

sonal service of the notice is required by the provisions of section eleven hundred and seven. Any party interested in the estate may appear and cross-examine such witnesses, and the manner of examination and form of such deposition shall be in conformity with the statute regulating depositions of witnesses in civil actions. Any party interested in the estate, and resisting the claim of the petitioner, may, after filing his objections, take the testimony of witnesses in his behalf in like manner as in civil actions.

SEC. 49. The foregoing sections of this act shall be embodied in the code of procedure of this state under appropriate numbers, and shall be a part of the law of procedure in relation to probate.

SEC. 50. Sections 623, 624, 625, 627, 628, 630, 631, 632, 633 and 634 of said code of 1881 are repealed.

Approved March 9, 1891.

CHAPTER CLVI.

[S. B. No. 132.]

AMENDING MUNICIPAL INCORPORATION LAW.

AN ACT to amend sections 105, 106, 114 and 117 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," and approved March 27, 1890.

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

SECTION 1. That section one hundred and six (106) of said act shall be amended to read as follows: Sec. 106. The mayor, members of the city council, and the assessor, treasurer and health officer shall be elected by the qualified electors of said city at a general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The mayor, treasurer, assessor Terms of office. and health officer shall hold office for the period of one year from and after the second Tuesday in January next

succeeding the day of such election, and until their successors are elected and qualified. Members of the city council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first city council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year and three at the expiration of two years. The city attorney, marshal, city clerk and street commissioner, and such other officers as the city council may deem proper, shall be elected by the city council and shall hold office for one year, unless sooner removed for cause. The city council may, in their discretion, appoint a pound master to hold office during the pleasure of the council, and a city engineer who shall hold office during the pleasure of the council.

Classification.

Quorum.

Duties of mayor.

SEC. 2. Section one hundred and fourteen (114) of said act shall be amended to read as follows: Sec. 114. At any meeting of the city council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence the council may appoint a mayor *pro tem.*, and in case of the absence of the clerk the mayor as [or] mayor *pro tem.* shall appoint one of the members of the city council as clerk *pro tem.* Every ordinance which shall have passed the city council shall be, before it becomes valid, presented to the mayor; if he approves he shall sign it, but if not he shall return it, with his written objections, to the city council, and the council shall cause such written objections to be entered at large upon the journal of its proceedings. Upon receipt of the mayor's objections the council shall proceed to reconsider the vote by which the ordinance was passed. After such reconsideration four members of the city council present and voting may, by an affirmative vote, pass the ordinance

over the mayor's veto; such vote shall be taken by a call of the yeas and nays. If the mayor shall fail, for the period of ten days, to approve or veto an ordinance it shall become valid without his approval.

SEC. 3. Section 117 shall be amended to read as follows: The city council of such city shall have power— *Ordinances*.—(1) To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

City Real Estate.—(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the city: *Provided*, That they shall not have power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years for the purpose of erecting bath houses thereon; and may improve part of such water front by building inclines or wharves for the accommodation of shippers, and to charge and collect for the use of the same such amounts as will compensate the city for the expenses incurred and the repairs needed from time to time; to prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof.

Water.—(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs or other works necessary or proper for supplying water for the use of such town or its inhabitants, or for irrigating purposes therein. *Public Highways*.—(4) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cause to be planted, set out and cultivated shade trees therein; and generally to manage and control all such highways and places.

Sewers.—(5) To establish, construct and maintain drains and sewers. *Fire Extinguishment*.

- (6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires. *Poll Tax.*—(7) To impose on and collect from every male inhabitant between the ages of twenty-one and fifty years an annual street poll tax not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city: *Provided*, That any member of a volunteer fire company in such city shall be exempt from such tax. *Dog Tax.*—(8) To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city. *Property Tax.*—(9) To levy and collect annually a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; and for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city. *Liquor Tax.*—(10) To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law, and transacted or carried on in such city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise. *River Improvements.*—(11) To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the pollution of streams of water, and for this purpose shall have jurisdiction over all streams within its limits and for two miles beyond in either direction. *Municipal Buildings.*—(12) To erect and maintain buildings for municipal purposes. *Buildings.*
- Railroad tracks and pipes.* *Tracks and Pipes.*—(13) To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam or other

power thereon, and the laying of gas and water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of, telegraphs, telephone and electric lines therein. *Ward Divisions.*—(14) In its discretion, to divide the city, by ordinance, into a Wards. convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of such general municipal election, nor within twenty months after the same shall have been established or altered. When every such city shall be so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from such ward, apportioning the same in proportion to the population of such wards. And thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by a general vote of the whole city, as may be designated in such ordinance. *Policemen.*—(15) To appoint and remove such Police. policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation. *Violations of Ordinances.*—(16) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months. *Prison Labor.*—(17) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city. *Fire Limits.*—(18) To establish fire limits, with proper regulations. Power to punish. (19) The city council may appropriate from the general fund an amount not exceeding one-fourth of one mill of the taxable property of the city for the purpose of establishing and maintaining a public library. *Other Acts.*—(20) To make all such ordinances, by-laws, rules, regulations and resolutions, not inconsistent with the constitution and laws of the State of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any Fire limits.

and all other acts and things necessary or prompt [proper] to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws.

SEC. 4. Section 105 of said act shall be amended to read as follows: Sec. 105. The government of said city shall be vested in a mayor and a city council to consist of seven members, a treasurer, a city attorney, a clerk, a marshal, an assessor, a health officer, and such subordinate officers as are hereinafter provided for; and whenever a free public library and reading room is established therein, five trustees thereof: *Provided*, That the mayor or mayor *pro tem.* shall, on or before the 15th day of June 1891, with the consent and approval of the city council, appoint the additional member as provided for by this section as amended, who shall hold his office until the next general election and until his successor is elected and qualified: *And provided further*, That at the next general election, and annually thereafter, one councilman shall be elected at large in the same manner as other city officers are elected.

Emergency.

SEC. 5. Whereas, in consequence of cities and towns as enumerated in this act have an even number of councilmen, the public business of such cities suffer by reason of a tie vote on business of importance; therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 9, 1891.