upon assessment for the improvement of streets or alleys, shall be kept as a separate fund and in nowise used for any other purpose whatever. All money so assessed from the time of being entered in the record of liens shall bear interest at legal rate until paid.

SEC. 91. 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 parties owning the property or their representatives.

SEC. 92. For the purpose of making the appraisement specified in section 79, 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 improvement.

SEC. 93. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury 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. 94. 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. 95. 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 road poll tax thereon, from the persons named in 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. The treasurer 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 expense of the levy and sale: *Provided*, That any person may pay said road poll tax in work upon the streets of the city under the direction of the street commissioner, when notified by him so to do, 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 from such employes on being notified in writing by the treasurer.

SEC. 96. Whenever any general or special tax has been levied as provided and authorized by chapter two of this act, 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 time upon any real property owned by the party assessed.

SEC. 97. The council shall 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. thereon in addition and ten per cent. per annum.

SEC. 98. 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. 99. The council, upon receiving the tax roll from the treasurer, shall order the city clerk to annex thereto a warrant under the seal of the city and directed to the 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 endorsed thereon to the city clerk, together with the receipt of the treasurer for all moneys collected thereby and paid to the treasurer. The clerk shall deliver said tax roll with the warrant annexed thereto as aforesaid to the city marshal.

SEC. 100. Said 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 against their property, and shall be executed and returned in like manner except as in this chapter otherwise provided.

SEC. 101. If personal property be not found whereon to levy the warrant or 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. 102. 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 the same separately.

SEC. 103. 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 eighty-eight of this act.

SEC. 104. Real property sold for taxes, as provided for 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 deed therefor, and upon the terms and conditions and with the effect provided in chapter nine of this act, in the case of sale 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-six and eighty-seven of this act.

SEC. 105. Whenever any real or personal property, sold for delinquent taxes, shall bring more than the amount of such tax with interest and the cost 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 representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 106. Section ninety-four 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. 107. 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 city treasury.

SEC. 108. All property subject to levy and sale 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 act, whether the same be exempt from execution or not. The city marshal shall on entering upon the

discharge of his duties as tax collector, give a bond to the city of Pomeroy in the sum to be fixed by the council, not less than two thousand dollars, conditioned for the faithful performance of his duties as such tax collector, and that he will pay over the moneys collected by him as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 109. The city of Pomeroy shall not be bound by any contract or in any way made liable thereon, unless the same be authorized by city ordinance and made in writing, by order of the council, and signed by the clerk or some other person on behalf of the city, duly authorized. But an ordinance may authorize any officer of the city, or agent, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 110. The city of Pomeroy shall be liable to any one for 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 the 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. 111. 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 any provision upon any other subject, and if it does, such ordinance, as to such provision, shall be void, and not otherwise.

SEC. 112. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 113. 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. 114. In any action, suit or proceeding 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 proceed-

ing 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. 115. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes to furnish the inhabitants of the city with light to any person, association of persons or corporation for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such right as they may deem proper, not inconsistent with law.

SEC. 116. In making a deed for real property sold for delinquent taxes, it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of sale and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Pomeroy.

SEC. 117. The mayor and councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 118. All real property within the limits of the city of Pomeroy not laid off in blocks or lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fractional part thereof as the case may be.

SEC. 119. No street, alley or highway shall be extended, widened, altered or vacated, except on petition to the common council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, alley or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, all the members being present, at least four members vote in favor of the same.

SEC. 120. When the grade of any street, highway or alley shall have been established by authority of the city of Pomeroy and any person or persons shall have built, or made improvements on such street, highway or alley, and the city shall afterwards 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 injured 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 so 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 damages 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 county or 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 of said court shall, upon the filing of 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 of the district court. The party claiming damages shall be the plaintiff and the city shall be the defendant. The usual pleading in a civil action may be filed and such special pleadings as the court may 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 party claiming damages.

SEC. 121. 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 person so appointed shall be sworn: shall proceed in making the assessments, and shall report within the time and in the manner prescribed for appraisers 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 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 appraisements 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. 122. 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 the territory, relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 123. Joseph M. Pomeroy is hereby appointed mayor of the city of Pomeroy and the following named persons members of the common council: John Brady, C. B. Foote, Jay Lynch, R. A. Rew and William J. Schmidt. They shall each qualify as required by this act on or before the third Monday in January, 1886, and shall hold their offices respectively until the second Monday in July, 1886, and until their successors are elected and qualified. They shall hold their first regular meeting on said third Monday in January and if any of the above named appointees shall fail to qualify

as above provided, the council shall appoint some suitable person or persons to fill such vacancy or vacancies. The council shall also at said meeting, or so soon thereafter as may be expedient, appoint a marshal, recorder and treasurer, and may appoint an attorney, who shall qualify and hold their respective offices during the pleasure of the council, or until their successors are elected or appointed and qualified. Said officers so appointed by the council shall qualify within five days after receiving notice of their appointment, or they shall be deemed to have declined, in which case others may be appointed in their place.

SEC. 124. The city of Pomeroy is hereby authorized to have from fifty to two hundred copies of this charter printed and bound in pamphlet form for the use of the inhabitants of the city, and to pay for the same out of any funds in the city treasury, not otherwise appropriated.

SEC. 125. This act shall take immediate effect on its approval.

Approved February 3, 1886.

AN ACT

TO INCORPORATE THE CITY OF MONTESANO AND TO PARTICULARLY
DEFINE THE POWERS THEREOF.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. That the city of Montesano shall be bounded as follows, to wit: Beginning at a point on the meandered line of the north bank of the Chehalis river due south of the southeast corner of lot one (1), of section eight (8), in township seventeen (17) north, range seven (7) west: thence north to the northeast

corner of the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section five (5); thence west to the west boundary of said township; thence south on said line 240 rods; thence east to the northeast corner of the N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of section seven (7); thence south eighty rods; thence east eighty rods; thence south to the meandered line of the north bank of the Chehalis river; thence easterly on said meandered line to the place of beginning, all in township 17 north, range 7 west.

SEC. 2. The inhabitants of the city of Montesano, 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 Montesano," 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, in all suits and actions whatsoever; may purchase, acquire, receive and hold property, real, personal land 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 hospitals for the reception of persons affected with contagious or other diseases, also for work houses, 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.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Montesano shall have power to assess, levy and collect taxes for general municipal purposes not to exceed one 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 herein-after provided, but all taxes for general and special municipal purposes, shall not exceed in any one year one and one-half per centum on the property assessed: *Provided, however,* That the above limitations shall not apply to local assessments in assessment districts.

SEC. 4. The city of Montesano shall have power to make regulations for prevention of accidents by fire, to organize and establish fire departments and shall have control thereof and ordain rules for the 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 three-tenths 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 of 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 Montesano may regulate and provide as to the manner in which all lands and additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and where filed and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries, and may cause an official map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct, and all surveys made by the city surveyor, whether at the instance and expense of the city or private parties, shall be official surveys, and a minute thereof shall be kept by the city surveyor as a part of his official records, and shall be *prima facie* evidence of their own correctness, and the city has power to enforce this by ordinance and to compel the establishment and maintenance of such monument, and to fine and imprison or both for a violation thereof, and when the boundary or exisance of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 6. The city of Montesano 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, hospitals grounds, or to be used for work-houses or houses of correction, or any other proper or 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 of one per cent. in any one year. The city shall have entire control of such building, 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 hereafter be dedicated to public use by any person or persons, and has power to regulate and improve the same, and in case such lands are deemed unsuitable or insufficient for the purpose 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 or 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. 7. The city of Montesano has power to provide for the lighting of the streets and furnishing the city with lights, and for the erection or construction of such works as may be necessary and 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.

SEC. 8. The city of Montesano shall have power to provide for clearing, opening, vacating, graveling, improving and repairing of streets, highways and alleys, to gutter the same and to construct and repair sidewalks and build bridges, and for prevention and removal of all obstructions therefrom, or from any cross or sidewalks, also to regulate cellarways, and cellar lights, or sidewalks within the city, and to provide for clearing the streets, and establishing the grade thereof; also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax of not less nor more than four dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except actual and exempt members of the fire department, and 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 for this purpose the city of Montesano shall constitute one road district and there shall not be levied or collected by the county of Chelalis, or the officers thereof, any road tax or road poll tax upon the property or inhabitants within said city.

SEC. 9. The city of Montesano shall have power to cause any person to keep his property or the property he occupies or controls, and the adjacent streets and alleys clean and free from any thing dangerous to health, or offensive to the senses, or dangerous to travelers, and to keep said streets and alleys free from any inflammable material, and to cause owners of public halls and

other buildings to provide suitable means of exit, to abate all nuisances and provide for the public safety.

SEC. 10. The city of Montesano is hereby authorized to grant the right to use the streets of said city for the purposes of laying gas and other pipes intended to furnish the inhabitants of said city with light or water, to any persons or association of persons for a term not exceeding twenty-five years and to authorize or forbid the location and laying down of tracks for railways and street railways, telegraph or telephone appliances on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to streets, alleys and 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 100 of this act: *Provided, always,* That none of the rights or privileges herein granted shall be exclusive nor prevent the council from granting the same rights to others.

SEC. 11. The city of Montesano shall have power to erect and maintain water-works within or without the city limits or to authorize the erection of the same for the purpose of furnishing the city or the inhabitants thereof with a sufficient supply of water, 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 reservoirs, streams, springs, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream and 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, but no water-works shall be erected by the city until a majority of the voters, who shall be those only who are free holders in the city or pay a property tax therein on not less than five hundred dollars worth of property, shall at a general or special election vote for the same. Such proposition shall be formulated and submitted not less than thirty days before election.

SEC. 12. 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 shall have power to purchase or condemn water-works already erected or which may be erected, and may mortgage or hypothecate the same to secure the persons from whom the same may be purchased, the payment of the purchase price thereof. Said city shall have power to regulate and sell the water thus brought therein and the moneys aris-

ing therefrom shall constitute a fund, to be used to defray the expenses of operating the same and to pay the purchase price thereof, and said city may levy and collect a special tax each year until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum: *Provided however*, No such tax list shall be levied or collected until the question has been submitted, as provided in section eleven (11) of this act to electors as therein named and a majority thereof at any annual or special election shall favor the same.

SEC. 13. The city of Montesano shall have power to provide for, and by ordinance adopt, such a system of sewerage as may be needed, but no moneys shall be expended for pipes, mains or laterals, to be used therefor, until the system proposed, and the cost thereof, has been ascertained and submitted for ratification or rejection to the qualified electors, as prescribed in section 11, of said city at an annual or special election, and the expenditure thereof be authorized by a majority of said voters: *Provided*, That this section shall not prohibit construction of sewers under chapter 10 of this act.

SEC. 14. The city of Montesano shall have the power to make regulations, to prevent the introduction and spread of contagious diseases in the city; to remove persons affected with such or other diseases therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, during their sickness only, and provide that solvent persons and their estates shall pay for the expenses of keeping them in such hospital: *Provided however*, That persons shall not be removed from their own home without their consent, but the city may quarantine any house wherein a contagious disease exists, or the whole city.

SEC. 15. The city of Montesano shall have power to make regulations and pass ordinances preventing domestic and other animals from running at large within the city limits, and restrain, impound and forfeit such animals, and may sell the same when forfeited, and apply the proceeds as it deems expedient, and in the case of dogs may cause them to be destroyed or sold when they are found running at large without license, and also may impose a license tax on dogs within the city.

SEC. 16. The city of Montesano 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 or other exhibitions; to license, tax and regulate auction-

eers, hawkers, peddlers, bankers, brokers, and pawnbrokers; to license, tax, regulate, prohibit 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 gallon: *Provided, however,* That no license shall be required of apothecaries or druggist for the sale of wine, spirits, or malt liquors for medical purposes only, when prescribed by regular practicing physicians; to license, tax and regulate wash-houses, slaughter-houses, abattoirs, 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 sale inside of said city of any of the natural products of the country, when sold by the producer: *Provided further,* That no law, or part thereof, authorizing any tribunal or officer of Chehalis county to grant license for any of the privileges in this section enumerated, shall apply to persons within the city limits of Montesano.

SEC. 17. The city of Montesano has power to establish and maintain a day and night police, which shall consist of the marshal and his deputies, and to regulate their number, pay and duties.

SEC. 18. The city of Montesano shall have power to prohibit or restrain houses of ill-fame, gambling or gambling houses and to authorize the destruction of gaming devices, and opium smoking houses, and the confiscation of opium found therein, and opium smoking devices, to prohibit and restrain and abate disorderly houses, and to regulate the transportation and keeping of gunpowder and other combustibles, and to provide for magazines for the keeping thereof, and license and tax such keeping and punish any violation of such regulation by fine, imprisonment or forfeiture of the gunpowder or combustible kept or transported contrary to such regulations; to regulate the speed and manner in which animals or vehicles of all kinds, including locomotives or cars, shall be driven or allowed to run through the streets of the city: to prevent riots, assaults, assaults and batteries or affrays, noisy or disorderly assemblies within said city, and to prevent the maintenance of anything which is annoying, offensive or unhealthy, whatever its nature, and to prevent all other acts which are misdemeanors at common law or by the statutes of Washington Territory, and may punish violations of the provisions of this section as provided in section 21.

SEC. 19. The city of Montesano shall have power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and cause any body interred contrary to such prohibition, to be taken up and buried without

the limits of the city, and have full jurisdiction over all cemeteries belonging to the city, whether within or without the city limits, and of the walks and ways leading from the city to such cemeteries, and power to regulate, improve and protect the same in all respects; to punish, by fine and imprisonment, as provided in section 21, any violation of ordinances in respect to the same.

SEC. 20. The city of Montesano shall have power to establish and regulate markets; to provide for the measuring or weighing of hay, coal, wood or other articles.

SEC. 21. The city of Montesano shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding three hundred dollars and costs, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall have power to imprison not to exceed one day for every two dollars, and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person, while imprisoned as aforesaid, shall be compelled to work during the time he is imprisoned, at such hard labor as the marshal shall direct.

SEC. 22. The city of Montesano shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other powers and privileges, not here specifically enumerated, as are incident to municipal corporations: *Provided*, Neither the mayor nor members of the council shall receive any salary for their services.

CHAPTER III.

GOVERNMENT.

SEC. 23. The powers and authority hereby given to the city of Montesano by this act, shall be vested in a mayor and council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 24. The council shall consist of six members. They shall be elected for one year, and shall hold their office

until their successors are elected and qualified: *Provided*, That the terms of the members of the council as fixed under the former charter shall continue in all respect as though this act had not been passed; and all officers elected under the former charter shall hold their respective offices under this charter during the terms for which they were elected and until new officers are elected and qualified hereunder, at which time said terms shall cease.

SEC. 25. The mayor shall be elected for one year and shall hold the office until his successor is elected and qualified.

SEC. 26. There shall be elected, as hereinafter specified, a justice of the peace, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, assessor, sexton and such other officers as may become necessary for the due execution of the powers herein conferred. The marshal shall be elected by the voters of the city, and hold his office for one year or until his successor is qualified, the other officers enumerated in this section shall be elected by the qualified voters of the city, shall hold their offices for one year or until their successors are qualified. The justice of the peace so selected shall be one of the justices of the peace duly elected under the laws of Washington Territory, and while acting in city matters may hold his office for that purpose anywhere within the city. Such justice of the peace 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, forfeiture 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 in other causes. All officers enumerated in this section are subject to removal by the council at any time for cause deemed by them sufficient. The council may appoint at any time a person to fill any one of the above named offices whenever the incumbent thereof is temporarily absent or sick or unable for any cause to act. Such appointment shall, however, cease whenever the disability is removed and in case the term of office of the city justice shall expire under territorial law, the council may at any time fill the vacancy. The salary of none of such officers shall be increased or diminished during the term for which they were elected or appointed.

CHAPTER IV.

ELECTIONS.

SEC. 27. There shall be a general election for mayor, marshal and members of the council and other elective officers on the first Monday in April in each year.

SEC. 28. That at all general elections the vote shall be by ballot, at the time and place designated by the council, and the inspector, judges and clerks to conduct the same shall also be appointed by the council.

SEC. 29. The clerk shall give ten days' notice, by publication in a newspaper, or by posting three notices in conspicuous place, of such election, the officers to be elected, the place or places designated, and the names of the officers by whom the same is to be conducted.

SEC. 30. All elections shall commence at nine o'clock A. M., and continue until four o'clock P. M., 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. 31. Inspectors, 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 as required by section 29 of this act, shall not invalidate any election otherwise legal.

SEC. 32. No person is qualified to vote at any election under this act, who is not entitled to the privilege of an elector according to the laws of this territory six months next preceding such election and who has not resided in the ward thirty days 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, except those exempted from taxation in section 8, 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. All officers, required to be elected by this act shall be elected by the qualified voters of the city, except those elected by the common council.

SEC. 33. On the first regular meeting of the council, next after such election, the return thereof shall be canvassed and a written statement of such canvass shall be made and signed by

the presiding officer of the council and attested by and filed with the clerk, such written statement shall contain the whole number of votes given at such election, the number given for any officer, 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 number and the highest number of votes for one and the same office, the city clerk shall give notice to the several persons so having the highest and an equal number of votes, to attend at the council chamber at an appointed time, and the said council shall then and there proceed publicly, by lot, to decide 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. 34. 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.

SEC. 35. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor, 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. 36. The term of office of every person elected to office under this act shall commence at 12 M. on the tenth day after the canvass of the election returns by the council 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 shall be 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. 37. 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, ———, do solemnly swear (or affirm) that I will support the constitution of the United States and the organic act of this territory, and the laws made in conformity therewith, 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. 38. All laws of this territory regulating and govern-

ing general elections and proceedings and matters incidental thereto shall apply to and govern elections under this act, except as herein otherwise provided.

SEC. 39. 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 the territory and who has not resided in said city for the six months next preceding such election or appointment.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 40. Absence for a period of thirty days without leave shall work a forfeiture of any office: *Provided, however,* Absence on duty pertaining to the offices, shall not work such forfeiture; all vacancies in offices shall be filled by the council at a regular meeting, and such appointee shall continue in office until the next election.

SEC. 41. An officer appointed to fill a vacancy must, within five days after being notified by the clerk of his appointment, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 42. The city council shall possess all the legislative powers granted by this act; shall be a board for the equalization of city taxes, and shall have all other corporate powers of the city not herein or by some ordinances of the city conferred on some other officer, and shall have the same powers and duties with reference to city assessment and taxes as those prescribed by existing law for the government of the board of county commissioners in the matter of county assessments and taxes.

SEC. 43. The council must provide for the time and place of its regular meetings, to 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 one day's notice given to each of the members, through the city clerk.

SEC. 44. 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. 45. The council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies, as modified by the rules last adopted by the legislative council of Washington Territory. It must keep a journal of its proceedings and on 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 on 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. 46. The council may punish any person or member for disorderly conduct at a meeting of the council, and the manner of proceedings in case of disorderly conduct, and the penalty must be provided for by ordinance, but a member of the council for words uttered in debate during session of the board shall not be questioned in any other place.

SEC. 47. The mayor is ex officio president of the council, and presides over its deliberations when in session. He is not entitled to vote except in case of a tie, and 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 its own members president, to serve during the meeting or until the mayor attends.

SEC. 48. On the tenth day next following any general election, there must be a regular meeting of the council, at which time the election returns shall be canvassed as provided in chapter 4 of this act, and such meeting is appointed by this act, and no notice thereof, or call therefor, is necessary.

SEC. 49. A majority of the whole number of councilmen elected shall constitute a quorum: a majority vote of the quorum is sufficient to perform and transact any business of the council except the final passage of an ordinance, or making a general appropriation of money, in which matter it shall require a

majority vote of all members elect and except in cases wherein other provisions of this act provide that a greater number of votes is required: *Provided*, That special payments from a fund already appropriated may be made upon a majority vote of a quorum: *And provided further*, The council may order the money out of the general fund, into, another, for any specific objects.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 50. The mayor is the chief executive officer of the corporation; and shall have power to communicate to the council at any time, concerning the condition and state of affairs of the corporation, and recommend such measures as he may deem expedient and proper; has the power of veto and the power to pardon or commute any sentence for the violation of any ordinance. The mayor shall sign all warrants drawn on the city treasury.

SEC. 51. The mayor shall approve all bonds or undertakings, official or those that may be required by ordinance, or by any contract entered into by the corporation with private individuals. He shall report the same to the council at the next regular meeting thereof, and if disapproved by that body the same shall be void.

SEC. 52. 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. 53. Any ordinance which shall have passed the council shall, before it becomes a law, be presented to the mayor for approval. If he approves, he shall sign it; if not, he shall at the next regular meeting 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 consideration five-sixth of the members of the council shall agree to pass the same, it shall become the law.

SEC. 54. 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 own members, who shall be the acting mayor and perform all the duties of such office, during such temporary absence or inability.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 55. 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, and be the legal advisor of the city officers; the city may employ additional counsel when deemed advisable.

SEC. 56. It shall be the duty of the clerk to keep a correct journal of the proceedings and to file and keep all papers and books of the council. The clerk is authorized to administer any oath required to be taken, in connection with the duties of his office. He shall attest all warrants drawn on the treasurer. He shall also attest any other document when ordered to do so by the council.

SEC. 57. All demands against the city must be presented to the clerk, with the necessary evidence in support thereof, which he must audit and submit to the council, who shall, by a vote, direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 58. When the council orders any demand or account paid, and not otherwise, the clerk shall draw a warrant on the treasurer for the amount so ordered paid and present the same to the mayor who shall sign the same.

SEC. 59. The clerk must keep proper books 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 perform the same duties as to city assessments as are now prescribed by law for the county auditor in the matter of county assessments and all such other matters and things as may be prescribed by ordinance, or are proper and necessary to a correct understanding of the finances of the city.

SEC. 60. The treasurer is receiver of all taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor and clerk, and perform the duties as to city taxes prescribed by existing law for the government of the county treasurer as to county taxes: *Provided*, When taxes becomes delinquent, he shall turn over a list of the same to the city marshal for collection.

SEC. 61. 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. 62. The treasurer must make a report of the receipts and expenditures of the city to the council at their first regular meeting in January and July of each year, which report shall be published in the newspaper doing the city printing or by posting.

SEC. 63. The assessor must annually make a correct list of all property subject to taxation by the city, with the valuation thereof, and perform the same duties as to the assessment and collection of city taxes as are prescribed by existing laws as the duties of the county assessor in the assessment and collection of county taxes.

SEC. 64. Any person feeling himself aggrieved by the valuation put upon their property by the assessor or in the listing of the same, may apply to the council to have the same revised or corrected and the council may correct the same if deemed by that body erroneous.

SEC. 65. The marshal is peace officer, and *ex officio* chief of the police and collector of delinquent taxes, and must execute all processes 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. He shall make arrests for breach of the peace or commission of crime within the city limits, with or without a warrant. He shall exercise a vigilant control over the peace and quiet of the city and he is the keeper of the city prison. He shall give such bonds to the city as may be prescribed by ordinance for the faithful performance of his duties and shall also give bond as tax collector.

SEC. 66. The marshal must keep a correct record of all arrests made by him and his deputies, showing the time, cause or complaint upon which the arrest was made, and make a full and complete report, in writing, to the council at the first regular meeting in each month.

SEC. 67. 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 and other moneys received by him when acting under or 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. He shall keep a separate docket of all city cases and make a report to the council each month of his doings.

SEC. 68. The powers and duties of all officers of the city shall be as prescribed by ordinance, except as provided herein: *Provided further*, That nothing in this charter contained shall be so construed as to prevent two or more offices being held by the same person, providing the said officers are not incompatible.

SEC. 69. 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. 70. The official books of the corporation shall be subject to inspection by any tax payer thereof, during office hours.

SEC. 71. The fees of all city offices shall be fixed and regulated by ordinance.

CHAPTER IX.

OF ORDINANCES.

SEC. 72. The style of every ordinance shall be "The people of the city of Montesano do ordain as follows." No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repealing it, but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 73. 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 a newspaper doing the city printing, or three copies shall be posted in three conspicuous places in said city, which shall be deemed sufficient notice in lieu of publishing in a newspaper, and it shall be sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that such publication or posting of copies was not made, and no such ordinance shall take effect and be in force until the expiration of five days after they have been published or posted.

SEC. 74. All the courts of the Territory of Washington, holding terms in said city or county, shall take judicial knowledge of the ordinances of said city, and after an ordinance

has been passed six days courts shall presume that the same has been duly published or posted five days, unless the contrary be affirmatively established.

CHAPTER X.

COLLECTING OF TAXES FOR STREET GRADES AND IMPROVEMENTS.

SEC. 75. The city of Montesano shall have power to establish assessment districts therein and change the same at pleasure, to make any improvement including opening, cleaning, sprinkling and lighting streets, alleys and public grounds, building and repairing bridges, protecting property from floods, and abating nuisances and may raise the necessary means therefor as provided in this chapter: *Provided*, That when the council deem such proposed improvements, though specially beneficial to the assessment district is also of great benefit to the whole city, it may contribute from any fund of the city applicable such amount as it may deem just: *And provided further*, When the council deem the proposed improvement not local in benefits but of general benefit to the whole city, it may make appropriations from any fund of the city applicable thereto, to pay for the whole thereof.

SEC. 76. Assessment districts may include such lands as the council may deem benefited by the improvement: *Provided*, That in the case of the improvement of established streets, sidewalks and alleys, it shall include only the land abutting the proposed improvement, and running back therefrom one hundred and twenty feet or less, and no improvement shall be made until the grade shall have been established. In all cases the dimensions and locality of the district shall be according to the discretion of the council, provided it shall always embrace the proposed improvements.

SEC. 77. The ordinances establishing the district shall describe the boundaries thereof and the nature and locality of the proposed improvement, which shall be published in the paper doing the city printing or posted in three conspicuous places in said city for at least two weeks before bids shall be received for the work. After the district has been established, an estimate of the work to be done shall be made, describing the amount of filling and excavation, and a particular descrip-

tion of each part of said work, and when practicable a diagram showing the nature of the work which shall be filed with the clerk for inspection of the public, and when the same is so filed, the clerk shall cause notice of the filing to be published or posted as aforesaid, at least ten days before bids are received for doing the work, and shall publish or post as a part of said notice, that unless a remonstrance is filed with him within ten days of the publication or posting, signed by the free holders representing more than one-half the land in the district, bids at the end of said ten days will be received and the contracts to do the work let: *Provided*, That if a petition signed by a majority of said free holders representing the same amount of land in the district as that in the remonstrance, be filed at any time a new advertisement or posting for bids shall be had, and contracts let in all respects as if the remonstrance had not been filed.

SEC. 78. If the remonstrance mentioned shall be filed as aforesaid, the proceedings shall stop until said petition shall be filed: *Provided*, That a new district with different limits may be formed for the same purpose and new proceedings had as above prescribed.

SEC. 79. When according to the above provisions it becomes lawful to proceed with said improvement and bids have been received therefor, the clerk shall make an abstract from the last annual assessment roll of the city, of all the lands in said district and the values thereof as it so appears and return the whole proceedings and all the papers to the council.

SEC. 80. Upon the return of said clerk to the council the bids shall be opened and if the council shall accept any bid it shall proceed to levy a tax on the land in said district (exclusive of improvement), as it shall appear from said list made from the assessment roll according to the value thereof, sufficient to pay the amount of the accepted bid and the incidental probable expenses.

SEC. 81. If no bid is accepted, notice shall be published or posted by the clerk as aforesaid, at least five days, that new bids will be received for said work, and when such bids are received and accepted by the council, it shall levy the tax as aforesaid.

SEC. 82. After such bid is accepted and levy made the contract shall not be executed until five days thereafter, during which time, if any of the free holders in said district will give bid and bond as hereinafter provided to do the work twenty dollars less than the accepted bid and pay the accepted bidder

ten dollars bonus, for his trouble, which shall be left with the clerk, then the contract with the original accepted bidder shall come to an end, and the work shall be done by the freeholders: *Provided*, If there are two or more freeholders who offer as aforesaid to do the work, the one offering to do the work for the least price shall pay said bonus and have the contract, and all other contracts shall become void: *And provided*, That all persons bidding shall file with their bids a bond to do the work according to the specifications with the clerk aforesaid, in case his bid is accepted and the contract awarded to him with such sureties as may be prescribed by ordinance.

SEC. 83. The fees and percentages and penalties for collection of delinquent taxes shall be added to the delinquent tax and collected as a part thereof.

SEC. 84. As soon as a tax levied becomes delinquent the clerk shall record the same in a book in his office and shall cause to be filed in the county auditor's office a certified transcript of said exhibit under his seal of office. The county auditor shall file said transcript and record it in the book of liens indexing the owner or reputed owner as lienor and the city as claimant for which he shall be entitled to charge the fee of twenty-five cents for each name so indexed: which sum shall be added to said claim and upon the enforcement of such lien shall be taxed and collected as costs.

SEC. 85. The funds collected under this chapter shall be kept separate and if there is any excess thereof it shall be returned to those who paid it according to their respective interests, and if there is a deficiency, a tax may be levied as above provided to make up such deficiency.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 86. The assessment of property, the form of the assessment roll, the rule for ascertaining the ownership of property, and in whose name it may be assessed and the collection of city taxes shall be made in the manner prescribed by existing laws for the assessment and collection of territorial and county taxes, the time of making assessments, the return of the assessor, the time for levying and collecting the general and special taxes, the time for the equalization of taxes, and when they shall become delinquent, must be prescribed by ordinance. The revised assessment roll shall be the basis of taxation in all assessment districts and the city for the fiscal year.

SEC. 87. The fees and costs, penalties and interest for and in city taxes and for the collection thereof, shall be the same as that prescribed by existing laws for territorial and county taxes and effect of sales, and deeds and the right of redemption shall be the same: *Provided*, That in the case of road poll tax that if any person shall bring a receipt from the street commissioner of having performed work for the same, then such receipt shall be accepted as payment at the rate of two dollars per day, and the tax collector shall take up such receipt and give a receipt as for cash.

SEC. 88. And the city council shall have power by ordinance to supplement the present territorial law as to the time taxes shall be collected, and the time of making return of delinquent rolls by the marshal and as to the change of the name of county officers to the proper city officers and any other change which is necessary to make said laws applicable to city and district assessment and taxes.

SEC. 89. Whenever any general or special tax has been levied as provided and authorized by this chapter, 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. 90. All the delinquent taxes, general and special and district, assessed and levied and due to the city of Montesano under and by virtue of the original charter shall be collected under and by the provisions of this charter.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 91. The city of Montesano 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 by order of the council, signed by the clerk or some other person on 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 one hundred dollars.

SEC. 92. When an accident happens within the city of Montesano by reason of defects or obstructions in streets, alleys,

sidewalks or bridges therein, the liability shall be as follows: When the defect or obstruction is caused by the street commissioner or employe under him, by the misfeasance or malfeasance of such street commissioner or employe, occurring as an incident of the work done for the city, such commissioner or employe in fault and the city jointly shall be liable.

SEC. 93. When such defect or obstruction exist from non-feasance of the street commissioner, then said commissioner and the city shall be liable: *Provided*, That if the street commissioner shall use due diligence in discovering defects or obstructions and use such means and power as the council may have given to cause said defects to be cured or obstructions removed and notify the council thereof in reasonable time, he shall not be deemed guilty of non-feasance.

SEC. 94. If the council has been notified by the street commissioner that there is danger from any such defect or obstruction, and fails to immediately furnish the power and means to the street commissioner to cure the defects or remove the obstruction to an extent sufficient to prevent accidents, then the city shall be liable alone, unless such defect or obstruction is caused or permitted as is described in the next section.

SEC. 95. When an action is against joint defendants or two or more defendants, and when the liability of any defendant arises out of the fault of the officer, tenant or employe of such defendant, the verdict shall so state and judgment be entered accordingly, and execution satisfied from the property of such officers or employe, if it can be found, but if not found, then against the city or employe, and when the city or employe shall pay such judgement or any part of the same, it or he shall be subrogated to that extent to the rights of the plaintiff, and if such officer or employe is not embraced as defendant by the original complaint, the defendant sued may make him a party defendant by the service of the copy of the original complaint and summons upon him, together with a note that he shall appear and defend the same, which shall operate and have the effect of an original summons, and when made a party he shall answer the original complaint in all respects as if it charged him with the wrong instead of the other defendant.

SEC. 96. 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: *Provided*, That when a fund has been created to be expended

for a certain purpose, the council may, from time to time, direct payments to be made therefrom for such purposes without ordinance.

SEC. 97. The fiscal year of the city shall commence on the first day of March and end on the last day of February of each year.

SEC. 98. 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. 99. The city council may divide the city into not less than two nor more than six wards, and shall apportion the members of the city council to be elected in each, and provide a place or places for holding elections and appoint officers for conducting the same.

SEC. 100. When the grade or boundaries of any street has been once legally established, such grade or boundary shall not be changed without indemnifying each person injured by such change, and the amount of compensation shall be determined as in other cases when private property is taken for the use of the city, and the city of Montesano may exercise the right of eminent domain, to take any private property for any use of the city, embraced within any of the objects or purposes of this act.

SEC. 101. In all 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. 102. All the trusts for private persons and all the rights to property vested or existing in the city of Montesano by virtue of any act of the legislative assembly of the Territory of Washington or city organization under the laws thereof and by the acts of congress, are hereby imposed and granted to the city of Montesano created by this act, as the successor thereof, it being the true intent of this and all other acts creating the city of Montesano to continue the existence of the same city as pre-

scribed from time to time by the act incorporating the same but with additional powers and manner of government.

SEC. 103. All ordinances heretofore in force in the city of Montesano, passed concerning the trusts of said city for private parties are continued in force, and all ordinances passed and in force in said city when this act goes into effect are continued in force until repealed by the city council.

SEC. 104. This is hereby declared a public act.

SEC. 105. Whenever an addition to said city shall be platted and recorded in the office of the county auditor of Chelalis county as required by law, then and in that case the city of Montesano shall have power by ordinance to include such addition within the corporate limits thereof: *Provided always*, That said is joined to the already established boundaries of said city.

SEC. 106. The limit of indebtedness of the city of Montesano is hereby fixed at (10,000) ten thousand dollars.

SEC. 107. All acts and parts of acts relating to the incorporation of Montesano city and not herein reserved are hereby repealed.

SEC. 108. This act is to take effect from and after its passage and approval by the governor.

Approved January 20, 1886.

AN ACT

TO INCORPORATE THE CITY OF NORTH YAKIMA AND TO PARTICULARLY DEFINE THE POWERS THEREOF.

CHAPTER I.

