

# SESSION LAWS

OF THE

# STATE OF WASHINGTON

SESSION OF 1895.

COMPILED IN CHAPTERS, WITH MARGINAL NOTES,  
BY J. H. PRICE, SECRETARY OF STATE.

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PUBLISHED BY AUTHORITY.

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OLYMPIA, WASH.:  
O. C. WHITE, . . . STATE PRINTER.  
1895.



# LAWS OF WASHINGTON.

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## CHAPTER I.

[S. B. No. 1.]

### LEGISLATIVE EXPENSES.

AN ACT making appropriation for the expenses of the fourth legislature of the State of Washington.

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

SECTION 1. That there be and is hereby appropriated out of any money in the treasury of the state, not otherwise appropriated, the sum of forty thousand dollars, or so much thereof as may be necessary, to pay the per diem and mileage of the members and the salaries of the officers and employés of the present session of the legislature of the State of Washington, and all other expenses of this session.

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

Passed the senate January 17, 1895.

Passed the house January 21, 1895.

Approved January 24, 1895.

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## CHAPTER II.

[S. B. No. 92.]

### RELATING TO PUBLIC WORKS.

AN ACT to grant to and prescribe powers of counties relative to public works undertaken or proposed by the State of Washington, or the United States, and declaring an emergency.

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

SECTION 1. Every county in this state is hereby, for the purposes of this act, declared to be a body corporate and

Counties, body  
corporate.

Condemnation of lands for public use.

is authorized and empowered by and through its board of county commissioners whenever said board shall judge it to be clearly for the general welfare and benefit of the people of the county, and so far as shall be in harmony with the constitution of this state and the provisions of this act, to condemn and appropriate as hereinafter in this act provided and to dispose of for public use such lands, properties, rights and interests as are hereinafter in this act mentioned, whenever the government of the United States or of this state is intending or proposing the construction, operation or maintenance of any public work situated or to be situated wholly or partly within such county, or the expenditure of money or labor for the construction, operation or maintenance of any such work, and such condemnation or appropriation will enable the county to aid, promote, facilitate or prepare for any such construction, operation, maintenance or expenditure by either or both such governments, or to fulfill or dispose of any condition upon which such construction, operation, maintenance or expenditure is by law or from any cause contingent, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated or otherwise reduced or held to public use.

Board of county commissioners to levy annual tax.

SEC. 2. The board of county commissioners is hereby authorized and empowered in aid of the powers granted or prescribed in the foregoing section to levy, annually, a tax as large as may be necessary, but not exceeding the rate of one mill on the dollar, upon all the taxable property in the county, such tax to be assessed, levied and collected at the same time and in the same manner as taxes for general county purposes, but the proceeds of said taxes, when collected, shall constitute and be a special fund, applicable solely to the cost of such condemnation, appropriation or disposition, as is mentioned in the foregoing section, and the expenses incident thereto.

Eminent domain extended to counties.

SEC. 3. The right of eminent domain for the purposes intended in this act is hereby extended to all counties in this state and every such county for any purpose of condemnation, appropriation or disposition such as is men-

tioned in the first section of this act is hereby authorized and empowered to condemn and appropriate all necessary lands and all rights, properties and interests in or appurtenant to land under the same procedure as is or shall be provided by the laws of this state for the case of any similar condemnation or appropriation by other corporations.

SEC. 4. Any county purpose mentioned in this act shall be deemed and held to be a general county purpose and any indebtedness contracted or to be contracted therefor shall be deemed and held to be an indebtedness for general county purposes, and all the provisions of law of this state relative to indebtedness for general county purposes or the contracting of such indebtedness or the bonds for funding the same shall be deemed applicable to any indebtedness contracted or to be contracted or any bonds issued by any county under this act, but the accounts of the county with respect to the receipts and disbursements of all moneys received or disbursed by the county under the provisions of this act shall, for each condemnation, appropriation and disposition, be so kept as to clearly and fully exhibit such accounts separate and apart from the other accounts of the county.

Indebtedness  
contracted.

SEC. 5. Any condemnation, appropriation or disposition intended in this act shall be deemed and held to be for a county purpose and public use within the meaning of this act when it is directly or indirectly; approximately or remotely for the general benefit or welfare of the county or of the inhabitants thereof, or when it is otherwise within the meaning of the phrase "for a county purpose" as occurring in the constitution of this state.

Condemnation a county  
purpose.

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

SEC. 7. Inasmuch as there is no adequate provision of law now existing for such condemnation, appropriation or disposition by counties of this state as is intended in this act, an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the governor.

Passed the senate February 6, 1895.

Passed the house February 9, 1895.

Approved February 12, 1895.

CHAPTER III.

[S. B. No. 99.]

LINCOLN'S BIRTHDAY.

AN ACT declaring the anniversary of the birth of Abraham Lincoln a legal holiday.

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

SECTION 1. That the twelfth day of February of each year, the same being the anniversary of the birth of Abraham Lincoln, be and it is hereby declared to be a legal holiday in the State of Washington.

Passed the senate January 30, 1895.

Passed the house February 8, 1895.

Approved February 12, 1895.

CHAPTER IV.

[H. B. No. 6.]

FISH HATCHERIES.

AN ACT to establish and maintain state fish hatcheries, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. The governor, state treasurer and fish commissioner are hereby created a board of fish commissioners ex officio.

Fish hatcheries.

SEC. 2. It shall be the duty of the fish commission created by the provisions of section one (1) of this act to procure a suitable site or suitable sites for one or more state fish hatcheries, to provide for the creation of such state fish hatchery or hatcheries, and to supervise the management and control of the same.

Hatcheries, where located.

SEC. 3. The site for the first state fish hatchery shall be upon the banks of the Columbia river or one of its tributaries, and shall be selected and obtained as soon as pos-

sible. Subsequent hatcheries shall be established, one each on one of the tributaries of Puget Sound, one on one of the tributaries of Gray's Harbor, and one on one of the tributaries of Willapa Bay, when, in the judgment of the fish commission, it be deemed advisable.

SEC. 4. The state fish commissioner shall have charge and control of the state fish hatchery or hatcheries, and the management of the same, under the supervision of the fish commission, and shall have power to employ such assistance and purchase such supplies as may be necessary to maintain and operate such state fish hatchery or hatcheries. Commissioners to have charge of hatcheries.

SEC. 5. Said board of commissioners shall receive no compensation for their services as such board, but shall be allowed necessary actual traveling expenses. All accounts for expenditures incurred or made pursuant to the provisions of this act shall be audited and approved by said commission before presentation to the state auditor: *Provided*, That no traveling expenses be allowed unless vouchers show that railroad and other expenses were actually paid. Traveling expenses of commissioners.

SEC. 6. For carrying out the provisions of this act, and maintenance of the hatcheries, there is hereby appropriated the sum of twenty thousand dollars (\$20,000), to be paid out of any moneys in the fish hatchery fund in the state treasury. Appropriation.

SEC. 7. An act to establish a state fish hatchery, and making an appropriation therefor, approved March 7, 1891, is hereby repealed.

SEC. 8. An emergency exists on account of the nearness of the season for the running of salmon in the Columbia river and its tributaries, and immediate action being therefore necessary to prevent the exhaustion of the supply of salmon in said stream, it is therefore enacted that this act shall take effect and be in force from and after its approval by the governor.

Passed the house January 30, 1895.

Passed the senate February 7, 1895.

Approved February 13, 1895.

## CHAPTER V.

[H. B. No. 90.]

## AMENDING THE ACT RELATING TO PUBLIC SCHOOLS.

AN ACT to amend sections 45 and 90 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890.

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

SECTION 1. That section 45 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, declaring an emergency," approved March 27, 1890, be amended to read as follows: Sec. 45. All common schools shall be taught in the English language, and instruction shall be given in the following branches, viz.: Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics on the human system, history of the United States, and such other studies as may be prescribed by the state board of education. Attention must be given during the entire course to the cultivation of manners, to the laws of health, physical exercise, ventilation and temperature of school room, and not less than ten minutes each week must be devoted to systematic teaching of kindness to not only our domestic animals, but to all living creatures.

Branches  
taught.

SEC. 2. That section 90 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, declaring an emergency," approved March 27, 1890, be amended to read as follows: Sec. 90.

Upon complaint in writing being made to any county superintendent by any district clerk, or by any head of family, that the board of directors of the district of which said clerk shall hold his office, or said head of family shall reside, have failed to make provision for the teaching of hygiene, with special reference to the effects of alcoholic drink, stimulants and narcotics upon the human system, and the systematic teaching of kindness to not only our

Complaint,  
how made.

domestic animals, but to all living creatures, not less than ten minutes each week, as provided in this act, in the common schools of such district, it shall be the duty of such county superintendent to at once investigate the matter of such complaints, and if found 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 the 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 of this act, and are causing physiology and hygiene and kindness to be taught in the public schools of such district, as hereinbefore provided, he shall notify said county treasurer, and said treasurer shall thereupon honor the warrants of said board of directors.

Kindness to animals taught, and penalty for failure so to do.

Passed the house January 31, 1895.

Passed the senate February 6, 1895.

Approved February 13, 1895.

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## CHAPTER VI.

[S. B. No. 88.]

### TO PROVIDE FOR TAKING TESTIMONY BY LEGISLATIVE COMMITTEES.

AN ACT providing for the taking of testimony in certain legislative proceedings, and declaring an emergency.

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

SECTION 1. Every chairman or presiding member of any committee of either the senate or house of representatives, or any joint committee of the senate or house of representatives, which, by the terms of its appointment, shall be

Attendance of witnesses compulsory.

authorized to send for persons and papers, shall have power, under the direction of such committee, to issue compulsory process for the attendance of any witness within the state whom the committee may wish to examine.

Chairman to administer oaths.

SEC. 2. The chairman or presiding member of any committee of either the senate, house of representatives, or any joint committee thereof, shall be authorized to administer oaths to all witnesses coming before such committee for examination; and all witnesses who shall testify in any proceeding provided for in this act, shall be under oath or affirmation.