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

SECTION 1. That the corporate limits of the city of North Yakima shall be and the corporate boundaries thereof shall include the following legal subdivisions of land, to wit: All of section nineteen (19), township thirteen (13) north, range nineteen (19) east, save and except the east half of the northeast quarter of said section nineteen (19); and all of the southwest quarter and the south half of the northwest quarter

of section eighteen (18), township thirteen (13) north, range nineteen (19) east, and all of the southeast quarter of section thirteen (13), township (13) north, range eighteen (18) east, and all of the east half of section twenty-four (24), township thirteen (13) north, range eighteen (18) east.

SEC. 2. The inhabitants within the city of North Yakima are hereby constituted and declared to be a municipal corporation by the name and style of the "City of North Yakima," 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 North Yakima 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 municipal purposes shall not exceed in any one year one per centum on the property assessed: *Provided however*, That the above limitations shall not apply to local assessments in assessments districts.

SEC. 4. The city of North Yakima shall have power to make regulations for prevention of accidents by fire; to organize and establish fire departments and shall have control thereof, and ordain rules for government of 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 three-tenths 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 of 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 North Yakima may regulate and provide as to the manner in which all lands and additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley and the manner in which a plat shall be made thereof, and where filed and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries, and may cause an official map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct, and all surveys made by the city surveyor whatever at the instance and expense of the city or private parties, shall be official surveys, and a minute thereof shall be kept by the city surveyor as a part of his official record, and shall be *prima facie* evidence of their own correctness, and the city has power to enforce this by ordinance and to compel the establishment and maintenance of such monument, and to fine or imprison, or both, for a violation thereof, and when the boundary or existence of any public street, alley, easement or square is in doubt and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 6. The city of North Yakima 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, hospitals 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 of one per cent. in any one year. The city shall have entire control of 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 hereafter be dedicated to public use by any person or persons, and has power to regulate and improve the same, and 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 or the public existing prior to such con-

veyance, but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 7. The city of North Yakima has power to provide for the lighting of the streets and furnishing the city with lights, and for the erection or construction of such works as may be necessary and 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.

SEC. 8. The city of North Yakima shall have power to provide for clearing, opening, vacating, graveling, improving and repairing of streets, highways and alleys, to gutter the same and to construct and repair sidewalks and build bridges, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalks, also to regulate cellarways, and cellar lights, or sidewalks within the city, and to provide for clearing the streets, and establishing the grade thereof; also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax of not less than two nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except actual and exempt members of the fire department, and 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 there shall not be levied or collected by the county of Yakima or the officers thereof, any road tax or road poll tax upon the property or inhabitants within said city.

SEC. 9. The city of North Yakima shall have power to cause any person to keep his property or the property he occupies or controls, and the adjacent streets and alleys clean and free from any thing dangerous to health, or offensive to the senses, or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit, to abate all nuisances and provide for the public safety.

SEC. 10. The city of North Yakima is hereby authorized to grant the right to use the streets of said city for the purposes of laying gas and other pipes intended to furnish the inhabitants of said city with light or water to any persons or association of persons for a term not exceeding twenty-five years, and to authorize or forbid the location and laying down of tracks for railways and street railways, telegraph or telephone appliances on all streets, alleys and public places, but no railway track can

thus be located and laid down until after the injury to streets, alleys and 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 99 of this act.

SEC. 11. The city of North Yakima shall have power to erect and maintain water-works within or without the city limits or to authorize the erection of the same for the purpose of furnishing the city or the inhabitants thereof with a sufficient supply of water, 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, springs, 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, but no water-works shall be erected by the city until a majority of the voters, who shall be those only who are free holders in the city or pay a property tax therein on not less than five hundred dollars' worth of property, shall at a general or special election vote for the same. Such proposition shall be formulated and submitted not less than thirty days before election.

SEC. 12. 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 shall have power to purchase or condemn water-works already erected or which may be erected, and may mortgage or hypothecate the same to secure to the persons from whom the same may be purchased the payment of the purchase price thereof. Said city shall have power to regulate and sell the water thus brought therein and the moneys arising therefrom shall constitute a fund, to be used to defray the expenses of operating the same and to pay the purchase price thereof, and said city may levy and collect a special tax each year until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum: *Provided however*, No such tax shall be levied or collected until the question has been submitted, as provided in section eleven (11) of this act to electors as therein named and a majority thereof at any annual or special election shall favor the same.

SEC. 13. The city of North Yakima shall have power to provide for, and by ordinance adopt, such a system of sewer-

age as may be needed, but no moneys shall be expended for pipes, mains or laterals, to be used therefor, until the system proposed, and the cost thereof, has been ascertained and submitted for ratification or rejection to the qualified electors, as prescribed in section eleven of this act at an annual or special election, and the expenditure therefor be authorized by a majority of such voters: *Provided*, That this section shall not prohibit construction of sewers under chapter ten of this act.

SEC. 14. The city of North Yakima shall have the power to make regulations, to prevent the introduction and spread of contagious diseases in the city; to remove persons affected with such or other diseases therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, during their sickness only, and provide that solvent persons and their estates shall pay for the expenses of keeping them in such hospital: *Provided however*, That persons shall not be removed from their own home without their consent, but the city may quarantine any house wherein a contagious disease exists, or the whole city.

SEC. 15. The city of North Yakima shall have power to make regulations and pass ordinances preventing domestic and other animals from running at large within the city limits, and restrain, impound and forfeit such animals, and may sell the same when forfeited, and apply the proceeds as it deems expedient, and in the case of dogs may cause them to be destroyed or sold when they are found running at large without license, and also may impose a license tax on dogs within the city.

SEC. 16. The city of North Yakima 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, and pawnbrokers; to license, tax, regulate, prohibit 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 gallon. No license for the sale of liquors shall be issued for a less license than provided by the general laws of the territory: *Provided, however*, That no license shall be required of apothecaries or druggist for the sale of wine, spirits, or malt liquors for medical purposes only, when prescribed by regular practicing physicians; to license, tax, or prohibit and regulate wash-houses, slaughter-houses, and abattoirs: *Provided*, That

no tax shall be imposed, or license required for sale inside of said city of any of the natural products of the country, when sold by the producer, nor shall any regulation be adopted contravening any existing law of the territory.

SEC. 17. The city of North Yakima has power to establish and maintain a day and night police, which shall consist of the marshal and his deputies, and to regulate their number, pay and duties.

SEC. 18. The city of North Yakima shall have power to prohibit, regulate or restrain houses of ill-fame, or gambling houses and to authorize the destruction of gaming devices, opium smoking houses, and the confiscation of opium found therein, and opium smoking devices, to prohibit and restrain and abate disorderly houses; to regulate the transportation and keeping of gunpowder and other combustibles, and to provide for magazines for the keeping thereof, and license and tax such keeping and punish any violation of such regulation by fine, imprisonment or forfeiture of the gunpowder or combustible kept or transported contrary to such regulations; to regulate the speed and manner in which animals or vehicles of all kinds, including locomotives or cars, shall be driven or allowed to run through the streets of the city; to prevent riots, assaults, assaults and batteries or affrays, noisy or disorderly assemblies within said city, and to prevent the maintenance of anything which is annoying, offensive or unhealthy, whatever its nature, and to prevent all other acts which are misdemeanors at common law or by the statutes of Washington Territory, and may punish violations of the provisions of this section as provided in section twenty-one.

SEC. 19. The city of North Yakima shall have power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and cause any body interred contrary to such prohibition, to be taken up and buried without the limits of the city, and have full jurisdiction over all cemeteries belonging to the city, whether within or without the city limits, and of the walks and ways leading from the city to such cemeteries, and power to regulate, improve and protect the same in all respects, and to punish, by fine and imprisonment, as provided in section twenty-one (21), any violation of ordinances in respect to the same.

SEC. 20. The city of North Yakima shall have power to establish and regulate markets; to provide for the measuring or weighing of hay, coal, wood or other articles.

SEC. 21. The city of North Yakima shall have power to adopt proper ordinances for the government of the city, and

to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding three hundred dollars and costs, or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment, and in case of default of the payment of such fine and costs, shall have power to imprison not to exceed one day for every two dollars, and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person, while imprisoned as aforesaid, shall be compelled to work during the time he is so imprisoned, at such hard labor as the marshal shall direct.

SEC. 22. The city of North Yakima shall have power to establish and regulate the fees and compensation of all its officers except when otherwise provided, and have such other powers and privileges, not here specifically enumerated, as are incident to municipal corporations

SEC. 23. The city of North Yakima shall have power to acquire by purchase or otherwise water-ditches for irrigation, domestic or other purposes, and may acquire title to all ditches now constructed within the corporate limits of said city, and the same when so acquired are to be held forever by said city for the inhabitants of said city for their use for such purposes, said city to regulate and control the use thereof, and said city may acquire by purchase or otherwise a sufficient quantity of water and convey the same in said ditches for any or all of such purposes.

SEC. 24. The city of North Yakima shall have power to make, erect and construct through its streets, alleys or highways, or through any of its public parks or grounds, water-ditches for irrigation and for domestic or other purposes, and shall have full control thereof, and said city may take, appropriate and use water for any or all such purposes and conduct the same through any ditches by it constructed, and may make such regulations by ordinance for the control of such ditches and the water therein and the use thereof by the inhabitants of said city as may be deemed proper.

SEC. 25. The city of North Yakima shall have power to cause to be planted upon the streets or public grounds of said city, shade or ornamental trees and to protect the same, and to impose by ordinance fines for destruction or injury thereof: *Provided*, Said city shall not expend more than five hundred dollars (\$500) for such purpose in any one year: *And further provided*, That the city council may by vote as upon an ordinance cause

such expenditure to be made; all sums so expended to come from the general fund of the city.

SEC. 26. The city of North Yakima shall have power to regulate the manner of planting of trees upon the streets and have full control thereof, and may regulate planting of trees, the places and the kind of trees planted upon its streets, and may protect and control all trees now or hereafter planted upon its streets within its corporate limits, and for such purpose may pass ordinances providing for fine or imprisonment in amount as in section 21 of this act.

CHAPTER III.

GOVERNMENT.

SEC. 27. The powers and authority hereby given to the city of North Yakima by this act, shall be vested in a mayor and council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 28. The council shall consist of seven (7) members. They shall be elected for one year, and shall hold their offices until their successors are elected and qualified.

SEC. 29. The mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 30. There shall be elected, as hereinafter specified, a justice of the peace, marshal, clerk, attorney, treasurer, street commissioner, sexton and such other officers as may become necessary for the due execution of the powers herein conferred. The officers enumerated in this section shall be elected by the council annually, at a meeting to be designated by them after the qualification of the members of the council. Such election shall be by ballot. The justice of the peace so selected shall be one of the justices [of the peace duly elected under the laws of Washington Territory, in and for the precinct in which said city is located, and while acting in city matters may hold his office for that purpose anywhere within the city. Such justice of the peace 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, forfeiture 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 in other cases. All officers elected by the council are subject to removal by that body at any time for cause deemed by them sufficient. The council may appoint at any time a person to fill any one of the above named offices whenever the incumbent thereof is temporarily absent or sick or unable for any cause to act. Such appointment shall, however, cease whenever the disability is removed and in case the term of office of the city justice shall expire under territorial law, the council may at any time fill the vacancy. The salary of none of such officers shall be increased or diminished during the term for which they were elected or appointed.

CHAPTER IV.

ELECTIONS.

SEC. 31. There shall be a general election for mayor, and members of the council on the second Monday of May of every year, and until the first general election the following officers are hereby appointed to serve until their successors are elected and qualified, and with power to appoint temporarily all other necessary officers authorized by this act, to wit: Mayor, Edward Whitson; Councilmen, T. J. V. Clark, J. W. Shull, T. J. Redfield, David Guiland, A. B. Weed, O. Hinman and S. J. Lowe; and said mayor and councilmen may, upon ten days' notice by the mayor, hold their first meeting to organize said city government as provided herein.

SEC. 32. That at all general elections the vote shall be by ballot, at the time and place designated by the council, and the inspector, judges and clerks to conduct the same shall also be appointed by the council.

SEC. 33. The clerk shall give ten days' notice, by publication in a newspaper, if there be such published in said city of such election, the officers to be elected, the place or places designated, and the names of the officers by whom the same is to be conducted.

SEC. 34. All elections shall commence at nine o'clock A. M., and continue until five o'clock P. M., 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. 35. Inspectors, 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 as required by section thirty-three of this act shall not invalidate any election otherwise legal.

SEC. 36. No person is qualified to vote at any election under this act, who is not entitled to the privilege of an elector according to the laws of the territory and who has not resided three months in the city and in the ward ten days, next preceding such election and who, if under fifty years of age if not a female, has not paid either a poll or property tax in such city for the fiscal year then last past, except those exempted from taxation in section eight, 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 the city.

SEC. 37. On the first regular meeting of the council, next after such election, the return thereof shall be canvassed and a written statement of such canvass shall be made and signed by the presiding officer of the council and attested by and filed with the clerk, such written statement shall contain the whole number of votes given at such election, the number given for any person for any officer, and the names of persons elected and to which office: *Provided*, That if the requisite number of city officer 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 clerk shall give notice to the several persons so having the highest and 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 certifi-

cate of election for each person declared thereby to be elected, and deliver the same to him.

SEC. 39. A certificate of election is *prima facie* 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 office under this act shall commence at 12 M. on the tenth day after the canvass of the election returns by the council 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 shall be 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, ——, do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act of this territory, and the laws made in conformity therewith, 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.

SEC. 43. 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 V.

VACANCIES IN OFFICE.

SEC. 44. Absence for a period of thirty days without

leave shall work a forfeiture of any office: *Provided, however,* Absence on duty pertaining to the office, shall not work such forfeiture; all vacancies in offices appointed by the council shall be filled by the council at a regular meeting, and such appointee shall continue in office until the next election. Vacancies in the offices of mayor and councilmen shall be filled at a special election upon ten days' notice. Such election to be conducted as provided in chapter four (4) of this act.

SEC. 45. An officer appointed to fill a vacancy must, within five days after being notified by the clerk of his appointment, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 46. The city council shall possess all the legislative powers granted by this act: shall be a board for the equalization of city taxes, and shall have all other corporate powers of the city not herein or by some ordinances of the city conferred on some other officer, and shall have the same powers and duties with reference to city assessments and taxes as those prescribed by existing law for the government of the board of county commissioners in the matter of county assessments and taxes.

SEC. 47. The council must provide for the time and place of its regular meetings, to 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 one day's notice given to each of the members, through the city clerk.

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, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies, as modified by the rules last adopted by the legislative council of Washington Territory. It must keep a journal of its proceedings and

on call of any of its members, must cause the yeas and nays to be taken, and entered in the journal upon any question before it. But on 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 person or member for disorderly conduct at a meeting of the council, and the manner of proceedings in a case of disorderly conduct, and the penalty must be provided for by ordinance, but a member of the council for words uttered in debate during sessions of the board shall not be questioned in any other place.

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 members 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, at which time the election returns shall be canvassed as provided in chapter four of this act, 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 of councilmen elected shall constitute a quorum; a majority vote of the quorum is sufficient to perform and transact any business of the council except the final passage of an ordinance, or making a general appropriation of money, in which matters it shall require a majority vote of all members elect, and except in cases wherein other provisions of this act provide that a greater number of votes is required: *Provided*, That special payments from a fund already appropriated may be made upon a majority vote of a quorum: *And provided further*, The council may order the money out of the general fund, into another, for any specific objects.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 54. The mayor is the chief executive officer of the corporation; and shall have power to communicate to the coun-

cil at any time, concerning the condition and state of affairs of the corporation, and recommend such measures as he may deem expedient and proper; has the power of veto and the power to pardon or commute any sentence for the violation of any ordinance. The mayor shall sign all warrants ordered drawn on the city treasury.

SEC. 55. The mayor shall approve all bonds or undertakings, official or those which may be required by ordinance, or by any contract entered into by the corporation with private individuals. He shall report the same to the council at the next regular meeting thereof, and if disapproved by that body the same shall be void.

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 at the next regular meeting 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 consideration five-seventh of the members of the council shall agree to pass the same, it shall become the 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 own members, who shall be the acting mayor and perform all the duties of such office, during such temporary absence or inability.

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, and be the legal adviser of the city officers; the city may employ additional counsel when deemed advisable.

SEC. 60. It shall be the duty of the clerk to keep a correct journal of the proceedings and to file and keep all papers and books of the council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall attest all warrants drawn on the treas-

urer. He shall also attest any other document when ordered to do so by the council.

SEC. 61. All demands against the city must be presented to the clerk, with the necessary evidence in support thereof, which he must audit and submit to the council, who shall, by a vote, direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 62. When the council orders any demand or account paid, and not otherwise, the clerk shall draw a warrant on the treasurer for the amount so ordered paid and present the same to the mayor who shall sign the same.

SEC. 63. The clerk must keep proper books 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 perform the same duties as to city assessments as are now prescribed by law for the county auditor in the matter of county assessments and all such other matters and things as may be prescribed by ordinance, or are proper and necessary to a correct understanding of the finances of the city.

SEC. 64. The treasurer is receiver of all taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor and clerk, and perform the duties as to city taxes prescribed by existing law for the government of the county treasurer as to county taxes: *Provided*, When taxes becomes delinquent, he shall turn over a list of the same to the city marshal for collection.

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 of the city to the council at their first regular meeting thereof in January and May of each year, which report shall be published in the newspaper doing the city printing.

SEC. 67. The clerk must annually make a correct list of all property subject to taxation by the city, with the valuation thereof, and perform the same duties as to the assessment and collection of city taxes as are prescribed by existing laws as the duties of the county assessor in the assessment and collection of county taxes.

SEC. 68. Any person feeling aggrieved by the valuation put upon their property by the clerk, or in the listing of the same, may apply to the council to have the same revised

or corrected and the council may correct the same if deemed by that body erroneous.

SEC. 69. The marshal is peace officer, and *ex officio* chief of the police and collector of delinquent taxes, and must execute all processes 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. He shall make arrests for breach of the peace or for a commission of crime within the city limits, with or without warrant. He shall exercise a vigilant control over the peace and quiet of the city and he is the keeper of the city prison. He shall give such bonds to the city as may be prescribed by ordinance for the faithful performance of his duties and shall also give bond as tax collector.

SEC. 70. 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, to the council at the first regular meeting in each month.

SEC. 71. 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 and other moneys received by him when acting under or 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. He shall keep a separate docket of all city cases and make a report to the council each month of his doings.

SEC. 72. The powers and duties of all officers of the city shall be as prescribed by ordinance, except as provided herein.

SEC. 73. 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. 74. The official books of the corporation shall be subject to inspection by any tax payer thereof, during office hours.

CHAPTER IX.

ORDINANCES.

SEC. 75. The style of every ordinance shall be "The city of

North Yakima does ordain as follows." No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repeating [repealing] it, but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 76. 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 a newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that such publication was not made, and no such ordinance shall take effect and be in force until the expiration of five days after they have been published.

SEC. 77. All the courts of the Territory of Washington, holding terms in said city shall take judicial knowledge of the ordinances of said city, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless the contrary be affirmatively established.

CHAPTER X.

COLLECTING OF ASSESSMENTS FOR STREET GRADES AND IMPROVEMENTS.

SEC. 78. The city of North Yakima shall have power to establish assessment districts therein and change the same at pleasure, to make any improvement including opening, cleaning, sprinkling and lighting streets, alleys and public grounds, building and repairing bridges, protecting property from floods, and abating nuisances and may raise the necessary means therefor as provided in this chapter: *Provided*, That when the council deem such proposed improvements, though specially beneficial to the assessment district is also of great benefit to the whole city, it may contribute from any fund of the city applicable such amount as it may deem just: *And further provided*, When the council deem the proposed improvement not local in benefits but of general benefit to

the whole city, it may make appropriations from any fund of the city applicable thereto, to pay for the whole thereof.

SEC. 79. Assessment districts may include such lands as the council shall deem benefited by the improvement: *Provided*, That in the case of the improvement of established streets, sidewalks and alleys, it shall include only the land and improvements abutting the proposed improvement, and running back therefrom one hundred and forty feet or less, and no improvement shall be made until the grade shall have been established. In all other cases the dimensions and locality of the district shall be according to the discretion of the council, provided it shall always embrace the proposed improvements.

SEC. 80. The ordinances establishing the district shall describe the boundaries thereof and the nature and locality of the proposed improvement, which shall be published in the paper doing the city printing at least two weeks before bids shall be received for the work. After the district is established, an estimate of the work to be done shall be made, describing the amount of filling and excavating, and a particular description of each part of said work, and when practicable a diagram showing the nature of the work which shall be filed with the clerk for the inspection of the public, and when the same is so filed, the clerk shall cause notice of the filing to be published as aforesaid, at least ten days before bids are received for doing the work, and shall publish as a part of said notice that unless a remonstrance is filed with him within ten days of the publication, signed by the freeholders representing more than one-half the land in the district, bids at the end of said ten days will be received and the contracts to do the work let: *Provided*, That if a petition signed by a majority of said freeholders representing the same amount of land in the district as that in the remonstrance be filed at any time a new advertisement for bids shall be had, and contracts let in all respects as if the remonstrance had not been filed.

SEC. 81. If the remonstrance mentioned shall be filed as aforesaid, the proceedings shall stop until said petition shall be filed: *Provided*, That a new district with different limits may be formed for the same purpose and new proceedings had as above prescribed.

SEC. 82. When according to the above provisions it becomes lawful to proceed with said improvement and bids have been received therefor, the clerk shall make an abstract from the last annual assessment roll of the city, of all the lands in said

district and the values thereof as it so appears and return the whole proceedings and all the papers to the council.

SEC. 83. Upon the return of said clerk to the council the bids shall be opened and if the council shall accept any bid it shall proceed to levy a tax on the land in said district (exclusive of improvement), as it shall appear from said list made from the assessment roll according to the value thereof, sufficient to pay the amount of the accepted bid and the incidental probable expenses.

SEC. 84. If no bid is accepted, notice shall be published by the clerk in the paper aforesaid, at least five days, that new bids will be received for said work, and when such bids are received and accepted by the council, it shall levy the tax as aforesaid.

SEC. 85. After said bid is accepted and levy made the contract shall not be executed until five days thereafter, during which time, if any of the freeholders in said district will give bid and bond as hereinafter provided to do the work for twenty dollars less than the accepted bid and pay the accepted bidder ten dollars bonus, for his trouble, which shall be left with the clerk, then the contract with the original accepted bidder shall come to an end, and the work shall be done by the freeholders: *Provided*, If there are two or more freeholders who offer as aforesaid to do the work, the one offering to do the work for the least price shall pay said bonus and have the contract, and all other contracts shall become void: *And provided*, That all persons bidding shall file with their bids a bond to do the work according to the specifications with the clerk aforesaid, in case his bid is accepted and the contract awarded to him with such sureties as may be prescribed by ordinance.

SEC. 86. The fees and percentages and penalties for collection of delinquent taxes shall be added to the delinquent tax and collected as a part thereof.

SEC. 87. As soon as a tax is levied the clerk shall record the same in a book in his office and shall cause to be filed in the county auditor's office a certified transcript of said exhibit under his seal of office. The county auditor shall file said transcript and record it in the book of liens, indexing the owner or reputed owner as lienor and the city as claimant, for which he shall be entitled to charge the fee of twenty-five cents for each name so indexed; which sum shall be added to said claim and upon the enforcement of such lien shall be taxed and collected as costs.

SEC. 88. The funds collected under this chapter shall be

kept separate and if there is any excess thereof it shall be returned to those who paid it according to their respective interests, and if there is a deficiency, a tax may be levied as above provided to make up such deficiency.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 89. The assessment of property, the form of the assessment roll, the rule for ascertaining the ownership of property, and in whose name it may be assessed and the collection of city taxes shall be made in the manner prescribed by existing laws for the assessment and collection of territorial and county taxes, the time of making assessments, the return of the assessor, the time for levying and collecting the general and special taxes, the time for the equalization of taxes, and when they shall become delinquent, must be prescribed by ordinance. The revised assessment roll shall be the basis of taxation in all assessment districts and the city for the fiscal year.

SEC. 90. The fees and costs, penalties and interest for and on city taxes and for the collection thereof, shall be the same as that prescribed by existing laws for territorial and county taxes, and the effect of sales and deeds and the right of redemption shall be the same: *Provided*, That in the case of road poll tax that if any person shall bring a receipt from the street commissioner of having performed work for the same, then such receipt shall be accepted as payment at the rate of two dollars per day, and the tax collector shall take up such receipt and give a receipt as for cash.

SEC. 91. And the city council shall have power by ordinance to supplement and change the present territorial law as to the time taxes shall be collected, and the time of making return of delinquent rolls by the marshal and as to the change of the name of county officers to the proper city officers, and any other change which is necessary to make said laws applicable to city and district assessment and taxes.

SEC. 92. Whenever any general or special tax has been levied as provided and authorized by this chapter, 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.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 93. The city of North Yakima 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 by order of the council, signed by the clerk or some other person on 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 one hundred dollars.

SEC. 94. 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: *Provided always*, That when a fund has been created to be expended for a certain purpose, the council may, from time to time, direct payments to be made therefrom for such purposes without ordinance.

SEC. 95. The fiscal year of the city shall commence on the first day of May and end on the last day of April of each year.

SEC. 96. 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. 97. The city council may divide the city into not less than three nor 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. 98. When the grade or boundaries of any street has been once legally established, such grade or boundary shall not be changed without indemnifying each person injured by such change, and the amount of compensation shall be determined as in other cases when private property is taken for the use of the city, and the city of North Yakama may exercise

the right of eminent domain, to take any private property for any use of the city, embraced within any of the objects or purposes of this act.

SEC. 99. In all 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. 100. This act is hereby declared a public act.

SEC. 101. Whenever an addition to said city shall be platted and recorded in the office of the county auditor of Yakima county as required by law, then and in that case the city of North Yakima shall have power by ordinance to include such addition within the corporate limits thereof: *Provided always*, That such addition is joined to the already established boundaries of said city.

SEC. 102. The limit of indebtedness of the city of North Yakima is hereby fixed at (10,000) ten thousand dollars.

SEC. 103. This act is to take effect from and after its passage and approval.

Approved January 27, 1886.

AN ACT.

TO INCORPORATE THE CITY OF ELLENSBURGH AND TO DEFINE THE POWERS AND BOUNDARIES THEREOF.

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

CHAPTER I.

SECTION 1. That the inhabitants of the town of Ellensburg, Kittitass county, Washington Territory, within the metes and bounds hereinafter prescribed, 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 Ellensburg" 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 and 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, and they shall have and use a common seal and may alter and amend the same at pleasure.

SEC. 2. The corporate limits of said city of Ellensburg shall be as follows: Commencing at the north west corner of section two (2), township seventeen (17) north, range eighteen (18) east of the Willamette meridian; running thence due north one-fourth of a mile to the northwest corner of the southwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section thirty-five (35), township eighteen (18) north, range eighteen (18) east; thence running due east one and one-fourth miles to the northeast corner of the southwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section thirty-six (36), township eighteen (18) north, range eighteen (18) east; thence running due south one mile to the southeast corner of the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$), section one (1), township seventeen (17) north, range eighteen (18) east; thence due west one mile to the southwest corner of the northeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section two (2), township seventeen (17) north, range eighteen (18) east; thence due north one-fourth of a mile, to the northwest corner of the northeast quarter of the southwest quarter ($\frac{1}{4}$) of said section two; thence due west one-fourth of a mile to the southwest corner of the northwest quarter ($\frac{1}{4}$) of said section two (2); thence due north one-half mile to the place of beginning.

CHAPTER II.

SECTION 1. The city of Ellensburg shall have power to assess, levy and collect taxes for general and municipal purposes not to exceed three mills per annum upon all property, both real and personal within the city limits, which is by law taxable for territorial and county purposes; *Provided however*, That the indebtedness of the city must never exceed in the aggregate the sum of two thousand dollars (\$2,000) and any debt or liability incurred in excess of said sum of two thousand dollars shall be invalid and void.

SEC. 2. The city of Ellensburg shall have power to make regulations for the prevention of accidents by fire, to organize and establish a fire department, and make and ordain rules for

the government of the same, to provide fire engines and other apparatus, and to establish fire limits.

SEC. 3. The city of Ellensburg shall have power to purchase or condemn and enter upon and take any lands within or purchase any land without its territorial limits for public squares, streets, parks, cemeteries, hospitals 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. The city shall have entire control of such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, alleys, 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 hereafter be 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 vest in the purchaser all the right, title and interest of the city therein.

SEC. 4. The city of Ellensburg shall have power to provide for the lighting of streets with gas or other lights within such districts or limits as may be prescribed by ordinance.

SEC. 5. The city of Ellensburg shall have power to provide for cleaning, opening, grading, graveling, guttering improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions there from, and from any side or crosswalk, also to regulate cellarways, cellar lights, and sidewalks within the city, and to provide for cleaning the streets, for constructing sewers and cleaning and repairing the same, and shall have power to assess, levy and collect each year a road poll tax of 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 active or exempt firemen and persons that are a public charge, and there shall not be levied or collected by the county of Kittitas or the officers thereof any road tax or road poll tax upon the property or inhabitants within the city of Ellensburg.

SEC. 6. The city of Ellensburg shall have power to cause any lot of land within the city 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 recovered against the owner of said property by an action at law as for debt.

SEC. 7. The city of Ellensburgh 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 of establishing the grades of all streets, within the city limits, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, alleys and all public grounds, and to provide for the condemnation of such real estates 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.

SEC. 8. The city of Ellensburgh shall have power to prevent injury or annoyance from anything dangerous, offensive or unhealthy and to cause any nuisance to be abated, to repress and restrain disorderly houses, houses of ill-fame, dance houses or gambling houses and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation, storage and sale of gun-powder, giant powder, dynamite, nitro-glycerine or other explosives or combustibles, and to provide or license magazines for for the same, and to prevent by all possible and proper means danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate riding or driving of horses or other animals through the streets; to prevent and restrain 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; to prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire arms, fire crackers, bombs, and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; the building and repairing of sewers, and the erection of gas lights, and to control and limit traffic on the streets, avenues and public places, to regulate the use of the streets and sidewalks for sign, sign posts, telegraph posts, awning posts and other purposes; to prohibit the exhibition of deformed

or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues and to provide for the cleaning and sprinkling of the streets and avenues, and to prohibit persons from roaming the streets at unreasonable hours.

SEC. 9. The city of Ellensburg shall have power to suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to indulge in the habit of smoking opium, and provide, by ordinance for the summary closing of such places, houses or rooms.

SEC. 10. The city of Ellensburg shall have the power to make regulations, to prevent the introduction of contagious diseases into the city, and to remove persons affected with such diseases therefrom, to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers: to restrain and punish disturbances or any unlawful or indecent practices, and to define what shall constitute the same.

SEC. 11. The city of Ellensburg shall have power to make regulations to prevent animals from running at large within the city limits, 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 to authorize their destruction.

SEC. 12. The city of Ellensburg shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibusses and every description of vehicles which may be kept for hire or for the transportation of persons or property for hire, and to prescribe and fix the rates thereof. To license, tax and regulate or prohibit theatricals, shows and other exhibitions, and public amusements, and to license tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; to license, tax, regulate or prohibit drinking saloons, bar rooms, beer shops, breweries and all other houses or places where intoxicating or other beverages are sold or disposed of, also to license, and regulate all billiard tables, pigeon hole and Jenny Lind tables kept for hire within the city, and any person or persons who shall keep any billiard table, Jenny Lind, pigeon hole or other gaming table or 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 per-

sons so playing shall pay for the drinks, cigars, or other articles for sale in such saloon or drinking house, shall, within the meaning of this act be deemed to keep the same for hire: *Provided, however,* That no license shall be required to [of] apothecaries or druggists for the sale of wines, spirits or malt liquors for medical purposes, when sold upon the authority of written prescriptions of practicing physicians. No law, or part thereof, authorizing any tribunal or officer of Kittitass county to grant licenses for any such house, places or business enumerated in this section shall apply to be held to authorize the granting of such licenses within said city by said county or its officers, and all such licenses paid to the city shall be in lieu of the licenses required and specified by the general laws of the territory for similar houses or places of business, and the sum required for such licenses shall not be less than the amount required by the general laws of the territory for houses or business of like character, and shall be paid to said city; bonds required to be given by keepers of saloons or drinking houses shall be upon the same terms and for like amount as required by said general laws, and shall be made payable to said city; to license, tax and regulate wash-houses and slaughter houses, and to prescribe and designate places for carrying on the same; to license and tax hotels, restaurants, chop and lodging houses, livery stables, drygoods stores, grocers stores, butcher shops, boot and shoe stores, dentists, photographers, doctors, lawyers practicing in the city courts, tobacco stores, fruit stores, variety stores, drug stores, furniture stores, blacksmith shops, carpenter shops, contractors and builders, jeweler shops, express companies, hardware stores, printing offices, oyster houses, barber shops, bath houses, wood and coal dealers, lumber dealers, news dealer, milliners' stores and all business houses and wholesale and retail establishments of every kind and description, and to fix the rates of such licenses in all cases except as herein provided: *Provided, however,* That no tax shall be imposed or license required for the sale in said city of any of the products of the country when sold by the producer, or of mechanics who expose for sale only the goods, wares or merchandise manufactured within the city limits.

SEC. 13. All funds derived from liquor or other licenses, granted under the provisions of this act, together with fines shall be paid into the city treasury, for the use of the city of Ellensburg: *Provided,* That two-thirds the amount derived from liquor license shall be paid into the Kittitass county treas-

ury by said city of Ellensburg, to be placed at the credit of the general school fund.

SEC. 14. The city of Ellensburg shall have power to establish chain gangs and to maintain a day and night police, and to provide for the election or appointment of such number of public officers as may be necessary, who shall have full power and authority to make arrests with or without warrants, and within or without the limits of the city, and such police officers shall also have authority to summon aid and exercise all powers necessary and requisite for the prevention of crimes and for the apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of the territory, such police officers shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services.

SEC. 15. The city of Ellensburg shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred within the city limits to be taken up and buried without the limits of the city, and shall have power to establish cemeteries or burial grounds without the city limits and to have the authority and jurisdiction over the same necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 16. The city of Ellensburg shall have power to establish and regulate markets; to provide for the measuring or weighing of hay, coal, wood or other articles of sale.

SEC. 17. The city of Ellensburg shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding three hundred dollars and costs, or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment, and in case of default of the payment of such fine and costs, the defendant shall be imprisoned not to exceed one day for every three dollars of such fine and costs, and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person, while imprisoned as aforesaid, may be compelled to work during the time he is so imprisoned upon the streets or other public grounds or works of said city; and the city may also cause the animals found running at large within the city limits, to be impounded, forfeited and sold.

SEC. 18. The city of Ellensburg shall have power to estab-

lish and regulate the fees, duties and compensation of its officers except when otherwise provided, and have such other powers and privileges, not here specifically enumerated, as are incident to municipal corporations of like character 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: *Provided*, that the mayor and councilmen shall not receive any compensation for their official services.

SEC. 19. The city of Ellensburg shall have power to construct and repair sidewalks and curb, pave, grade, bridge and gutter any street or streets, highway or highways, alley or alleys within the city 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 construction of said sidewalks and graveling, grading, paving or bridging said streets and alleys, and for that purpose may establish assessment districts, consisting of the whole or any portion of such street or streets, highway or highways, alley or alleys, as may be deemed advisable; but unless the owners of more than one-half the property subject to assessment for such improvements petition the council to make the same, such improvements shall not be made until all the members of the council present, by vote, authorize the making of the same.

SEC. 20. The city of Ellensburg may be divided into two or more wards by the city council, and the council may create new wards and increase the number of councilmen not to exceed eight, also change the boundary lines of wards so as to equalize the population: *Provided however*, That no wards be created or boundary lines changed within ninety days prior to any election.

SEC. 21. The city of Ellensburg shall have power to erect and maintain water-works, or to authorize the construction 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 two-thirds of the qualified voters of the city at a general or special election shall, by vote, assent thereto.

SEC. 22. The city of Ellensburg shall have power to construct or authorize the construction of such water-works as may be necessary for the city and for the purpose of maintaining and protecting the same from injury and the water from pollution, and may pass the necessary ordinances therefor.

SEC. 23. The city of Ellensburg, together with the terri-

tory, now comprised in school district No. three (3) of Kittitass county, Washington Territory, shall constitute a school district and there shall be elected annually, as other city officers, five school directors and one district school clerk, who shall hold their offices for one year and until their successors are elected and qualified and the general school law applicable to school districts in incorporated towns, except as herein provided, shall apply to school districts.

CHAPTER III.

GOVERNMENT.

SECTION 1. The power and authority given to the city of Ellensburg 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. 2. The common council shall consist of five members. They shall be elected for one year and shall hold their office until their successors are elected and qualified.

SEC. 3. The mayor shall be elected by the city at large for one year, and shall hold his office until his successor is elected and qualified. He shall be a resident and qualified elector of the city, and a property holder within the city.

SEC. 4. The common council shall be elected at large by the city, unless wards are created as provided in this act, when there shall be two members elected from each ward. They shall be qualified electors and residents of the ward from which they are elected and property holders within the city.

SEC. 5. There shall be elected by the city at large, a city marshal, who shall hold his office for the term of one year and until his successor is elected and qualified. He shall be a resident and qualified elector of the city.

SEC. 6. The justices of the peace for the precinct including the city, who shall have been duly elected and qualified as required by law, shall have jurisdiction over all offences defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings, before such justices of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the territory relating to justices of the peace and to their

practice and jurisdiction, and shall be subject to review in the district court by *certiorari* or appeal, the same as other cases.

SEC. 7. There shall be elected, as hereinafter provided, a city clerk, city treasurer, a city attorney, city assessor and street commissioners and city surveyor, who shall be officers of the municipal corporation.

SEC. 8. The city treasurer, city attorney, city assessor and street commissioner and city surveyor shall be elected by the common council by ballot, and shall hold their respective offices for the term of one year, or until their successors are elected and qualified: *Provided, however,* That they shall be liable to be removed by the common council at any time by a two-third vote, for malfeasance or misfeasance, inattention, incompetency or any other good cause. Nothing in this act contained shall be construed as prohibiting the election of one and the same person to two or more of the offices mentioned herein where the duties of such are incompatible.

SEC. 9. No person shall be eligible to any office in the 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 the city for six months next preceding his election or appointment.

CHAPTER IV.

SECTION 1. The annual municipal election for officers required to be elected under this act, shall be held on the second Monday in December of each year.

SEC. 2. No person shall be entitled to vote at any municipal election, annual or special, who is not a qualified elector for territorial and county officers according to the laws of the territory of Washington, and who shall not have resided in said city for ninety days next preceding the day of election.

SEC. 3. 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 the city and by publication in the newspaper doing the public printing, of such municipal election, the officers to be elected, the place designated for holding the election and the names of the judges and clerks appointed to conduct the same; at all such elections the vote shall be by ballot.

SEC. 4. All elections shall be commenced at ten o'clock A. M. and continue until five o'clock P. M. on the same day without closing the polls. If any judge of election fails to attend at the

proper time, the voters then present may elect another in his place; and if any clerk of election fail to attend at the proper time, the judges of election may appoint another in his place; the judges and clerks of election must possess the qualifications of voters within the city, but a mistake or error in this respect shall not invalidate any election otherwise legal.

SEC. 5. At the first regular meeting of the council next after such election the returns thereof shall be canvassed by the city council and a written statement of such canvass shall be made and signed by the mayor 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 office, and the names of persons elected and to what office.

SEC. 6. 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.

SEC. 7. A certificate of election is *prima facie* 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.

SEC. 8. The term of office of every person elected to office under this act shall commence on the tenth day of [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 persons must qualify by taking and filing the oath of office, and give such official bonds for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office shall be considered vacant.

SEC. 9. 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, —, do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act 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. 10. 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.

SEC. 11. No person is eligible to any office in the municipal corporation who at the time of his election or appointment is not entitled to the privileges of an elector according

to the laws of this territory, and who has not resided in the city of Ellensburg for the term of six months, next preceding his election or appointment.

CHAPTER V.

SECTION 1. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, city clerk, city treasurer, city assessor, city attorney and city surveyor, shall be deemed vacant whenever the incumbent thereof shall be absent without leave of the common council, from the city for a period of ninety days. The office of city marshal and street commissioner shall be deemed vacant when the incumbent shall be absent from the city without leave of the common council for the period of twenty days and the office of councilman shall be deemed vacant whenever the incumbent shall fail to attend for six regular consecutive meetings of the common council, unless absent upon leave of the common council, first obtained, or when he shall remove from or cease to be a resident of the ward for which he was elected; and any officer elected or appointed under and by authority of this act, who shall fail to qualify by taking the oath of office and filing his official bond, when a bond is required, within ten days next succeeding his election or appointment, shall be deemed to have forfeited his office, and such office shall be deemed vacant.

SEC. 2. A vacancy in any office shall be filled by the common council at a regular meeting, but appointments to fill vacancies in office of councilman shall only be until the next ensuing general election.

SEC. 3. An officer appointed to fill a vacancy, must, within five days after being notified of the appointment by the city clerk, qualify therefor in the manner of an officer elected, or he shall be deemed to have declined, and the office shall be considered vacant, unless he shall be absent from the city in which case he shall qualify within five days after his return: *Provided*, That such return be not delayed beyond thirty days.

CHAPTER VI.

ORGANIZATION AND POWER OF THE COUNCIL AND OFFICERS OF THE CORPORATION.

SECTION 1. 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 ordinances of the city conferred on some other officers.

SEC. 2. 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 one day's notice given to each of the members, or a majority thereof.

SEC. 3. 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, and in the absence of the mayor, four members shall constitute a quorum, and shall appoint one of their members president *pro tem.*, who shall perform all the duties required of the mayor.

SEC. 4. The council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies. 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 on a question to adjourn, the yeas and nays shall not be taken, unless upon the call of two members. Its deliberations and proceedings must be public.

SEC. 5. The common council shall have power to equalize taxes upon the assessment roll of the city at any time prior to the day fixed for taxes becoming delinquent: *Provided, That* ten days' notice by publication or written or personal service shall be given to any person whose name it is proposed to add to the list, or to any person whose assessment it is proposed to increase, citing him to come forward and show cause, if any there be, why such action shall not be taken by said common council.

SEC. 6. Any ordinance which shall have passed the council, shall before it comes a law, or of any force or validity, be presented to the mayor for his approval. If he approves it, 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 consider the same. If after such reconsideration three-fourths of the members of the council shall agree to pass the same, it shall become a law, and if the mayor fails to return the same within said ten days, it shall be deemed approved and become a law after publication in the official city papers.

SEC. 7. The common council shall take and approve all official bonds which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any other bond which may be required of any contractor for the faithful perform[ance] of his contract, and all bonds given to the city, and when such bonds shall have been approved, they must immediately be filed with the clerk.

SEC. 8. The justices of the peace, within the city, must keep a proper account of all fines, costs, or other moneys received by them when acting under and by authority of this act, and must pay to the city treasurer, on the first of each and every month, all city moneys, fines and costs, by them collected during the month past, taking duplicate receipts therefor, one of which they must file with the city clerk, together with an itemized statement, under oath, of all fees, costs, fines, and city moneys received by them during said month.

SEC. 9. The mayor is the executive officer of the corporation, and is *ex-officio* president of the common council, and shall preside over its deliberations when in session. He is not entitled to vote except in case of a tie, when he may give the casting vote. He shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the common council. It is his duty to see that all of the ordinances are properly enforced. It is his duty annually at the first regular meeting in each year, to communicate by message to the common council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council, from time to time, as he may think proper and useful.

SEC. 10. 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 common council, and it shall be his duty to prosecute all violations of any of the city ordinances when complaint is filed with the justices of the peace charging any person with having so violated any ordinance.

SEC. 11. It shall be the duty of the city clerk to keep a fair and correct journal of the proceedings of the common council and to file and keep all papers and books connected with the business of the common council.

SEC. 12. All demands and accounts against the city must be presented to the city clerk, with the affidavit of the claimant that the same is correct, and all other necessary evidence in support thereof, and he must submit the same to the

common council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

SEC. 13. When the common council orders any demand or account to be paid, the city clerk must draw a warrant upon the city treasurer for the amount ordered to be paid, which warrant must be drawn upon the special or general fund appropriated therefor. All warrants must be signed by the city clerk and countersigned by the mayor and sealed with the corporate seal of the city.

SEC. 14. 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 finances of the city, he must also keep a book of all ordinances passed by the common council, carefully enrolled and attested.

SEC. 15. The city clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall perform all such other duties connected with his office as city clerk as may be prescribed by ordinance.

SEC. 16. The city clerk shall, before entering upon the duties of his office, give a bond to the city in such sums and conditions as the common council may require.

SEC. 17. The treasurer is receiver of all taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the clerk of the common council, countersigned by the mayor.

SEC. 18. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any special object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

SEC. 19. The city treasurer must make a report of the receipts and expenditures of the common council at the first regular meeting in the months of June and December of each year, and cause the same to be published in the newspaper doing the city printing.

SEC. 20. The treasurer shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council.

SEC. 21. The city marshal is a peace officer, and must

execute all processes issued or directed to him, by any justice of the peace of the territory; he must attend regular upon the sessions of the justice's court in all matters wherein the city is interested, and the meetings of the common council. He has power, by and with the approval of the common council, to appoint one or more deputies, who shall possess the same powers as their principal; he shall make arrests for breach of the peace, or the commission of crimes within the city limits, with or without warrant, as a peace officer may do under the laws of the territory.

SEC. 22. The city marshal shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the prison or house of correction, unless otherwise prescribed by ordinance; but the common council shall have authority to make necessary agreements with the county commissioners of Kittitass county to use the county jail for city purposes.

SEC. 23. The city marshal shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the city treasurer monthly, taking duplicate receipts, one of which he shall file with the city clerk.

SEC. 24. The city 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 common council and must on the first of each month pay to the city treasurer any and all city moneys collected by him as fees, costs, fines or taxes, taking therefor duplicate receipts, one of which he shall file with the city clerk.

SEC. 25. The city marshal shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council. He may require a bond from any deputy appointed by him, but he as city marshal shall be held on his official bond for any violation or omission of any deputy so appointed.

SEC. 26. The city clerk may be appointed city assessor, whose duty it shall be to annually make a correct list of all the property within the corporate limits of the city subject to taxation by the city, with the valuation thereof and certify and return the same to the council on or before the first meeting of the council in April of each year: *Provided, however,* That such certificate and return shall be made to the city clerk, unless said clerk be acting city assessor: *And, provided further,* That such list of property and valuation may be

taken from the certified returns of the county assessor, if so prescribed by the council.

SEC. 27. The assessment must be made on the property and in the manner designated and prescribed by law for assessing property for territorial and county taxes; but the form of the assessment roll and the rule for ascertaining the ownership of property and in whose name it may be assessed, may be prescribed by ordinance.

SEC. 28. The street commissioner shall have the general supervision of all street improvements and work ordered by the common council. He shall employ such help as may be necessary to carry on the work under the direction of the common council, and shall make report of his doings at every regular meeting of the council, and shall perform such other duties as may be prescribed by ordinance.

SEC. 29. The city surveyor shall perform such duties as may be prescribed by ordinance.

SEC. 30. The official books and papers of all city officers shall be city property, and must be kept as such by such officers during their continuance in office, and be delivered to their successors; and the official books and papers of any office mentioned in this chapter may be inspected at any time by a committee of the common council appointed for that purpose.

CHAPTER VII.

COLLECTION OF DELINQUENT TAXES.

SECTION I. Whenever a municipal tax has been levied, as provided in this act, every part thereof shall bear interest at the legal rate from the time it becomes delinquent, and it shall be a lien upon all real estate so taxed from the time of the levy thereof.

SEC. 2. The common council shall provide by ordinance within what time all taxes shall be paid to the city treasurer, and all taxes not so paid within such time are thereafter delinquent, and must be collected as such.

SEC. 3. Within five days after such taxes have become delinquent the city treasurer shall return the tax roll to the city clerk, designating thereon the taxes remaining unpaid.

SEC. 4. The common council shall order the city clerk to deliver the tax roll to the marshal, after annexing thereto a

warrant directed to the marshal commanding him to proceed and forthwith to collect the delinquent taxes upon such roll, in the manner provided by law, and pay the same to the city treasurer, and to return to the city clerk the warrant with his proceedings endorsed thereon and the receipt of the treasurer for all moneys collected thereby and paid into the city treasury.

SEC. 5. 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, firm 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. 6. If no personal property be found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it may be levied upon any real property of the person, firm or corporation against whom the taxes are levied or charged or sufficient thereof to satisfy such warrant, including interest, fees of officers and all expenses of sale.

SEC. 7. 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 as provided by the laws of the territory regulating the sale of property for taxes, and the certificate of the marshal or person making such sale, shall be given to the purchaser as prescribed by said laws.

SEC. 8. Real property sold for delinquent taxes within the corporate limits of the city may be redeemed by the owner or his successor in interest, or by any person having a lien or judgment, decree or mortgage on such property, or any part thereof, after the expiration of the time, and in the manner prescribed by the laws of the territory.

SEC. 9. When any land or town lots cannot be sold for the amount of taxes, interest and charges thereon, such land or town lots shall be passed over and re-offered for sale before the close of the sale, and if the same cannot then be sold for the amount, such lands or town lots shall be purchased by the city treasurer for the amount due thereon for the city.

SEC. 10. The common 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 collecting delinquent taxes must be made on the warrant and collected as a part of

the tax. The common council may prescribe by ordinance the fees and compensation for collecting delinquent taxes.

SEC. 11. In any action, suit or proceeding 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 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. 12. In making a deed for real property, sold for delinquent taxes it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Ellensburg.

CHAPTER VIII.

ORDINANCES.

SECTION 1. The style of every ordinance shall be "The city of Ellensburg does ordain as follows." No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repeating it, but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 2. 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 a newspaper doing the city printing, 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 ordinance shall take effect and be in force until the expiration of five days after they have been published.

SEC. 3. All the courts of the Territory of Washington, holding terms in Kittitass county shall take judicial knowledge of the ordinances of said city, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless there is evidence affirmatively showing that such publication has not been made.

CHAPTER IX.

STREET GRADES AND IMPROVEMENTS.

SECTION 1. 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 improvement thereof, 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 newspaper doing the city business. 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. 2. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on said street or alley, and representing one-half the property in said street or alley shall file with the county clerk a remonstrance against said improvements, grade or alteration, the same shall not be further proceeded with unless all of the council present shall vote therefor.

SEC. 3. If no such remonstrance be made and filed, as in the last section provided, the council, at its earliest convenience thereafter, and within four months from the publication of such notice, may establish the proposed grade and proceed to make the proposed improvements.

SEC. 4. In all cases when the council shall by ordinance, order the improvement of any street or alley by the construction of sidewalks or graveling said streets or alleys, and the owner or owners of the property adjacent thereto neglect or refuse to comply with said ordinance within the time fixed

by said ordinance, and the cost thereof has been duly estimated by direction of the council, the council 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 costs thereof as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said planking or graveling shall be assessed *pro rata*, on said lots or parts thereof, and 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 newspapers 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 a lot or other land; the number of block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 5. Any person considering himself aggrieved by such appraisement 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 may amend the same as to them may seem just.

SEC. 6. When the tabulated statement as provided in section (4) four of this chapter, has been approved by the council, the same shall be recorded in the office of the county auditor of the county of Kittitass, in the record of liens on real property and shall be and remain a lien on the lots, parts of lots and land described therein for the several sums assessed thereon, respectively, and as last as the said several assessments are paid, the city clerk is authorized and required to enter on said county record of said lien, a release thereof, which shall be made in the margin of said record opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 7. When the city council shall have duly approved of said assessment and apportion the cost of improvements, 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 newspaper doing the city printing that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisements and assessment, who shall proceed to col-

lect in the same manner as other city taxes, except as is herein otherwise provided.

SEC. 8. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the 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. 9. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer and the warrant to the city clerk, with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 10. The person executing such warrant shall immediately make a certificate of purchase for the property sold to the purchaser, stating therein that 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 property or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 11. Redemption is made by the payment of the purchase money and twenty 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, together with interest upon such taxes at the legal rates.

SEC. 12. A redemption discharges the property from the effects of the sale and from the assessments. If made by the owner, or his successors in interest the estate in the property is thereby restored to such owner or successor in interest, but if made by a lien holder, the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 13. A sale of real property, under the provisions of this chapter, conveys to the purchaser (subject to redemption), all the estate or interest therein of the owner, whether known or unknown: *Provided*, That all proceedings therein shall be governed by the provisions of the Code of Washington Territory, concerning the sale of real estate; and transfer a title for delinquent taxes.

SEC. 14. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessments for street improvements as provided in this chapter, shall be fixed by the council, by ordinance and shall be added to and form a part of such assessments from the time the same becomes delinquent, and shall be collected from the property assessed in the manner as the original assessment, and in no instance shall the city be liable for such percentage, costs or fees.

SEC. 15. All money paid or collected upon assessments for the improvement of streets or alleys shall be kept as a separate fund, and in nowise use for any other purpose whatever, all moneys so assessed from the time of being entered in the record of liens, shall bear interest at the legal rate until paid.

SEC. 16. 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 improvements, the same shall be repaid to the parties owning the property or their representatives.

SEC. 17. For the purpose of making the appraisalment specified in section four (4) of this chapter, the city council may establish assessment districts consisting of the whole of any street or streets or parts thereof, benefited by such improvements.

SEC. 18. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid to the city treasury 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. 19. The deed to purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot is sold and the name of the purchaser.

SEC. 20. No street, alley or highway shall be extended, widened, altered, or vacated except on petition to the com-

mon council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, alley or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, all the members present, vote in favor of the same.

SEC. 21. 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 the territory, relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 22. For the purpose of carrying out the provisions of this act, and for organizing and creating a city government for the city of Ellensburg, there is hereby established an election board, of which F. Schuebly shall be inspector and J. A. Shoudy and David Murray shall be judges, and upon notice of the passage and approval of this act, said inspector and judges or either shall call and hold an election in and for the city for the purpose of electing the officers of and for said city, giving ten days' notice thereof, by posting five notices in the most public places in the city. It shall be the duty of said judges to make their returns to the county auditor of Kittitas county Washinton Territory, and he shall canvass the votes and forthwith issue certificates of election according to law. Said officers so elected shall qualify within five days after election or the vacancies caused by said failure to so qualify shall be filled by appointment by the qualified councilmen. Should any judge or inspector of said election fail to attend or act at the proper time, the voters then present may elect another in his place.

SEC. 23. The officers elected, at said election, shall hold their respective offices until the second Monday in December, A. D. 1886, and until their successors are elected and qualified. That they shall hold their first regular meeting within ten days after election, provided for herein, and at said meeting, or as soon thereafter as may be expedient, elect a clerk, treasurer, attorney, street commissioner, assessor and surveyor, who shall qualify and hold their respective offices during the pleasure of the council, or until their successors are elected and qualified. Said officers, so appointed by the council shall qualify within five days after receiving notice of their appointment, or they shall be deemed to have declined, in which case others may be appointed in their places.

SEC. 24. This act shall be in force and take effect from and after its passage and approval by the governor.

Approved January 29, 1886.

AN ACT.

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF OLYMPIA, APPROVED NOVEMBER 28, 1883.

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

SECTION 1. That section one of chapter one of said act to which this amendatory be amended to read as follows:

Section 1. The corporate limits of the city of Olympia and the boundaries thereof shall be as follows: Begin at the northeast corner of northwest quarter of section twenty-five, township eighteen north, range two west; run thence north on subdivision line to the north boundary line of section twelve, township eighteen north, range two west; thence west on section line to northeast corner of northwest quarter of northwest quarter of section ten, township eighteen north, range two west; thence south along subdivision line to northeast corner of northwest quarter of northwest quarter of section twenty-seven, township eighteen north, range two west; thence east on section line to the place of beginning, all situated in Thurston county, Washington Territory.

SEC. 2. That section six of chapter two be amended to so as to read as follows:

Section 6. The city of Olympia shall have power to provide for lighting the streets and furnishing the public buildings of the city with gas or other light, and to contract with any person, firm or corporation for the furnishing of such lights for any term not exceeding two years.

SEC. 3. That section thirteen (13) of chapter two be amended so as to read as follows:

Section. 13. The city of Olympia shall have power to suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to indulge in the habit of smoking opium, and to punish the keepers and inmates of places, houses or rooms kept for smoking opium and opium smokers, and to provide, by ordinance for the summary closing of such places, houses or rooms, and for the punishment of keepers, inmates and opium smokers of and in such places, houses and rooms found.

SEC. 4. That section fifteen (15) of chapter two be amended so as to read as follows:

Section 15. The city of Olympia shall have power to make regulations and to pass ordinances to prevent animals from running at large within said city limits or any portion thereof 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 to authorize their destruction.

SEC. 5. That section sixteen (16) of chapter two be amended so as to read as follows:

Section 16. The city of Olympia shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibusses and other vehicles kept for hire or for the transportation of persons or property for hire, and to prescribe and 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 pawnbrokers; to license, tax, regulate or restrain drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of; to license, tax and regulate wash-houses and slaughter-houses, and to prescribe and designate places for carrying on the same; and to license and tax hotels, restaurants, lodging houses, livery stables, drygoods stores, grocers, shoe stores, dentists, photographers, fruit stores, tobacco stores, doctors, lawyers, drug stores, banks, real estate dealers, insurance agents and brokers, feed stores, express companies, telegraph companies, hardware stores, printing offices, oyster houses, wood and coal dealers, lumber dealers, and all business houses and wholesale and retail establishments of every kind and description: *Provided*, That no tax shall be imposed or license required from any person for the sale of any of the actual products of his own farm or garden, nor shall any license be required of any wheelwright, carpenters, blacksmiths, boot and shoemakers, tailors, milliners, dressmakers or mechanics who expose for sale only the goods, wares or merchandise manufactured within the city limits. *Provided, further*, That no license shall granted to sell intoxicating liquors for any less sum than that provided in the general laws of Washington Territory.

SEC. 6. That section twenty (20) of chapter two be amended so as to read as follows:

Section 20. The city of Olympia shall have power to adopt proper ordinances for the government of the city, and

to carry into effect the powers given by this act, and to provide for the punishment of violation of ordinances of the city by a fine, not exceeding one hundred dollars or imprisonment for not more than thirty days, or by fine and imprisonment, or by 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 or costs, upon the streets, buildings or public grounds of said city during the term thereof.

SEC. 7. That section twenty-five (25) of chapter three be amended so as to read as follows:

Section 25. For the municipal representation the city shall be and is hereby divided into three wards, as follows: All that part of the city lying north of Eighth street and west of Cherry street shall constitute ward number one (1). All that part of the city lying south of Eighth street and west of Cherry street to Union street, thence all west of Pear street and south of Union street shall constitute ward number two (2). All that part of the city lying east of Cherry street and north of Union street thence all east of Pear street and south of Union street shall constitute ward number three (3).

SEC. 8. That section thirty-three (33) of chapter four (4) be amended so as to read as follows:

Section 33. No person shall be eligible to hold office in the city, as contemplated by this act, unless he is an actual resident thereof and an elector. Councilman to be eligible in any ward must be residents thereof.

SEC. 9. That section thirty-five (35) of chapter four (4) be amended so as to read as follows:

Section 35. No person shall be entitled to vote at any election within the city who is not an elector under the laws of this territory, and who shall not have resided within the city for thirty days next preceding the day of election, and who is liable to pay a poll or property tax, shall not have paid the same into the city treasury for the fiscal year last past: *Provided*, That this section shall not exclude voters who have become residents of the city subsequent to the levying of taxes for the past fiscal year.

SEC. 10. That section thirty-six (36) of chapter four be amended so as to read as follows:

Section 36. At all elections for mayor and councilmen the vote shall be by ballot, at the time and place in each ward designated by the common council, and all elections shall continue for one day, during which time the polls shall be kept open from nine o'clock, A. M. to five o'clock P. M.

SEC. 11. That section thirty-nine (39) of chapter four be amended so as to read as follows:

Section 39. Each officer, required to be elected or appointed under this act, shall, before entering upon the duties of his office, take the following oath of office: I, _____, do solemnly swear that I will support the constitution of the United States, and the organic act and laws 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."

SEC. 12. That section forty-four (44) of chapter five be amended so as to read as follows:

Section 44. The common council shall have power to equalize taxes upon the assessment roll of the city at any time within twenty days after the return of said roll by the clerk to the council: *Provided*, That ten days' notice by publication or written or personal service shall be given to any person whose assessment it is proposed to increase, citing him to come forward and show cause, if any there be, why such action should not be taken by said common council. Property omitted from assessment list may however be added by the clerk, to said list at any time without notice.

SEC. 13. That section forty-six (46) of chapter five be amended so as to read as follows:

Section 46. No member of the common council shall be allowed to contract with the city in any manner whatever, or be interested in any such contract, and any such contract shall be wholly void, and no member of the common council shall be allowed to vote for any appropriation or payment of any bill whatever, in which he has a direct or indirect pecuniary interest.

SEC. 14. That section fifty-seven (57) of chapter five be amended so as to read as follows:

Section 57. All demands and accounts against the city must be presented to the city clerk, properly verified by affidavit and he must submit the same to the common council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

SEC. 15. That section seventy-one (71) of chapter five be amended so as to read as follows:

Section 71. The city clerk shall be ex officio city assessor, and must annually, within thirty days after the equalization of the county assessment roll, and its approval by the board of county commissioners of Thurston county, W. T., transcribe therefrom a description of all property within the corporate limits of the city subject to taxation, with the values thereof, as shown by the county roll, and certify and return the same to the city council at its next regular meeting thereafter.

SEC. 16. That section seventy-two (72) chapter five be amended so as to read as follows:

Section 72. Any person feeling himself aggrieved by any such assessment, either in the valuation or listing of his property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous or unjust they shall correct it. The party applying for such correction may be examined as a witness in relation to the matter if he desires it, or the council require it, but the valuations of property shall in all cases as nearly as practicable, conform to the valuations shown on the county assessment roll, after its equalization by the board of county commissioners of Thurston county.

SEC. 17. That section seventy-seven (77) chapter six be amended so as to read as follows:

Section 77. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, city clerk, city treasurer, city attorney and city surveyor, shall be deemed vacant whenever the incumbent thereof shall be absent without leave of the common council, from the city for a period of three regular consecutive meetings. The office of city marshal, street commissioner and committing magistrate shall be deemed vacant whenever the incumbent shall be absent from the city without leave of the common council for the period of twenty days, and the office of councilman shall be deemed vacant whenever the incumbent shall fail to attend for three regular consecutive meetings of the common council, unless absent upon leave of the common council, first obtained, or when he shall remove from or cease to be a resident of the ward for which he was elected; and any officer elected or appointed under and by authority of this act, who shall fail to qualify by taking the oath of office and filing his official bond, when a bond is required, within ten days next succeeding his election or appointment, shall be deemed to have forfeited his office, and such office shall be deemed vacant.

SEC. 18. That section three (3) of chapter two be amended so as to read as follows:

Section 3. The city of Olympia has power to assess, levy and collect taxes for general municipal purposes not to exceed one-half of one per centum per annum upon all property, both real and personal within the city limits, which is by law taxable for territorial and county purposes, and to levy and collect special taxes for special purposes, on all of said property, but all taxes for general, municipal and special purposes, exclusive of assessments for improvements, as in the charter of the city of Olympia

provided, shall not exceed in any year one and one-half per cent. per annum on property assessed: *Provided*, That all ordinances providing for the payment of money for existing debts, to incur a debt or for the making of improvements of any kind must specify the object thereof and the estimated amount thereof: *And provided further*, That the indebtedness of the city must never exceed in the aggregate the sum of twelve thousand (12,000) dollars, and any debt or liability incurred in excess of said sum of twelve thousand (12,000) dollars shall be invalid and void.

SEC. 19. If any mayor or member of the city council shall purchase, exchange, or receive in payment during his term of office, any city warrant, order or demand for less than the amount of such warrant, order, or demand, he shall on conviction thereof, be fined in any sum not exceeding three hundred dollars.

SEC. 20. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 21. This act shall take effect and be in force from and after its approval by the governor.

Approved February 4, 1886.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF AINSWORTH, AND TO PARTICULARLY DEFINE THE POWERS THEREOF.

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

SECTION 1. That the act entitled "An act to incorporate the city of Ainsworth and to particularly define the powers thereof." is hereby repealed.

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

Approved January 19, 1886.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF WHATCOM, APPROVED NOVEMBER 28, 1883.

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

SECTION 1. That section thirteen of chapter two of an act entitled "An act to incorporate the city of Whatcom," approved November 28, 1883, be amended to read as follows:

Section 13. All funds derived from liquor and other licenses, granted under this act, together with fines, shall be paid into the city treasury for the use of the city of Whatcom: *Provided*, That one-third of the amount derived from liquor licenses shall be paid into the Whatcom county treasury by said city of Whatcom, to be placed to the credit of the general school fund of the county of Whatcom: *Provided further*, That the city authorities shall issue no license for a less sum than provided by the general laws of the Territory of Washington.

SEC. 2. That section fifteen of chapter two of said act be amended to read as follows:

Section 15. The city of Whatcom shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and shall have power to establish cemeteries or burial grounds without the city limits, and shall have authority to condemn all lands necessary for such purposes, and shall have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 3. That chapter three of said act be amended to read as follows:

Section 1. The power and authority given to the city of Whatcom 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.

Section 2. The common council shall consist of four members. They shall be elected for the term of two years,

and shall hold their office until their successors are elected and qualified. At the annual municipal election, to be held on the second Monday of December, A. D., 1886, two members of the common council shall be elected for the term of two years and two members shall be elected for the term of one year, and at each annual municipal election to be held thereafter, two members of the common council shall be elected for the term of two years each, until the city is divided into wards as in this charter provided.

Section 3. The mayor shall be elected by the city at large for the term of one year and until his successor is elected and qualified.

Section 4. The common council shall be elected by the city at large, unless wards are created as in this charter provided, when there shall be two members elected from each ward: *Provided*, That but one member from each ward shall be elected at each annual municipal election, unless it is necessary to fill a vacancy. They shall be qualified electors of said city, and be residents of the ward from which they are elected.

Section 5. At each annual municipal election there shall be elected by the city at large, a city marshal, city treasurer, city surveyor, and when so ordered by the common council, a city assessor.

Section 6. There shall be elected, as hereinafter provided, a city clerk, city attorney and a street commissioner, who shall be officers of the municipal corporation.

Section 7. The justices of the peace including the city, who shall have been duly elected and qualified as required by law, shall have jurisdiction over all offences defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinance, and full power to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings, before such justices of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the territory relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court by *certiorari* or appeal, the same as other cases.

Section 8. The city clerk, city attorney and street commissioner shall be elected by the common council by *viva voce* and shall hold their respective offices for the term of one year or until their successors are elected and qualified: *Provided, however*, That they shall be liable to be removed by the common council at any time by a two-thirds vote for misfeasance, malfeasance, inattention, incompetency or any other good cause.

SEC. 4. That section one of chapter five of said act be amended to read as follows:

Section 1. An office becomes vacant upon the death or resignation of the incumbent: upon his ceasing to be an inhabitant of the city: upon his conviction of an infamous crime, or of any offense involving a violation of his official oath; upon his refusal or neglect to qualify in the time and manner prescribed by law; upon the decision of a competent tribunal declaring void his election or appointment, and whenever a judgment shall be obtained against such officer for a breach of the conditions of his official bond. The office of mayor, city clerk, city treasurer, city assessor, city attorney, and city surveyor shall be deemed vacant whenever the incumbent thereof shall be absent from the city, without leave of the common council, for the period of sixty days. The office of city marshal and street commissioner shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the common council, for the period of twenty days. The office of common councilman shall be deemed vacant whenever the incumbent shall fail to attend for six regular consecutive meetings of the common council, unless absent upon leave of common council first obtained, or when he shall remove from or cease to be a resident of the ward for which he was elected; and any officer elected or appointed under and by authority of this act, who shall fail to qualify by taking the oath of office and filing his official bond, when a bond is required, within ten days next succeeding his election or appointment shall be deemed to have forfeited his office, and such office shall be deemed vacant.

SEC. 5. That section twenty-six of chapter six of said act be amended to read as follows:

Section 26. Unless the common council order the election of a city assessor at the regular annual municipal election, the city clerk shall be ex-officio city assessor. It shall be the duty of the city assessor to annually make a correct list of all property within the corporate limits of the city, subject to taxation by the city with the valuation thereof, which list and valuation shall be taken from the certified return of the county assessor of Whatcom county for that year, and shall certify and return such list to the common council on or before the first regular meeting of said council, in April of each year: *Provided*, That any property in the corporate limits of said city subject to taxation by the city, which is not contained in the certified returns of said county assessor, shall be included in and placed on the list prepared by the city assessor, who shall place the valuation on the same and shall certify and

return the same to the common council with the other property contained in his list.