Commission to examine absent witnesses.

SEC. 3. Every such chairman or presiding member shall also have power, under the direction of the committee, to issue a commission for the examination of any witness who shall be without the jurisdiction of the state, or if within the state, shall be unable to attend, or who shall, for any reasons, be excused by the committee from attendance.

SEC. 4. Whenever such committee shall obtain authority for that purpose, from the senate or house, or legislature, by which it may be appointed, it may issue such commission to be executed during the recess of the legislature.

SEC. 5. Every such commission shall be directed to such magistrate or other person, as the committee may designate, and interrogatories framed by the committee shall be annexed thereto.

Commissioner to subscribe to oath.

SEC. 6. The person to whom such commission shall be directed, if he reside within the state and accept the trust, shall, before entering upon the execution of his duties, take the oath of office prescribed in the constitution. Such commissioner shall have power to issue process to compel the attendance of witnesses, whom he shall be required to examine, and shall have power to administer oaths to such witnesses.

Private examinations.

SEC. 7. Unless otherwise directed by the committee, it shall in all cases be the duty of the commissioner to examine, in private, every witness attending before him, and not to make public the particulars of such examination, when so made in private, until the same shall be made

public by order of the house or legislature appointing the committee.

SEC. 8. Every witness so attending shall be examined on oath or affirmation, and his testimony shall be reduced to writing by the commissioner, or by some disinterested person in his presence and under the direction of said commissioner, and signed by the witness. Witnesses sworn.

SEC. 9. When a commission shall have been duly executed, the commissioner shall annex thereto the depositions of the witnesses, duly certified by him, and shall, without delay, transmit the same by mail, inclosed and under seal, or deliver the same, to the chairman of the committee by which the commission shall have been issued, or to such person as by the committee directed. Depositions annexed.

SEC. 10. A person executing any such commission shall be paid, out of the state treasury, the same fees that are allowed by law for the taking of depositions on commissions issued out of the superior courts of this state; and any witness attending before either house of the legislature, or any committee or joint committee thereof, or before any such commissioner, shall be so paid two (2) dollars per day for each day in attendance, and five (5) cents a mile for the distance necessarily traveled in attending as such witness. Fees.

SEC. 11. A person who, being duly summoned to attend as a witness before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, refuses or neglects, without lawful excuse, to attend pursuant to such summons, shall be punished as for contempt, as hereinafter provided.

SEC. 12. A person who, being present before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, wilfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers or documents in his possession or under his control, shall be punished as for contempt, as hereinafter provided. Persons refusing to respond, in contempt.

SEC. 13. Any person being in contempt, as hereinbefore provided, shall be punished by fine in any sum not less than fifty (50) dollars and not exceeding one thousand Punishment of persons in contempt.

(1,000) dollars, or by imprisonment in the county jail in the county where such examination is being had, for any period of time not extending beyond the legislative session then being held, or by both such fine and imprisonment, as the legislative body which authorized such examination may order. And in case the contempt arises in a joint proceeding of both houses, or before a joint committee thereof, the senate shall prescribe the penalty.

Conditional punishment for contempt.

SEC. 14. If any fine is imposed against any person for contempt, as hereinbefore provided, he shall stand committed to the county jail of the county in which the offense was committed until such fine is paid. The presiding officer of the house, fixing the fine, shall issue a warrant to the sheriff of the county where the offense was committed, commanding him to imprison such person in the county jail until such fine is paid, or until he has been imprisoned in such jail one (1) day for every three (3) dollars of such fine.

Process, how served.

SEC. 15. All process provided for in this act may be served in the same manner as is provided by law for the service of process in the superior court; and it shall be the duty of any officer to whom any process may be delivered or issued, to serve the same as directed: *Provided*, That in the service of process a copy thereof shall be delivered to the witness.

Record of proceedings kept.

SEC. 16. Every such committee shall keep a record of its proceedings under the provisions of this act, which record shall be signed by the chairman or presiding officer of the committee, and the same returned to the legislative body by which the committee was appointed, as a part of the report of such committee.

SEC. 17. Whereas, there is no statute now providing for the taking of testimony before legislative committees in this state, and public necessity requires the enactment of such a law, an emergency is hereby declared to exist, and this act shall take effect immediately upon its passage and approval by the governor.

Passed the senate February 5, 1895.

Passed the house February 13, 1895.

Approved February 20, 1895.

## CHAPTER VII.

[H. B. No. 318.]

## FOR THE RELIEF OF JOHN BRADY.

AN ACT for the relief of John Brady, and amending an act of January 19th, 1864, entitled "An act supplementary to an act entitled An act to enable the superintendent of common schools of Chehalis county to sell and convey certain school lands to John Brady, passed January 16th, 1863," and declaring an emergency.

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

SECTION 1. That an act passed by the legislature of the Territory of Washington, entitled "An act supplementary to an act entitled An act to enable the superintendent of common schools of Chehalis county to sell and convey certain school lands to John Brady, passed January 16th, 1863, on the 19th day of January, 1864," be and the same is hereby amended to read as follows: Sec. 1. The blank after the word "township," in the fifth line of the act to which this is supplementary be filled by inserting the word "eighteen," and that the word "seven" be inserted after the word "range" on said line so as to read "township eighteen, range seven."

SEC. 2. That upon a hearing had before the superior court of Chehalis county, the said court may direct the state land commissioner to execute a deed to the said John Brady for the northwest quarter of section thirty-six in township eighteen, north of range seven, west of the Willamette meridian, under the provisions of an act of the legislature of the State of Washington, passed during the session of 1890, and entitled "An act for the relief of bona fide purchasers of school and university lands heretofore sold under the authority of the laws of the Territory of Washington, and declaring an emergency." *Provided*, That the said court shall not enter a decree so directing until the said John Brady shall file with the clerk of the said court an abstract of title, duly certified to by the auditor of said Chehalis county, showing that the said John Brady has executed and recorded in the office of the said county auditor a quitclaim deed to the State of Washington to

the land described in the said act of 1864, and that he has made no other transfers of the said premises.

SEC. 3. That in order to facilitate the confirmation of title in the case herein recited, an emergency is hereby declared to exist, and this act shall take effect immediately upon its passage and approval by the governor.

Passed the house February 13, 1895.

Passed the senate February 15, 1895.

Approved February 21, 1895.

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## CHAPTER VIII.

[S. B. No. 87.]

### APPROPRIATION FOR AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

AN ACT making an appropriation for a deficiency of the state agricultural college and school of science of Pullman, Washington, for the fiscal term beginning April 1, 1891, and ending March 31, 1893.

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

SECTION 1. That there be and is hereby appropriated out of the general fund not otherwise appropriated the sum of three thousand twenty-four dollars (\$3,024.00), for deficiency and appropriation for plans and specifications for a main college building, ordered and accepted by the board of regents, to be paid to H. Preusse.

SEC. 2. That the state auditor is hereby authorized to issue a warrant upon the state treasurer for the purpose specified in section 1 of this act.

Passed the senate February 14, 1895.

Passed the house February 20, 1895.

Approved February 26, 1895.

## CHAPTER IX.

[S. B. No. 199.]

## APPROPRIATION FOR PUBLIC PRINTING.

AN ACT for the appropriation of money to defray the expense of public printing.

Whereas, the appropriation for state printing has been exhausted for the fiscal year ending March 31, 1895: therefore,

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

That there be appropriated from the general fund of the state not otherwise appropriated five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, for the purpose of defraying the expense of public printing for the fiscal year ending March 31, 1895.

Passed the senate February 14, 1895.

Passed the house February 20, 1895.

Approved February 26, 1895.

## CHAPTER X.

[H. B. No. 30.]

## PER DIEM AND MILEAGE OF WITNESSES IN CRIMINAL CAUSES.

AN ACT to govern the method of allowance to witnesses and jurors of fees for their attendance and mileage.

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

SECTION 1. No fees shall be allowed to witnesses in criminal causes unless they shall have reported their attendance at the close of each day's session to the clerk in attendance thereon.

SEC. 2. No allowance of mileage shall be made to a juror or witness who has not verified his claim of mileage under

oath before the clerk of the court on which he is in attendance.

Passed the house February 8, 1895.

Passed the senate February 20, 1895.

Approved February 26, 1895.

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## CHAPTER XI.

[H. B. No. 120.]

### PUBLICATION OF REPORT OF STATE BOARD OF HORTICULTURE.

AN ACT to provide for the publishing of the second biennial report of the state board of horticulture, and declaring an emergency.

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

SECTION 1. That there be and hereby is ordered to be printed, under the supervision of the state printing board, ten thousand (10,000) copies of the second biennial report of the state board of horticulture, five hundred (500) of which shall be bound in cloth and the remaining nine thousand five hundred (9,500) to be enclosed in paper covers; the whole number to be at the disposal of the secretary of the state board of horticulture.

SEC. 2. An emergency is hereby declared to exist for the immediate operation of the act: therefore, this act shall take effect from and after its passage and approval by the governor.

Passed the house February 13, 1895.

Passed the senate February 20, 1895.

Approved February 26, 1895.

## CHAPTER XII.

[H. B. No. 212.]

AUTHORIZING SCHOOL DISTRICTS TO PURCHASE SCHOOL  
LANDS.

AN ACT granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency.

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

SECTION 1. That any school district may purchase, under the provisions of law governing the sale thereof, a school house site or sites of not less than one acre nor more than five acres each, of any school lands of the State of Washington.

SEC. 2. That in all cases when a school house is or may be erected upon any school lands of this state the school district to which such school house belongs shall have the preference right for six months after the time of the taking effect of this act, or six months after the filing of the final appraisal of such school lands not already appraised, to purchase school house sites to include the lands occupied by such school houses, at the appraised value thereof.

SEC. 3. 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.

Passed the house February 8, 1895.

Passed the senate February 20, 1895.

Approved February 26, 1895.

## CHAPTER XIII.

[S. B. No. 200.]

PROVIDING FOR CHANGE OF PLAN FOR SUPPLYING  
WATER TO CITIES OF THE FIRST CLASS.