SEC. 6. That section two of chapter nine of said act be amended to read as follows:

Section 2. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on the street or alley sought to be assessed, or the person or persons owning property on said street or alley representing more than one-half of the property on said street or alley sought to be assessed, shall file a remonstrance against said improvement grade or alteration, the same shall not be further proceeded with.

SEC. 7. That section three of said chapter nine be amended to read as follows:

Section 3. If no such remonstrance be made and filed as in the last section provided, the common council at its earliest convenience thereafter and within four months from the final publication of said notice may, by resolution or ordinance, establish the proposed grade or alteration thereof, and order the work of grading, paving or otherwise improving the same to be done, and the cost of such grading, paving or other improvement, exclusive of the expense of surveying and advertising, shall be assessed upon the property fronting on both sides of the street or alley between the points proposed to be improved: *Provided*, That all lots, blocks and lands from the side lines of the street or alley to be improved, back to the middle of each block abutting on the street or alley to be improved, shall be construed to be fronting on such street or alley and shall be assessed for its proportion of the cost of such grading, paving or other improvement.

SEC. 8. That section four of said chapter nine be amended to read as follows:

Section 4. When the common council shall, by resolution or ordinance, order the improvement of any street or alley by the construction of sidewalks, grading, paving or otherwise improving the same, it shall designate the street, or alley or the portion thereof, on which the work is to be done and the points of commencement and termination of such work, and shall declare that the same is to be performed in accordance with the specifications prepared by the city surveyor. It shall be the duty of the city surveyor to prepare such specifications when ordered by the common council, which specifications shall require each bidder to designate separately in his bid the amount for which he will perform the work and furnish the material required for grading, paving or otherwise improving

the squares or spaces formed by the junction of two or more streets and the amount for which he will perform the work and furnish the required material for grading, paving or otherwise improving such street or alley in front of the lots, blocks or lands abutting on the street or alley to be improved, graded or paved, which specifications shall be submitted to the council and if the same be approved by the council they shall be filed in the office of the city clerk. The common council shall thereupon advertise in the newspaper doing the city printing for a period of not less than fifteen days for proposals for doing such work and furnishing the materials therefor in accordance with the specification. It shall not be necessary to advertise the specification but the advertisement shall refer to them as being on file in the office of the city clerk. The contract shall be awarded to the lowest responsible bidder for the labor and the kind of material selected, but the council may, in its discretion, reject any or all bids and advertise for further proposals, until a satisfactory bid is obtained. A good and sufficient bond shall in all cases be required from the successful bidder for the faithful performance of the work in such amount as the council may require. The cost of providing cross-walks and of grading, paving or otherwise improving the squares or spaces formed by the junction of two or more streets or alleys shall be paid by the city out of the general fund, and such cost shall not be included in the assessment against the lots, blocks or lands fronting on the street or alley to be improved and the lots, blocks or lands fronting on such street or alley shall be assessed only for such portion of the cost of grading, paving or otherwise improving the same, as is not included in the squares or spaces aforesaid. When the whole cost of such grading, paving or other improvement shall have been thus ascertained, the council shall cause an appraisement of the lots and lands fronting on said street or alley adjacent to said improvement and assessable for the cost thereof as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands irrespective of improvements or structures thereon, and the whole cost of said paving, grading or other improvement shall be assessed *pro rata* on said lots or parts thereof, and land as aforesaid, according to the appraised value thereof, which apportionment shall be made by the common 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 shall be published in the newspaper 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 appraised value of such lots, part of lots and other land, respectively.

SEC. 9. That section five of said chapter nine be amended to read as follows:

Section 5. Any person considering himself aggrieved by such appraisement and assessment, may apply to the city council at any time within thirty days from the first publication of said notice, for a modification of said assessment, and the council may amend the same as to them may seem just.

SEC. 10. That section seven of said chapter nine be amended to read as follows:

Section 7. When the city council shall have duly approved of said assessment and apportioned the cost of the improvement, they shall by ordinance establish the same and require the payment of said assessment within thirty days from the approval thereof, and shall give notice in the newspaper doing the city printing, by at least two weekly publications, that said assessment is due and payable to the city treasurer. The city clerk shall make out and deliver to the city treasurer a copy of said appraisement and assessment, who shall proceed to collect in the same manner as other city taxes, except as herein otherwise provided.

SEC. 11. That section eight of said chapter nine be amended to read as follows:

Section 8. If within thirty days after the first publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the 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. 12. The city of Whatcom shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire or for the transportation of persons or property for hire, and to prescribe and fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; and to prohibit by suitable ordinance aliens who by the laws of the United States are incapable of becoming citizens of the United States from hawking or peddling within the limits of said city; to license, regulate or restrain drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of: *Provided, however*, That no license shall be required of apothecaries or druggist for the sale of wines, spirits or malt liquors for medicinal purposes, when sold upon the authority of written prescriptions of practi-

ing physicians; to license, tax and regulate wash-houses, and to prescribe and designate places for carrying on the same, and shall have power and authority to provide by suitable ordinances that no alien who is by the laws of the United States incapable of becoming a citizen of the United States shall open, conduct or carry on within the limits of said city any wash-house or laundry; and to license and tax all hotels, livery stables, business houses and wholesale and retail establishments of every kind and description, real estate dealers, insurance agents, and all persons male and female, practicing professions: *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 when sold by the producer or mechanics who expose for sale only the goods, wares or merchandise manufactured within the city limits.

SEC. 13. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 3, 1886.

AN ACT.

TO INCORPORATE THE TOWN OF TUMWATER.

ARTICLE I.

ARTICLES OF INCORPORATION OF THE TOWN OF TUMWATER.

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

SECTION 1. That the town of Tumwater, in said territory, shall be bounded as follows, to wit: Commencing at the northwest corner of section twenty-five, in township eighteen north of range two west, thence running west one and one-half miles to the quarter post between sections twenty-two and twenty-seven; thence south one and one-half miles to the center of section thirty-four; thence east to the Deschutes river; thence down and along the channel of said river to the crossing of said river of the line dividing and between the

land claims of Smith Hayes and Ira Ward and that of Clarrick Crosby; thence following said line east to the section line dividing and between sections twenty-five and twenty-six; thence north to the place of the beginning.

SEC. 2. The inhabitants of said town of Tumwater shall be and are hereby constituted a body politic and corporate, by the name and style of the town of Tumwater, and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded in all the courts whatever; may purchase, hold and receive property, both real and personal within said town for public buildings, public works, and town improvements, and may lease, sell or dispose of the same for the benefit of said town.

ARTICLE II.

SECTION 1. For the government of said town of Tumwater, there shall be annually elected in the manner herein-after provided, the following officers: A board of trustees, consisting of five members, who shall hold their office for one year and until their successors shall be duly elected and qualified. Each trustee shall be a resident within said town, and there shall be appointed, annually by the board of trustees, one president, from their own number, and one clerk, one treasurer and one town marshal, outside of their number.

ARTICLE III.

SECTION 1. The election of town trustees required under this act shall be held on the first Monday in December, of each year.

SEC. 2. No person shall be allowed to vote at any town election, who shall not be an elector for territorial officers and a resident of the town for thirty days next preceding the day of election.

SEC. 3. At all elections for town officers, the vote shall be by ballot, and the polls of said election shall be opened at one o'clock and continue open till five o'clock P. M. of the same

day; said election shall be held under the same rules and restrictions that elections are held in this territory.

ARTICLE IV.

SECTION 1. The board of trustees shall fix the time and place for holding their stated meetings, which may be convened by the president at any time.

SEC. 2. The said board of trustees shall have full power and authority: First, To make all needful by-laws and regulations; second, To levy taxes for municipal purposes, not to exceed four mills on the dollar, per annum, upon all taxable property, in said town, as is shown by the assessment made for territorial and county purposes; third, To make such regulations as shall promote the security of health, peace, cleanliness and good order within said town.

SEC. 3. The justice of the peace of Tumwater precinct shall act as committing magistrate, to hear, determine and enforce all complaints of violations of town ordinances, and to examine all parties arrested by the town marshal.

SEC. 4. The roads, streets and alleys within said town shall be under the exclusive control of the board of trustees, who shall make all needful rules in regard to improvement, building, repairing, grading and clearing the walks, streets and alleys in said town.

SEC. 5. The board of trustees shall have the power to order any property owner, or the owner of any property within the corporation, to repair or construct sidewalks on any street, adjoining his or her property: *Provided*, A majority of the property owners on such street shall petition for the same and in case said property owner shall refuse or neglect to repair or construct said sidewalks as ordered by said trustees, the same shall be repaired or constructed by said board of trustees and said adjoining property shall be liable for all labor performed and material furnished in said improvement, and the same may be collected, by civil action in the name of the town of Tumwater, and in such proceedings it shall be sufficient to declare generally for work and labor performed and materials furnished on the particular lot, parcel of land and street: if the court trying the same shall be satisfied that the work has been done or material furnished, which, according to the true

intent and meaning of this act would be chargeable to the owner of the lot of land, through or by which said sidewalks so repaired or constructed may pass, judgment shall be rendered for the value of the work performed and material furnished, together with the costs of such action, on such lots of land, notwithstanding any informality or defects in the proceedings of the officers of said town of Tumwater.

ARTICLE V.

SECTION 1. The trustees shall receive no compensation for their services as such.

SEC. 2. The marshal shall receive for his services the same fees as constable, in like cases.

SEC. 3. The clerk may act as treasurer of said town and shall receive for his services such compensation and give such bonds as the trustees may determine.

SEC. 4. The board of trustees shall define the duties of all officers.

SEC. 5. The town clerk shall give ten days' notice of every annual election of town trustees, by posting the same in two public places in said town with the names of inspector, judges and clerks, appointed to hold such election. The officers to hold such election must be appointed by the town trustees. If any judge or clerk so appointed fails to attend to hold such elections, those attending may appoint others to fill their places.

ARTICLE VI.

SECTION 1. At the first regular meeting of the town trustees next after such election, the returns thereof shall be canvassed by the town trustees, and the written statement of such canvass shall be made and signed by the president and attested by the clerk and immediately filed with the clerk.

SEC. 2. All officers elected under this act, before entering upon the duties of their offices, must take and file with the clerk an oath of office to the following effect: "I,-----, do solemnly swear (or affirm) that I will support the constitution of the United States and the organic act 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.

SEC. 3. All laws governing or regulating elections in this territory, and matters incident thereto, shall apply to and govern elections under this act.

SEC. 4. An office becomes vacant by the death, resignation or removal from the town of the incumbent.

SEC. 5. A vacancy in any office shall be filled by the town trustees at a regular meeting.

ARTICLE VII.

SECTION 1. A majority of the trustees 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. 2. The board of trustees may adopt rules for the government of its members and its proceedings.

SEC. 3. The clerk must keep a fair and correct journal of the proceedings of the trustees, file and keep all papers and books connected with the business of said trustees.

ARTICLE VIII.

SECTION 1. All demands against said town of Tumwater must be submitted to the trustees at a regular meeting, who shall direct, by vote, whether the same shall be paid or any part thereof, as they may deem just and legal.

SEC. 2. The town clerk must keep proper books of accounts, showing therein the sums appropriated, the date thereof, and out of what fund; the date and amount of all warrants drawn thereon and to whom payable.

SEC. 3. The town clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 3. The town treasurer shall be receiver of taxes and must receive and keep all moneys that shall come to the town by taxation or otherwise, and pay out the same only upon the warrant of the town clerk, countersigned by the president of the board of trustees.

ARTICLE IX.

COLLECTION OF DELINQUENT TAXES.

SECTION 1. Whenever a municipal tax has been levied as provided in this act, every part thereof shall bear interest at the legal rate from the time it becomes delinquent, and shall be a lien upon all real estate so taxed from the time of the levy thereof.

SEC. 2. The trustees shall provide by ordinance within what time all taxes shall be paid to the town treasurer, and all taxes not so paid within such time are thereafter delinquent and must be collected as such.

SEC. 3. Within five days after such taxes have become delinquent, the town treasurer shall return the tax roll to the town clerk, designating thereon the taxes remaining unpaid.

SEC. 4. The trustees shall order the town clerk to deliver the tax roll to the marshal, after annexing thereto a warrant directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon such roll in the manner provided by territorial law, and pay the same to the town treasurer, and return to the town clerk the warrant with his proceedings endorsed thereon, and the receipt of the treasurer for all moneys collected thereby and paid into the town treasury.

SEC. 5. Such warrant for the purpose of collecting such delinquent taxes, shall be deemed an executive [execution] against property and shall have the force and effect thereof against any person, firm or corporation against whom such taxes are levied or charged on the tax roll, and shall be executed and returned in like manner.

SEC. 6. If no personal property be found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy same, it may be levied upon 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.

SEC. 7. In case of a delinquent tax being 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, as provided by the laws of the territory regulating the sale of property for taxes, and the certificate of the marshal or person making such sale shall be given to the purchaser as prescribed by said laws.

SEC. 8. The town trustees 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 collecting delinquent taxes must be made on the warrant and collected as a part of the tax. The town trustees may prescribe by ordinance, the fees and compensation for collecting delinquent taxes.

ARTICLE X.

TOWN ORDINANCES.

SECTION 1. The style of every ordinance shall be "The Town of Tumwater does ordain as follows." All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage or adoption, a majority of all the trustees of the town.

SEC. 2. The fiscal year of the town shall commence on the first day of January and end on the last day of December.

ARTICLE XI.

SECTION 1. The town of Tumwater shall have power to make regulations and to pass ordinances to prevent animals from running at large within said town, and to license, tax, regulate and restrain the keeping of dogs within the town limits, or to authorize their destruction.

SEC. 2. The town of Tumwater shall have power to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license or tax hawkers or peddlers; to license, regulate, or restrain drinking saloons, beer-shops, breweries, and other places where intoxicating or other beverages are sold or disposed of: *Provided*, That no license shall be issued for any less license fee than that required by the general laws of the territory.

SEC. 3. The town of Tumwater shall have power to provide for the punishment of violations of ordinances of the town by fine, not exceeding one hundred dollars, or imprisonment not more than ten days, or by fine and imprisonment both.

ARTICLE XII.

SECTION 1. *Be it further enacted*: That all moneys for

licenses within the corporate limits of the town of Tumwater shall be paid into the town treasury of said town, as a municipal fund for the use of said town.

ARTICLE XIII.

SECTION 1. *Be it further enacted:* That in all matters relating to the business or interest of said town of Tumwater, where the duties of the officers are not hereinbefore made sufficiently plain, or where there is no special act governing the said officers in cases coming before them, and the trustees of said town should decide that it was proper and for the interest of said town to take action in any such case, the general laws of the territory relating to, or governing in like cases shall be applicable to, and shall be the rule of law, and must govern in all such cases.

SEC. 2. The amount of indebtedness of said town of Tumwater must not at any one time exceed the sum of five hundred dollars.

SEC. 2. [3]. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. [4]. This act shall take effect and be in force from and after its passage.

Approved February 3, 1886.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF WALLA WALLA, AND TO PARTICULARLY DEFINE THE POWERS THEREOF.

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

SECTION 1. That the act entitled "An act to incorporate the city of Walla Walla, and to particularly define the powers

thereof," approved November 28, 1883, be, and the same is hereby, amended to read as follows:

SEC. 2. Section 12, of the act of which this is amendatory, is hereby amended by striking therefrom the word "annual" occurring after the words "and a majority thereof at an," and preceding the word "election."

SEC. 3. Section 16 is hereby amended by striking therefrom the words "establishment," and inserting in lieu thereof the word "business."

SEC. 4. Add to section 21 of said act: "The owners of land or shore as above mentioned embraces all lands within one hundred and twenty feet of the middle channel of Mill creek."

SEC. 5. Section 27 is hereby amended so as to read as follows.

Section 27. There shall be elected by the qualified voters at each annual election, as hereinafter provided, a mayor, members of the council, treasurer, justice of the peace, marshal, street commissioner, city attorney, city surveyor, city clerk, health officers, city assessor and city sexton. Such other officers as may become necessary for the due execution of the powers herein conferred, shall be appointed by the city council. All elective officers, except members of the council, shall hold office for one year, or until their successors are elected and qualified. Such election shall be by ballot. The justice of the peace so elected shall be one of the justices of the peace duly elected under the laws of Washington Territory, and while acting in city matters may hold his office anywhere within the city. Such justice of the peace 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, forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil and 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 with, 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 *certioari*, mandamus or appeal, the same as in other cases. Any elected officer may be suspended by the council at a regular meeting, and if charges are not preferred, and a copy thereof served on the suspended officer, within ten days after his suspension the

officer shall be restored to duty. Trial on the charges must be held within ten days after service thereof, in the manner to be provided by ordinance. The council may appoint, at any time a person to fill any one of the above named offices whenever the incumbent thereof is suspended, absent or sick or unable from any cause to act; such appointments, however, shall cease whenever the disability is removed; and in case the term of office of the city justice shall expire under territorial law, the council shall fill the vacancy, and the justice so appointed shall hold office until the next general election, and his successor is elected and qualified. The salary of none of such officers shall be increased or diminished during the term for which they were elected or appointed.

SEC. 6. Section 28 is hereby repealed, and it is enacted in lieu thereof as follows: "There shall be a general election for mayor, members of the council, treasurer, justice of the peace, marshal, street commissioner, city attorney, city surveyor, city clerk, city assessor, health officer and city sexton, on the second Monday of July of each year.

SEC. 7. Section 36 is amended by striking therefrom all of said section after the words "own members."

SEC. 8. Section 41 is amended so as to read as follows:

Section 41. If any officer shall be absent from the city thirty days without leave of the council, or shall die, or be disabled from performing his duty, or shall resign, or abscond, or be guilty of misdemeanor or breach of duty, the council by a five-sevenths vote may declare his office vacant, and fill the vacancy with his successor.

SEC. 9. The action on the subject matter in the last section (8) by the council shall be final and conclusive and not subject to question in any court.

SEC. 10. Section 77 of said act is hereby repealed and in lieu thereof section 77 shall read as follows:

Section 77. The ordinance establishing the district shall describe the boundaries thereof, and in case bids are to be let for improvements of streets already existing, bids shall be advertised for, and a diagram or description of the proposed improvements filed in the clerk's office for the inspection of bidders. In case the district is established to purchase land for opening new streets, then the amount necessary to be raised therefor as soon as it shall be ascertained, shall be advertised in the city paper, and the work or purchase shall be stayed only by a petition to that effect by persons in the district representing half of the tax, and this must be filed with the clerk within twenty days after the publication of the notice of the amount to be raised: *Provided*, That a five-sevenths vote of the council may stop proceed-

ings or continue them to the end regardless of petition or remonstrance.

SEC. 11. Section 79 of said act is repealed and as section 79 the following shall be inserted:

Section 79. When it is lawful to proceed as above provided the assessor shall make assessment of all land within the district which shall be levied and collected in all respects as a general city tax, except the whole time and manner of assessment and and collection may be controlled by ordinance.

SEC. 12. That section 86 is amended by repealing all after the word "ordinance" therein and inserting in place of that repealed the following: "Any general or special tax may be collected by civil action if the city elect to do so, and in that case has all the rights and proceedings as in other civil actions, and judgments have the same effect: *Provided*, That no issue shall be tried in said action except as to how much tax would be justly owing if the assessment had been regular in every respect, and no issue shall be tried as to the regularity of any official act preceding the action."

SEC. 13. That section 92 of said act is repealed and section 92 shall read as follows:

Section 92. When such defect is caused by the occupant or owner of abutting property, or by their neglect to remove the same, the said owner shall be personally liable, and when caused by the willful misconduct of any person, such person shall be personally liable. *Provided*, That if the street commissioner, having notice and the means to abate the danger, and failing to perform his duty in this respect, is jointly liable with the persons aforesaid in the nature of surety for said persons previously liable, and if the council on being notified by the street commissioner that he needs means to cure the defect, fail to supply the same, then the street commissioner shall be exempted, and the city shall be liable as surety in his place as above provided.

SEC. 14. Said act be amended by striking therefrom section 100 and substituting in place thereof the following:

Section 100. In all cases where it is provided elsewhere that a petition or remonstrance is necessary to the validity of an ordinance or proceeding, and where it is provided that a remonstrance shall stay proceedings, the council may, by a five-sevenths vote, pass such ordinance or complete such proceedings in all respects as if there had been no provisions on the subject, and when an ordinance has passed it shall be held as valid unless it be proven affirmatively that the necessary steps have not been taken; and in the appropriation of private property for public use the mode of the proceedings shall be as prescribed by ordinance.

SEC. 15. Section 18 of said aid act is amended by striking from line two of said section as printed in the session laws of 1883, the word "license."

SEC. 16. This act shall take effect and be in force from and after his passage and approval.

Approved February 4, 1886.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CONFER A CITY GOVERNMENT UPON CHENEY, APPROVED NOVEMBER 28, 1883.

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

SECTION 1. That section 3 of chapter XI of said act be amended so as to read as follows:

Section 3. There shall be other officers of said municipal corporation, viz: A committing magistrate, a marshal, a clerk, an attorney, a treasurer, and a street commissioner; each of whom shall be appointed by the common council, in the manner and at the time hereinafter provided.

SEC. 2. Sections nine (9), ten (10), eleven (11), and twelve (12), of chapter seven (7) of said act are hereby repealed.

SEC. 3. Chapter IX of said act is hereby amended to read as follows:

CHAPTER IX.

OF THE COLLECTION OF TAXES.

Section 1. The common council at its first regular meeting in May, in each year shall estimate the amount of taxes to be raised for general municipal purposes, and for any special purpose, for which a tax is authorized for the ensuing year, which determination shall be entered at large on its records. The council at such meeting shall also determine from the assessment roll of the preceding year, the rate of taxation which will be necessary to produce the required revenue as near as may be.

Section 2. The city clerk shall on or before the third

Monday in August, of each year, certify to the county auditor of Spokane county, a list of all real estate in said city, with the valuation thereof, as shown by the assessment roll of said county, as equalized by the county commissioners; also a list of all residents of said city, liable to pay a poll tax or a tax on personal property, which list shall show the amount of poll tax due from each person thereon, and the amount of tax due for general municipal purposes, and the amount due for any special municipal purpose, upon each parcel of real estate and from each person listed thereon, in separate columns

Section 3. The county auditor shall thereupon extend the same upon the general assessment roll of said county, and certify the same to the county treasurer, who shall proceed to collect such tax in the same manner, at the same time, and with the same power to enforce payment as in the case of county and territorial taxes.

Section 4. All such taxes and all poll tax collected of residents of said city shall belong to said city, and the county treasurer shall place all such taxes collected by him, to the credit of said city.

Section 5. The street commissioner of said city shall collect of every resident therein, liable by the laws of this territory to pay a road poll tax, the sum of four dollars, or the value thereof in labor in the same manner and with the same powers, duties and authority as the road supervisors of this territory collect such tax.

Section 6. All money and labor collected pursuant to the provisions of the preceding section shall belong to said city, and shall be expended on the streets and alleys therein or upon any public highway within five miles therefrom as the council may direct.

Section 7. All delinquent taxes due said city shall be collected by the same officers and in the same manner as delinquent county and territorial taxes are collected.

Section 8. The county treasurer and sheriff and the street commissioner of said city shall report all taxes in their hands due said city on the first Monday in each month, and pay the same over to the city treasurer, taking his receipt therefor.

Section 9. All persons performing any services in the collection of city taxes, shall receive the same compensation therefor as provided for like services in the collection of county and territorial taxes, and when no compensation is provided by law the council shall fix the same.

Approved December 23, 1885.

AN ACT.

TO INCORPORATE THE TOWN OF CENTRALIA.

ARTICLE I.

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

SECTION 1. That the town of Centralia, in said territory, shall be bounded as follows, to wit: Commencing at the intersection of the north side of Maple street with the section line, thence westerly along the north side of Maple street to a point opposite the west side of Pearl street; thence westerly to the west side of Oak street; thence southerly along the west side of Oak street to the south side of the county road; thence easterly along the south side of the county road to the south line of Locust street; thence southerly to the south line of Plum street; thence easterly to the west line of Silver street; thence south along the west line of Silver street to the south line of Washington street; thence easterly along the south line of Washington street to a point opposite on the section line; thence north along the section line to place of beginning.

SEC. 2. The inhabitants of the said town of Centralia shall be and are hereby constituted a body politic and corporate, by the name and style of the town of Centralia and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded in all courts whatsoever; may purchase, hold and receive property, both real and personal within said town for public buildings, public works, and town improvements; and may lease, sell or dispose of the same for the benefit of said town.

ARTICLE II.

SECTION 1. That for the government of the said town of Centralia the following named persons be and are hereby appointed, viz.: William Carlyon, B. F. Clubine, John Ross, Edward Channell and John Buchanan who shall constitute a

board of trustees, who may appoint a clerk and town marshal who shall serve until January 1, 1887, or until their successors are elected and qualified; and there shall hereafter be annually elected in the manner hereinafter provided, the following officers: A board of trustees consisting of five members, one clerk and one town marshal, who shall hold their office for one year and until their successors shall be duly elected and qualified. Each trustee shall be a resident within said town, and there shall be elected annually by the board of trustees one president from their own number.

ARTICLE III.

SECTION 1. The election of town trustees required under this act shall be held on the first Monday in December, of each year.

SEC. 2. No person shall be entitled to vote at any town election, who shall not be an elector for territorial officers and a resident of the town thirty days next preceding the day of election, and who shall not have registered his name and place of residence with the clerk of the town board at least thirty days prior to the election at which said elector shall offer to vote.

SEC. 3. At all elections for town officers, the vote shall be by ballot.

ARTICLE IV.

SECTION 1. The first election shall be held on the first Monday in December, 1886, and the polls at of said election shall be opened from three to seven o'clock P. M., and said election shall be held under the same rules that elections are held in this territory.

SEC. 2. The board of trustees shall fix the time and place for holding their stated meetings, which may be convened by the president at any time.

SEC. 3. The said board of trustees shall have full power and authority: First, To make all needful by-laws and regulations; second, To levy taxes for municipal purposes, not to exceed four mills on the dollar, per annum, upon all taxable property in said town, as is shown by the assessment made for territorial and county purposes; third, To make such regulations as shall promote the security of health, peace, cleanliness and good order within said town.

SEC. 4. The justice of the peace of Centralia precinct shall act as committing magistrate, to hear, determine and enforce all complaints of violations of town ordinances, and to examine all parties arrested by the town marshal.

SEC. 5. The roads, streets and alleys within the town shall be under the exclusive control of the board of trustees, who shall make all needful rules in regard to improvement, building, repairing, grading and clearing the walks, streets and alleys in said town.

SEC. 6. The board of trustees shall have the power to order any property owner, or the owner of any property within the corporation, to repair or construct sidewalks on any street, adjoining his or her property: *Provided*, A majority of the property owners on such street shall petition for the same and in case said property owner shall refuse or neglect to repair or construct said sidewalks as ordered by said trustees, the same shall be repaired or constructed by said board of trustees, and said adjoining property shall be liable for all labor performed and material furnished in said improvement, and the same may be collected, by civil action in the name of the town of Centralia, and in such proceedings it shall be sufficient to declare generally for work and labor performed and materials furnished on the particular lot, parcel of land and street; if the court trying the same shall be satisfied that the work has been done or material furnished, which, according to the true intent and meaning of this act would be properly chargeable to the owner of the lot of land, through or by which said sidewalks so repaired or constructed may pass, judgment shall be rendered for the value of the work performed and material furnished, together with the costs of such action, on such lots of land, notwithstanding any informality or defects in the proceedings of the officers of said town of Centralia.

ARTICLE V.

SECTION 1. The trustees shall receive no compensation for their services as such.

SEC. 2. The marshal shall receive for his services the same fees as constable in like cases.

SEC. 3. The clerk may act as treasurer of said town and shall receive for his services such compensation and give such bonds as the trustees may determine.

SEC. 4. The board of trustees shall define the duties of all officers.

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

Approved February 3, 1886.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF GOLDENDALE, APPROVED NOVEMBER 14, 1879,"—APPROVED NOVEMBER 20, 1881.

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

SECTION 1. That an act entitled "An act to amend an act entitled an act to incorporate the city of Goldendale, approved November 14, 1879," approved November 20, 1881, be and the same is hereby amended to read as follows:

ARTICLE III.

Section 2. The justice of the peace shall have exclusive original jurisdiction over all violations of city ordinances; hold to bail, fine or commit persons found guilty of any violations thereof; he shall also [act] 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; if the name of the person liable therefor be unknown he may list the property in the name of any person whom he may suppose liable therefor, or he may list it as owner "unknown." The mode of making out said list, ascertaining the value of property and collecting the taxes shall be, as nearly as practicable, the same as that prescribed by law for making out the

lists, assessing the value and collecting territorial and county taxes. The assessor shall, at such time as prescribed by the ordinances of this city, make out a list of all persons, with a description and valuation of property, and amount of tax assessed to each person who shall have failed to pay any city, road poll, or other tax assessed against him within the time prescribed by such ordinances, and shall deliver the said list to the city marshal who shall at once proceed to collect such delinquent taxes by levy and sale of such property, real or personal, of such person so delinquent, or sufficient thereof to pay all taxes then due and unpaid and penalties, costs and expenses. The marshal shall give notice of, and conduct such sale in the manner similar to that required by law of the sheriff in sale of property for delinquent territorial and county taxes. Every tax assessed by the city shall have the effect of a judgment against the person and shall be a lien from the time of assessment upon all the real property of such person located within the limits of said city. All real estate sold by the marshal for delinquent taxes shall be subject to redemption in the same manner as lands sold by the various counties of the territory for nonpayment of taxes. The justice of the peace shall also, as such assessor, discharge such other duties as may by ordinance be prescribed. He shall also, as ex-officio clerk, be the 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 prescribed.

SEC. 2. All acts and parts of acts in so far as the provisions thereof conflict with this act, are hereby repealed.

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

Approved January 29, 1886.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY
OF LA CONNER.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That an act entitled "and act to incorporate the city of La Conner," approved November 20, 1883, be and the same is hereby repealed.

SEC. 2. That any funds in the treasury of said city, after paying all outstanding bills, at the date of the passage of this act, shall be turned over to the road supervisor of the district embracing the incorporated limits for the use of the streets of said city.

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

Approved January 6, 1886.

AN ACT

TO AMEND AN ACT ENTITLED "AN TO INCORPORATE THE CITY OF
VANCOUVER," APPROVED OCTOBER 27, 1883.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That section twenty-three. of chapter II, of the act to which this is amendatory be amended to read as follows:

Section 23. The city 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 fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment not exceeding thirty days, or by both such fine

and imprisonment, or by penalty or forfeiture not exceeding one hundred dollars. And in default of the payment of such fine and costs shall be imprisoned not to exceed one day for every two dollars thereof. And such fine and costs or penalty or forfeiture may be collected by execution against the property of the defendant, and any person may be compelled to work, during the term of his imprisonment, upon the streets or public grounds of the city, or otherwise, as the council shall direct.

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

Approved January 19, 1886.

AN ACT

TO AMEND SECTIONS 18 AND 20 OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF SPRAGUE, AND TO PARTICULARLY DEFINE THE POWERS THEREOF, APPROVED NOVEMBER 28, 1883."

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

SECTION 1. That section 18 of the said charter of the of the city of Sprague be, and the same is hereby amended by adding at the end of said section the following: *Provided further*, That all licenses for the sale of intoxicating liquors within the city of Sprague shall be granted only by the city council of said city, and that no other authority within the county shall grant licenses for the sale of intoxicating liquors within said city; that the fee of the license shall be in no case less than that provided by the general laws of the territory, and that the moneys received for such licenses shall be paid to the treasurer of the city of Sprague, two-thirds of which shall be placed to the credit of the general city fund, one-third of which shall be paid to the county treasurer and placed to the credit of the county fund of the county of Lincoln.

SEC. 2. That section 20 of said charter be, and the

same is hereby, amended by striking from lines 1 and 2 of said section the words "license, regulate or."

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved January 15, 1886.

AN ACT

TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF CHEHALIS COUNTY BY THE VOTE OF THE ELECTORS OF SAID COUNTY.

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

SECTION 1. That on the first Tuesday after the third Monday in March A. D., 1886, a special election shall be held in the county of Chehalis, Washington Territory, at which shall be submitted to the duly qualified electors of said county the question of the place of location of the county seat thereof, and the place receiving a majority of all the votes cast at such election, shall be, and is hereby declared to be, the county seat of said Chehalis county.

SEC. 2. The ballots to be used at such election shall be substantially in the following form: For county seat of Chehalis county. (Name of town, city or place voted for).

SEC. 3. It shall be the duty of the county auditor of said Chehalis county to give at least fifteen days' notice of such special election, by posting, or causing to be posted up, at each place of holding election in said county, a written or printed notice thereof, which said notice shall be substantially in the following form:

Notice is hereby given that on the --- day of ---next, at --- in the --- precinct, in the county of Chehalis, an election will be held to locate the county seat of Chehalis county, which election will be opened at nine o'clock in the morning and will continue until six o'clock in the afternoon of

the same day. Dated this ----- day of -----, A. D., 1886.
 (Name of county auditor),

County Auditor.

SEC. 4. At their regular session next after the passage of this act, or at any called session, the county commissioners of said Chehalis county shall appoint for each precinct a board of judges of said election, as provided in section three thousand and sixty-eight (3068) of the Code of Washington Territory, and all of the provisions of said section and of chapter CCXLI of the Code shall apply to said special election, except when the same conflict with the provisions of this act.

SEC. 5. Said special election shall be held and conducted in all respects as general elections under the laws of this territory, so far as the same are applicable, and the method of counting the vote and declaring the result of general elections provided by chapter CCXLIII of the Code shall govern in the election herein provided for, except that the phrases "person or persons voted for," used in said chapter, shall be understood for the purposes of this election as "place or places voted for," and all other laws of a general nature applicable to general elections in this territory, including all penalties for illegal voting and other violations of the election laws shall govern in the election herein provided for, in so far as the same are applicable and not in conflict with the provisions of this act.

SEC. 6. When the vote at such election shall have been counted and declared in the manner provided by law, it shall be the duty of the county officers making such count, to declare the result thereof in writing, and designate the place receiving a majority of all the votes cast, and file the same in the office of the auditor of said county, and thereupon, or within fifteen days thereafter, it shall be the duty of all the county officers of said county to establish their offices, with the records thereof, at such place receiving such number of votes, which is hereby declared to be the county seat, and thereafter to keep and hold their offices at such place.

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

Approved January 20, 1886.

AN ACT

TO PROVIDE FOR THE RELOCATION OF THE COUNTY SEAT OF COWLITZ COUNTY, WASHINGTON TERRITORY.

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

SECTION 1. That it shall be the duty of the county commissioners of Cowlitz county to submit the question of relocation of the county seat of said county to the legal voters of said county at the general election in November, 1886.

SEC. 2. Any legal voter of said county may at such election designate by ballot, either printed or written, the name of the place he or she prefers as the county seat of said county: and it shall be the duty of the county commissioners of said county on or before the first Monday in December, 1886, 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 should no place have a majority of all the votes cast at said election, a special election shall be held on the first Monday in April, 1887, at which election the county seat of said county shall be located by the legal voters of said county. And it shall be the duty of the commissioners to appoint judges and inspectors thereof, and the said election shall be conducted and returns made as is provided by law. And the two places having the highest number of votes at the election in 1886 shall be voted for and no other. And it shall be the duty of the county commissioners on or before the first Monday in May, 1887, to declare the place having the majority of all the votes cast as provided for at the first election, and the place so declared shall be the permanent county seat of said county.

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 after said vote shall have been canvassed and the location of said county seat determined therefrom, 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 should a second election be held on this subject as provided in section two, such removal

shall be on or before the second Monday in June, 1887: *And be it still further 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 affirmed by the judge of the judicial district in which Cowlitz county shall be at that time located, 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 are by law 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 remove his office, shall be liable to indictment and to pay a fine not exceeding five hundred dollars, or to be imprisoned 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 county, shall be held at the said county seat so selected at said election, and the deputy clerk of the district court of the second judicial district of Washington Territory now holding terms at Kalama for Cowlitz and Wahkiakum counties, 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.

SEC. 8. This act shall take effect and be in full force from and after its passage and approval.

Approved January 29, 1886.

AN ACT

TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF DOUGLAS COUNTY, WASHINGTON TERRITORY, BY THE VOTE OF THE QUALIFIED ELECTORS OF SAID COUNTY.

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

SECTION 1. That the qualified electors of the county of

Douglas are hereby authorized to vote at the next general election for delegate to congress in the territory in the year 1886, for the location of the county seat of said county, and the officers of election shall receive said vote and make return thereof to the county commissioners who shall canvass the same and announce the result in like manner as the result of the vote for county officers.

SEC. 2. That the place receiving a majority of all the votes cast at said election in favor of the location of the county seat is hereby declared to be the county seat of said Douglas county.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage and approval by the governor.

Approved January 16, 1886.

AN ACT

TO REMOVE THE COUNTY SEAT OF FRANKLIN COUNTY FROM AINSWORTH TO PASCO IN SAID COUNTY.

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

SECTION 1. That the county seat of Franklin county, Washington Territory be and the same is hereby changed from Ainsworth and located at Pasco in said county.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

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

Approved December 22, 1885.

AN ACT.

TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF SPOKANE COUNTY, WASHINGTON TERRITORY, BY A VOTE OF THE QUALIFIED ELECTORS THEREOF.

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

the Territory of Washington: That at the next general election to be held in this territory shall be submitted to the duly qualified electors of Spokane county, Washington Territory, the question of the place of location of the county seat of said county, and the place receiving a majority of all votes cast therefor at such election shall and is hereby declared to be the county seat of said Spokane county.

SEC. 2. The ballots to be used at such election shall be substantially in the following form: "For county seat of Spokane county——— -- ——" (name of city, town or place voted for.)

SEC. 3. Such election shall be noticed, held and conducted in all respects as general laws in this territory, and all laws of a general nature applicable to general elections in this territory shall so far as the same are applicable and not in conflict herewith govern in the election herein provided for: *And provided,* That the phrase "person or persons voted for" used in chapter CCXLIII. of the Code shall, for the purpose of this election, be understood as "place or places voted for:" *And provided, also,* That all general laws of the territory relating to penalties for illegal voting and other violations of the election laws shall be applicable to such election.

SEC. 4. When the vote at such election shall have been counted and declared as provided by law, it shall be the duty of the county officers making such count to declare the result thereof in writing and designate the place receiving a majority of all the votes cast and file the same in the office of the county auditor of said county, and thereupon within fifteen days thereafter it shall be the duty of the several county officers of said county, to establish their offices, with the records thereof, at such place receiving such majority of all the votes cast, and which is hereby declared to be the county seat of said Spokane county, and thereafter to keep and hold their offices at such place.

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

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

Approved December 23, 1885.

AN ACT

TO REMOVE THE COUNTY SEAT OF YAKIMA COUNTY FROM YAKIMA CITY TO NORTH YAKIMA.

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

SECTION 1. That the county seat of Yakima county in Washington Territory, be and the same is hereby removed from Yakima City to North Yakima, in said county, and said county seat is hereby located at North Yakima.

SEC. 2. All the county officers of said county are hereby directed to remove to and hereafter hold their offices at North Yakima.

SEC. 3. The county commissioners of said county shall cause to be removed from Yakima city to North Yakima the court house of said county, and may remove any other county buildings or property by them deemed of sufficient value.

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

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

Approved January 9, 1886.

AN ACT

IN RELATION TO SALARY AND FEES OF PROBATE JUDGE OF ASOTIN COUNTY.

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

SECTION 1. That the probate judge of Asotin county shall be paid out of the treasury of said county, an annual salary of three hundred dollars which shall be in lieu of all fees allowed by law.

SEC. 2. It shall be the duty of said probate judge to

charge and collect all fees now allowed by the general law to probate judges and to report the same to the county commissioners quarterly, who shall order the amount thereof to be deducted from his salary and if the amount collected exceed one-fourth of the salary by this act allowed to him, he shall pay the excess into the county treasury.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved January 30, 1886.

AN ACT

TO FURTHER AMEND AN ACT ENTITLED "AN ACT IN RELATION TO COMPENSATION OF CERTAIN OFFICERS OF GARFIELD COUNTY AS AMENDED AND APPROVED NOVEMBER 26, 1883.

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

SECTION I. That the act entitled "An act in relation to compensation of certain officers of Garfield county," as amended and approved November 26, 1883, be, and the same is hereby, further amended to read as follows: That the officers of Garfield county, Washington Territory, shall receive for their services the following compensation, that is to say: The judge of probate shall receive in lieu of all fees, and in full compensation for his services, out of the county treasury, an annual salary of five 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 five 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 six hundred dollars (but no other fees shall be paid by the county), and all fees allowed by law.

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

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

Approved February 3, 1886.

AN ACT

RELATING TO THE COMPENSATION OF THE PROBATE JUDGE OF KING COUNTY.

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

SECTION 1. In the administration of estates of deceased persons, the probate judge of King county, in Washington Territory, shall be allowed compensation as follows: In estates where the value of the property administered upon shall be less than one thousand dollars, one-half of the fees allowed by other laws of the territory; in estates where the value of the property administered upon shall be one thousand dollars and less than two thousand dollars, two-thirds of the fees allowed by other laws of the territory; and in all other cases and for all other services such fees as shall be allowed by the laws of the territory. And in lieu of the deductions above made from the fees allowed by other laws he shall receive from King county an annual salary of seven hundred and fifty dollars, to be audited and paid in quarterly installments.

SEC. 2. All acts and part of acts so far as they conflict with 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 February 4, 1886.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO CREATE AND LOCATE THE COUNTY OF KITTITAS AND TO DEFINE THE BOUNDARIES THEREOF," APPROVED NOVEMBER 24, 1883; RELATIVE TO PAY OF COUNTY OFFICERS.

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

SECTION 1. That section 14 of an act entitled "An act to create and locate the county of Kittitas and to define the boundaries thereof," approved November 24, 1883, be and the same is hereby amended to read as follows:

Section 14. That the county commissioners of the county of Kittitas shall receive the sum of four dollars per day for each and every day necessarily employed in the service of said county and ten cents per mile for each mile necessarily traveled to attend said county business. The auditor, treasurer, sheriff and probate judge of said county shall receive the same fees and compensation, respectively, as are provided for said officer by the general laws of Washington Territory. The superintendent of public schools shall receive a yearly salary of forty dollars per annum, payable quarterly, and all other officers of the county shall receive the regular fees of their respective offices as prescribed by statute.

SEC. 2. All acts in conflict herewith are hereby repealed.

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

Approved January 9, 1886.

AN ACT

ALLOWING A SALARY TO THE COUNTY AUDITOR OF KLICKITAT COUNTY IN LIEU OF CERTAIN FEES.

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

SECTION 1. That on and after the first day of February

A. D., 1886, the county auditor of Klickitat county, in said territory, (for all services performed by said officer as clerk of the county commissioner's court, in the making of assessment rolls, tax lists and all other services for the said county now imposed by law), shall be paid out of the county treasury an annual salary of one thousand dollars in lieu of the fees allowed for such services, said salary to be paid quarterly.

SEC. 2. Nothing in this act contained shall be so construed as to prevent the said county auditor from receiving the fees allowed by law, for recording deeds and other clerical services not performed for the county by virtue of his office as county auditor and ex-officio clerk of the board of county commissioners.

SEC. 3. That all acts and parts of acts in conflict with this act are hereby repealed.

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

Approved February 3, 1886.

AN ACT

IN RELATION TO THE FEES OF PROBATE JUDGE OF KLICKITAT COUNTY.

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

SECTION 1. That the probate judge of Klickitat county, in said territory, shall be paid quarterly out of the county treasury of said county an annual salary of three hundred and sixty dollars, in lieu of all fees allowed by law to said probate judge for services in probate matters.

SEC. 2. This act shall not be construed to prevent the said probate judge from receiving the fees now allowed by law, for recording marriage certificates, or for receiving any other fees allowed by law for services rendered for individuals, save and except for services rendered in the probating of wills or settling of estates.

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

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

Approved January 29, 1886.

AN ACT

TO PROVIDE COMPENSATION FOR THE PROSECUTING ATTORNEY OF
PIERCE COUNTY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the prosecuting attorney of the county of Pierce shall receive the sum of seven hundred and fifty dollars annually, in lieu of all other compensation from said county, for his services as attorney for said county, to be paid quarterly out of the county treasury.

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 February 4, 1886.

AN ACT

IN RELATION TO THE COMPENSATION OF THE COUNTY AUDITOR
OF STEVENS COUNTY, WASHINGTON TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That from and after the passage and

approval of this act, the compensation of the county auditor of said Stevens county, shall be the same as is now provided by section 2086 Code of Washington Territory.

SEC. 2. That the act approved November 26, 1883, fixing the compensation of the county auditor of Stevens county at five hundred (500) dollars per annum is hereby repealed.

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

Approved January 19, 1886.

AN ACT

IN RELATION TO THE COMPENSATION OF COUNTY TREASURER OF STEVENS COUNTY, WASHINGTON TERRITORY.

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

SECTION 1. That from and after the passage and approval of this act, the compensation of the county treasurer of said Stevens county shall be the same as is now provided by section 2751 of the Code of Washington Territory.

SEC. 2. That the act approved November 26, 1883, fixing the compensation of the county treasurer of Stevens county at four hundred (400) dollars per annum is hereby repealed.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

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

Approved January 19, 1886.

AN ACT.

TO CHANGE THE NAME OF THE TOWN OF ASSOTIN CITY, IN ASOTIN COUNTY, TO ASOTIN.

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

SECTION 1. That the name of the town of Assotin City, in Asotin county, be and the same if hereby changed to Asotin.

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

Approved February 4, 1886.

 AN ACT

TO CHANGE THE NAMES OF CYNTHIA L. BLAKE AND DORA B. BLAKE TO THAT OF CYNTHIA L. CLINGER AND DORA B. CLINGER.

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

SECTION 1. That the names of Cynthia L. Blake and Dora B. Blake, daughters of Charles Blake, late of Jefferson county, W. T., be and the same are hereby changed to that of Cynthia L. Clinger and Dora B. Clinger.

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

Approved January 19, 1886.

AN ACT

TO CHANGE THE NAME OF ZERELDA H. DELAY TO THAT OF ZERELDA
H. HARLOW.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the name of Zerelda H. Delay, of Clarke county, W. T., be and the same is hereby changed to that of Zerelda H. Harlow, in accordance with her petition to that effect.

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

Approved December 22, 1885.

 AN ACT

TO CHANGE THE NAME OF MARK TWAIN KINDER TO THAT OF MARK
TWAIN SELBY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the name of Mark Twain Kinder, of the county of Clarke, W. T., be and the same is hereby changed to that of Mark Twain Selby, in accordance with the petition of his mother to that effect.

SEC. 2. That this act shall take effect and be in force from and after its passage and approval.

Approved December 22, 1885.

AN ACT

TO CHANGE THE NAME OF SARAH A. ROSEBERRY TO THAT OF SARAH
A. BRADLEY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the name of Sarah A. Roseberry, of
Spokane county, Washington Territory, be and the same is
hereby changed to that of Sarah A. Bradley.

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

Approved February 3, 1886.

AN ACT

FOR THE RELIEF OF CERTAIN EMPLOYEES OF THE PRESENT LEGISLA-
TIVE ASSEMBLY, AND OTHERS.

*Be it enacted by the Legislative assembly of the Territory of
Washington:*

SECTION 1. That the following named persons who have
been employed by the present legislative assembly, are entitled
to pay as follows, that is to say: John DeTiere, six dollars per
day; Wm. H. Hughes, six dollars per day; Kate Reagan, five
dollars per day; Bertha D. Piper, five dollars per day; C. Kala-
han, five dollars per day; J. E. Gandy, five dollars per day; Wil-
lie Hagemeyer, four dollars per day; May L. Sylvester, five dol-
lars per day; Florence M. Manley, five dollars per day; Leone
Sinnard, five dollars per day; Clara D. Connick, five dollars per
day; Edward Wheeler, five dollars per day.

SEC. 2. That 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 persons shall have been in attendance thereon, and of the pay to which he or she is entitled thereunder, 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 is hereby authorized to draw a warrant on the territorial treasurer 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 to take effect and be in force from and after its passage and approval.

Approved January 30, 1886.

AN ACT

FOR THE RELIEF OF CERTAIN ADDITIONAL EMPLOYEES OF THE PRESENT LEGISLATIVE ASSEMBLY, AND OTHER PURPOSES.

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

SECTION 1. That the following additional clerks, appointed to perform clerical work during the remainder of the present legislative assembly and no longer, to wit: Lucy E. Munson, Annie Connolly, Dora M. Elliot, Fannie Dodge, Minnie Lansdale, Annie Stevens, J. D. Hannegan, Walter J. Milroy, Ellen S. Stevenson, A. B. Brown, G. W. Hambright and John J. Hetzel are entitled to receive pay at the rate of five dollars per day.

SEC. 2. That the sum of four dollars and twenty-five cents be allowed H. D. Cook, sergeant-at-arms, for incidental expenses of the council paid by him.

SEC. 3. The territorial auditor is hereby directed to draw warrants on the territorial treasurer, in payment of such services, upon the presentation of the proper certificates in favor of the persons presenting such certificate, and the territorial treasurer

is hereby directed to pay such warrants out of any funds not otherwise appropriated.

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

Approved February 4, 1886.

AN ACT

FOR THE RELIEF OF THE ADJUTANT GENERAL OF WASHINGTON TERRITORY.

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

SECTION 1. That the sum of one hundred and sixty-four dollars and ninety-one cents be, and the same is hereby, appropriated out of any money in the territorial treasury, not otherwise appropriated, for the relief of R. G. O'Brien, adjutant general of Washington Territory, for actual expenses incurred in the organization of the militia of the territory.

SEC. 2. The territorial auditor is directed to draw his warrant upon the territorial treasurer in favor of said adjutant general, and the treasurer shall pay the same upon presentation.

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

Approved January 20, 1886.

AN ACT.

FOR THE RELIEF OF S. W. BROWN, B. L. SHARPSTEIN AND HENRY LANDES.

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

SECTION 1. That there is hereby appropriated out of the

general fund of the Territory of Washington, the sum of one hundred and thirty-three dollars, to pay S. W. Brown, B. L. Sharpstein and Henry Landes, commissioners appointed by the governor to select a site for the territorial penitentiary, for amounts due them over and above the amount appropriated by the legislative assembly at its session in 1883, and the territorial auditor is hereby authorized to draw his warrants on the territorial treasurer in favor of S. W. Brown, in amount of fifty-eight and 40-100 dollars; in favor of B. L. Sharpstein in the amount of fifteen and 80-100 dollars; and in favor of Henry Landes in the amount of fifty-eight and 80-100 dollars, making in all the sum of one hundred and thirty-three dollars.

SEC. 2. This act to take effect and be in full force after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

FOR THE RELIEF OF REV. JAMES CAMPBELL.

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

SECTION 1. That the sum of six dollars be and the same is hereby appropriated to pay the Rev. James Campbell for four days services rendered by him as chaplain to the legislative council of the Territory of Washington, at its present session, or the rate of one dollar and fifty cents per day.

SEC. 2. The territorial auditor is hereby authorized to issue a warrant upon the territorial treasurer for the sum mentioned in preceding section, and the territorial treasurer is hereby authorized to pay the same out of any money not otherwise appropriated.

SEC. 3. This act is to take effect from and after the date of its approval by the governor.

Approved February 4, 1886.

AN ACT

FOR THE RELIEF OF CHARLES E. CLANCY, AGENT OREGON RAILWAY AND NAVIGATION COMPANY.

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

SECTION 1. That the sum of fifty-one dollars be and is hereby appropriated to pay Charles E. Clancy, agent Oregon Railway and Navigation Company, for the transportation of the legislative assembly and invited guests from Olympia to Steilacoom and return, by steamer, on Saturday, December 19, 1885.

SEC. 2. The territorial auditor is hereby directed to draw a warrant in favor of said Charles E. Clancy for the said sum of fifty-one dollars, and the territorial treasurer is directed to pay the same 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 passage and approval.

Approved January 30, 1886.

AN ACT

FOR THE RELIEF ALEXANDER OF FARQUHAR.

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

SECTION 1. That the sum of one hundred and twelve dollars and eighty cents be, and the same is hereby, appropriated out of any money in the treasury, not otherwise appropriated, for the relief of Alexander Farquhar, for drayage and storage of arms and other munitions, the property of the

Territory of Washington, from October 1, 1883, to January 1, 1886.

SEC. 2. The territorial auditor is hereby authorized to draw his warrant for the sum mentioned in section one of this act in favor of Alexander Farquhar, and the territorial treasurer is directed hereby to pay the same.

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

Approved January 20, 1886.

AN ACT.

TO AUTHORIZE THE COUNTY COMMISSIONERS OF WHITMAN COUNTY TO REIMBURSE DAVID MARSH, SHERIFF OF WHITMAN COUNTY, FOR THE ARREST OF DILLARD WALKER, CHARGED WITH THE CRIME OF MURDER IN THE FIRST DEGREES.

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

SECTION 1. That the county commissioners of Whitman be and are hereby authorized to reimburse David Marsh, sheriff of said county, for the arrest of Dillard Walker, charged with the crime of murder in the first degree, and that said commissioners be and are hereby authorized to appropriate out of any money in the county treasury of said county, not otherwise appropriated, the sum of one hundred and fifty (150) dollars for the purpose hereinbefore named.

SEC. 2. That the auditor of Whitman county is hereby instructed to draw a warrant in favor of said above named David Marsh for said sum of one hundred and fifty (150) dollars; and the treasurer of Whitman county is instructed to pay the same out of any money in the treasury of Whitman county not otherwise appropriated.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

• Approved January 29, 1886.

AN ACT

FOR THE RELIEF OF JOHN H. MCGRAW.

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

SECTION 1. That the sum of three hundred dollars be and the same is hereby appropriated out of the territorial treasury not otherwise appropriated to pay John H. McGraw for expenses incurred in the extradition of Bush and Mullen, two fugitives from justice.

SEC. 2. The territorial auditor is hereby authorized and instructed to draw a warrant on the territorial treasurer for the same; and the territorial treasurer is hereby authorized to pay the same out of moneys not otherwise appropriated.

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

Approved January 2, 1886.

AN ACT

FOR THE RELIEF OF JAMES O'LOUGHLIN.

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

SECTION 1. That there be, and is hereby, appropriated out of any funds in the territorial treasury, not otherwise appropriated, the sum of twenty-nine (29) dollars, to be paid to James O'Loughlin, which he, as delinquent tax collector of Whatcom county, erroneously paid into the territorial treasury, as shown by the finding and order of the board of commissioners of said Whatcom county, duly certified by the auditor of said county December 5, 1885.

SEC. 2. That the territorial auditor be, and is hereby,

directed to draw a warrant on the territorial treasurer for the said sum, in favor of the said James O'Loughlin, and the territorial treasurer is directed to pay said warrant out of any funds in the treasury not otherwise appropriated.

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

Approved January 20, 1886.

AN ACT

FOR THE RELIEF OF PAINE BROTHERS OF WALLA WALLA WASHINGTON TERRITORY.

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

SECTION 1. That the sum of one hundred and thirty dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated for the relief of Paine Brothers, of Walla Walla, Washington Territory, for rent of room for territorial armory at Walla Walla for two years, from January 1, 1884, to January 1, 1886, and for money expended by them in cleaning arms belonging to the territory.

SEC. 2. The territorial auditor is hereby authorized and instructed to draw his warrant for the said sum of one hundred and thirty dollars in favor of Paine Brothers of Walla Walla, Washington Territory, and the territorial treasurer is hereby directed to pay the same out of moneys not otherwise appropriated.

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

Approved January 20, 1886.

AN ACT

FOR THE RELIEF OF WILLIAM PIX.

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

SECTION 1. That the sum of one hundred and ten (110) dollars be, and the same hereby is, appropriated out of any moneys in the treasury of the Territory of Washington for the payment to William Pix, assignee of R. N. Billings and John Olson, of the balance due for labor performed under agreement with Nicholas H. Owings, secretary of Washington Territory, and at his request made for and on behalf of Washington Territory to protect the capitol building and the territorial library from imminent danger of being burned in the summer of the year eighteen hundred and eighty, said danger being caused by the presence and close proximity of large quantities of dry brush, then surrounding the capitol.

SEC. 2. That the territorial auditor be, and he is hereby, authorized and instructed to compute interest at the rate of ten per cent. per annum on the amount remaining due and unpaid to the said William Pix, and the amount of interest so found due shall be added to the principal sum named in section one (1) of this act, and the same is hereby appropriated out of the moneys in the treasury of the Territory of Washington.

SEC. 3. That the territorial auditor be, and he is hereby, instructed and authorized to draw his warrant on the territorial treasurer in favor of William Pix for the principal sum named in section one (1), and the amount of the interest found due under the provisions of section two of this act.

SEC. 4. That the territorial treasurer be, and he is hereby, authorized and directed to pay the said warrant out of any money in the treasury not otherwise appropriated.

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

Approved February 3, 1886.

AN ACT

TO AUTHORIZE THE BOARD OF SCHOOL DIRECTORS OF DISTRICT NUMBER ONE OF ADAMS COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY TO COMPLETE THE SCHOOL HOUSE OF SAID DISTRICT AND PAY THE OUTSTANDING INDEBTEDNESS INCURRED IN THE BUILDING OF THE SAME.

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

SECTION 1. That the directors of school district number one of Adams county, Washington Territory, be and the same are hereby authorized and empowered, in the name of said district, to borrow the sum of one thousand dollars, said sum to be used in paying the outstanding indebtedness incurred in building the school house in said district and to fully complete the same.

SEC. 2. The said board of directors shall for the purpose of carrying the provisions of this act into effect, have power and they are hereby authorized and empowered in the name of said district, to issue one thousand dollars in school district warrants in denominations of not less than one hundred dollars each, to bear interest at the rate of ten per cent. per annum, payable in ten years from the date thereof: *Provided*, Said school district warrants may be redeemed by said district at any time after five years from the date thereof.

SEC. 3. The board of directors of said district are hereby authorized to levy and collect a special tax each year, on all taxable property of said district, a sufficient sum to pay the interest due on said school district warrants, and after five years from the date of such school district warrants, they shall annually, in like manner, levy and collect a special tax sufficient to pay all accrued interest on said school district warrants, and twenty per cent. of the principal thereof, until the whole amount of said school district warrants, and the interest thereon shall have been paid and discharged.

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

Approved January 29, 1886.

AN ACT

TO AUTHORIZE THE BOARD OF SCHOOL DIRECTORS OF SCHOOL DISTRICT NO. FOUR OF THE COUNTY OF CHEHALIS IN THE TERRITORY OF WASHINGTON, TO BORROW MONEY TO ENABLE SAID SCHOOL DISTRICT TO ERECT AND FURNISH A PUBLIC SCHOOL HOUSE IN SAID SCHOOL DISTRICT, AND TO ISSUE THE BONDS OR WARRANTS OF SAID SCHOOL DISTRICT FOR THE PURPOSE OF BORROWING SUCH MONEY.

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

SECTION 1. That the board of school directors of school district number four of Chehalis county, Washington Territory, be and they are hereby authorized and empowered in the name of said school district to borrow any sum of money not exceeding four thousand dollars, upon which they may pay any rate of interest not exceeding ten per cent. per annum, to be used and applied by said board of school directors, for the purpose of erecting and furnishing a public school house in said school district.

SEC. 2. That the said board of school directors for the purpose of carrying the provisions of this act into effect, shall have power and they are hereby authorized in the name of said school district to issue the bonds of said school district or the school district warrants of said school district, in any sum not exceeding four thousand dollars, and in denominations of not less than fifty dollars, to bear interest as in the first section of this act provided, payable in ten years from the date thereof, and the interest thereon payable annually: *Provided*, That said bonds or warrants may be redeemed and paid by said school district, through its board of school directors, at any time after the expiration of five years from their date.

SEC. 3. That said school district bonds or warrants shall be negotiable paper, and the said board of school directors shall have power and they are hereby authorized to negotiate and sell said bonds or warrants on the market at a discount of not more than five per cent.

SEC. 4. That said board of school directors be and they are hereby authorized, empowered and directed to levy and assess a direct special school tax annually hereafter on all taxable property in said school district, as assessed and returned by the assessor of the county of Chehalis, for county and territorial pur-

poses sufficient to pay the annual interest on said bonds or warrants, and ten per cent. of the principal thereof, until said bonds or warrants shall have been fully paid, and to certify said special tax so levied and assessed to the auditor of said county of Chehalis, which tax shall be a lien upon, and collected out of and from the taxable property in said school district, or from the persons owning the same, within the same time and in the same manner as the general taxes for county and territorial purposes are collected under existing laws of this territory.

SEC. 5. The county treasurer of the county of Chehalis shall be entitled to one per cent. for receiving and one per cent for disbursing the money by him collected under this act, and no other or greater compensation shall be allowed him for such services.

SEC. 6. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 19, 1886.

AN ACT

TO AUTHORIZE SCHOOL DISTRICT NUMBER FIFTY-EIGHT (58) OF CLARKE COUNTY TO ERECT A PUBLIC SCHOOL HOUSE AND BORROW MONEY TO PAY THEREFOR.

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

SECTION 1. That the directors of school district number fifty-eight (58), of Clarke county, Washington Territory, are hereby authorized to submit to the qualified school electors of said district an estimate of the cost of building a school house, for said district, not to exceed three thousand dollars (\$3,000). That notice of said election shall be given by publication thereof, three times in one of the newspapers published weekly in Vancouver. The last publication thereof, to be at least one week before said election.

SEC. 2. That if a majority of the votes cast at said election shall be in favor of the erecting of said public school building, then the directors of said school district are hereby authorized and empowered to borrow the sum of money mentioned in the said estimate and not exceeding the sum of three thousand dol-

lars (\$3,000,) and to issue the warrants of said district therefor, drawn on the county treasurer, and payable out of the funds of said school district as provided for in this act, which said warrants shall bear interest from date thereof at any rate not to exceed ten per cent. until paid, and that said tax shall be levied in all respects as other school taxes levied and collected in the same manner as other school taxes, under the school law of the territory: *Provided*, That the county treasurer of the county of Clarke, shall be entitled to one (1) per cent. for receiving and one (1) per cent. for disbursing the special taxes in this act mentioned, and no greater compensation shall be allowed for such service.

SEC. 3. That the directors of said school district shall levy an annual tax to pay said warrants and interest thereon, equal to one-tenth the amount of principal and interest of said warrants.

SEC. 4. That the money raised by issue of said warrants shall be applied by said directors in building a public school house for said district.

SEC. 5. That all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect from and after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

TO AUTHORIZE THE BOARD OF SCHOOL DIRECTORS OF SCHOOL DISTRICT NUMBER SIX, OF LINCOLN COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY TO PAY THE OUTSTANDING INDEBTEDNESS OF SAID DISTRICT INCURRED IN BUILDING A DISTRICT SCHOOL HOUSE.

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

SECTION 1. That the board of school directors of school district number six (6) of Lincoln county, Washington Territory, be and they are hereby authorized and empowered in the name said school district to borrow any sum of money not exceeding five thousand (5,000) dollars upon which they may pay any rate of interest not more than ten (10) per cent. per annum, to be

used and apportioned by said board of school directors for the purpose of paying the outstanding indebtedness against said school district incurred in the erection of the public school house in said school district.

SEC. 2. That the said board of school directors, for the purpose of carrying the provisions of this act into effect, shall have power and are hereby authorized in the name of said school district to issue five thousand dollars in bonds, in denominations of not less than one hundred dollars, to bear interest as in this act provided, payable in ten years from the date thereof: *Provided*, That said bonds may be redeemed or refunded by said board of school directors at any time after the expiration of five years from their date, and said bonds are to be sold by said board for not less than their par value.

SEC. 3. That the said board of school directors be and they are hereby authorized, empowered and directed to levy and assess a direct special school tax annually hereafter on all taxable property in said school district as assessed and returned by the assessor of Lincoln county for county and territorial purposes, sufficient to pay the annual interest on said bonds and ten per cent. of the principal thereof, said bonds to be numbered consecutively and to be paid in their numerical order; and to certify said special tax so levied and assessed to the county auditor of the said county of Lincoln, which tax shall be a lien upon and be collected out of and from the taxable property of said school district, within the same time and in the same manner as other special taxes are collected under existing laws of this territory.

SEC. 4. The county treasurer of the county of Lincoln shall be entitled to one per cent. for receiving, and one per cent. for disbursing the special taxes in this act mentioned and no other or greater compensation shall be allowed for such services.

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

Approved December 23, 1885.

AN ACT

AUTHORIZING THE DIRECTORS OF WEST TACOMA SCHOOL DISTRICT TO APPROPRIATE FIFTEEN HUNDRED DOLLARS OF THEIR SCHOOL FUND TO BUILDING PURPOSES.

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

SECTION 1. That the directors of West Tacoma school district are hereby authorized to draw a warrant or warrants, aggregating the sum of fifteen hundred (1,500) dollars upon the county treasurer of Pierce county for building purposes.

SEC. 2. That upon presentation to said county treasurer of said warrants properly endorsed they shall be paid out of any moneys apportioned to said school district.

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

Approved December 23, 1885.

AN ACT

TO AUTHORIZE THE BOARD OF SCHOOL DIRECTORS OF SCHOOL DISTRICT NUMBER TWENTY, OF SPOKANE COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY WITH WHICH TO PURCHASE OR BUILD A SCHOOL HOUSE IN SAID SCHOOL DISTRICT.

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

SECTION 1. That the board of school directors of school district number twenty (20) of Spokane county, Washington Territory, be and they are hereby authorized to submit to the duly qualified electors of said district the question of borrowing money, not to exceed six thousand dollars, and issuing the

school district warrants of the district therefor. Said money to be used by said board of school directors for the purchase or construction of a public school house with its necessary appurtenances in said district, and such vote shall be taken at an election held in the same manner as other elections, under the school election laws of this territory which are hereby declared to govern in the election herein provided for, and the form of ballots to be used at such elections shall be such as said board of directors may provide.

SEC. 2. Should the vote at such election result in a majority of all the votes cast being for the issuance of school district warrants as aforesaid, then the board of directors of said district shall borrow any sum of money not exceeding six thousand dollars, upon which they may pay any rate of interest not exceeding ten per cent. per annum, to be used by said board of school directors for the purchase or construction of a public school house with its necessary appurtenances in said school district.

SEC. 3. That the said board of school directors for the purpose of carrying the provisions of this act into effect, shall have power, and they are hereby authorized in the name of said school district, to issue school district warrants to the amount of six thousand dollars, in denominations of not less than one hundred dollars (\$100), to bear interest as in this act provided, payable in ten years from the date thereof: *Provided*, That said school district warrants may be redeemed or refunded by said board of school directors at any time after five years from their date.

SEC. 4. That the said board of school directors be and they are hereby authorized, empowered and directed to levy and assess a direct special tax annually hereafter, on all the taxable property in said school district, as assessed and returned by the county assessor for the county of Spokane, for territorial and county purposes, sufficient at least to pay the annual interest in said school district warrants, and after five years, the annual levy may be increased to the limit of providing for payment of said annual interest and twenty per cent. of the principal, until said school district warrants are fully paid; and to certify said special tax so levied and assessed to the auditor of the said county of Spokane, which tax shall be a lien upon and be collected from the taxable property of said school district, within the same time and in the same manner

as other special taxes are collected under existing laws of this territory.

SEC. 5. The county treasurer of the county of Spokane shall be entitled to one per cent. for receiving, and one per cent. for disbursing the special taxes in this act mentioned, and no other or greater compensation shall be allowed him for his said services.

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

Approved February 3, 1886.

AN ACT

AUTHORIZING A VOTE OF THE ELECTORS OF SCHOOL DISTRICT NUMBER 21, IN WALLA WALLA COUNTY, WASHINGTON TERRITORY, TO AUTHORIZE THE BOARD OF DIRECTORS OF SAID DISTRICT TO BORROW MONEY AND ISSUE BONDS THEREFOR TO PAY THE OUTSTANDING INDEBTEDNESS OF SAID DISTRICT INCURRED IN BUILDING A SCHOOL HOUSE.

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

SECTION 1. That the board of school directors of school district number twenty-one be and hereby are authorized to submit to the duly qualified electors of said district, the question of borrowing money not to exceed the sum of five thousand dollars and issuing the bonds of the district therefor, to pay the indebtedness of said district incurred in building a school house, and such vote shall be taken at an election held in the same manner as other elections under the school election laws of this territory, which are hereby declared to govern in the election herein provided for, and the form of ballot to be used at such election shall be such as said board of directors may prescribe.