AN ACT providing a method for making changes in any adopted plan, system or extension for supplying water to cities of the first class, and providing for an emergency.

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

Extension of  
plant, how  
determined.

SECTION 1. When any plan, system or proposed extension thereof which shall have been adopted or specified for furnishing any water supply to any city of the first class in this state, shall after such adoption be deemed to be insufficient or inadequate for any reason, the said city may determine that fact by resolution of its council, and may thereupon by ordinance submit to the electors of such city any new plan or system, or any desired or proposed change in the adopted plan or system, or any adopted extension thereof, which new plan, system or proposed change of extension shall be clearly specified in general terms in said ordinance, and stated upon the ballot in general but clear terms sufficient for common understanding.

Annual or  
special  
election.

SEC. 2. Such proposed changes shall be submitted at either any annual or special city election for ratification or rejection, to the qualified voters of such city, of which election notice shall be regularly given in the paper doing the city printing, by publication for thirty days immediately preceding such election: *Provided*, That no such change shall be adopted unless assented to by at least three-fifths of all the electors voting on such proposition.

Water fund,  
when diverted.

SEC. 3. Upon the adoption of such proposed change the fund devoted to the original plan, system or extension may thereupon be and is diverted to be used for the plan, system or extension so changed and adopted, in proportion as the said plan, system or extension is changed and adopted.

SEC. 4. Whereas, there is no law in this state permitting any such change of any plan, system or extension; and whereas, there are cities now in immediate need of such

legislation that they may be permitted to complete water systems: therefore, it is declared that an emergency does exist, and this act shall go into effect immediately.

Passed the senate February 28, 1895.

Passed the house February 28, 1895.

Approved March 1, 1895.

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## CHAPTER XIV.

[S. B. No. 208.]

### RELATING TO NUISANCES.

AN ACT relating to nuisances, amending section 2893 of volume 1 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 2893 of volume 1 of Hill's Annotated Statutes and Codes of Washington is hereby amended to read as follows:

Section 2893. It is a public nuisance —

1. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place to the prejudice of others.
2. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, stream, lake, pond, spring, well, or common sewer, street or public highway, or in any manner to corrupt or render unwholesome or impure the water of any such spring, stream, pond, lake or well, to the injury or prejudice of others.
3. To obstruct or impede, without legal authority, the passage of any river, harbor, or collection of water.
4. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.
5. To carry on the business of manufacturing gunpowder, nitroglycerine or other highly explosive substance, or mixing or grinding the materials therefor, in any build-

ing within fifty rods of any valuable building, erected at the time such business may be commenced.

6. To establish powder magazines near incorporated cities or towns, at a point different from that appointed by the corporate authorities of such city or town; or within fifty rods of any occupied dwelling house.

7. To erect, continue, or use any building, or other place, for the exercise of any trade, employment or manufacture, which, by occasioning obnoxious exhalations, offensive smells or otherwise is offensive or dangerous to the health of individuals or of the public.

8. To suffer or maintain on one's own premises, or upon the premises of another, or to permit to be maintained on one's own premises, any place where wines, spirituous, fermented, malt or other intoxicating liquors are kept for sale or disposal to the public in contravention of law.

And every person who has the care, government, management or control of any building, structure, powder magazine, or any other place mentioned in this act, shall, for the purposes of this act, be taken and deemed to be the owner or agent of the owner or owners of such building, structure, powder magazine or other place, and, as such, may be proceeded against for the erecting, contriving, causing, continuing or maintaining such nuisance.

SEC. 2. The present statute on the subject of public nuisances is defective, and there exists an emergency for the immediate taking effect of this act: therefore, this act shall take effect immediately.

Passed the senate February 20, 1895.

Passed the house February 27, 1895.

Approved March 2, 1895.

## CHAPTER XV.

[S. B. No. 207.]

## RELATING TO NUISANCES.

AN ACT relating to nuisances, amending section 118 of the Penal Code contained in Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 118 of the Penal Code contained in Hill's Annotated Statutes and Codes of Washington, be amended to read as follows: Section 118. Every person who shall erect, contrive, cause, continue, maintain, suffer or permit any public nuisance to the injury of any part of the citizens of this state shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars. After any person shall have been convicted of erecting, contriving, causing, continuing, maintaining, suffering or permitting any public nuisance, the court may make it a part of the judgment that such nuisance be removed by the proper officer.

SEC. 2. The present act relating to nuisances is defective, and an emergency exists for the immediate enforcement of this act: therefore, an emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the senate February 20, 1895.

Passed the house February 27, 1895.

Approved March 2, 1895.

## CHAPTER XVI.

[S. B. No. 293.]

## LEGISLATIVE EXPENSES.

AN ACT making a second appropriation for the expenses of the fourth regular session of the legislature of the State of Washington.

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

SECTION 1. That there is hereby appropriated out of any money in the treasury of the state not otherwise appropriated the sum of twenty thousand dollars, or so much thereof as may be necessary, to pay the per diem of the members, the salaries of employés, and all other expenses of this session not paid out of appropriation heretofore made.

Passed the senate February 27, 1895.

Passed the house February 28, 1895.

Approved March 2, 1895.

## CHAPTER XVII.

[S. B. No. 138.]

## RELATING TO SHERIFFS, CONSTABLES AND CORONERS AND THEIR SUCCESSORS.

AN ACT defining the duties of sheriffs, constables and coroners upon the expiration of their term of office, and prescribing the duties of their successors, and validating the acts of such officers and their successors.

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

SECTION 1. That all sheriffs, constables and coroners in the State of Washington, upon the completion of their term of office and the qualification of their successors, shall deliver and turn over to such successors all writs and other processes in their possession not wholly executed, and all

personal property in their possession or under their control held under such writs or processes, and take receipts therefor in duplicate, one of which shall be filed in the office from which such writ or process issued as a paper in the action, which receipt shall be a good and sufficient discharge to such officer of and from further charge of the execution of such writs and processes; and shall also deliver to their successors all papers and property in their possession or under their control as such officers. And it shall be the duty of such successors to execute or complete the execution of all such writs and processes so delivered to them, and to finish and complete any and all business pertaining to such offices so turned over to them.

SEC. 2. In all cases where any sheriff, constable or coroner in the State of Washington has executed any writ or other process delivered to him by his predecessor, or has completed any business commenced by his predecessor under any writ or process, and has finished and completed any other business commenced by such predecessor pertaining to such offices, and in all cases where any sheriff, constable or coroner has executed any writ or other process, or completed any business connected with his office after the expiration of his term of office, which writ or process he had commenced to execute, or which business he had commenced to perform prior to the expiration of his term of office, the same shall be valid and effectual for all purposes.

Successor to  
complete  
process.

SEC. 3. Whereas, uncertainty exists as to whether the retiring or newly elected sheriffs, constables and coroners should execute writs and processes and complete business commenced by such officers prior to the expiration of their term of office, and no adequate provision of law exists governing such acts, an emergency is declared to exist, and this act shall be in force and take effect immediately.

Passed the senate February 13, 1895.

Passed the house February 28, 1895.

Approved March 2, 1895.

## CHAPTER XVIII.

[H. B. No. 171.]

## RELATING TO DREDGING FOR OYSTERS.

AN ACT relating to dredging for oysters, and providing a penalty for the violation thereof.

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

SECTION 1. It shall not be lawful to dredge for the purpose of taking oysters from the natural oyster beds in the waters of and within the State of Washington, except under the supervision of the state or United States government for experimental or scientific purposes.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or be confined in the county jail for a period not less than ten nor more than sixty days, or be both fined and imprisoned at the discretion of the court.

Passed the house February 7, 1895.

Passed the senate February 27, 1895.

Approved March 1, 1895.

## CHAPTER XIX.

[S. B. No. 70.]

## VALIDATING CERTAIN ARTICLES OF INCORPORATION.

AN ACT validating certain articles of incorporation, and validating the corporations formed or attempted to be formed by virtue of said articles of incorporation, and validating the acts of said corporations.

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

SECTION 1. That all instruments purporting to be articles of incorporation for a college, seminary, church, library,

or benevolent, charitable, or scientific society, made and executed in accordance with the provisions of chapter 9, title 18, of volume 1 of Hill's Annotated Statutes and Codes of Washington, or under and by virtue of the provisions of sections 2450 to 2454, both inclusive, of the Code of Washington of 1881, except that the same have been acknowledged before an officer authorized by law to take the acknowledgment of deeds, and have not been sworn to by the trustees as by said laws required, or have been filed with the auditor of the county where the chief place of business of the corporation so purporting to be formed is located, instead of being recorded as by said laws required, or which are defective in both of said respects, are hereby declared to be, and are hereby made to be, good and valid articles of incorporation; and the corporations formed, or attempted to be formed by virtue of said articles of incorporation, are hereby declared to be, and are hereby made, good and valid, and existing corporations, with the same and as full powers, rights and liabilities as they would have had if the said articles of incorporation had been executed and recorded as by law required, and that all acts, deeds, and proceedings had or done by said corporations, or under said articles of incorporation, and all rights acquired as to both real and personal property, and all obligations of every kind incurred by such corporations, are hereby made of the same force, effect and validity as if said articles of incorporation had been executed as required by law.

Passed the senate, February 13, 1895.

Passed the house, February 28, 1895.

Approved March 2, 1895.

## CHAPTER XX.

[H. B. No. 162.]

## FEES OF OFFICERS OF ELECTION.

AN ACT to amend section 446, chapter 7, title 8, volume 1 of the General Statutes and Codes of Washington, as arranged and annotated by William Lair Hill, relating to elections.

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

SECTION 1. Section 446, chapter 7, title 8, volume 1 of the General Statutes and Codes of Washington, as arranged and annotated by William Lair Hill, relating to elections, is amended so as to read as follows: The fees of officers of election shall be as follows: To the inspectors, judges and clerks of an election, three dollars (\$3.00) per day; the person carrying the returns to the county auditor shall be entitled to ten cents (\$0.10) per mile for each mile traveled.

Passed the house February 14, 1895.

Passed the senate February 27, 1895.

Approved March 2, 1895.

## CHAPTER XXI.

[H. B. No. 133.]

## RELATING TO THE INDEBTEDNESS OF SCHOOL DISTRICTS.

AN ACT relating to the indebtedness of school districts, providing means and methods for paying and funding the same, and means for validating the same or any part thereof incurred in excess of the one and one-half per centum of the taxable property of the school district, without the assent of three-fifths of the voters of the school district voting at an election held for that purpose, and declaring that an emergency exists for the taking effect of this act on its passage and approval by the governor.

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

SECTION 1. Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school district purposes, when the same does not

Indebtedness  
not to exceed  
5 per centum  
of valuation.

exceed five per centum on the value of the taxable property in such school district. The value of the taxable property in such school district to be ascertained as provided in article eight, section six of the constitution of the State of Washington.

SEC. 2. Whenever the board of directors or board of education, as the case may be, of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in section one of this act, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified, and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified, and a binding obligation upon such school district when the only ground of the previous invalidity of such indebtedness so ratified and validated is that at the time of the attempted incurring thereof, the same, together with all other then existing indebtedness of such school district, exceeded one and one-half per centum of the taxable property in such school district, as provided in article eight, section six of the constitution of the State of Washington, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters of such school district voting at an election held for that purpose, as required by said constitution.

SEC. 3. At the time of the adoption of the resolution provided for in section two of this act, the board of directors or board of education, as the case may be, of such district, shall determine the number and location of the places at which polls shall be opened to receive the votes of the voters in such district. Unless otherwise provided, the polls shall be open at one o'clock in the afternoon and

Ratifying and validating indebtedness.

Location of voting polls, and fixing time for voting.

close at four o'clock in the afternoon of the same day, but such board may determine on a longer time during which the polls shall be kept open, not before one o'clock in the afternoon and not later than eight o'clock in the afternoon of the same day. In incorporated cities and towns the polls shall open at one o'clock in the afternoon and close at eight o'clock in the afternoon of the same day. Such board shall appoint two voters in such district where the election is to be held to act as judges of such election, and also one and not more than two persons to act as clerks at each voting place. Such clerks shall keep a list of the voters voting at such election, and tally the result under direction of the judges. The judges shall observe and cause to be observed at such election, as far as the same shall apply, the election laws of this state governing the election of school directors. Should any of the judges so appointed be absent at the opening of the polls, the voters of such district present shall appoint a voter to act in place of such absent judge. If the clerk or clerks of such election be absent at the opening of the polls the judges conducting such election shall appoint one and not exceeding two persons to act as clerks of such election. The judges and clerks of such election shall each take and subscribe an oath to faithfully perform the duties imposed upon them by law in conducting such election, and each of said judges shall have power to administer all oaths required by this section, each to the other, and to the clerks, and to all persons offering to vote, when challenges are interposed. The clerks or secretaries of such school district, or any officer authorized by law to administer oaths, may administer the oath required to be taken by such judges and clerks. If there is not sufficient number of voters present at the hour named for opening the polls to fill vacancies, occasioned by the absence of judges or clerks, it shall be lawful to open the polls as soon thereafter as a sufficient number of electors are present. Elections hereunder shall be by ballot. The ballots must contain the words "For validating and ratifying indebtedness, Yes," or the words "For validating and ratifying indebtedness, No." Ballots containing the words "For

Officers of election.

Oaths administered, by whom.

Ballots to contain, what.

validating and ratifying indebtedness, Yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words "For validating and ratifying indebtedness, No," shall be counted against validating and ratifying such indebtedness. As soon as the polls are closed at such election, the judges of each polling place shall count the votes, ascertain the result and certify the same, and make return thereof, within two days after such election, to the board of directors, or the board of education, as the case may be, of such district, by depositing the same, together with the ballots cast at such election, with the clerk or secretary of such board, and within five days after such election, or as soon as all the returns of such election are deposited as herein provided, the board of directors, or board of education, of such district shall meet and canvas and declare the result, and shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officers in the act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, and all acts amendatory thereof, or substituted therefor.

Votes counted and return thereof.

Records to show result of ballot.

Qualification of voters.

SEC. 4. At the time of the adoption of the resolution provided in section two of this act, the board of directors or board of education, as the case may be, shall direct the clerk or secretary of the board to give public notice of the time, places and purposes of such election. Such clerk or secretary shall thereupon cause written or printed notices to be posted in at least five places in such school district, at least twenty days before such election. Said notices shall also be published for the same length of time in a daily newspaper printed and published in such district, and if there be no such daily newspaper, then in a weekly newspaper, published in this state and of general circulation in the county where such school district is situated, in two regular issues of such weekly newspaper next preceding the day of such election. Said notices shall contain a copy of the resolution mentioned in section two of this act, the time of holding such election and location of polling places,

Notices of election, how given.

a statement of the object of the election, and the form of the ballot adopted by the board to determine the question submitted to the voters.

SEC. 5. If the indebtedness of such school district is validated and ratified, as provided in section two of this act, by three-fifths of the voters voting at such election, the board of directors or board of education, as the case may be, of such school district, without any further vote, may borrow money and issue negotiable coupon bonds therefor to an amount not to exceed the unpaid indebtedness of such school district existing at the time of the adoption of the resolution mentioned in section two of this act, deducting from the amount of such unpaid indebtedness the amount of all indebtedness evidenced by negotiable coupon bonds then outstanding against and payable by such district. Bonds so issued shall bear a rate of interest not to exceed six per cent. per annum, interest payable semi-annually, payable and redeemable at such time and place as designated in the bonds, but not exceeding twenty years from date of issue. The bonds and coupons shall be in such form as the board of directors or the board of education, as the case may be, shall prescribe, and payable at such place as may be designated therein. In all school districts, except in cities of ten thousand or more inhabitants, said bonds with the coupons must be signed by the board of directors and countersigned by the clerk of the school district. In school districts in cities of ten thousand or more inhabitants, said bonds with the coupons must be signed in the corporate name of the district by the president of the board of education thereof, and attested by the secretary of the board. The seal of said district, if such district has a seal, shall be affixed to each bond by the secretary thereof. The moneys arising from the sale of coupon bonds issued under this act, shall be placed by the treasurer of the county in a special fund to the credit of such school district, and out of such fund shall be paid the indebtedness of such district existing at the time of the adoption of the resolution mentioned in section two of this act, not evidenced by negotiable coupon bonds.

SEC. 6. When authorized and empowered to issue bonds,

May issue  
bonds.

Interest not  
to exceed  
6 per cent.

Bonds, how  
signed.

Seal to be  
affixed.

Indebtedness,  
how paid.

as provided in section five of this act, the board of directors, or the board of education, as the case may be, of such district shall, at a meeting of such board, determine by resolution the amount of bonds to be issued, not exceeding, however, the unpaid indebtedness of such district after deducting the bonded indebtedness existing at the time of the adoption of the resolution mentioned in section two of this act, and shall deliver a copy of said resolution to the county treasurer of the county in which such school district is situated, who shall immediately advertise for sale said bonds, and the provisions of sections three, four, five, six, seven, eight, nine, ten and eleven of an act entitled "An act allowing school districts to borrow money and issue bonds for the building and furnishing of school houses, to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same, and declaring an emergency," approved March 19, 1890, shall govern, control and apply to bonds issued or sold under this act, except that bonds issued under this act shall not bear a greater rate of interest than six per cent. per annum, and they may be sold in such amounts or blocks as the board of directors or board of education may direct, and such board may also require all persons bidding for said bonds, except the State of Washington, to deposit one per cent. of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid, in case of their sale to him, the amount so deposited shall be forfeited to the school district, otherwise to be returned to such bidder, and a re-sale of such bonds so refused to be taken may be made as if the bid for the same had been rejected, and the money arising from the sale of bonds issued under this act shall be applied as provided in section five of this act.

Bonds, amount of determined.

County treasurer to advertise for sale of bonds.

Interest not to exceed 6 per cent.

Deposit required of bidders.

SEC. 7. If bonds issued under this act are not sold as herein provided, the holders of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in section two of this act may exchange said warrants at the face value thereof and accrued interest thereon for coupon bonds issued under this act, at not less than

Warrants exchanged for bonds, when.

par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors, or the board of education, as the case may be, of such district.

County treasurer to be notified of resolution of board.

SEC. 8. When the board of directors or the board of education, as the case may be, has adopted the resolution mentioned in section two of this act, it shall immediately cause notice of the adoption of such resolution to be given to the county treasurer of the county in which such district is situated, and all moneys then or thereafter in the hands of such treasurer belonging to such district, arising from the annual tax levy or from fines or other sources for the support and maintenance of common schools in such district, shall be applied only to the payment of interest on the bonded indebtedness and to the current expenses of such school district incurred after the adoption of the resolution mentioned in section two of this act, and shall not be used for, or applied to, the payment of any indebtedness of such district existing before the adoption of said resolution, except interest on the bonded indebtedness. The annual expenses of such district shall not hereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine of not exceeding five hundred dollars. If the indebtedness of such school district, excluding the bonded indebtedness existing before the adoption of said resolution, is not extinguished by the exchange of warrants for bonds, or by the proceeds of the sale of bonds, as herein provided, then it shall be the duty of the board of directors or the board of education, as the case may be, thirty days before the regular annual tax levy, to certify the amount of such indebtedness remaining unpaid to the board of county commissioners of the county in which such school district is situated, and said board of county commissioners, at the time of making the regular annual tax levy, shall annually levy a special tax on the taxable property of the district of not to exceed three mills on the dollar on the valuation on such taxable property, which

Taxes and fines to apply to subsequent indebtedness.

Expenses not to exceed annual revenue; increasing same a misdemeanor.

Indebtedness certified, when.

shall be collected as other taxes are collected, and the proceeds of such tax shall be a special fund for the payment of the indebtedness of such district, not included in bonds, existing at the time of the adoption of the resolution mentioned in section two of this act.