SEC. 2. Should the vote at such election result in a majority of all the votes cast being for the issuance of bonds as aforesaid, then the board of directors of said district shall borrow any sum of money not exceeding five thousand dollars upon which they may pay any rate of interest not exceeding ten per cent.

per annum, to be apportioned by said board of school directors for the purpose of paying the outstanding indebtedness of said school district incurred as aforesaid.

SEC. 3. And said board of school directors, for the purpose of borrowing said money and carrying into effect the purposes of this act and of such vote, shall in the name of said school district issue bonds in the sum of five thousand dollars (\$5,000) or less, in denominations of not less than one hundred dollars, payable in ten years thereafter, bearing any rate of interest not exceeding ten per cent. per annum: *Provided*, That said bonds may be redeemed or refunded by the board of school directors of said district at any time after the expiration of five years from their date, and said bonds are to be sold by said district at not less than their par value.

SEC. 4. Said board of school directors are further hereby authorized and directed to levy a direct special school tax, annually hereafter, on all of the taxable property in said school district, as assessed and returned by the assessor of the county of Walla Walla, for county and territorial purposes, sufficient to pay the annual interest and ten per cent. of the principal of said bonds, and all of said bonds to be numbered consecutively and paid in their numerical order, and to certify the special tax so assessed to the county auditor of said Walla Walla county, which tax shall be a lien upon and be collected out of the taxable property of said district, within the same time, and in the same manner as other special taxes are collected under existing laws of this territory.

SEC. 5. The officer collecting such tax shall be entitled to the same commissions for receiving and disbursing such tax, as for other special taxes for school purposes in this territory.

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

Approved January 6, 1886.

AN ACT

TO AUTHORIZE THE DIRECTORS OF SCHOOL DISTRICT NUMBER ONE, OF WHATCOM COUNTY, WASHINGTON TERRITORY, TO ISSUE SCHOOL DISTRICT WARRANTS TO PAY THE OUTSTANDING INDEBTEDNESS OF SAID DISTRICT INCURRED IN PURCHASING LAND AND ERECTING A SCHOOL HOUSE THEREON.

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

SECTION 1. That the school directors of school district num-

ber one, of Whatcom county, Washington Territory, be and they are hereby authorized and empowered to submit to the qualified electors of said school district at any general or special school election to be held in said district after the passage of this act the proposition to issue the school district warrants of said district in any sum not exceeding two thousand dollars, and at any rate of interest not exceeding ten per cent. per annum, to aid in paying the outstanding indebtedness of said district incurred in purchasing land for a school site and in erecting a school house thereon.

SEC. 2. Whenever the said school directors deem it advisable to submit said proposition to the qualified electors of said district, they shall give at least twenty days' notice thereof by publishing said notice in a newspaper in said district and by posting notices in at least three public places in said district, stating the proposition to be submitted, the amount of school district warrants proposed to be issued, the length of time they are to run and the time and place at which the election will be held. The election shall be by ballot and the ballot shall contain the words "For issuing the school district warrants of the district in the sum of ———— dollars." Every ballot in favor of issuing said school district warrants shall have the word "Yes" written or printed thereon, and every ballot against issuing said school district warrants, shall have the word "No" written or printed thereon.

SEC. 3. If at said election a greater number of the electors of said district voting upon said proposition shall vote "Yes" than shall vote "No," then and in that event the school directors of said school district are hereby authorized and empowered in the name of and upon the faith and credit of said district to borrow any sum of money not exceeding two thousand dollars and at any rate of interest not exceeding ten per cent. per annum, to be used and apportioned by said board of directors for the purpose of paying the outstanding indebtedness of said school district incurred in purchasing land and erecting a school house thereon: *Provided*, That the amount of money so borrowed shall not exceed the amount authorized by the vote at the election at which the proposition was submitted to the electors of said district.

SEC. 4. That the board of school directors for the purpose of carrying the provisions of this act into effect, shall have power, and they are hereby authorized in the name of the school district, to issue, not to exceed two thousand dollars in school district warrants in denominations of twenty, fifty and one hundred dollars, to bear interest as in this act provided,

payable in ten years from the date thereof: *Provided*, That said board of school directors shall not issue school district warrants in excess of the amount authorized by the vote at the election at which the proposition was submitted to the electors of said district: *And, provided further*, That said school district warrants may be redeemed or refunded by said board of school directors at any time after the expiration of five years from the date thereof.

SEC. 5. That said board of school directors be, and they are hereby, authorized to levy and assess a direct special school tax annually, after the issuing of said school district warrants, on all taxable property in said school district as assessed and returned by the assessor of the county of Whatcom for county and territorial purposes, sufficient to pay the annual interest on said school district warrants and ten per cent. of the principal, until said school district warrants have been paid, and to certify said special tax so levied and assessed to the county auditor of said county of Whatcom, which tax shall be a lien upon and be collected out of and from taxable property in said school district within the same time and in the same manner that other special school taxes are collected under existing laws of this territory.

SEC. 6. The officer authorized by law to collect, receive and disburse special school taxes, shall be entitled to one per cent. for receiving and one per cent for disbursing the special taxes mention in this act, and no other or greater compensation shall be allowed him for such services.

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

Approved February 3, 1886.

AN ACT

TO AUTHORIZE THE BOARD OF SCHOOL DIRECTORS OF SCHOOL DISTRICT NO. NINE (9), WHITMAN COUNTY, TO BORROW TWO THOUSAND DOLLARS.

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

SECTION 1. That the board of school directors of dis-

trict No. nine (9) in Whitman county, Washington Territory, be and they are hereby authorized and empowered, in the name of said school district, to borrow any sum of money not exceeding two thousand dollars, upon which they may pay any rate of interest not more than ten (10) per cent. per annum, to be used and apportioned by said board of school directors for the purpose of paying the outstanding indebtedness against said school district incurred in the erection of the public school house in the said school district: *Provided*, A majority of the qualified electors of said district, at any election to be appointed by the board of directors of said district shall vote in favor of borrowing said money and for the issuance of the bonds hereinafter described.

SEC. 2. That the said board of school directors for the purpose of carrying the provisions of this act into effect, shall have power, and they are hereby authorized in the name of said school district to issue bonds of said district in any sum not exceeding two thousand dollars, and in denominations of not less than fifty dollars, to bear interest as in the first section of this act provided, payable in five years from the date thereof, and the interest thereon shall be payable annually: *Provided*, That said bonds may be redeemed and paid by said board of directors at any time after the expiration of three years from their date.

SEC. 3. That said school district bonds shall be negotiable paper, and the said board of school directors shall have power, and they are authorized to negotiate and sell said bonds on the market at a discount of not more than five per cent.

SEC. 4. That said board of school directors be and are hereby authorized, empowered and directed to levy and assess a direct special school tax annually hereafter, on all the taxable property in said school district as assessed and returned by the assessor of the county of Whitman, for county and territorial purposes, sufficient to pay the annual interest on said bonds and ten (10) per cent. of the principal thereof, until said bonds shall have been fully paid, and to certify said special tax so levied and assessed to the auditor of said county of Whitman, which tax shall be a lien upon and collected out of and from the taxable property in said school district or from the persons owning the same, within the same time, and in the same manner as the general taxes for county and territorial purposes are collected under existing laws of the territory.

SEC. 5. The county treasurer of Whitman county shall be entitled to one per cent. for receiving, and one per cent. for disbursing the money by him collected, under the provisions of this act, and no other or greater compensation shall be allowed him for such service.

SEC. 6. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved January 29, 1886.

AN ACT

TO PROVIDE A JAIL FOR GARFIELD COUNTY AND THE CITY OF POMEROY.

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

SECTION 1. That the county commissioners of Garfield county and the members of the common council of the city of Pomeroy, in said county, be and the same are hereby appointed to be a joint board for the purpose of, and power to procure convenient and suitable grounds in said city of Pomeroy, and if in the opinion of said board it is advisable they may build or cause to be built thereon a jail for the joint use of said Garfield county and city of Pomeroy.

SEC. 2. That the cost of procuring such grounds and building such jail shall not exceed the sum of four thousand dollars, of which sum thirty-six hundred dollars shall be paid by the county of Garfield and raised upon the taxable property therein as hereinafter provided, and four hundred dollars shall be paid by the city of Pomeroy by levying an additional tax upon all the taxable property in said city as is hereinafter provided, and in case a less sum is expended that the same shall be paid proportionately by said county and city.

SEC. 3. That the mayor of the city of Pomeroy shall be president of said board and the auditor of Garfield county clerk thereof, and that in the case either fail to attend, or a vacancy occur, said board shall elect a president and clerk, or either from their own numbers.

SEC. 4. That said board shall hold a meeting at the auditors office in the city of Pomeroy, on Monday the 15th day of February, 1886, commencing at the hour of ten A. M., for the purpose of carrying the provisions of this act into effect, and may thereafter, until such jail be completed, hold meetings at such times and such places in said city as they may adjourn to, or as such meetings may be called by the mayor, or majority of such board by serving notice on the members thereof.

SEC. 5. That any four members shall constitute a quorum for the transaction of business and a majority of a quorum shall be sufficient to decide all questions coming before such board, that the presiding officer of said board, if other than the mayor, shall be entitled to a vote, but that the mayor of said city when presiding at the meetings of such board, shall be entitled to vote only upon a tie, when he may give the casting vote, the auditor, when acting as clerk, shall not be entitled to vote but a clerk elected from the members of said board shall be allowed a vote.

SEC. 6. That said board is authorized to contract for and in behalf of said county of Garfield, and said city of Pomeroy, and bind each respectively, in the sums mentioned, for each to pay, fixed as above, or proportionate thereto as aforesaid.

SEC. 7. That the commissioners of said Garfield county at the time of making the first levy of taxes after the passage of this act, shall levy a sufficient sum upon all taxable property in said county to raise an amount equal to three-fifths of the whole amount expended and contracted in behalf of said county, and shall at its next succeeding annual levy of taxes, levy a like amount in the same manner.

SEC. 8. That the common council of said city of Pomeroy shall at the first general levy of taxes made by said council, in and for said city, levy an additional amount upon all the taxable property in said city, as shall be equal to three-fifths of the additional sum expended and contracted in behalf of said city, and shall at its next succeeding annual levy of taxes, levy a like amount in the same manner.

SEC. 9. That such taxes shall in each and every instance be levied and collected as other taxes are levied and collected, with like penalties respectively, except that the amount collected as the city tax shall be turned over and paid by the city treasurer to the county treasurer, within a reasonable time after collecting the same and the whole of such moneys raised by said county and city shall be a special fund known as the jail fund, and that after all expenses are paid in procuring said grounds and building said jail, the overplus, if any there be, shall be transferred and paid by the county treasurer into the general county fund of said county, and to the treasurer of said city, as

a part of its general fund, in the proportion to which each contributed.

SEC. 10. That said board is hereby granted all powers necessary to carry the provisions of this act into effect, although such powers may not be in this act specifically enumerated.

SEC. 11. That all sums contracted and expended in procuring such grounds and building such jail shall be paid by warrants drawn by the county auditor upon the county treasurer and upon the jail fund, as other warrants are drawn and paid, except that it shall not be necessary for such expenses and amounts to be audited and allowed by the county commissioners, but that the auditor shall issue such warrants upon the direction of the board of councilmen and commissioners hereinbefore constituted.

SEC. 12. That said warrants shall bear interest after presentment as other warrants, and if by reason of a portion of the taxes above provided for, remaining delinquent and uncollected there shall not be money enough to pay all of such warrants remaining unpaid after the taxes of said county and city shall be respectively collected after such second levy, that in such case the amount of such warrants so remaining unpaid shall be paid out of the county fund of said county and the general fund of said city in the manner and in the proportion as above provided.

SEC. 13. That said jail shall be constructed in two main compartments, each with outer entrances, but with no inner communication, one of said main compartments to be used for a county jail and to be under the control of the county, and the other compartment to be used for a city jail and to be under the city's control: *Provided*, That the compartment to be used for the city jail shall not exceed in cost one-fourth of the cost of the whole jail and in size shall not exceed one-third of the whole.

SEC. 14. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

PROVIDING FOR THE REGISTRATION OF VOTERS IN THE CITY OF PORT TOWNSEND FOR THE ELECTION OF CITY OFFICERS.

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

SECTION 1. No one shall be allowed to vote at any election held in said city for city officers unless registered as a voter as herein provided.

SEC. 2. There shall be for said city a board of registration consisting of three qualified voters residing within said city limits. This board shall be elected and appointed by the common council of said city at the first regular meeting thereof in the month of May of each year, and shall continue in office until their successors are appointed and qualified. Vacancies happening in such board shall be filled by the mayor of said city immediately upon being informed thereof. For official misconduct or other good cause, the common council may remove any person elected or appointed under this section.

SEC. 3. Such board shall appoint one of their number president. The clerk of said city shall be *ex officio* clerk of said board. A majority of the board shall constitute a quorum for the transaction of business. In case of the absence of the president or clerk, the board may appoint a president or clerk *pro tem*.

SEC. 4. It shall be the duty of the president to preside at all meetings of the board, and to sign his name to the proceedings thereof.

SEC. 5. The clerk shall record all the proceedings of the board in a suitable book to be procured for that purpose at the expense of the city, and such record shall at all reasonable times be open to the inspection of any person interested therein. The records of the board or a copy thereof, certified by the clerk of the board, shall be received as evidence in any court of this territory when the acts or proceedings of the said board or any member thereof, shall in any way be called in question.

SEC. 6. In addition to the said board of registration there shall be an officer who shall be styled the registrar of said city. The clerk of said city shall *ex officio* be the registrar thereof.

SEC. 7. Said registrar shall sit at the clerk's office of said city on the third Monday in June in each year, and for five days thereafter, in all six days, between the hours of nine o'clock A. M.

and twelve o'clock M., and from one o'clock P. M. to four o'clock P. M. of each day, in order to make a correct register of all the qualified voters in said city. He shall give notice of such sitting for five days previous thereto by printed notices posted at five or more public places in said city, and also a like notice published in the official newspaper of said city: every person, not registered, claiming the right to vote in said city for the officers thereof, shall apply for registration at the time in such notice specified or to the board of registration as hereinafter provided. The registrar may require any applicant to answer on oath any question which he may ask him or her touching his or her right to vote, and the registrar is hereby authorized to administer any oath which may be required under this section.

SEC. 8. Every applicant who shall make it appear to the satisfaction of the registrar that he or she is a qualified voter for city officers in said city shall be registered as such in the registry of the city, but if he or she fail to make it so appear or if the registrar has doubts as to the qualifications of the applicant, his or her application shall be rejected. The registrar shall keep a list of all rejected applicants and shall return the same to the board of registration with the registry of voters as hereinafter provided. When an applicant for registration is rejected the registrar shall deliver to the applicant a printed notice substantially as follows: "Sir, or Madam: Having doubts as to your qualifications as a voter in the city of Port Townsend for city officers, your application to be registered in said city is rejected and you are notified to appear before the board of registration of said city, at the council chambers of said city, on either Friday or Saturday immediately preceding the second Monday in July, 18—, for the purpose of being registered as a voter in said city, should said board deem you a qualified voter therein."

Signed A B, registrar.

SEC. 9. The registrar shall, on or before ten o'clock A. M. of the first Monday in July in each year, make out and return to the board of registration of said city, in alphabetical order, a register of voters in said city, as made out and approved by the board of registration for the last preceding election, except the names of such persons as have since died or removed from the city and such as have in any way, since their registration, become disqualified to vote therein: *Provided*, No name shall be stricken from the register except by an order of the board made in regular session, and containing also, the names of all other persons who shall have been admitted to registry as provided herein. He shall upon application register the name of any qualified voter for city officers as aforesaid in said city, or of any person who will become such as aforesaid, at any time before

returning his register to the board of registration, and no such register shall be returned before the said first Monday in July in each year.

SEC. 10. The registrar shall, before he returns his register as herein provided, make and attach to each a certificate to the following effect: I, A B, registrar of the city of Port Townsend, do hereby certify on my official oath that the foregoing is a correct register of the voters of said city, prepared by me according to law.

Given under my hand this — day of ———— 18—.

A B, Registrar of the city of Port Townsend.

SEC. 11. The clerk of the city council shall cause to be prepared suitable books for the registration of voters as herein provided, which books shall be paid for out of the general fund of said city. The books aforesaid shall be so arranged as to admit the alphabetical classification of the name of the voters, and ruled in parallel columns with appropriate heads, as follows: Name, age, place of birth, time of residence in said city, date of declaration of intention to become a citizen of the United States, or date of naturalization papers, and by what court issued, remarks; and it shall be the duty of the registrar to make the appropriate entry in each of said columns according to the facts in each case.

SEC. 12. The first meeting of the board of registration shall be held at the clerk's office of the city of Port Townsend on the first Monday of July in each year, to examine the register of voters returned by the registrar as hereinbefore provided, and if upon such examination they shall be of opinion that any person whose name has been registered is not a qualified voter for city officers, they shall cause a notice to be served upon such person to appear at the meeting of said board to be held as hereinafter provided to show cause, if any they can, why his or her name shall not be stricken from the register of voters. Such notice shall be a general notice for the city and in effect as follows:

The board [of] registration of the city of Port Townsend to A B, C D, etc., (naming the persons cited to appear) voters registered by the registrar as voters in said city, greeting: You and each of you are hereby notified to be and appear before our said board on either Friday or Saturday next following the date of this notice at a meeting to be held by said board at the council chamber of the city of Port Townsend between nine o'clock A. M. and five o'clock P. M. of said days, to show cause, if any,

why your name shall not be stricken from the register of voters in said city.

Given under our hands this —— day of July, 18——.

A B,

President of board of Registration of city of Port Townsend.
Attest: C D,

Clerk of the Board of Registration of city of Port Townsend. Such notice shall be served on the Tuesday preceding the second Monday in July in each year by posting a copy thereof at some conspicuous place on the premises where the city election is to be held in said city; upon the failure of any person upon whom such notice shall have been served as aforesaid to appear before the board at the time specified therein, and the board being fully satisfied that the person cited to appear is not a qualified voter, or in case he or she shall appear and upon his or her appearance fail to prove to the satisfaction of the board of registration that he or she is a qualified voter in said city, said board shall strike his or her name from the register of voters in said city. If said voter is qualified but improperly registered the board shall cause said mistake to be corrected. The register of voters shall at all reasonable hours be open to the inspection of any qualified voter in said city, and such person shall have the right, either orally or in writing to complain to such board touching the registration of disqualified persons, and said board shall hear such complaint, and if satisfied that there is reason to believe that the person complained of is disqualified they shall cite him or her to appear as herein provided, and shall strike him or her from the register of voters should it appear that he or she was not a qualified voter as aforesaid.

SEC. 13. The next regular meeting of the board of registration shall be held at the council chambers of the city of Port Townsend on Friday and Saturday immediately preceding the second Monday in July in each year. It shall be the duty of said board at these meetings to hear and determine on the application of the person refused, all cases in which the registrar has refused to register, also to hear and determine the cases of all persons upon whom notice has been served as provided for in the preceding section and also to receive, act upon and decide original applications for registration, in cases where the applicant shows good cause for not having made such application to the registrar. The board may examine on oath any party appearing before them upon notice as provided in the preceding section, or upon an original application for registration and upon such examination may propound such questions as they may deem necessary to enable them to determine the right of any such person to vote at the city election. They may examine on oath such witnesses as they may deem proper or the party interested may produce for

the same purpose. If upon consideration of such examination, evidence and oath, the board shall be satisfied that the party cited to appear, or whom the registrar has refused or failed to register, or applies for registration, is a qualified voter for the city officers of said city, they shall cause his or her name to be entered upon the register of voters in said city, but if they are not so satisfied, the application for registration shall be denied and if registered the disqualified person shall by the board be stricken from the register of voters in which he or she is registered. The meetings of the board, as herein provided for, shall be held between nine (9) o'clock A. M. and twelve (12) o'clock M. and one (1) o'clock P. M. and five (5) o'clock P. M. of each of said days. The said board, however, shall have power to hold on each of said days, evening sessions, between the hours of seven (7) o'clock P. M. and ten (10) o'clock P. M., of each day if they so elect.

SEC. 14. No foreign applicant for registration shall be registered unless he or she produce his or her declaration of intention to become a citizen of the United States, or his or her naturalization papers, or a certified copy thereof, with satisfactory proof of his or her identity, or in case of the loss of such papers upon satisfactory proof of his or her declaration of intention to be come a citizen of the United States, or of his or her naturalization as said citizen, and show himself or herself otherwise to be a qualified voter, or upon his or her own affidavit of the loss of such papers, together with the affidavit of a registered voter, that the applicant has resided in the United States for five years, and in the city six (6) months next preceding the time of application, and is reputed to be a citizen of the United States, and the deponent believes him or her to be such.

SEC. 15. The board of registration shall have power to preserve order in and about the place of holding their meetings while they are in session. For this purpose it shall be the duty of the city marshal, of the city, to be present at the meeting of said board, to arrest any offender who shall in any way threaten violence, or attempt to intimidate the said board, or any member thereof, while engaged in the discharge of his or their official duties.

SEC. 16. If the board of registration strike from the register of voters any name which ought to be retained thereon, or refuse to enter on such register the name of any person entitled to be registered thereon, or enter upon such register the name of any person not entitled, every member of such board, who knowingly and willfully concurs in so doing, shall be subject to a fine of not less than twenty, nor more than one hundred dollars: but in prosecution against the board of registration, or any

member thereof, under this act, it shall be presumed that the act or decision complained of, was done or made in good faith, unless the contrary be clearly proven.

SEC. 17. The board of registration, after examining and correcting the register of voters returned to them, as aforesaid, shall attach to said register a certificate to the effect as follows:

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

The board of registration of the city of Port Townsend, under their official oaths, do certify that the foregoing register of voters of said city has been examined, corrected and approved by said board, and that it contains a list of the qualified voters of said city, entitled to vote at the election to be held in said city on the second Monday in July, in the year 18—, for city officers. Witness our hands this — day of July, 18—.

A B,
C D,
E F,

Board of Registration of the city of Port Townsend.

Attest: G H, Clerk of the Board of Registration.

And shall cause said lists to be printed in some newspaper of general circulation within the city. The register shall then be delivered to the clerk of said city, who shall deliver the same to the inspector and officers of election, on the morning of the election, for city officers, previous to the opening of the polls, and it shall be the duty of the officers conducting the election, in the city, to permit all persons to vote therein, whose names are on the register of voters, unless since such registration he or she has forfeited his or her right to vote therein, by removal or otherwise, and to reject the votes of all persons whose names are not thereon. If any such officer knowingly permit any person to vote, whose name is not registered as required by this act, at said city election, he shall be guilty of a misdemeanor and shall be fined in any sum not less than fifty nor more than one hundred dollars. It shall also be the duty of such officers to return the register of votes, with the election returns of said city, under a penalty, in case of failure, of not less than twenty, no more than one hundred dollars, to the clerk of the city council, on or before the first regular meeting of said council, after such election.

SEC. 18. Any person who shall knowingly vote at any city election without having been registered, as required by this act, or who shall by false or fraudulent representations procure the registration of himself or herself, or another, contrary to law, shall be guilty of a misdemeanor, and on conviction thereof

shall be fined not less than twenty, nor more than one hundred dollars.

SEC. 19. Any person who shall unlawfully change, alter or destroy any register of voters, or tear down, alter or deface any notice posted by the registrar, or other person, under the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, be fined in not less than fifty, nor more than one hundred dollars.

SEC. 20. Any person who shall threaten, disturb, obstruct or intimidate the registrar, or board of registration, or a member of such board, in the discharge of his or their duties, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty, nor more than one hundred dollars.

SEC. 21. Any person who shall knowingly swear falsely before the registrar, board of registration, or the clerk thereof, shall be guilty of perjury, and may be convicted therefor, in any court having jurisdiction of the offence.

SEC. 22. All prosecutions under this act, or for the violation thereof, shall be in the name of the Territory of Washington, but all fines recovered thereunder shall inure to the benefit of the city of Port Townsend.

SEC. 23. The clerk of the board of registration, the president of said board, or the registrar are hereby empowered to administer any oath required by this act, or necessary in the discharge of their duties, under this act, and the same when so administered shall be as binding in all respects as when administered by any other officer authorized to administer oaths in this territory.

SEC. 24. Each member of the board of registration shall receive for his services, under this act, the sum of fifteen dollars and no more, the registrar for his services shall receive the sum of fifteen dollars compensation as clerk of said board, and in addition thereto such other compensation as may be awarded by the city council, for his services as registrar, not exceeding five cents for each registered voter. The compensation herein provided for shall be paid out of the general fund of the city of Port Townsend. Each member of the board of registration and the registrar, shall, before entering upon the discharge of their duties, take and subscribe an oath, faithfully and impartially to discharge the same according to law. Such oaths shall be filed with the clerk of said city.

SEC. 25. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 26. This act to take effect and be in force from and after its passage and approval by the governor.

Approved February 3, 1886.

AN ACT

REGULATING THE COLLECTION OF THE CITY TAXES OF THE CITY OF
TACOMA FOR THE YEAR 1885.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. The taxes levied by the city of Tacoma for the year 1885 shall not be collectible by the sheriff of the county of Pierce, until after the 28th day of February, 1886, and until the 28th day of February, 1886, at six o'clock P. M. The treasurer of said city shall retain the city tax transcript of said year 1885, and collect said taxes in manner as he was authorized by law to collect the same on and before the 31st day of December, 1885. After the 28th day of February, 1886, the treasurer shall return said city tax transcript to the city clerk of said city, and the clerk shall thereupon issue and annex thereto a warrant to the sheriff for the collection of the said taxes then delinquent.

SEC. 2. The said sheriff shall have until the third Monday in April, 1886, in which to enforce the collection of said delinquent taxes by distraint of personal property: and shall commence the sale of real property for the collection of said taxes on the first Monday of June, 1886, having first made publication of notice thereof for the time and in the manner required by law.

SEC. 3. In all other respects than as herein provided, the proceedings shall be as provided in the charter of said city approved November 28, 1883.

SEC. 4. The provisions of this act shall apply only to the city taxes levied in the year 1885.

SEC. 5. All acts and parts of acts in conflict with the provisions of this act are hereby modified in accordance herewith.

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

Approved February 3, 1886.

AN ACT

TO PROVIDE FOR THE PAYMENT OF THE OUTSTANDING INDEBTEDNESS OF THE CITY OF NEW TACOMA, INCORPORATED BY AN ACT ENTITLED "AN ACT TO CONFER A CITY GOVERNMENT UPON NEW TACOMA," APPROVED NOVEMBER 5, 1881, AND FOR THE LEVY OF A TAX THEREFOR BY THE CITY OF TACOMA UPON THE TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF SAID CITY OF NEW TACOMA.

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

SECTION 1. For the purpose of providing a fund to pay and satisfy the outstanding warrants of indebtedness issued by the city of New Tacoma, incorporated by an act entitled "An act to confer a city government upon New Tacoma," approved November 5, 1881, and consolidated with the city of Tacoma, under the name of Tacoma, by an act entitled "An act to consolidate the cities of Tacoma and New Tacoma, under the name of Tacoma," approved November 28, 1883, and to extinguish the indebtedness of said city of New Tacoma. The city council of the city of Tacoma, incorporated by said last mentioned act, shall, at the time of the levy of the annual municipal tax for the year 1886, proceed to levy a special tax of not to exceed four mills, upon all the taxable property as shown by the city assessment of said city of Tacoma for 1886, within the corporate limits of said city of New Tacoma as defined by said act approved November 5, 1881. The said council shall fix the time when such tax shall be payable, after which it shall draw interest and be collected as other municipal taxes under the said charter of the said city of Tacoma, approved November 28, 1883, and any and all acts in amendment and addition thereto. But this levy of special tax shall not be construed as preventing the levy of any special tax authorized by said charter for said year 1886. Said special tax, when collected, shall be applied to the payment of the New Tacoma city warrants, and to the extinguishment of any indebtedness outstanding against said city of New Tacoma upon the first Monday of January, 1884; and any surplus which shall remain of said special tax after the payment of all such indebtedness and warrants shall be paid into the school fund of East Tacoma school district.

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

Approved February 3, 1886.

AN ACT.

TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF KITITTAS COUNTY TO PURCHASE OR BUILD AND ERECT BRIDGES.

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

SECTION 1. That the board of county commissioners of Kitittas county be and they are hereby authorized and empowered to purchase or build one or two bridges to be erected across the Yakima river in Kitittas valley in said Kitittas county to be paid for as other county expenses are paid.

SEC. 2. The sum so expended by the county commissioners shall not exceed the sum of six thousand dollars.

SEC. 3. This act to remain in force for the period of two years after its approval by the governor.

Approved January 20, 1886.

AN ACT

TO AMEND SECTION 2992, CHAPTER 229 OF THE CODE OF WASHINGTON IN RELATION TO ROADS BRIDGES AND HIGHWAYS.

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

SECTION 1. That section 2992 of the Code of Washington be amended to read as follows:

Section 2992. Whenever the supervisor shall, from any cause, have neglected or omitted to place on his list the name of any person or property within the time required by law, he may at any time afterwards place the name of any such person or property on the list and assess the road tax due, which assessment shall in all respects be valid, as if made in due form. It shall be the duty of the county commissioners of

the several counties to levy and assess a road tax of two 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, idiotic and insane persons, and an active fireman who has been a member of any fire company in this territory for a period of one year preceding the assessment of taxes; also assess not less than one nor more than five mills on every dollar's worth of property as returned by the county assessment; which tax shall be paid in money, or in labor at two dollars per day: *Provided*, That the county commissioners may in addition, levy a special tax of two mills on every dollar's worth of property as returned by the assessor, which tax shall be paid in money at the time and in the manner provided for the payment of county and territorial taxes; and the money arising from said tax shall be known and designated as the road and bridge fund, and may, in the discretion of the county commissioners be applied to build or repair public bridges or roads.

SEC. 2. The provisions of this act shall apply to Mason county only.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

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

Approved February 4, 1886.

AN ACT

TO AUTHORIZE ROAD DISTRICTS IN SKAGIT, WHATCOM AND ISLAND COUNTIES TO LEVY SPECIAL TAXES FOR ROAD AND BRIDGE PURPOSES.

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

SECTION 1. That in the counties of Skagit, Whatcom and Island, in the Territory of Washington, a special tax, not to exceed ten mills on the dollar, may be levied on the taxable property therein as hereinafter set forth.

SEC. 2. Whenever ten or more property taxpayers, residents of any particular road district in said Skagit, Whatcom and Island counties, shall petition the board of county commissioners of said counties, setting forth that the amount of road taxes derived from the general revenue law are inadequate for the proper improvement and maintenance of the public roads and bridges, or for the construction of necessary bridges in said road district, and the board of county commissioners, upon the consideration of the same, will not or cannot afford the necessary relief by appropriation from the county funds or otherwise, it shall be lawful for the board of county commissioners of said Skagit, Whatcom and Island counties to submit the question of levying a special tax to the electors of said road district, said tax not to exceed the sum of ten mills on the dollar of the taxable property in said district as per the assessment roll of said counties, and if a two-thirds majority of all the votes cast at such election shall favor such special tax, the board of county commissioners shall order the same to be levied on all the taxable property in said road district as shown by the county assessment roll of that year, and said assessment and collection thereof shall be made and collected the same as is provided for under the general law for the assessment and collection of special school taxes: *Provided*, That no person shall be eligible at an election under this act unless he or she pays a property tax and are otherwise entitled to vote under the general election law of this territory: *And, provided further*, That for the purposes of this act, that where there is community property assessed in any road district it shall be considered that both the husband and wife are taxpayers of such district, if otherwise qualified.

SEC. 3. The board of county commissioners shall appoint an inspector and two judges (who may act as clerks of said election), qualified electors, as set forth in this act, to conduct such election, and shall fix the time and place of holding the same, and such election shall be conducted and returns made as near as may be in accordance with the general election law of this territory, except as otherwise set forth in this act. At such election the ballots shall contain "tax yes" or "tax no."

SEC. 4. Whenever the board of county commissioners shall order an election under the provisions of this act, they shall name the number of mills to be assessed on each and every dollar's worth of property in said road district, as per the

assessment roll of said Skagit, Whatcom and Island counties for that year, together with the time and place for the holding of such election, and the names of the inspector and judges appointed therefor, and the polls for such election shall be opened and closed at the hours named by the board of county commissioners, which time shall not be less than four hours from the time of the opening to the closing of the same, and cause the same to be entered in the record of their proceedings. And it shall be the duty of the county auditors of said counties to issue the notices therefor, which notices shall set forth the names of the inspector and judges, the number of mills on the dollar to be assessed and the time and place for holding such election, together with the hours of the opening and closing of the polls. He shall furnish three copies of such notice to the supervisor of such road district, which notices shall be posted by the road supervisor in three of the most public places in his road district; and the county auditor shall also cause a copy of the same to be published in the official newspaper of the county, if there be one, for at least three weeks prior to the day of holding such election. The judges and inspector shall make prompt returns to the county auditor of such election, and they shall receive two dollars each for their services, to be paid out of the general county funds of said county as other election services are paid.

SEC. 5. The county treasurers of said Skagit, Whatcom and Island counties shall place any tax so paid or collected to the credit of the road district to which it belongs, and he shall receive as compensation for collecting and disbursing the same fee as for other taxes.

SEC. 6. The funds so collected shall be paid over to the road supervisor of such road district, upon an order drawn by the auditor by the direction of the board of county commissioners of said county, in favor of said road supervisor, who may expend the same under his personal supervision, by contract or otherwise, as he may deem best for the public good. And the board of county commissioners shall require an additional bond in such amount as they may deem proper for the faithful and economical expenditure of such funds, and such road supervisor shall make a detailed statement, accompanied with the necessary vouchers of such expenditure, to the board of county commissioners at their next regular meeting, and he shall receive such compensation for his services as the board of county commissioners deem proper, to be paid out of the

general county funds of said counties: *Provided*, That all the road districts in Whatcom and Island counties shall be included in the operations of this bill, except the road district embracing the city of Whatcom.

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

Approved February 3, 1886.

AN ACT

TO AUTHORIZE THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY TO BUILD A COURT HOUSE AND JAIL IN SAID COUNTY AND TO PROVIDE FUNDS THEREFOR.

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

SECTION 1. That the board of commissioners of Columbia county be and they are hereby authorized and empowered to purchase the necessary grounds in the city of Dayton and to build and construct therein a suitable building for a court house and jail for said county.

SEC. 2. The said building shall be constructed in such a manner and of such materials as the board of commissioners may deem best and expedient. Such building shall cost, when completed, exclusive of the costs of the grounds, not exceeding the sum of forty thousand dollars.