SEC. 9. Whereas, there are many school districts in this state which are desirous of providing means and methods of paying and funding their indebtedness, and means for validating the same, or any part thereof, incurred in excess of one and one-half per centum of the taxable property of such districts without the assent of three-fifths of the voters of such districts voting at an election held for that purpose, and inasmuch as there are no statutes sufficiently governing the matters provided for in this act: therefore, an emergency exists, and this act shall take effect and become a law from and after its passage and approval by the governor.

Passed the house February 19, 1895.

Passed the senate February 25, 1895.

Approved March 1, 1895.

## CHAPTER XXII.

[H. B. No. 91.]

### FOR THE PROTECTION OF KNOT SAWYERS.

AN ACT for the purpose of protecting knot sawyers in shingle mills, and requiring owners and operators of shingle mills to protect knot saws with metallic saw guards, imposing penalties for failure so to do, and declaring the law of negligence in cases where any person is injured by any knot saw not protected by metallic saw guard.

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

SECTION 1. That it shall be unlawful for any person or persons or corporation owning or operating any shingle mill or shingle mills in the State of Washington to operate or permit the operation of such shingle mill or shingle

Knot saws  
protected,  
how.

mills unless each and every knot saw used in such shingle mill or shingle mills is protected by a metallic saw guard, so constructed as to insure a reasonable amount of safety to any person or persons engaged in the occupation of knot sawyer or knot sawyers.

Penalty.

SEC. 2. That any person or persons or any corporation owning or operating any shingle mill or shingle mills in the State of Washington, that shall operate such shingle mill or shingle mills, or permit such shingle mill or shingle mills to be operated without having a metallic saw guard provided for each and every knot saw used in such shingle mill or shingle mills shall, for each day that such shingle mill or shingle mills is operated without having a metallic saw guard provided for each and every knot saw used in such shingle mill or shingle mills, be liable in the penal sum of one hundred dollars (\$100), to be recovered in civil action by any party bringing suit therefor against such party or parties violating the provisions of this act.

Damages recovered, when.

SEC. 3. That in all actions against any person or persons or corporation engaged in operating any shingle mill or shingle mills in the State of Washington, for injuries received from any knot saw used in such shingle mill or shingle mills, it shall be *prima facie* evidence of negligence on the part of the defendant to show that such knot saw causing the injury was not at the time of receiving the injury complained of properly protected by a metallic saw guard: *Provided*, That if any knot sawyer shall remove any such guard after the same has been placed in position, and while the same is removed receive injury, he shall not be entitled to receive damages for any such injuries.

Passed the house February 14, 1895.

Passed the senate February 27, 1895.

Approved March 1, 1895.

## CHAPTER XXIII.

[H. B. No. 119.]

## LIMITING NUMBER OF BALLOTS TO BE PROVIDED AT ELECTIONS.

AN ACT to amend section 18 of an act entitled "An act providing for printing and distributing ballots at public expense and to regulate voting at state and other elections," approved March 19, 1890, the same being section 380 of volume 1 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 18 of an act entitled "An act providing for printing and distributing ballots at public expense and to regulate voting at state and other elections," approved March 19, 1890, the same being section 380 of volume 1 of Hill's Annotated Statutes and Codes of Washington, be and the same hereby is amended so as to read as follows: Sec. 18. The clerk of the board of county commissioners of each county shall provide, for each election precinct in the county, two ballots for every elector registered in the precinct. If there is no register in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of two for each elector who voted at the last preceding election in the precinct: *Provided*, That if he has reason to believe that there has been an increase in the number of electors in any precinct where there is no register, he shall provide for such precinct the number of ballots double the estimated number of electors in such precinct: *And provided further*, That in municipal elections it shall be the duty of the municipal clerk to provide ballots as specified in this section.

Passed the house February 14, 1895.

Passed the senate February 27, 1895.

Approved March 1, 1895.

## CHAPTER XXIV.

[H. B. No. 5.]

## RELATIVE TO OYSTER PLANTING.

AN ACT providing for the sale and purchase of tide lands of the third class and the manner of conveying the same for the purposes of oyster planting, to encourage and facilitate said industry, and declaring an emergency.

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

SECTION 1. It shall be lawful for any person who is entitled to purchase tide lands pursuant to the act of March 26, 1890, as being an occupant of land planted with oysters, to survey or cause to be surveyd at his own expense, the land that pursuant to said act he is entitled to purchase, not exceeding one hundred acres in area: *Provided,* That the party making application to purchase under the provisions of this act shall accompany such application with a certificate under oath to the effect that lands purchased under the provisions of this act shall be used for oyster planting purposes only.

Duplicate records kept.

SEC. 2. Survey and description in duplicate of such tract shall be subject to the direction, oversight and approval of the board of state land commissioners, and one description of said tract as surveyed shall be filed with and be recorded by the county auditor of the county in which said tide lands are situated, in a book kept by him for such especial purpose, and a duplicate description in the office of the commissioner of public lands.

Lines of survey.

SEC. 3. The survey of such lands, as provided in the foregoing sections of this act, may not be required to follow the lines of United States government survey, but may follow the direction of the oyster beds actually occupied by the party proposing to purchase the same; the persons entitled to purchase such oyster beds under the provisions of this act may purchase the same at the rate of one dollar and twenty-five cents per acre, one-fourth of which price shall be paid at time of making such purchase, and the remaining three-fourths in three equal annual payments, each of which sums shall draw interest at the rate of eight per cent. per annum, the unpaid portion re-

Price per acre, and how sold.

maining as a lien upon said land until all payments shall be made in full, and the purchaser shall thereupon be entitled to a deed to the same; said deed shall be executed by the governor, attested by the secretary of state with the seal of the state thereunto attached, which deed shall contain the conditions of defeasance in this act provided.

SEC. 4. Any person having the right to purchase such tide lands as provided by this act, and being an actual occupant of the same, shall have the prior right to purchase for a period of six months from and after the passage of this act and its being signed and approved by the governor.

SEC. 5. Upon the filing of a description of the survey of such land, as provided for by the foregoing sections of this act, the person or persons having occupied or desiring to occupy such lands as described in section one of this act, may file with the commissioner of public lands an application to purchase said lands, together with a description of the lands applied for, by metes and bounds, and upon the receipt of the same the commissioner of public lands shall, at the expense of the applicant, publish, or cause to be published, for three successive weeks in any newspaper of general circulation printed and published in the county where such lands are situated, a notice of such application to purchase, giving therein a description of lands applied for. During the next thirty days following the last publication of said notice, any person claiming a prior right to purchase such tide lands may file with the commissioner of public lands a contest for the purpose of establishing a prior right to purchase, or, upon petition of ten citizens who shall be residents of the county wherein such lands are situated, a contest may be filed as hereinbefore provided, and such contest shall be upon the right of applicant to purchase, as provided in the foregoing sections of this act. If the party making contest shall fail to establish a prior right to purchase, said party shall be liable for the costs resulting direct from such contest, except private attorney fees, and the sum of such costs shall be paid by such contestant into the state treasury department, and, upon such payment being made, shall be entitled to a receipt for the same.

Prior right.

Application to purchase, notice of.

Adverse claimant.

SEC. 6. This act shall in no manner apply to the provisions of the act of March 26, 1890, providing for the appraisal and disposition of tide and shore lands in the State of Washington except as far as it relates to lands actually used or to be used for the purpose of oyster planting.

SEC. 7. Any person desiring to purchase tide lands for the purposes of oyster planting may purchase tide lands of the third class not included in any natural oyster beds or any reserve pursuant to the provisions of this act, in subordination to any preëmption right confirmed by said act of March 26, 1890. Nothing in this act shall be construed so as to effect [affect] the preference rights of shore or upland owners, or improvers, as conferred by the provisions of said act or other provisions of law.

Persons authorized to purchase.

SEC. 8. No person shall be entitled, directly or indirectly, to the privileges of this act who is not an actual resident and citizen of the United States and State of Washington, and no person not a citizen of the State of Washington shall be competent to acquire deeds to any lands sold by the state under the provisions of this act: *Provided*, That any citizen of the United States and not a citizen of the State of Washington, or any corporation organized under the laws of any other state other than the State of Washington that has planted and cultivated and planted in oysters any tract or tracts or parcels of such lands for the period of five years next preceding January 1, 1895, shall have the exclusive right to purchase such tract or tracts or parcels of land so planted and cultivated as aforesaid, but not exceeding one hundred acres in the aggregate, such prior right to be within six months after the approval of this act. And failure to make application to purchase said lands within said six months by such person or corporation shall forfeit the right hereby granted to such person or corporations to purchase any such lands.

Abandoned oyster lands, how purchased.

SEC. 9. If from any cause any tract or tracts, parcel or parcels of land purchased under the provisions of this act shall become unfit and valueless for the purposes of oyster planting, the party having so purchased and being in the possession of the same may upon certifying such fact under

oath to the commissioner of public lands and to the auditor of the county wherein such lands are situated and also upon filing under oath a certificate of abandonment of such tract or tracts, parcel or parcels of land, in the office of each of said officials, such party shall then be entitled to again make purchase as hereinbefore provided; or if said land be used by the purchasers or any successors in interest of such purchaser in whole or in part for other than the purposes specified in this act, then upon application by any citizen to the state land commissioner such sale may be canceled, and the said land shall revert to the state and shall be subject to sale as herein provided, but not to such defaulting purchaser or such defaulting successor in interest.

SEC. 10. The provisions of this act shall not apply to such lands as have already been surveyed, appraised and platted.

SEC. 11. Whereas, planters of oysters not being adequately protected in the possession of their property, and it being the desire of certain oyster planters to engage in the planting of eastern oysters, and the season for ordering a supply of eastern oysters for spring planting being already at hand, an emergency is declared, and this act shall be in full force and effect upon its passage and approval by the governor.

Passed the house February 13, 1895.

Passed the senate February 27, 1895.

Approved March 2, 1895.

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## CHAPTER XXV.

[H. B. No. 399.]

### RELATING TO THE SALE OF OYSTER LANDS.

AN ACT relating to the purchase and sale of oyster lands, and declaring an emergency.

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

SECTION 1. That all persons having the qualifications <sup>Right to purchase.</sup> provided by law to enable them to purchase tide lands

within the State of Washington, and who, prior to March 26, 1890, in good faith entered upon tide lands not in front of any incorporated city or town, nor within two miles thereof on either side, and planted and cultivated thereon artificial oyster beds, and who continued to occupy and work the same continuously and in good faith to March 26, 1890, and ever since said date, and who are now in possession of and working said oyster beds in good faith, shall be permitted to purchase the same for the purpose of cultivating oysters thereon, and for no other purpose, whether said tracts were originally covered by alleged natural oyster beds or not; and where, notwithstanding such prior occupancy and cultivation, any such tract or tracts so occupied prior to March 26, 1890, shall since such date have been reserved from sale or lease as natural oyster beds, the person or persons or their assigns who planted, occupied and cultivated such artificial beds may, by complying with the provisions of law touching the sale of artificial oyster beds and paying the value thereof fixed by the State of Washington, be and they are hereby entitled to receive a deed, subject to all the provisions of this act, to such tract or tracts not exceeding in area of forty acres to any one person, as they so in good faith improved as such artificial oyster beds prior to March 26, 1890.

Conditional  
reversion  
to state.

SEC. 2. It shall be expressly provided in the deed of conveyance of any such oyster bed and the tide land covered thereby, that said land, at the time of conveyance, is not in front of any incorporated city or town, nor within two miles thereof on either side, and that the said land is not now used for purposes of trade or commerce; that if at any time after the granting of said deed the land described therein shall cease to be used for the purposes of an artificial oyster bed, it shall thereupon revert to, and become the property of, the State of Washington, and that the same is conveyed to the grantee only for the purposes of cultivating oysters thereon, and the State of Washington hereby reserves the right to enter upon and take the possession of said tract or tracts if at any time the same is used for any other purpose than the cultivation of oysters; and the State of Washington reserves the further right to

enter upon and take possession of any tide lands sold under the provisions of this act, at any time when it desires, upon paying to the then owner or occupant the original purchase price of the lands together with the value of the improvements erected thereon, the then value of his artificial oyster beds and improvements erected thereon in connection with the carrying on of the raising and propagation of oysters by artificial cultivation.

SEC. 3. And there being great doubt and uncertainty in the question of obtaining title to oyster beds on tide lands, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its approval by the governor.

Passed the house February 18, 1895.

Passed the senate February 27, 1895.

Approved March 4, 1895.

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## CHAPTER XXVI.

[H. B. No. 215.]

### REQUIRING PHYSICIANS TO REPORT DEATHS.

AN ACT relating to vital statistics and amending section 2609 of volume 1 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. Section 2609 of volume 1 of Hill's Annotated Statutes and Codes of Washington is hereby amended to read as follows: Sec. 2609. It shall be the duty of all physicians in this state to register their names and post-office address with the county auditor of the county where they reside; and every physician shall, under penalty of ten dollars, to be recovered in any court of competent jurisdiction in the state, at suit of any member of any state or local board of health, report to the county auditor on or before the 15th day of every month, all births and deaths which may come under his or her supervision during the

previous calendar month, with a certificate of the cause of death, and such correlative facts as the board may require, in the blank forms to be provided and furnished by the county auditor.

Passed the house February 14, 1895.

Passed the senate February 27, 1895.

Approved March 4, 1895.

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## CHAPTER XXVII.

[S. B. No. 312.]

### AUTHORIZING CITIES OF THE FIRST CLASS TO AMEND THEIR CHARTERS.

AN ACT to authorize cities of the first class to alter, change, revise, add to or repeal their respective charters.

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

Commission  
to revise,  
how created.

SECTION 1. Upon the petition of one-fourth of the qualified electors, as shown by the last general city election, of any city of the first class, the city council of said city shall, and without such petition the city council in joint session may, cause an election to be held, at which election there shall be chosen by the qualified electors of said [city] fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to commence within ten days after their election, and within sixty days thereafter prepare a new charter for said city by altering, changing, revising, adding to or repealing their existing charter, together with any amendments thereto, and file the same with the city clerk.

Majority vote  
to ratify.

SEC. 2. Such new, altered, changed and revised charter shall be submitted to the qualified electors of said city at an election to be immediately called therefor, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of the said city, and shall become the organic law thereof and supersede any existing

charter, including amendments thereto, and all special laws inconsistent with said charter.

SEC. 3. Such proposed charter shall be published in two daily newspapers in said city for at least thirty days prior to the day of submitting the same to the electors for their approval as in section two hereof provided.

SEC. 4. All elections in this act authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten days before the day of election in all election districts of said city.

SEC. 5. Said elections may be general or special elections and, except as herein provided, shall be governed by the law regulating and controlling general or special elections in said city.

SEC. 6. All houses, boards or offices abolished or dispensed with by said altered, changed and revised charter, together with the emoluments thereof, shall cease to exist from and after the adoption of such altered, changed and revised charter; and any new offices created shall be filled by appointment of the mayor until the next general election and subject to such ratification and control by the city council as may be provided in such altered, changed and revised charter.

SEC. 7. There being great necessity of retrenchment and reform in city governments of the first class, an emergency is hereby declared to exist, and, therefore, this act shall take effect from and after its passage and approval by the governor.

Passed the senate February 28, 1895.

Passed the house March 1, 1895.

Approved March 4, 1895.

## CHAPTER XXVIII.

[S. B. No. 84.]

## TO VALIDATE CERTAIN INDEBTEDNESS.

AN ACT to enable counties, cities and towns to validate certain warrants and other obligations and evidences of indebtedness on the part of such counties, cities and towns issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency to exist.

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

Manner of  
ratifying.

SECTION 1. Any county, city or town in this state may ratify, in the manner prescribed in this act, the attempted incurring of any indebtedness of such county, city or town, by the issuing of warrants, making of contracts, or creations of other evidences of indebtedness on the part of such county, city or town by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town, ascertained by the last assessment for state and county purposes previous to the attempted incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters therein voting at an election held for that purpose.

Notice of  
election, how  
given and  
what to  
contain.

SEC. 2. Whenever the corporate authorities of any such county, city or town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution, which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness comprised in each such distinct class, and shall provide for the holding of an election for that purpose, at

which the attempted incurring of such indebtedness shall be submitted to the voters in such county, city or town, for ratification or approval, of which election notice, to be provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such county, city or town once a week for at least four successive weeks, and if no newspaper is published in such city or town, then by publishing such notice for the same period in a newspaper published in the county wherein such city or town is situate and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

SEC. 3. If at an election held as provided for in section two of this act, three-fifths of the voters in such county, city or town, voting at such election, shall vote in favor of the ratification of any distinct class of such indebtedness, specified in the ordinance or resolution, providing for such election, then such indebtedness so ratified shall thereby become and is hereby declared to be validated and a binding obligation upon such county, city or town, when the only ground of the previous invalidity of such indebtedness is that, at the time of the incurring thereof so ratified, the same, together with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town, ascertained by the last previous assessment for state and county purposes (except that in incorporated cities the assessment shall be taken from the last assessment for city purposes): *Provided*, That neither anything in this act contained, nor the vote cast at any such election, shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, city or town existing at the time of the attempted incurring of the same, exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county, city or town voting at an election to be held for that purpose: *And provided fur-*

Three-fifths  
vote to ratify.

*ther*, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

SEC. 4. The words corporate authorities used in this act shall be held to mean the legislative or managing body of any county, city or town.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this law: therefore, this act shall take effect immediately.

Passed the senate February 28, 1895.

Passed the house March 1, 1895.

Approved March 4, 1895.

## CHAPTER XXIX.

[H. B. No. 7.]

### FOR THE PROTECTION OF OYSTERS.

AN ACT providing for the protection of oysters, prescribing a penalty for the violation thereof, and declaring an emergency.

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

Planters'  
rights.

SECTION 1. When any person has, acting in good faith, planted oysters on any tide or shore lands not containing any bed of natural oysters belonging to the State of Washington and not otherwise occupied for purposes of trade or commerce, such oysters shall, pending the sale, lease or reservation of such lands by the state, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution as in any similar case of violation of property rights: *Provided*, That the grounds holding the oysters have been kept suitably marked by stakes or other landmarks, but such stakes or other landmarks having been removed by accident or design shall not excuse any person for wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with oysters.

Grounds to  
be staked.

Deep water  
planting.

SEC. 2. When any person has, acting in good faith, planted oysters on any grounds lying deeper than the level

of the water, said grounds being under the jurisdiction of the State of Washington, and not otherwise occupied for the purpose of trade or commerce, such oysters shall, pending the sale, lease or reservation of such lands by the State of Washington, be considered as personal property, and the unauthorized taking of the same shall subject the offender to civil and criminal prosecution as in any similar case of violation of property rights: *Provided*, That the grounds holding the oysters have been kept suitably marked by stakes or other landmarks, but such stakes or other landmarks having been removed by accident or design shall not excuse any person for wrongfully taking the oysters thereby marked if he knew the grounds to have been planted with the oysters.

SEC. 3. Nothing in this act shall be construed as giving any prior or exclusive right of purchase or lease from the State of Washington of any shore and tide lands or deeper lands when the same may or shall be disposed of by the state or offered by the state for sale or lease, nor shall it be construed as in any way removing, diminishing or affecting any such rights heretofore provided for by any act, or hereafter to be provided for by any act, neither shall this act be in any way amendatory of an act entitled "An act to protect persons who have planted oysters upon tide and shore lands prior to March 26, 1890," approved March 7, 1891.

Right to purchase not conferred.