SEC. 3. For the purpose of providing funds for the purchase of the necessary grounds and the construction of said building and for the furnishing of the same, the said board of commissioners are authorized to bargain, sell and convey any grounds, and buildings therein now occupied by the county, and are further authorized and empowered to levy an annual tax not exceeding two mills on the dollar, upon all the taxable property in Columbia county, for the years 1886, 1887, 1888, 1889, 1890; such taxes shall be levied at the same time that territorial and county taxes are levied, and shall be collected in the same manner as other county taxes are collected; and the proceeds of the sale of said lots aforesaid, and of said taxes

shall constitute a fund to be known as the "court house fund" and all such taxes levied therefor shall be called the "court house tax."

SEC. 4. The whole cost and expense of purchasing such grounds and building said house and jail including all payments of interest shall be paid from said court house fund by county warrants, to be known as "court house warrants" and drawn upon said court house fund.

SEC. 5. In order to procure the money required from time to time, for the purposes herein aforesaid. The said board of commissioners may, in their discretion, order issued court house warrants on the court house fund for such sum or sums as they deem best, and payable at a time or times to be stated in such warrants, not exceeding six years from the dates thereof, with not more than ten per cent. interest from date: such interest shall be payable annually at the office of the county treasurer, and for which interest coupon warrants may be attached to and issued with such warrants.

SEC. 6. The board may from time to time, in their discretion dispose of said "court house warrants" in such sums as they deem best, to such person or persons as will pay the highest price therefor, which price shall in no case be less than eighty cents on the dollar, and to that end may advertise for sealed proposals for the whole or any part thereof, to be paid for and bear interest from the delivery of the same to the party or parties purchasing such warrants.

SEC. 7. Said board is authorized and empowered to enter into contracts in the name of the county with such person or persons, firm or corporations as they deem best for the furnishing of plans, superintending the work, and constructing such building, as well as for the purchase of and preparation of the grounds, the expenses of which shall be paid out of the "court house fund" in the manner above provided. Such contracts shall only be made upon the order of the board, entered of record among their proceedings: and the board may also require employes and contractors to execute bonds with proper sureties to their approval for the due performance of their contracts.

SEC. 8. In case the levies provided in section three of this act shall not be sufficient to pay the principal and interest of said "court house warrants" at the expiration of the time said warrants are due and payable, the board be, and are hereby authorized to levy a tax sufficient to pay the same

upon the taxable property of the county, such tax to be levied and collected as other county taxes.

SEC. 9. All contracts, herein provided for shall be signed by the chairman of the board of commissioners for and in behalf of the county, and all "court house warrants" shall be signed by such chairman and countersigned by the county auditor, under the seal of the board.

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

Approved February 4, 1886.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF LINCOLN COUNTY, WASHINGTON TERRITORY, TO ERECT A COURT HOUSE IN SAID COUNTY.

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

SECTION 1. That the board of county commissioners of Lincoln county are hereby authorized and empowered to build a court house in the county seat of said county, and pay for the same as other expenses of the county are paid: *Provided*, That not exceeding the sum of fifteen thousand dollars shall be expended in the erection of said court house.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

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

Approved February 4, 1886.

AN ACT

TO PROVIDE FOR THE LOCATING, OPENING, ALTERING AND VACATING OF COUNTY ROADS IN THE COUNTY OF ADAMS, TERRITORY OF WASHINGTON.

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

SECTION 1. All county roads shall be under the supervision of the board of county commissioners and shall be sixty feet in width. All applications for laying out, altering or vacating roads shall be by petition to the board of county commissioners, signed by twelve persons who are freeholders and reside in the road district or districts in which the proposed road is located. The term freeholder shall be construed to include all persons who possess an equitable interest in either government or railroad land and actually reside on said land.

SEC. 2. The petition provided for in section one of this act shall state the place of beginning, the intermediate points, if any, and the place of termination of said road, or if it be for altering a road, it shall state the exact change to be made. Said petition shall be filed with the county auditor and must be accompanied by a bond running in favor of the county, for the sum of five hundred dollars, signed by one or more of the petitioners and two good and sufficient sureties, to be approved by the auditor, conditioned that the petitioners will pay all costs incurred by the county, by reason of said petition, if the prayer thereof is not granted. The petition must be filed at least six weeks before the first day of the term of the commissioners board, at which the petition is to be heard, which must be at a regular term; and it shall be the duty of the auditor upon receipt of the petition and bond properly executed to make a true copy of the petition, and within five days after its receipt, give a copy of said petition to the road supervisor of the district or districts through which said proposed road will run, and to cause said petition to be published in the official newspaper of the county four consecutive weeks before the meeting of the board.

SEC. 3. It shall be the duty of the road supervisor, within five days after the receipt of the copy of the petition to examine the proposed road or alteration, and if it is his

opinion that the prayer of the petition should be granted, he shall make out a written report specifying by forties, according to the government survey, the tracts of land through which said road should run, or in which alteration should be made: *Provided*, That when it is practicable, the supervisor shall locate the road on section lines.

SEC. 4. If the supervisor is of the opinion that the prayer of said petition should not be granted, he shall so report in writing, giving his reasons for such report.

SEC. 5. The supervisor shall deliver his report to the auditor at least three weeks before the first day of the next term of the commissioners' court, and the auditor shall cause said report to be advertised two succeeding weeks in the official newspaper of the county, and the publication of the petition and supervisors report shall be notice to all parties interested.

SEC. 6. It shall be the duty of the petitioners, or some one in their behalf, all parties claiming damages, and all desiring to resist the prayer of the petition, to appear on the first day of the next term of the commissioners' court. Those claiming damages shall file their demand, those desiring to resist said petition shall file their reasons for resisting; the commissioners shall set a day for the hearing of the petition, and on said day shall proceed to hear the testimony of all parties interested and for that purpose are hereby authorized to administer oaths and to subpoena witnesses to appear before them.

SEC. 7. If in the opinion of the commissioners it is necessary to have the proposed road surveyed, they shall have a right to continue the hearing and order a survey; and if they deem it expedient they may adjourn to view the road themselves.

SEC. 8. After hearing the testimony in the matter of the petition, the commissioners shall determine how much less valuable any piece or parcel of land will be made by reason of the granting of the prayer of the petition, and shall assess the amount so found and determined as damages in favor of the owner of said tract of land; but in no case shall damages be allowed, when from the evidence the commissioners are satisfied that the land remaining with the ward is worth as much as the whole tract would be without the road.

SEC. 9. If the board of county commissioners are satisfied that the road will be of sufficient importance to the public to warrant the payment from the county treasury of the damages found by them to be due, they shall order the same to be paid to the complainant out of the county treasury, and

shall order the supervisor to open and make said road by plowing two furrows four feet eight inches apart and by sinking in the middle of said road, not less than two feet in depth, a large stone to weight not less than fifty (50) pounds at the place of beginning; at well defined intermediate points, if there be any, and at the termination of said road; and shall order the auditor to enter said road in the highway plat book, designating by feet and inches the distance from permanent well defined objects, if there be any, to the witness stones and the depth to which said stones are sunk; but if in the opinion of the county commissioners such proposed road is not of sufficient importance to the public to warrant 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. 10. If the commissioners determine that the prayer of the petition shall be refused, they shall order the petitioners to settle the costs, and if said costs are not paid within ten days, an action may be brought by the county upon the bond.

SEC. 11. If any person who has claimed damages shall feel himself aggrieved by the assessment of damages or the finding of the commissioners, he may, within thirty day after the commissioners have rendered their decision, appealed therefrom to the district court of the proper county. Such appeal shall be taken in the same manner as appeals from justices of the peace, and if the appellant shall fail to recover a judgment more favorable than the decision appealed from he shall pay all costs of the appeal.

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

Approved February 5, 1886.

AN ACT

REGULATING IRRIGATION AND WATER RIGHTS IN THE COUNTIES OF
YAKIMA AND KITTITAS, WASHINGTON TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That any person or persons, corporation or

company who may have or hold a title or possessory right or title to any agricultural lands within the limits of Yakima or Kittitas counties, Washington Territory, shall be entitled to the use and enjoyment of the waters of the streams or creeks in said counties for the purposes of irrigation and making said land available for agricultural purposes.

SEC. 2. That when any person or persons, corporation or company owning or holding lands as provided in section one (1) of this act, shall have no available water facilities upon the same, or when it may be necessary to raise the water of said streams or creeks to a sufficient height to so irrigate said land, or whenever such lands are too far removed from said streams or creeks, to so use the waters thereof as aforesaid, such person or persons, corporation or company shall have the right of way through and over any tract or piece of land for the purposes of conducting and conveying said water by means of ditches, dykes, flumes or canals for the purposes aforesaid.

SEC. 3. Any person or persons proposing to construct a ditch, dyke or flumes under the provisions of this act, shall have the right to enter upon private lands for the purpose of examining and surveying the same; and when such lands cannot be obtained by the consent of the owner or owners thereof, so much of the same as may be necessary for the construction of said ditch, dyke or flume may be appropriated by said person or person, after making compensation therefor as follows: Said person or persons shall select one appraiser and said owner or owners shall select one, and the two so selected shall select a third. In case the owner or owners shall from any cause fail, for the period of five days, to select an appraiser, as hereinbefore provided, then it shall be the duty of the appraiser, selected by the person or persons proposing to construct said ditch, dyke or flume, to select a second appraiser, and the two so selected, shall select a third, and in either case the three selected shall within five days after their selection, meet and appraise the lands sought to be appropriated, after having been first duly sworn by some officer entitled to administer oaths, to make a true appraisal thereof, according to the best of their knowledge and ability. If such person or persons shall tender to such owner or owners the appraised value of such land, and file with the clerk of the district court, with sureties to be approved by said clerk, a bond in double the appraised value, conditioned that if an appeal be taken, and a larger damage be allowed than the amount appraised, they

will pay the judgment of the court and the costs of the appeal, they shall be entitled to proceed in the construction of the ditch, dyke or flume over the lands so appraised, notwithstanding such tender may be refused: *Provided*, That such tender shall always be kept good by such person or persons: *And, provided further*, That an appeal may be taken by either party from the findings of the appraisers to the district court of the district within which the land so appraised shall be situated at any time within ten days after such appraisal.

SEC. 4. That in all controversies respecting the right to water under the provisions of this act, the same shall be determined by the date of appropriation as respectively made by the parties.

SEC. 5. That the waters of the streams or creeks of the country may be made available to the full extent of the capacity thereof for irrigating purposes so that the same do not materially affect or impair the rights of the prior appropriator, but in no case shall the same be diverted or turned from the natural channel, ditches or canals of such appropriators so as to render the same unavailable to him or them.

SEC. 6. That any person or persons, corporation or company damaging the lands or possessions of another by reason of cutting or digging ditches or canals, or erecting dykes or flumes as provided by section two, of this act, the party so committing such injury or damage shall be liable to the party so injured therefor.

SEC. 7. That this act shall not be so construed as to impair or in any way or manner interfere with the rights of parties to the use of the waters of such streams or creeks acquired before its passage.

SEC. 8. That this act shall not be so construed as to prevent or exclude the appropriators of the waters of said streams or creeks, for mining, manufacturing or other beneficial purposes, and the right also to appropriate the same is hereby equally recognized and declared.

SEC. 9. That any person or persons, corporation or company who may dig and construct or who have heretofore dug and constructed ditches, dykes, flumes or canals over or across any public or private road or highways, or who use the waters of such ditches, dykes, flumes or canals shall be required to keep the same in good repair at such crossings or other places where the water from any such ditches, dykes flumes or canals may flow over or in anywise injure any roads or highways, either by bridging or otherwise.

SEC. 10. Any person or persons offending against section nine of this act, on conviction thereof, shall forfeit and pay for

every such offense, a penalty of not more than one hundred dollars, to be recovered with costs of suit in civil action in the name of the Territory of Washington, before any justice of the peace having jurisdiction; one-half of the fine so collected shall be paid into the county treasury for the benefit of common schools in said counties, and the other half shall be paid to the person or persons informing the nearest justice of the peace that such offense has been committed. All such fines and costs shall be collected without stay of execution and such defendant or defendants may, by order of the court, be confined in the county jail, until such fine and costs have been paid.

SEC. 11. That all controversies respecting the right to water in the counties of Yakima and Kittitas, whether for mining or manufacturing, agricultural or other useful purposes, the rights of the parties shall be determined by the dates of appropriation respectively.

SEC. 12. That all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved February 4, 1886.

AN ACT

TO ENABLE THE QUALIFIED ELECTORS OF KLICKITAT COUNTY, TERRITORY OF WASHINGTON, TO HOLD A COUNTY ELECTION, OR TO HOLD ELECTIONS IN SUB-DIVISIONS OF SAID COUNTY, TO EXPRESS THEIR VIEWS BY BALLOT ON AN ACT ENTITLED "AN ACT TO PROHIBIT THE OWNER OF HOGS IN WASHINGTON TERRITORY FOR ALLOWING THE SAME TO RUN AT LARGE," APPROVED NOVEMBER 23, 1883.

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

SECTION 1. That whenever at any regular session of the board of county commissioners of Klickitat county, Territory of Washington, a petition shall be presented to said board, signed by at least fifty (50) qualified electors of said county, praying for an election in accordance with the provisions of this act, it shall

be the duty of said board to issue an order directing that an election be held in said county on a day to be named in said order, not less than twenty (20) days nor more than thirty (30) days after the issuing of said order.

SEC. 2. Whenever twenty-five (25) qualified electors of Klickitat county, Territory of Washington, shall join in a petition praying for an election to be held in a sub-division of said county, the boundaries of said sub-division to be definitely described in said petition, it shall be the duty of the board of county commissioners to issue an order authorizing an election to be held in said sub-division of Klickitat county, Washington Territory, on a day to be named in said order not less than twenty (20) days nor more than thirty (30) days after the issuing of said order, and in accordance with the provisions of this act and not otherwise; said petition to be presented at a regular term of the board of county commissioners of Klickitat county, Washington Territory.

SEC. 3. All elections held by virtue of this act shall be for the purpose of enabling the qualified electors of Klickitat county to express their views on an act entitled "An act prohibiting owners of hogs in Washington Territory from permitting the same to run at large," approved November 26, 1883, as to whether said act shall remain in force in said county of Klickitat, Washington Territory, or sub-division of said county, as the case may be.

SEC. 4. Immediately upon granting an order by the board of county commissioners authorizing the elections provided for by an act, it shall be duty of the county auditor to give public notice thereof by publication of the order for at least twenty (20) days and not more than thirty days in some newspaper published in the county, if there be one, but if no newspaper be published in the county, then by posting copies of such order at the court house door and at some public place in each justice's precinct, if the election be ordered for the whole county, or at three public places in the sub-division if the election be ordered for a sub-division.

SEC. 5. The order of the board of county commissioners shall set forth—

First. That the order is granted upon the written petition of fifty (50) qualified electors of Klickitat county, Washington Territory, when ordered for the whole county, or upon the written petition of twenty-five (25) qualified electors of said county, when ordered for a sub-division of said county, as the case may be.

Second. That the election so ordered is for the purpose of enabling the qualified electors of Klickitat county to express their

views by ballot as to whether an act entitled "An act prohibiting the owners of hogs in Washington Territory from permitting the same to run at large," approved November 26, 1883, shall remain in force in said county, or in subdivision of the said county, as the case may be.

Third. Whether the election is ordered for the county at large, or a subdivision of the county particularly describing it.

Fourth. The day on which the election is ordered to be held, giving the day of the week and month, and the hours on which the polls will open and close on said day.

Fifth. The places throughout the county, if the election is ordered for the whole county, where the polls will be kept open in each election precinct, or if ordered for a subdivision the place or places in said subdivision where the polls will be kept open.

SEC. 6. If the election is ordered for the whole county the election in that event shall be held at the annual voting places in the several election precincts. If the election is ordered for any particular subdivision the order shall designate the precise place in said subdivision at which the polls will be opened and the election held.

SEC. 7. It shall be the duty of the board of county commissioners, at the time of granting the order for an election in accordance with the provisions of this act, to appoint three (3) qualified electors for each place where the polls will be kept open throughout the county or subdivision to act as inspector and judges of said election, who shall appoint two qualified electors to act as clerks of said election.

SEC. 8. All votes at any election held in pursuance of this act shall be by ballot, and voters desiring to prevent hogs from running at large shall have written or printed on their ballots the words "For the hog law approved, November 26, 1883," and those in favor of allowing hogs to run at large shall have written or printed on their ballots the words "Against the hog law approved November 26, 1883."

SEC. 9. On or before the tenth (10) day after any election held under the provisions of this act, the inspectors and judges of said election shall make due return of all votes cast at their respective voting places, for and against said proposition, to the county auditor of said Klickitat county, Territory of Washington, who shall tabulate, and count said returns, and ascertain the result of said election.

SEC. 10. The returns shall be opened, tabulated and counted by the county auditor in the presence of at least one justice of the peace of said Klickitat county, Washington Territory, or of two legal votes of said county.

SEC. 11. If a majority of the votes cast at such election

should be "against the hog law" the county auditor shall immediately declare the result, which proclamation shall be posted at the court house door, and after the expiration of thirty (30) days from the posting of such notices, that subdivision of the county shall be exempted from the operations of the hog law, now in force in said county; but if a majority of the votes cast at such election shall be "for the hog law," the auditor shall make the announcement as above specified, and that subdivision of the county shall not be exempted from the operations of the hog law now in force in said county.

SEC. 12. Whenever an election is held under the provisions of this act, for the whole, or any subdivisions of said Klickitat county, Washington Territory, and the proposition for a hog law as herein provided is defeated, no other election for such purpose shall be held within said county or subdivision thereof for the space of twelve months thereafter. But the defeat of the proposition for the whole of said county shall not prevent another election from being held immediately thereafter for any subdivision of said county, nor shall the defeat of the proposition for any subdivision prevent an election from being held immediately thereafter, for the entire county.

SEC. 13. For the purposes of this act the county shall be divided into subdivisions as follows: All that portion of Klickitat county lying west of the Klickitat river, and between the Klickita river and the western boundary line of Klickitat county, shall constitute one subdivision; all that portion of Klickitat county lying between the Klickitat river and "Rock creek" shall constitute one subdivision; and all of that portion of said county lying east of "Rock creek," and between "Rock creek" and the eastern boundary line of Klickitat county shall constitute a subdivision.

SEC. 14. For the purpose of this act it shall not be necessary for any of the electors of Klickitat county to observe the requirements of any "Registry act," in force in the Territory of Washington, at the time the elections herein provided for are held.

SEC. 15. All elections held by virtue of this act shall be in accordance with the provisions of the general election laws of the Territory of Washington.

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

Approved February 3, 1886.

AN ACT

IN RELATION TO DEFINING DISTRICTS IN LEWIS COUNTY FOR THE
ELECTION OF COUNTY COMMISSIONERS.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That at the next general election (to be held in November A. D., 1886,) in the territory, and at each biennial election thereafter, the county commissioners of Lewis county shall be elected in districts. The person receiving the greatest number of votes in each district shall be declared duly elected, for which purpose said county is hereby divided into three several districts. The precincts of Hannaford, Centralia, Lincoln creek and Chehalis shall be and compose the first county commissioners' district, and shall be entitled to one county commissioner, who shall reside therein. Claquato, Boistfort, Napavine, Winlock and Little Falls shall constitute the second county commissioners' district, and shall be entitled to one county commissioner, who shall reside therein. Mossy Rock, Salcum, Alpha, Cowlitz and Salmon Creek shall constitute the third county commissioners' district, and shall be entitled to one county commissioner, who shall reside therein.

SEC. 2. All acts and parts of acts providing for the election of county commissioners, inconsistent with this act, shall have no force or effect within said county of Lewis: *Provided*, Nothing herein contained shall interfere with the board of county commissioners of said county as at present constituted.

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

Approved January 20, 1886.

AN ACT

TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LEWIS COUNTY, WASHINGTON TERRITORY, TO ISSUE BONDS TO FUND ITS OUTSTANDING INDEBTEDNESS.

*Be it enacted by the Legislative Assembly of the Territory
of Washington:*

SECTION 1. That the board of county commissioners of

Lewis county be, and they are hereby, authorized and empowered, in the name of said county, to borrow money in the manner and upon the conditions hereinafter set forth, not exceeding the sum of forty thousand dollars (\$40,000), for the purpose of paying off and funding its existing and outstanding indebtedness.

SEC. 2. The said board of county commissioners shall, for the purpose of carrying the provisions of this act into effect, have power, and are hereby authorized and empowered in the name of said county to issue bonds, not exceeding the amount of forty thousand dollars (\$40,000), in denominations of one thousand dollars (\$1000), each to bear interest at a rate not exceeding eight (8) per cent. per annum, payable annually by the treasurer of said county, and numbered respectively from one to forty, inclusive, and payable as follows, to-wit: Numbers 1 and 2 of said bonds payable in eleven (11) years after date thereof; numbers 3 and 4 of said bonds payable in twelve (12) years after date thereof; numbers 5 and 6 of said bonds payable in thirteen (13) years after date thereof; numbers 7 and 8 of said bonds payable in fourteen (14) years after date thereof; numbers 9 and 10 of said bonds payable in fifteen (15) years after date thereof; numbers 11 and 12 of said bonds payable in sixteen (16) years after date thereof; numbers 13 and 14 of said bonds payable in seventeen (17) years after date thereof; numbers 15 and 16 of said bonds payable in eighteen (18) years after date thereof; numbers 17 and 18 of said bonds payable in nineteen (19) years after date thereof; numbers 19 and 20 of said bonds payable in twenty (20) years after date thereof; numbers 21 and 22 of said bonds payable in twenty-one (21) years after date thereof; numbers 23 and 24 of said bonds payable in twenty-two (22) years after date thereof; numbers 25 and 26 of said bonds payable in twenty-three (23) years after date thereof; numbers 27 and 28 of said bonds payable in twenty-four (24) years after date thereof; numbers 29 and 30 of said bonds payable in twenty-five (25) years after date thereof; numbers 31 and 32 of said bonds payable in twenty-six (26) years after date thereof; numbers 33 and 34 of said bonds payable in twenty-seven (27) years after date thereof; numbers 35 and 36 of said bonds payable in twenty-eight (28) years after date thereof; numbers 37 and 38 of said bonds payable in twenty-nine (29) years after date thereof; numbers 39 and 40 of said bonds payable in thirty (30) years after date thereof: *Provided,*

Said bonds may be redeemed by said county at any time after ten (10) years from the date thereof.

SEC. 3. The said board of county commissioners are hereby authorized and directed to levy and collect annually, at the same time and in the same manner as they levy and collect taxes for general territorial and county purposes, a special tax upon all the taxable property of said county to pay the interest on said bonds by this act authorized to be issued, and after ten (10) years from the date of said bonds, they shall annually levy and collect a special tax on all the taxable property of said county, sufficient to pay all approved and accruing interest and the principal upon said bonds as they respectfully mature, and so on in each and every year thereafter until the whole amount or principal of said bonds and the interest thereon shall have been paid and discharged according to the face and tenor thereof.

SEC. 4. Before issuing said bonds, the said board of county commissioners are hereby directed and empowered to submit to the qualified electors of said county the proposition of the issuance by said board of county commissioners of said bonds for the purposes aforesaid, at a general election or at a special election to be called by them for that purpose. Before such general or special election, the proposition shall be published in a newspaper printed at the county seat of said county, at least once a week for four (4) successive weeks before the day designated for said submission; and printed notices of said proposition shall be posted in a public place in every voting precinct of said county at least twenty (20) days prior to said election. In case said proposition shall be submitted at any special election, to be held for that purpose, the said notices so posted and printed as aforesaid, shall designate a time and place where the said qualified electors may vote on said proposition. Said election in the manner of conducting the same, in the canvassing of the votes cast thereat and the returns of the same, shall be in compliance with the laws of this territory governing elections for county officers. All persons desiring to vote on said proposition at said election, shall deposit a ballot in the ballot box, on which shall be written or printed the words "For the Bonds" or "Against the Bonds." If upon the canvassing and return of said ballots, cast at said election, a majority of the ballots cast shall be found "For the Bonds," the said board of county commissioners shall be authorized to issue said bonds according to the provisions of

this act, and not otherwise, provided the same shall not be sold for less than par.

SEC. 5. This act shall take effect from and after its passage and approval by the governor and its satisfaction by the congress of the United States.

Approved February 4, 1886.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF PACIFIC COUNTY TO OFFER A REWARD.

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

SECTION 1. That the board of county commissioners in and for the county of Pacific, are hereby authorized to offer a reward of five hundred dollars, for the detection, arrest and conviction of the murderer or murderers of Samuel Browning, of said county, or for any information that will clear up the mystery surrounding said Brownings disappearance. Said reward to be paid from the funds of the county.

SEC. 2. This act to go into effect on and after its passage and approval.

Approved February 3, 1886.

AN ACT

TO PROHIBIT THE OWNERS OF SHEEP FROM ALLOWING THE SAME TO RUN AT LARGE WITHIN THE COUNTY OF PACIFIC.

Be it enacted by the Legislative assembly of the Territory of Washington:

SECTION 1. That the owners of sheep are hereby pre-

hibited from allowing the same to run at large within the county of Pacific.

SEC. 2. That all sheep found running at large in violation of the provisions of section one of this act may be taken up by any person on whose land or premises the said sheep may trespass; or upon complaint before a justice of the peace in said county by any person injured or having sustained a loss by reason of said sheep running at large, the same may be taken up and impounded for safe keeping by the constable for the precinct, if there be one, if not then by the sheriff of said county, until any damage said sheep have committed, together with all costs and fines have been paid by the owner or owners thereof.

SEC. 3. In addition to damage or damages, the owner of said sheep, may for permitting the same to run at large, be fined in any sum not exceeding twenty-five (25) dollars for each violation of this act.

SEC. 4. When any sheep have been taken up by any person or persons, or by any sheriff or constable and impounded, and the owner or owners thereof, after being notified if said owners are known, fail to claim said sheep, then said persons taking up the said sheep shall advertise the same for the period of three weeks in the official county paper by inserting a notice, describing said animals and setting forth the fact that the same will be sold by the constable or sheriff, within twenty days after the first publication of said notice, if said animals are not claimed and costs paid. If said sheep are sold by said constable or sheriff, and no owners thereof be found, all money arising from sale of the same over and above the costs and fines shall be turned over to the county treasury, to be applied to general school fund: *Provided*, That cost for publishing said notice in said newspaper shall not exceed the sum of two dollars and fifty cents.

SEC. 5. For the purpose of assessing damages that have been sustained by any person or persons under the provisions of this act, three disinterested householders residents of the county and adjacent to the person or persons so damaged, shall be selected by the justice of the peace of the precinct, if there be one, if not, then by the nearest justice of the peace in said county, who shall assess the damages by arbitration and award said damages, if any, and the sum thereof, according to their best judgment.

SEC. 6. The payment of fees under the provisions of

this act shall be the same as provided for like service in the general laws of the territory.

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

Approved February 4, 1886.

AN ACT

TO PROVIDE FOR THE PRESERVATION OF CERTAIN GAME BIRDS IN THE COUNTIES OF WALLA WALLA AND KITTITAS.

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

SECTION 1. Every person who shall within the counties of Walla Walla and Kittitas, between the first day of December and the fifteenth day of August of the ensuing year, for any purpose take, kill, injure or destroy, or have in possession, sell or offer for sale any prairie chicken, sage hen, grouse, pheasant, or quail, shall be guilty of a misdemeanor.

SEC. 2. Every person who shall within the counties of Walla Walla and Kittitas, between the first day of December and the first day of August of the ensuing year, for any purpose, take, kill, injure or destroy, or have in possession, sell or offer for sale any blue or mountain grouse shall be guilty of a misdemeanor.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved February 4, 1886.

AN ACT

TO INCREASE THE PUBLIC SCHOOL FUND OF WHATCOM COUNTY.

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

SECTION 1. That all moneys paid into the treasury of What-

com county, Washington Territory, arising from the issuance and sale of liquor licenses in said county, shall be placed to the credit of the public school fund of said county.

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

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

Approved February 3, 1886.

NOTE BY THE SECRETARY.

An examination of the act approved February 4, 1886, and found on page 171, will show that the index being made under its provisions could not be printed in this volume for the reason that it provides that the printing shall not be done at the expense of the territory.

If the plan suggested had been followed, *i. e.*, the law so worded that it could have been printed at the expense of the territory in the event that it could not be done at the cost of the United States, it would appear in and form a part of this volume.

On February 10th I mailed a certified copy of the act to the Secretary of the Treasury, and in my letter accompanying it I asked him whether I could print the index provided for at the expense of the United States. Under date of March 20th, I received a letter in reply from Hon. M. J. Durham, First Comptroller of the U. S. Treasury, stating that "If after printing the laws and journals of the last Legislative Assembly, you find you can print and bind, with the laws, the index referred to in your letter on that subject dated Feb. 10, you are hereby permitted to do so, but on no account must your entire printing cost more than the amount of \$3750, which is the legal limit." As the incidental printing ordered by the legislative assembly out of this fund amounted to \$2311.41 leaving but \$1438.59, under this ruling neither the journals of either house or the index could be printed, and it would exhaust the remainder of the entire appropriation to print one thousand copies of the session laws—the number limited by instructions from the treasury department. I at once submitted an estimate of what would be required to print the journals and the index, to the Secretary of the Treasury, setting out all the facts in the case and urging him to recommend the appropriation to Congress. At the same time I wrote Hon. C. S. Voorhees giving him the facts and urging him to see the Secretary of the Treasury and point out the great necessity of the

appropriation to the people of the territory, adding that I was satisfied the Secretary would not recommend it if he did not do so. I have received the following letter from the Secretary of the Treasury, but nothing from Mr. Voorhees.

T. R.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., April 2, 1886.

Hon. N. H. Owings, Territorial Secretary, Olympia, W. T.—

"SIR:—Your letter asking that congress may be requested to appropriate an additional sum of \$900 for public printing in Washington Territory, for this fiscal year, was referred to me by the secretary of the treasury. I have this day respectfully returned it to the secretary of the treasury without my approval. * * * * *

(Signed)

"Respectfully,

M. J. DURHAM, *Comptroller.*"

In this connection I desire to say that the amount paid for incidental printing ordered by the last Assembly greatly exceeded that of any former session of which I have any knowledge. I have as briefly as I can submitted the facts to the end that the public officers and others may be advised as to why the index and and journals were not printed.

N. H. OWINGS,
Secretary.

MEMORIALS AND RESOLUTIONS.

MEMORIALS.

COUNCIL MEMORIAL NO. 3

FOR THE ALLOTMENT OF LANDS IN SEVERALTY TO THE INDIANS
OF THE YAKIMA RESERVATION.

*To the Honorable Senate and House of Representatives of
the United States in Congress assembled.*

Your memorialists, the legislative assembly of Washington Territory, respectively represent: That the Yakima Indian reservation contains an area of 800,000 (eight hundred thousand) acres. That many of the Indians of the tribes now holding this vast body of land do not remain upon it; many of them have taken homesteads off the reservation to escape the liability of being forcibly returned. That only about 1200 (twelve hundred) Indians of all ages make their permanent home there. Of these about 1000 (one thousand) are in good faith adopting the ways of civilization, wear the dress of citizens, live in houses and cultivate the soil, many of them with improved machinery.

Among them are native Christian ministers, sustained largely by the Indians. They have church organizations and edifices, which are supported by a large membership. For years they have maintained their Indian courts and police system. An earnest desire pervades a large majority of these Indians to attain to a higher civilization. Many of them, in fact most of them, are desirous of accepting lands in severalty and would willingly surrender their reservation rights, provided lands were secured to them individually and the proceeds of the sale of the remainder of their reservation was placed to their credit with the government and used to enable them and their children to advance in the ways of civilization.

Attention is here called to the fact that in its treaty with these tribes, the government promised them allotments of lands in severalty, and that the treaty with this promise unfulfilled, expired in the year 1879.

The reservation embraces a large portion of the valley of the Yakima river for a distance of about forty-five miles. While the reservation exists it not only keeps this vast tract of fertile land from settlement, but retards development of a large adjacent tract by reason of the Indians refusing the use of the water of Setas Creek for irrigation purposes.

The progressive spirit of the age has made it unnecessary that your memorialists should here detail the now widely recognized defects of the reservation system, without referring to the past, but believing that this system is not now conducive to the greatest good of a very large majority of those for whose benefit it was inaugurated, feeling assured that its maintenance longer is seriously detrimental to the people of Washington Territory, and believing that the change here suggested would be welcomed by the Indians of the Yakima reservation, your memorialists therefore pray that they be offered liberal allotments of lands in severalty, coupled with the proposition that the balance of their reservation be sold to actual settlers in tracts not exceeding 160 acres, the proceeds of such sale to be placed to the credit of the Indians and disbursed in such manner as shall be deemed most prudent to promote their education and qualification for all the duties of citizenship.

Passed the council January 25, 1886.

B. B. DAY,
President of the Council.

Passed the house representatives January 29, 1886.

R. O. DUNBAR,
Speaker of the House.

Approved February 3, 1886.

COUNCIL MEMORIAL No. 6.

IN RELATION TO THE SURVIVORS OF THE INDIAN WAR OF
1855 AND 1856.

*To the Senate and House of Representatives of the United
States of America in Congress Assembled:*

Your memorialists, the legislative assembly of Washing-

ton Territory, would respectfully represent, that many of the early settlers of this territory had to contend with the hostile Indians occupying the same, and volunteered freely to suppress the hostility of such Indians.

That while fighting these Indians many valuable lives were lost.

That of those volunteers and early settlers but few survive.

That while the services of the soldiers of the nation have justly received recognition at the hands of the general government for their services and patriotism, yet the brave men who defended the northwest territory from the hostile Indians in the war of 1855 and 1856 have been overlooked.

Your memorialists call your respectful attention to the subject and pray for some recognition of the heroic services of those volunteers of the war of 1855 and 1856. That they be granted a land warrant of one hundred and sixty acres of land, or as in your best judgment such services deserve, and as in duty bound your memorialist will ever pray.

Passed the council January 26, 1886.

B. B. DAY,

President of the Council.

Passed the house of representatives February 1, 1886.

R. O. DUNBAR,

Speaker of the House.

Approved February 3, 1886.

HOUSE MEMORIAL NO. 2.

PRAYING AN APPROPRIATION OF TEN THOUSAND DOLLARS TO BE EXPENDED BY THE UNITED STATES FISH COMMISSION IN DEVELOPING THE FISHERIES OF WASHINGTON TERRITORY, AND FOR THE INTRODUCTION OF THE BEST VARIETIES OF FOOD FISHES, LOBSTERS, OYSTERS, ETC., INTO THE WATERS OF WASHINGTON TERRITORY FOR THE PURPOSE OF PROPAGATION.