SEC. 4. Any person who shall, without due authority, remove oysters belonging to any other person, either from plant-beds or cull-beds, or from any boat or water craft or from any float or crate, shall be subject on conviction to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), one-half of the fine to be paid to the informer, and, at the discretion of the court, to imprisonment for not less than six months nor more than three years; but if the offense be committed later than one hour after sunset or earlier than one hour before sunrise, the minimum penalty shall be a fine of two hundred and fifty dollars (\$250) and imprisonment. The penalties provided in this section shall not prevent the re-

Removing oysters, penalty therefor.

covery by the injured party in civil action of damages for any unlawful removing of oysters.

Evidence,  
how secured.

SEC. 5. In any trial for violation of the provisions of this act, if the accused be found having in his possession oysters for which he cannot account, or for which he gives an account which is shown by evidence to be false, that fact shall be sufficient evidence to secure conviction, but the court trying the case may not convict on such evidence when in its judgment it would lead to a verdict doing injustice to the accused.

SEC. 6. Whereas, planters of oysters are not adequately protected in the possession of their property, an emergency is hereby declared, and this act shall be in force from and after its passage and approval by the governor.

Passed the house February 13, 1895.

Passed the senate February 27, 1895.

Approved March 7, 1895.

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## CHAPTER XXX.

[H. B. No. 9.]

### PROHIBITING CERTAIN METHODS OF GATHERING OYSTERS.

AN ACT prohibiting certain methods of gathering oysters, providing a penalty for violation thereof, and offering a reward for conviction of the offender, and declaring an emergency.

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

SECTION 1. It shall at all times be unlawful to gather with any tool or implement whatsoever, any oysters from any natural bed of oysters, except the person so gathering shall be on and working from a boat or water craft of some kind, said water craft being afloat during the time he is gathering.

SEC. 2. It shall at all times and places be unlawful, in gathering oysters from any natural bed of oysters, to use a common garden rake or any instrument of similar construction and operation.

SEC. 3. Nothing in this act shall apply to gathering oysters by the hand, using no implement or tool for gathering purposes.

SEC. 4. Any person violating any provision of this act shall, on conviction thereof, be fined in any sum not less than one hundred dollars (\$100), nor more than four hundred dollars (\$400), and, at the discretion of the court, shall also be imprisoned in the county jail not less than two months (2), nor more than six months (6); one-half of the aforesaid fine to be paid by the state to the informer.

SEC. 5. Whereas, there is no law governing the subject as provided in the foregoing sections of this act, an emergency is declared to exist, and this act shall be in force and take effect immediately.

Passed the house February 4, 1895.

Passed the senate February 27, 1895.

Approved March 7, 1895.

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## CHAPTER XXXI.

[H. B. No. 170.]

### RELATING TO NATURAL OYSTER BEDS.

AN ACT relating to beds of natural oysters, and declaring an emergency.

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

SECTION 1. It shall be unlawful to gather oysters or to remove them from any natural oyster bed or natural oyster bed reserve in any of the rivers, bays or waters of the State of Washington at any time from the fifteenth day of June to the thirty-first day of October, inclusive, of each year except under the supervision of the fish commissioner of the State of Washington, or of the United States, for purposes of propagation, experimental or other scientific purposes: *Provided*, That nothing in this section shall be construed to interfere with the provisions of section 2594

Legal period  
for gathering.

of volume 1 of Hill's Code of Washington, the same being section 1198 of the Code of 1881.

Penalty for violation.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof be fined in any sum not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or be imprisoned in the county jail for a period of not less than ten days nor more than sixty days, or to be both fined and imprisoned, at the discretion of the court.

SEC. 3. The season for gathering oysters for planting purposes being near at hand, an emergency is, therefore, declared, and this act shall be in force and effect upon its passage and approval by the governor.

Passed the house February 7, 1895.

Passed the senate February 27, 1895.

Approved March 7, 1895.

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## CHAPTER XXXII.

[H. B. No. 113.]

### RELATING TO POWERS OF MUNICIPAL CORPORATIONS.

AN ACT to amend section 154 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, the same being section 673 of volume 1 of Hill's Annotated Statutes and Codes of Washington, and declaring an emergency.

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

SECTION 1. That section 154 of the said act, the same being section 673 of volume 1 of Hill's Annotated Statutes and Codes of Washington, be and the same hereby is amended so as to read as follows:

Sec. 154. The council of said town shall have power—

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States.

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 town: *Provided*, That they shall not have power to sell or convey any portion of any water front. Real estate.

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. Water supply.

4. To establish, build and repair bridges; to establish, lay out, alter, widen, extend, keep open, open, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on 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. Streets and bridges.

5. To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers shall have been constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof. Drains and sewers.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires. Fire engines.

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 to exceed four dollars (\$4), and no other road poll tax shall be collected within the limits Poll tax.

of such town, and that said poll tax may be paid in labor on said streets at the rate of two dollars (\$2) per day.

Dog tax.

8. To impose and collect an annual license not exceeding two dollars (\$2) on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed.

Property tax.

9. To levy and collect annually a property tax. The levy for all purposes, for any one year, shall not exceed one dollar on each one hundred dollars (\$100) of the assessed value of all real and personal property within such town.

General licenses.

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 and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain or prohibit the running at large of any or all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a pound keeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock.

Rivers and streams.

11. To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams of water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the water front of the town, and to construct and maintain embankments and other works to protect such town from overflow.

12. To erect and maintain buildings for municipal purposes.

Railroad and street car lines.

13. To permit, under such restrictions as they may deem proper, the laying of railroad track and the running of cars drawn by horses, steam, electricity 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 telegraph, telephone and electric light lines therein.

14. To punish the keepers and inmates and lessors of <sup>Houses of ill-fame.</sup> houses of ill-fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables.

15. To impose fines, penalties and forfeitures for any <sup>Violation of ordinances.</sup> 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 (\$300), nor the term of imprisonment exceed three months.

16. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town.

17. 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 town and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter. <sup>To provide by-laws and regulations.</sup>

SEC. 2. Whereas, an emergency exists, this act shall be deemed of immediate importance, and shall take effect and be in full force from and after its passage and approval by the governor.

Passed the house February 6, 1895.

Passed the senate February 27, 1895.

Approved March 7, 1895.

## CHAPTER XXXIII.

[H. B. No. 132.]

EXTENDING TIME OF PAYMENT ON CONTRACTS FOR  
SALE OF SCHOOL LANDS.

AN ACT extending the time of payment on contracts for the sale of school lands for agricultural or grazing purposes, made under the acts of the legislature approved March 28, 1890, and March 15, 1893, respectively, and declaring an emergency.

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

Contracts extended, when.

SECTION 1. The time for making payments of principal on contracts for the sale of school lands for agricultural or grazing purposes, made under the provisions of the acts of the legislature approved March 28, 1890, and March 15, 1893, respectively, is hereby extended to the first day of December, 1905, in all cases where one-fifth or more of the purchase price has been paid prior to the taking effect of this act, and thereafter all accrued interest must be paid annually on the first day of December of each year until full payment of the purchase price is made. The extension of the time for the payment of any part of the purchase price is hereby made on all such contracts on which only one-tenth of the purchase price has been paid prior to the taking effect of this act: *Provided*, That in order to have the benefit of this act, the holder of any such contract shall pay the second one-tenth of the purchase price, according to the terms of such contract, together with all interest that may be due on such contract at the taking effect of this act, as follows: One-fourth of such second one-tenth of the purchase price and accrued interest, on or before December 1, 1895, and one-fourth of said second one-tenth of the purchase price and accrued interest, on or before the first day of December of each year thereafter, until the whole second one-tenth is paid: *Provided further*, That all such contracts shall continue to draw interest at the rate therein specified until the principal sum provided in such contract be fully paid, and that holders thereof, in order to have the benefit of this act, shall pay the accruing interest thereon annually: *Provided*

*further*, That nothing herein contained shall prevent the holder of any contract from paying the full amount due at any time.

SEC. 2. That any person or persons or their assigns, <sup>Rights forfeited.</sup> having failed to pay interest for three consecutive years after such interest becomes due, shall forfeit all rights vested in them by the terms of the contract for said land.

SEC. 3. That all school land contracts heretofore declared forfeited by the state school land commission or state board of land commissioners, shall be reinstated by the commissioner of public lands: <sup>Reinstatement of forfeitures.</sup> *Provided*, That principal and interest be paid at the times and in the manner in this act provided for the payment of delinquent principal and interest on contracts which have not been so declared forfeited: *Provided further*, That this section shall not apply to contracts for school lands which have been resold.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 5. Whereas, an emergency exists for the immediate taking effect of this act, the same shall, therefore, be in effect from and after its passage and approval by the governor.

Passed the house February 8, 1895.

Passed the senate February 28, 1895.

Approved March 7, 1895.

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## CHAPTER XXXIV.

[S. B. No. 165.]

### RELATING TO NORMAL SCHOOL BUILDINGS.

AN ACT relating to state normal schools, and making appropriation therefor.

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

SECTION 1. There is hereby created a fund to be known <sup>Fund created.</sup> as the "state normal school fund," into which fund shall be paid all proceeds from the sales of lands granted to the

state of Washington by the United States for state normal schools, and that no appropriation for the erection of state normal school buildings shall be made from any other fund, except the fund derived from the sale of lands granted by the United States to the State of Washington for state normal schools.

Cheney ap-  
propriation.

SEC. 2. That for the purpose of erecting and equipping a state normal school building for the state normal school at Cheney, there is hereby appropriated from said "state normal school fund" the sum of sixty thousand dollars (\$60,000), to be expended under the directions of the board of trustees of the Cheney normal school.

Whatcom ap-  
propriation.

SEC. 3. That for the purpose of erecting a state normal school building for the Washington state normal school at New Whatcom, there is hereby appropriated from said state normal school fund the sum of forty thousand dollars (\$40,000), to be expended under the direction of the board of trustees of the Washington state normal school located at New Whatcom. That said building shall be constructed by a board of trustees consisting of three residents of Whatcom county, Washington, to be appointed by the governor, and who shall serve without compensation, said trustees to be under bonds of twenty thousand dollars (\$20,000) each, to be approved by the attorney general, and all accounts for indebtedness created therefor shall be audited by the state auditor.