To the Honorable 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 the United States Fish commission, by liberal appro-

priation granted by congress, have been, and still are, doing a great and valuable work on the Atlantic coast of the United States in developing the food fishes and other marine food products of the Atlantic ocean, and have thereby added largely to the natural wealth.

Your memorialists further represent that the waters of Puget Sound present conditions favorable to the propagation of lobsters and varieties of oysters, and contains within the deep channels and fiords new and valuable varieties of food fishes which, although known to exist, have never been properly developed from want of funds and requisite knowledge and experience, which knowledge and experience are possessed by the United States fish commission in a greater degree than by any private individual in this territory. Wherefore your memorialists respectfully pray that the sum of ten thousand dollars (\$10,000) be appropriated for the purpose of developing the fisheries of Washington Territory, and that the said amount of ten thousand dollars be expended by and under the direction of the United States Fish commission in introducing the best varieties of food fishes, lobsters and oysters into the waters of this territory wherever, in the judgment of said fish commission, they may best be placed to propagate, and also to develop the marine food products already existing in and native to these waters.

And your memorialists as in duty bound will ever pray.

Passed the house of representatives January 21, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council January 22, 1886.

B. B. DAY,
President of the Council.

Approved January 29, 1886.

HOUSE MEMORIAL NO. 3

RELATIVE TO APPROPRIATION FOR THE CASCADE LOCKS.

To the Honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the legislative assembly of the Terri-

tory of Washington, would respectfully represent that many thousand settlers of this territory, and the state of Oregon, are deprived of free water communication by the obstruction in the Columbia river where it passes through the Cascade mountains. That with the exception of the Cascade Locks, one hundred and sixty miles, and the Dalles, two hundred and twenty miles from the mouth of the Columbia where canals and locks would be necessary, there is no impediment to practical steamboat navigation for more than seven hundred miles above the Dalles more than the removing of a few loose rocks, being over one thousand miles from the mouth of the Columbia, with tributaries aggregating over three hundred miles more. That the removal of these obstructions would permit water transportation by boats of heavy tonnage to an extent of country embracing not less than twenty-five thousand square miles of land susceptible of cultivation. That the Columbia river basin has a producing capacity of wheat alone, of eighty million bushels and other products in proportion and that this present year the transportation companies now existing have not been able to carry the wheat of the inland empire to market and that they will not be able to remove it all before the 1st of June, A. D. 1886. That the Columbia river flows almost the entire distance above referred to through a productive country with a mild and genial climate, and possessing the qualities necessary to sustain a dense and populous farming population, and that it already contains a large and rapidly increasing population.

Your memorialists would also represent that in addition to its agricultural resources, its hills and mountains are full of excellent coal and the baser metals that can only be made available by cheap transportation. That the topography of the country is such as to practically preclude the building of railways, and that the people of this vast region of country are now at the mercy of one corporation which by its peculiar position, possessions and franchises can and does effectually prevent any opposition; and that the opening of the Columbia river to free navigation is absolutely essential to the progress and development of this great country. That the work has already been commenced at the Cascades, the government having already expended at that point in the past few years about seven hundred and fifty thousand dollars; but that the work has been prosecuted at a great disadvantage by reason of the inadequacy of the appropriation. Your memorialists

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would represent that a continuous appropriation of seven hundred and fifty thousand dollars more would complete the work at that point and would be of almost incalculable benefit to the country. To this end your memorialists earnestly pray that the appropriation for the prosecution of this work be increased to seven hundred and fifty thousand dollars, and that the appropriation be continuous, and for which your memorialists would ever pray.

Passed the house of representatives January 21, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council January 25, 1886.

B. B. DAY,
President of the Council.

Approved January 28, 1886.

HOUSE MEMORIAL, NO. 4.

PRAYING FOR RESTORATION TO THE PUBLIC DOMAIN OF ALL THE LANDS NOW HELD BY THE NORTHERN PACIFIC RAILROAD COMPANY, BETWEEN WALLULA, WASHINGTON TERRITORY AND PORTLAND, OREGON.

To the Honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent that from Wallula in Washington Territory, to Portland, in Oregon, the Northern Pacific Railroad company is holding and controlling several million acres of land; that twenty-one years ago Congress granted this land to said company on condition that said company would build and maintain a road down the Columbia river by a given time; that said time has long since expired; the granting act providing that said road should be constructed, completed, furnished and equipped by the fourth day of July, 1876; and that said time was extended by Congress to July 2, 1879; that no road was built at the expiration of the said extended time; and that no road has yet been built; that between the two said points not one

rod of road has been built by this company, and your memorialists would represent the fact to be, that there has never been any attempt in good faith, or otherwise, by this company to build said railroad or any part of it; but that the enterprise has been actually and absolutely abandoned for years.

Your memorialists would further represent that the conditions now surrounding these lands create a feeling of distrust, uncertainty and fear with those who have settled and improved these lands, that the permanent settlement and improvement of the country is retarded; that the hopes and energies of the people are paralyzed, and that every material interest of the country is most seriously injured. Therefore, in view of the reasons here briefly set forth, and in view of many other reasons too numerous to offer in this memorial, and in the interest of all that is right, honorable and fair we most earnestly urge and pray your honorable body to grant the relief prayed for, viz.: The restoration to the public domain of all the lands heretofore withdrawn for the use of the Northern Pacific Railroad company, between Wallula, Washington Territory, and Portland, Oregon, and your memorialists will ever pray.

Passed the house, January 8, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council, January 15, 1886.

B. B. DAY,
President of the Council.

Approved January 19, 1886.

HOUSE MEMORIAL NO. 6

PRAYING FOR AN APPROPRIATION FOR CLEANING THE NORTH FORK OF
LEWIS RIVER

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent: That the north fork of Lewis river, from the confluence with the south fork of said river to the head of navigation, a distance of about twenty-five miles, could, with an expenditure of five thousand dollars, be made navigable throughout the year.

That said stream is the natural outlet and only channel of conveyance for the transportation of supplies to, and produce from, a large and growing community settled upon its banks; that with one exception, Lewis river, of which this stream is a tributary, is the only navigable river in Western Washington Territory emptying into the Columbia river; that the Cowlitz river, the only other navigable river in Western Washington Territory emptying into the Columbia, has in the past been improved at the expense of the general government, and that such improvement has resulted in very great material advancement of the region drained by said river, whereas the country drained by Lewis river and its forks is twenty miles nearer Portland, and is no less rich in agricultural lands and mineral resources than the Cowlitz valley; that the mountains drained by said north fork of Lewis river abounds in rich mineral wealth, such as gold, silver, coal, iron and lead; that there are immense tracts of government land suitable for agricultural purposes along said stream, yet unsettled, which would soon be occupied by thrifty settlers and improved if said stream were rendered navigable throughout the year; that in consequence of numerous snags and bars in its bed, the navigation of said stream is seriously obstructed at all seasons of the year, and during the summer months entirely so, to the great detriment of the growth and prosperity of the country; that an appropriation of five thousand dollars would remove said obstructions and render said stream navigable throughout the year, thus opening up to settlers along its banks a cheap and easy outlet for the products of their labor, and bringing within easy reach of the toiling masses of the people a large area of government land yet unoccupied.

Your memorialists would, therefore, respectfully pray your honorable bodies to pass an act appropriating five thousand dollars for the improvement of bars and removal of snags in the said north fork of Lewis river, thus rendering it navigable for river steamers throughout the year.

And as in duty bound we will ever pray.

Passed the house of representatives January 4, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council January 11, 1886.

B. B. DAY,
President of the Council.

Approved January 16, 1886.

HOUSE MEMORIAL NO. 7

PRAYING FOR AN APPROPRIATION FOR CLEARING THE SOUTH FORK
OF LEWIS RIVER.

To the Senate and House of Representatives of the United States of America, in Congress Assembled :

Your memorialists, the legislative assembly of the Territory of Washington, would respectively represent: That the south fork of Lewis river, from its confluence with the north fork of said river to the town of LaCentre, the head of navigation, a distance of several miles, could, with an expenditure of five thousand dollars, be made navigable throughout the year; that said stream is the natural outlet and only channel of conveyance for the transportation of supplies to and products from a large and growing community settled upon its banks; that there are immense tracts of government land suitable for agricultural purposes along said stream yet unsettled which would soon be occupied by thrifty settlers and improved were said stream rendered navigable throughout the year; that its mountains abound in rich mineral wealth such as gold, silver, coal, iron and lead; that in consequence of numerous snags and bars in its bed the navigation of said stream is seriously obstructed at all seasons of the year, and during the summer months entirely so, to the great detriment of the growth and prosperity of the country; that the said stream has already been surveyed by the government and by the said survey has it been proved that five thousand dollars would remove said obstructions and render said stream navigable throughout the year, thus opening up to settlers along its banks a cheap and easy outlet for the products of their labor, and bringing within easy reach of the toiling masses of the people a large area of government land yet unoccupied; that Lewis river of which stream the said south fork is a tributary, is with one exception the only navigable river in western Washington emptying into the Columbia river; that the Cowlitz river, the only other navigable river in western Washington Territory emptying into the the Columbia, has in the past been improved at the expense of the general government and that such improvement has resulted in very great material advancement of the region drained by said river; whereas the country drained by the said Lewis river and its forks is twenty miles nearer Portland, and is no less rich in agricultural and mineral resources than the Cowlitz valley.

Your memorialists would therefore respectfully pray your honorable bodies to pass an act appropriating five thousand dollars for the improvement of bars and removal of snags in said south fork of Lewis river, thus rendering it navigable for river steamers throughout the year; and as in duty bound, we will ever pray.

Passed the house of representatives January 4, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council January 11, 1886.

B. B. DAY,
President of the Council.

Approved February 16, 1886.

HOUSE MEMORIAL No. 8

PRAYING FOR THE ERECTION OF FORTIFICATIONS ON PUGET SOUND.

To the Senate and House of Representatives of the United States in Congress Assembled:

The legislative assembly of the Territory of Washington respectfully represent:

That the maritime commerce of said territory arises almost wholly on Puget Sound the finest body of land-locked tide waters in the world; that said Puget Sound has a shore line within the territory of over fifteen hundred miles, with almost numberless safe and capacious harbors, and that adjacent thereto are unlimited resources of timber, coal and iron; that upon said Puget Sound are numerous growing and prosperous, cities and about a dozen mill towns enjoying a very extensive foreign and coastwise commerce; the property concentrated in such cities and towns now amounts to over twenty million dollars and is rapidly increasing; that the foreign and domestic maritime commerce of said cities and towns for the year 1885 aggregated over ten million dollars as is shown by the custom house reports; that the early completion of one or more railroads across the Cascade mountains will bring the

products of the great wheat fields of eastern Washington to Puget Sound for foreign shipment, thereby at once more than doubling the present commerce of that district; that the importance of the future commerce of Puget Sound can be gauged to some extent by the fact that agricultural districts, whose products will unquestionably come to its harbors for shipment in the near future, are capable, when settled and furnished means of transportation, of raising one-fourth as much wheat as the largest crop ever produced in the whole United States.

Your memorialists further represent that this entire district of Puget Sound and its substantial and growing commerce is wholly without means of defense from attacks by sea, although there are several defensible head-lands which might be easily and impregably fortified by modern long range guns; that said head-lands were many years ago selected and reserved by the government for purposes of fortification but have never yet been used for the purpose contemplated; that fortifications at two points near the entrance to said Sound would effectually protect the whole thereof and the above mentioned harbors; that within thirty-five miles of said points is the important British Pacific Naval Station of Victoria, where the English government always maintains a considerable fleet of war vessels and where said government is now spending many millions of dollars in the construction of docks and fortifications. Wherefore your memorialists earnestly ask that congress cause suitable fortifications to be erected at one or more points on Puget Sound; and that an effective armament be provided therefor, and your memorialists, as in duty bound, will ever pray.

Passed the house of representatives, January 25, 1886.

R. O. DUNBAR,

Speaker of the House.

Passed the council January 27, 1886.

B. B. DAY,

President of the Council.

Approved January 30, 1886.

HOUSE MEMORIAL NO. 10

ASKING FOR LIGHT HOUSE AND FOG BELL AND BUOYS IN SAN
JUAN ARCHIPELAGO.

To the honorable the United States Light House Board:

Your petitioners, the legislative assembly of the Territory of Washington, in session assembled, would most respectfully represent:

That the commerce of the "district of Puget Sound" is rapidly increasing; that the islands in the San Juan archipelago in said district are being thickly settled; that commerce of increasing importance is carried on between said group of islands and points on the main land in said district of Puget Sound; that the channels between and about said islands are rock-bound and dangerous to navigation; that the United States mails are now carried through said channels by steam twice a week and return; that bids are now being advertised for carrying mails over said route and through said channels six times per week and return; that the safety to commerce and of the mails demand that a "light" with a "fog bell" be erected at the entrance from the south of the "San Juan passage" in said group; also that a "bell buoy" be placed on "Pacific rock" in San Juan harbor, one on "turn rock" near Friday harbor, and one on "Cypress reef;" also that buoys at "Lopez" and "Semiahmoo" harbors would greatly promote the interests of commerce and would add much to the safety of navigators on said route. Your petitioners, therefore, would most respectfully and earnestly urge upon your honorable body the necessity of said light," "fog bell" and "buoys" and request that they be placed in position at as early a day as possible. And your petitioners will ever pray.

Passed the house of representatives January 23, 1886.

R. O. DUNBAR,

Speaker of the House.

Passed the council January 25, 1886.

B. B. DAY,

President of the Council.

Approved January 29, 1886.

HOUSE MEMORIAL NO. 14

IN RELATION TO BUILDING A MILITARY ROAD FROM DUNGENESS TO
NEAH BAY, IN CLALLAM 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 a large number of settlers of Clallam county, Washington Territory, have long suffered the peculiar difficulty of being hemmed in from free road communication by the obstructions of rivers, deep canyons, gulches, ravines, fallen timber, dense forests and the ocean high tide; for the beach is the only thoroughfare or outlet. We respectfully urge that in justice to a population of actual settlers, who are exposed to threatening outbreaks of the the Indians, who are located on the reservation in the west part of the county, that your Honorable Body do appropriate the sum of seventy-five thousand dollars, or so much thereof as may be necessary for the purpose of constructing a military road from Dungeness to Neah bay, in said county, a distance of eighty-five miles. Troops could land at Port Angeles and proceed to the front and rear of the reservation and thus afford a retreat to the settlers. We take pride in representing to your Honorable Body that in the production of wheat and other grains Clallam county can vie both in quantity and quality with the most favored soils on the globe, that hundreds go there and would stay and engage in husbandry, but lack of an outlet deters them from settling. In view of these facts your memorialists would most earnestly and respectfully ask a speedy and favorable action in the premises. And as in duty bound your memorialists will ever pray.

Passed the house of representatives January 13, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council January 15, 1886.

B. B. DAY,
President of the Council.

Approved January 20, 1886.

HOUSE MEMORIAL NO. 15

CONCERNING THE EVILS ARISING FROM THE PRESENCE OF CHINESE
ON THE PACIFIC COAST, AND PRAYING FOR SUITABLE LEGISLA-
TION TO REMEDY THE SAME.

*To the honorable Senate and House of Representatives of the
United States in Congress assembled:*

Your memorialists, the legislative assembly of Washington Territory, do most respectfully represent—

That owing to the recent anti-Chinese agitation in cities and other localities in our territory protesting against the presence of the hordes of Chinese in our midst, an erroneous impression has been created that such agitation and protest had assumed the form of a combination of citizens to oppose and resist the constituted authorities in preserving order and executing civil process and was confined to the dissolute and persons of foreign birth. That to correct such erroneous impression we do most respectfully call the attention of congress to the special report of the grand jury, made to the United States district court held at Seattle, in this territory, which grand jury was composed of representative farmers, manufacturers and business men and women of the district for which said court is held, and which special report has already by order of said court been forwarded to congress. And we do hereby represent and declare that the presence of Chinese in our midst is an evil of incalculable magnitude, and that if such evil is allowed to continue and grow, it will tend to destroy Christian civilization on this coast and to subvert our institutions. That it is a fact patent to all persons who have resided for any considerable length of time on the Pacific coast, that American labor cannot successfully compete with Chinese labor, and that such competition must necessarily end in the complete degradation of American labor.

That it is also manifest that it will take centuries to civilize and Americanize the Chinese and to create in them any love or respect for or appreciation of our institutions, and that they are a people so totally distinct from people of European race and descent that they can never assimilate with our people, and consequently are unfit to have conferred upon them the rights of American citizenship.

That they have been on our coast in large numbers since 1861, and that with a few isolated exceptions, they still cling with

a stubborn tenacity and unconquerable will to the practices, habits, traditions and religion of the land of their birth.

That the masses of the people of Washington Territory are law abiding, treaty respecting citizens of the republic and neither encourage nor believe in mob violence toward any person or class of persons guaranteed the right to dwell in their midst. Yet with perhaps the exception of a few sentimentalists they unanimously request, and we your memorialists therefore pray that your honorable body take steps to have removed from the United States to their own country all Chinese subjects, with the exception of merchants, travelers, students, teachers and missionaries (as hereinafter defined) and except representatives from the government of the Chinese empire to the government of the United States; and that steps be taken to so modify the existing treaty with the Chinese government, that after January 1, 1887, no subjects of the Chinese empire, except of the classes above specified, be allowed to enter the United States.

That our treaty with China and the laws of the United States respecting immigration of Chinese be so modified that the term "merchant" as applied to subjects of the Chinese empire shall be restricted in meaning to a person who deals in productions and commodities of China manufactured or produced in China, or commodities manufactured or produced in the United States and purchased to be shipped to China and not to be sold within the United States.

That the term "traveler" shall mean when applied to Chinese subjects such persons only who have passports from the emperor of China, and who are traveling under such passports for the purpose of health, pleasure or observation.

That the term "students" shall mean persons who are actually in attendance at some college or other institution of learning under the charge solely of Americans or Europeans.

That the terms of "teacher" and "missionary" shall mean persons who are engaged solely in the calling of imparting information in science, literature or religion, and who have in addition passports as in the case of travelers.

That after January 1, 1887, no subject of the Chinese empire, save of the classes as above specified and defined, be allowed to enter or remain in the United States.

Your memorialists further ask your honorable body to so amend the Chinese restriction acts as to punish by imprisonment all Chinese (other than those of the classes above specified and defined) entering the United States.

And your memorialists further ask that laws be enacted, with suitable penalties, prohibiting as far as may be all railroad and other corporations incorporated by acts of congress from

employing in any capacity aliens, who by the laws of the United States, are incapable of becoming citizens of the United States.

And your memorialists do further ask that congress make liberal appropriations for the purpose of carrying out and enforcing the provisions of the Chinese restriction acts, and that inasmuch as the customs service in this district is wholly inadequate in numbers to properly enforce said restriction acts, said customs force be so increased that said restriction acts may be strictly and rigidly enforced and the unlawful entry of Chinese into our territory from the neighboring province of British Columbia may be stopped. And your memorialists as in duty bound will ever pray.

Passed the house of representatives January 20, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council January 21, 1886.

B. B. DAY,
President of the Council.

Approved January 29, 1886.

HOUSE MEMORIAL NO. 16

IN RELATION TO AMENDING THE HOMESTEAD LAWS.

To the honorable the Senate and House of Representatives of the United States:

Your memorialists, the legislative assembly of Washington Territory, would respectfully represent—

That by act of congress approved May 20, 1882, entitled "An act to secure homesteads to actual settlers on the public domain," there was granted to every citizen of the United States, of the requisite qualifications, the right to secure a homestead of one hundred and sixty acres of land, but that afterwards by reason of the withdrawal of the odd numbered sections within the limits of the grant to the Northern Pacific railroad company from lake Superior to Puget sound for the use and benefit of said company, citizens within the limits of said withdrawal were restricted to a homestead of only eighty

acres, thus discriminating between homestead settlers in different sections of the country; that afterwards congress, by act of June 14, 1879, attempted to relieve the homestead settler thus discriminated against, by providing that any such homestead settler might receive title to an additional eighty acres of land adjoining the original homestead, or by abandoning the original homestead and filing upon a new one. But your memorialists would respectfully represent that thousands of homestead settlers in Washington Territory were not in the position to receive the relief intended by said law, as in thousands of cases there was no vacant land adjoining the eighty acre homestead, the whole section having been occupied at the time of the passage of said act, either by homestead, pre-emption or timber culture settler; and the only way by which the homestead settler thus situated could have availed himself of the benefit of the act would have been by abandoning his original homestead and its improvements, which frequently comprised all his possessions, rendering it impracticable for him to comply with the requirements of the act. Wherefore your memorialists would represent: That a large number of citizens have been unjustly deprived of the full benefit of the homestead law, and would earnestly pray your honorable body to make such amendments to such law as will allow the class of homestead settlers above referred to, to locate eighty acres of land under the homestead law without regard to its location, and receive patent to the same without residence. This your memorialists believe would be nothing but an act of simple justice to a large class of citizens of Washington Territory and other states and territories. Wherefore your memorialists earnestly pray for the enactment of such a law.

Passed the house of representatives February 1, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 3, 1886.

B. B. DAY,
President of the Council.

Approved February 4, 1886.

HOUSE MEMORIAL NO. 17

TO AUTHORIZE THE COUNTY OF COLUMBIA, IN WASHINGTON TERRITORY TO ISSUE BONDS FOR THE CONSTRUCTION OF A COURT HOUSE.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the people of the county of Columbia, by the legislative assembly of the Territory of Washington, respectfully represent: That said county of Columbia was duly organized in the year 1875; that since its organization the authorities of said county have been paying rent for court house and public offices in a sum equal to eight per cent. per annum upon \$40,000; that at the general election held in said county in the year 1884, a vote was taken upon the proposition to build a court house at a cost not to exceed \$40,000, and that said proposition was carried in the affirmative by a large majority; that while the said county is clear of debt it is not considered good policy to burden the people with an increased tax sufficient to raise the sum required; the assessed value of the property of the county for the year 1885 was as follows: real estate \$1,514,900, personal property \$1,054,480, total \$2,569,380; that the said county is rapidly settling up with a thrifty people, and we have reason to believe that the assessable value of the property therein will rapidly increase. In view of the foregoing facts your memorialists pray for authority to issue bonds payable in not less than five nor more than fifteen years at eight per cent. per annum, to the amount of \$40,000 for the purpose of building a county court house in accordance with the vote of the people of said county as aforesaid, and your memorialists will ever pray.

Passed the house of representatives February 2, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 3, 1886.

B. B. DAY,
President of the Council.

Approved February 4, 1886.

HOUSE MEMORIAL NO. 18

PRAYING FOR THE IMPROVEMENT OF THE NOOTSACK RIVER.

To the Senate and House of Representatives of the United States in Congress assembled:

The legislative assembly of the Territory of Washington respectfully represent: That the Nootsack river in the county of Whatcom, drains one of the finest valleys in western Washington, containing 150,000 acres of rich arable land, capable of the highest state of cultivation and of supporting a rural population of at least 30,000 souls.

That all fruits common to the temperate zone are grown in the greatest profusion, while the yield of grain, hops, etc., cannot be excelled either in quality or quantity by any section of country of like proportions in the United States.

That there are immense forests of fir and other timber awaiting the saw and axe, beds of coal and veins of iron and other minerals in almost inexhaustible quantities, wholly undeveloped, ready to yield their treasures to man's industry and ingenuity.

That the present population of the valley consists of but about 2,000 persons, who have braved the dangers incident to penetrating a comparatively new and unknown region, amidst the discomfort and inconvenience of virtual isolation from the rest of mankind.

That their only means of communication with the outside world, is either by canoe, or a very poor road through the intervening wilderness, at times utterly impassable for man or beast.

That the said Nootsack river is obstructed by snags and jams, rendering it extremely unsafe and practically unfit for navigation at the present time.

That if said river was freed from such obstructions, which can be done at an almost nominal cost, compared with the great advantages to be derived therefrom, it would be navigable for a distance of forty miles from its mouth, thereby opening up this garden spot of western Washington to those of our citizens who are seeking homes for themselves and families upon the fast diminishing public domain.

Wherefore, your memorialists, in view of the above briefly recited facts would earnestly request that congress make an appropriation of \$10,000 for the purpose of clearing from the Nootsack river, the obstructions which now prohibit its navigation, and as in duty bound we will ever pray.

Passed the house of representatives February 1, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 1, 1886.

B. B. DAY,
President of the Council.

Approved February 3, 1886.

HOUSE MEMORIAL NO. 19

IN RELATION TO THE TIME OF HOLDING THE BIENNIAL SESSION OF THE
LEGISLATIVE ASSEMBLY OF THE TERRITORY OF WASHINGTON.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, respectfully represent—

That the members of the legislative assembly of this territory are chosen at the general election held on the first Tuesday after the first Monday of November in each even numbered year, when the territorial delegate to congress is elected, and that it is inexpedient to change the time of election of the members of the legislative assembly on account of the additional expense which would occur from a separate election for said members of the legislature.

That the biennial sessions of the legislative assembly commence on the first Monday in December in each odd numbered year, thirteen months after the election of the members thereof.

That the laps of this long period of time between the election of the members of the legislature and the commencement of its session, works to the disadvantage of the people

of the territory in this, that the legislature is prone to consider and act upon matters which were not in issue at the time of the election of the members thereof, and to neglect matters which were in issue at such time and which were the vital questions which determined the election.

That the rapid growth of population and development of the material resources of this territory in the past few years has made necessary to the welfare and advancement of the territory much legislation which it has been impossible to consider in the session of the legislative assembly now drawing to a close, and that it is highly important to the people of the territory that a session of the legislature be held in January, 1887.

Whereupon your memorialists pray your honorable bodies to appoint the first Monday in January, 1887, as the time for the commencement of the next biennial session of the legislative assembly of this territory, and to provide that the biennial session of the legislature be held ever two years thereafter.

Passed the house of representatives February 3, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 3, 1886.

B. B. DAY,
President of the Council.

Approved February 4, 1886.

HOUSE MEMORIAL NO. 22

PRAYING FOR THE ADMISSION OF THE TERRITORY OF WASHINGTON TO THE UNION OF STATES.

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

Your memorialists, the legislative assembly of the Territory of Washington respectfully represent: That Washington Territory has a population of 175,000, capable and desirous of governing themselves; that the wealth and natural resources

of the territory are sufficient to maintain a grand and prosperous state, therefore your memorialists do respectfully urge your honorable body to admit the Territory of Washington to the union of states at the earliest possible date.

Passed the house of representatives February 3, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 3, 1886.

B. B. DAY,
President of the Council.

Approved February 4, 1886.

RESOLUTIONS.

COUNCIL JOINT RESOLUTION NO. 1

AUTHORIZING THE GOVERNOR TO EMPLOY MESSENGER.

Resolved by the Council, the House concurring, That the governor be and he is hereby authorized to employ a messenger to attend upon the executive chamber during this session, with like compensation as is paid the messengers of the legislative assembly.

Passed the council, December 16, 1886.

B. B. DAY,
President of the Council.

Passed the house of representatives December 19, 1886.

R. O. DUNBAR,
Speaker of the House.

Approved December 23, 1886.

COUNCIL JOINT RESOLUTION NO. 2

IN RELATION TO ACTS PASSED AND PROVIDING FOR THEIR
TRANSMISSION TO THE SECRETARY'S OFFICE.

Be it Resolved by the Council, the House concurring, That all acts passed at the 10th biennial session shall after their approval by the governor, be returned to the body in which

they originated, and shall be delivered to the territorial secretary by the chief clerk of such house, and the clerk shall report his action to his respective body, giving the number of each act delivered by him to the secretary, which report shall be entered on the journal.

Passed the council December 16, 1886.

B. B. DAY,

President of the Council.

Passed the house of representatives December 17, 1886.

R. O. DUNBAR,

Speaker of the House.

Approved December 23, 1886.

COUNCIL JOINT RESOLUTION NO. 3

IN RELATION TO ADJOURNMENT OVER THE HOLIDAYS.

Resolved by the Council, the House concurring, That when the two houses adjourn on Wednesday, the 23d inst., they adjourn to meet on Saturday, January 2d, 1886.

Passed the council.

B. B. DAY,

President of the Council.

Passed the house representatives.

R. O. DUNBAR,

Speaker of the House.

Approved December 23, 1886.

COUNCIL JOINT RESOLUTION NO. 4

IN RELATION TO COMMITTEE ON JOINT MILEAGE.

Be it Resolved by the Council, the House concurring, That

a joint committee of five members be appointed, two on the part of the council and three on the part of the house, for the purpose of ascertaining the number of miles traveled by each member.

Passed the council December 14, 1886.

B. B. DAY,

President of the Council.

Passed the house of representatives December 14, 1886.

R. O. DUNBAR,

Speaker of the House.

Approved December 23, 1886.

COUNCIL JOINT RESOLUTION NO. 5

IN RELATION TO THE SERGEANT-AT-ARMS, FURNISHING TO REPORTERS COPIES OF PRINTED BILLS AND OTHER COURTESIES.

Resolved by the Council, the House concurring, That the sergeants-at-arms of both houses be and they are hereby instructed to furnish to the several reporters of the various newspapers of the territory such number of the printed bills of this legislative assembly as they may desire, not exceeding six in number of each bill, and to extend to them such other courtesies as is consistent with their office.

Passed the council January 14, 1886.

B. B. DAY.

President of the Council.

Passed the house of representatives January 15, 1886.

□

R. O. DUNBAR,

Speaker of the House.

Approved January 20, 1886.

COUNCIL JOINT RESOLUTION NO. 6

IN RELATION TO JOINT COMMITTEE ON ROADS AND HIGHWAYS.

Be it resolved by the Council, the House concurring, That a joint committee, consisting of the members of the committees on roads and highways in the council and house, be requested to present such a bill concerning roads and highways as they, in their judgment, may deem efficient or for the best interest of the territory, and report upon the advisability of printing the same.

Passed the council January 16, 1886.

B. B. DAY,
President of the Council.

Passed the house of representatives January 20, 1886.

R. O. DUNBAR,
Speaker of the House.

COUNCIL JOINT RESOLUTION NO. 9

IN RELATION TO TENDERING THANKS TO ABIGAL SCOTT DUNIWAY.

WHEREAS, Abigal Scott Duniway has presented the legislative assembly of Washington Territory with a framed copy of her picture of the "Coronation of Womanhood," therefore:

Be it Resolved by the Council, the House concurring, That the thanks of this body be tendered to Abigal Scott Duniway for her appropriate gift; that it be properly placed in the territorial library and that the chief clerk be directed to forward to her a copy of this resolution.

Passed the council February 4, 1886.

B. B. DAY,
President of the Council.

Passed the house of representatives February 4, 1886.

R. O. DUNBAR,
Speaker of the House.

Approved February 4, 1886.

HOUSE JOINT RESOLUTION NO. 7

TO PROVIDE FOR THE DISTRIBUTION OF THE CODE AND SESSION LAWS OF WASHINGTON TERRITORY TO THE OFFICERS OF ASOTIN COUNTY.

Be it resolved by the House of Representatives of the Territory, the Council concurring, That the auditor of the territory be and is directed to forward, per express, to the auditor of the county of Asotin twenty copies each of the Code of Washington Territory of 1881, the session laws of 1881 and the session laws of 1883, which shall be distributed by the auditor of said county, in accordance with the provisions of section two of "An act to provide for the distribution of the Code, session laws and journal," approved November 28, 1883.

Passed the house of representatives December 11, 1885.

R. O. DUNBAR,
Speaker of the House.

Passed the council December 13, 1885.

B. B. DAY,
President of the Council.

Approved December 17, 1885.

HOUSE JOINT RESOLUTION NO. 21

COMMENDING THE ACTION OF THE GOVERNOR IN CAUSING UNITED STATES TROOPS TO BE CALLED OUT DURING THE RECENT ANTI-CHINESE DISTURBANCES.

WHEREAS, the action of the governor of this territory, in causing United States troops to be sent to Seattle during the recent disturbances growing out of the intense feeling existing concerning the evils arising from the presence of Chinese in our territory, has been the subject of much comment in the public press, and among the people of this territory, and

WHEREAS, certain newspapers and certain citizens of the

territory have condemned the said action of the governor, and

WHEREAS, after a full examination of the correspondence laid before the legislative assembly by the governor in response to a resolution requesting the same, it appears to the legislative assembly, that said action taken by the governor was wise and judicious and for the best interests of the territory, therefore be it

Resolved by the House, the Council concurring, That it is the opinion of the legislative assembly of Washington Territory that the action of the governor of this territory in causing United States troops to be called out as aforesaid, was wise and judicious action on his part, and was for the best interests of the territory and was fully justified by the facts as they were represented to him to exist at that time.

Passed the house of representatives January 20, 1886.

R. O. DUNBAR,

Speaker of the House.

Passed the council January 20, 1886.

B. B. DAY,

President of the Council.

Approved January 29, 1886.

HOUSE JOINT RESOLUTION NO. 22.

TO AUTHORIZE THE GOVERNOR TO APPOINT A SUITABLE PERSON TO REPRESENT THE TERRITORY AS AGENT IN WASHINGTON, D. C., FOR THE COLLECTION OF CLAIMS, ETC.

Be it resolved by the House of Representatives, the Council concurring, That the governor be, and is hereby, authorized to appoint and commission a suitable person as agent representing the Territory of Washington in the collection of all claims that may be due or to become due the said territory from the United States government, said agent to receive no compensation for his services rendered for the territory other than a commission on all amounts collected for said territory, and in no case shall the commissions exceed five per centum

upon the amounts so collected and paid into the treasury of the territory.

Passed the house of representatives January 23, 1886.

R. O. DUNBAR,

Speaker of the House.

Passed the council January 25, 1886.

B. B. DAY,

President of the Council.

Approved January 29, 1886.

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 now on file in this office, and that they appear to be correctly printed.

In testimony whereof I have hereunto set my hand and affixed the great seal of said territory, at Olympia this 19th day of April, A. D., 1886.

[SEAL.]

N. H. OWINGS,
Secretary of the Territory.

ERRATA.

Page 43, 13th line from bottom, between "court" and "thereof," read "a copy."

Page 53, 7th line from top, between "him" and "to," read "on moneys paid over by him."

Page 55, 10th line from top, after "the," strike out "county."

Page 90, 15th line from top, for "receipts" read "respects."

Page 139, 17th line from top, for "contracts" read "accounts."

Page 143, 3d line from bottom, between "be" and "one," read "but."

Apparent omissions in manuscript law have been supplied in brackets.

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