Board of  
trustees,  
how created.

Fund antici-  
pated, how.

SEC. 4. For the purpose of anticipating the fund out of which the foregoing appropriation is provided to be paid, the governor, state auditor and state treasurer are hereby authorized to make a loan of one hundred thousand dollars (\$100,000) upon the bonds of the state, to be signed by the governor and attested by the secretary of state under the seal of the state and countersigned and registered by the state auditor. Said bonds shall be of denominations of not less than one thousand dollars (\$1,000) each and shall on their face be made payable at any time after five years and within fifteen years from their date at the option of the state at the office of the state treasurer, shall bear interest at the rate of four per cent. per annum and shall be payable out of the fund provided for in section one of this

act, and not otherwise, and no primary or secondary application for the payment of said bonds, except out of the aforesaid fund is intended to be created by this act. Said bonds shall not be sold for less than par.

SEC. 5. Until the sale of said bonds, the work of erecting said normal school buildings shall proceed and be paid for by warrants drawn upon the fund created by this act which shall draw interest at the rate of seven per cent. per annum, payable annually, and whenever there shall not be sufficient moneys in said fund to pay all outstanding warrants, it shall be the duty of the treasurer to reserve a sufficient amount to pay the interest on all outstanding warrants before paying the principal of any senior outstanding warrants. Whenever there shall not be sufficient moneys in said fund to pay the interest on all outstanding warrants drawn against it, the interest shall be paid on warrants in the order in which they are drawn, and all unpaid interest on junior warrants shall draw interest at the rate of seven per cent. annually. Interest on warrants drawn under the provisions of this act shall be computed from the first day of the month succeeding the date of the warrant.

Warrants  
issued in-  
cidentally.

Rate of in-  
terest on  
warrants.

SEC. 6. Whenever the money realized from said bonds shall have been covered into the state treasury, all outstanding warrants drawn upon the said fund shall then be taken up and paid, and thereafter the warrants drawn on said fund for the further prosecution of the work of erecting said normal school buildings shall be paid when the same shall be presented.

Passed the senate February 26, 1895.

Passed the house March 2, 1895.

Approved March 7, 1895.

## CHAPTER XXXV.

[S. B. No. 298.]

TO PREVENT THE CREATION OF DEFICIENCIES IN  
PUBLIC INSTITUTIONS.

AN ACT relating to deficiencies in public institutions and departments of this state, and providing a penalty for the violation thereof, and declaring an emergency.

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

Deficiencies  
unlawful.

SECTION 1. That it shall be unlawful for any of the state officers or trustees, managers, directors, superintendents or boards of commissioners of any of the public institutions of the State of Washington, or for the officers of any of the departments of the State of Washington, to create a deficiency, incur liability, or to expend a greater sum of money than is appropriated by the legislature for the use of said public institution or department.

Individual  
liability.

SEC. 2. Any officer, trustee, manager, director, superintendent or commissioner, enumerated in section one of this act, who shall violate the provisions of this act by creating a deficiency, incurring a liability, or expending a greater sum than is appropriated by the legislature for any public institution or department of this state in any one year, shall be individually liable for the same, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars.

Liability  
on bond.

SEC. 3. Any person, co-partnership or corporation with whom a liability is attempted to be incurred or debt contracted by such officers, trustees, managers, directors, superintendents or commissioners in violation of the provisions of this act shall have a cause of action against such officers, trustees, managers, directors, superintendents or commissioners so violating the provisions of this act, and against the sureties on their official bonds for the full amount of such liability incurred or debt contracted.

Exceptions.

SEC. 4. In case of an emergency requiring an expenditure of a greater sum than the amount appropriated by the legislature for the insane asylum, reform school, sol-

diers' home, school for defective youth, and penitentiary in any one year, the trustees, managers, directors, superintendents or commissioners of said institutions may, on written advice and consent of the governor, state auditor, secretary of state, treasurer and attorney general, incur such liability for maintenance only, as circumstances may require.

SEC. 5. An act entitled "An act to prevent the making of deficiencies in the public institutions and departments in the State of Washington, and providing for an emergency board," approved March 8, 1893, is hereby repealed.

SEC. 6. An emergency exists for the immediate operation of this act: therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the senate February 26, 1895.

Passed the house March 2, 1895.

Approved March 7, 1895.

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## CHAPTER XXXVI.

[H. B. No. 25.]

### RELATING TO VERDICTS IN CIVIL CASES.

AN ACT providing for the finding and return of verdicts in civil cases by ten or more jurors.

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

SECTION 1. That in all trials by juries of twelve in the superior court, except criminal trials, when ten of the jurors agree upon a verdict, the verdict so agreed upon shall be signed by the foreman, and the verdict shall stand as the verdict of the whole jury, and have all the force and effect of a verdict agreed to by twelve jurors.

SEC. 2. That when the verdict is returned into court either party may poll the jury, and if ten of the jurors answer that it is the verdict said verdict shall stand. In

case ten of the jurors do not answer in the affirmative the jury shall be returned to the jury room for further deliberation.

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

Passed the house February 7, 1895.

Passed the senate March 6, 1895.

Approved March 8, 1895.

## CHAPTER XXXVII.

[H. B. No. 57.]

### AMENDMENT TO THE CONSTITUTION.

AN ACT to provide for voting on a constitutional amendment at the general election to be held in November, 1896, relative to the qualifications of electors.

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

Qualification  
of voters.

SECTION 1. That at the general election to be held in November, 1896, there shall be submitted to the qualified electors of the State of Washington the following amendment to section 1, article 6 of the constitution of the State of Washington:

Section 1. All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided*, That Indians not taxed shall never be allowed the elective franchise: *And further provided*, That this amendment shall not effect [affect] the right of franchise of any person who is now a qualified elector of this state. The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak

the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section.

SEC. 2. The secretary of state shall cause the foregoing Publication. amendment to be published for three months next preceding said election to be held in November, 1896, in some weekly newspaper in every county within this state wherein a newspaper is published.

SEC. 3. That there shall be printed on all the ballots Ballots to contain, what. supplied for said election the words "For proposed amendment to section 1, article 6 of constitution, relative to qualifications of electors," "Against proposed amendment to section 1, article 6 of constitution, relative to qualifications of electors."

Passed the house February 19, 1895.

Passed the senate March 6, 1895.

Approved March 8, 1895.

## CHAPTER XXXVIII.

[H. B. No. 311.]

### RELATING TO TRUSTEES OF PRIVATE CORPORATIONS.

AN ACT to amend section 1502 of volume 1 of Hill's Annotated Statutes and Codes of Washington, the same being section 2425 of the Code of Washington of 1881, relating to the exercise of corporate powers by private corporations.

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

SECTION 1. That section 1502 of volume 1 of Hill's Annotated Statutes and Codes of Washington, the same being section 2425 of the Code of Washington of 1881, relating to the exercise of corporate powers by private corporations, be and the same hereby is amended so as to read as follows: Sec. 1502 (2425). The corporate powers Corporate powers, how exercised. of a corporation shall be exercised by a board of not less than two trustees, who shall be stockholders in the company, and at least one of whom shall be a resident of the State

of Washington, and a majority of them citizens of the United States, who shall, before entering upon the duties of their office, respectively take and subscribe to an oath, as provided by the laws of this state, and who shall, after the expiration of the term of the trustees first elected, be actually elected by the stockholders, at such time and place, within this state, and upon such notice and in such manner, as shall be directed by the by-laws of the company; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own, or represent by proxy, shares of stock, and the person or persons receiving the greatest number of votes shall be trustee or trustees: *Provided*, That nothing herein contained shall prevent any corporation, by their by-laws, limiting such *bona fide* shareholder to a single vote, or one vote for every full share of paid up stock, or its equivalent in assessable stock, disregarding the number of shares of stock he may own. It shall be competent, at any time, for two-thirds of the stockholders of any corporation organized under this chapter to expel any trustee from office, and to elect another to succeed him. In all cases where a meeting of the stockholders is called for the purpose of expelling a trustee and electing his successor, such notice shall be given of the meeting as the by-laws of the company may require. Whenever any vacancy shall happen among the trustees by death, resignation or otherwise, except by removal and the election of his successor as herein provided, it shall be filled by appointment of the board of trustees. Every such corporation shall at all times keep at its principal place of business in this state an officer or officers, agent or agents, upon whom service of legal process may be made, in conformity with the law: *Provided*, That service of such process may be made at any time upon any resident trustee of such corporation.

Passed the house February 19, 1895.

Passed the senate March 7, 1895.

Approved March 8, 1895.

Election of trustees by ballot.

Trustees expelled, how.

Vacancies, how filled.

## CHAPTER XXXIX.

[S. B. No. 64.]

## RELATING TO JUDICIAL OFFICERS.

AN ACT to amend section one [three] of chapter fifty-four of the laws of 1891, otherwise known as section thirty-four of the Code of 1891.

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

SECTION 1. That section three of chapter fifty-four of the laws of 1891, otherwise known as section thirty-four of the Code of 1891, be and the same hereby is amended to read as follows: Section 34. A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he is a member in any of the following cases: (1) In an action, suit or proceeding to which he is a party, or in which he is directly interested. (2) When he was not present and sitting as a member of the court at the hearing of a matter submitted for its decision. (3) When he is related to either party by consanguinity or affinity within the third degree. The degree shall be ascertained and computed by ascending from the judge to the common ancestor and descending to the party, counting a degree for each person in both lines, including the judge and party and excluding the common ancestor. (4) When he has been attorney in the action, suit or proceeding in question for either party; but this section does not apply to an application to change the place of trial, or the regulation of the order of business in court. In the cases specified in subdivisions 3 and 4, the disqualification may be waived by the parties, and except in the supreme court shall be deemed to be waived unless an application for a change of the place of trial be made as provided by law.

Defining judicial offices and prescribing limitations.

Passed the senate February 18, 1895.

Passed the house March 6, 1895.

Approved March 8, 1895.

## CHAPTER XL.

[S. B. No. 77.]

## PRESCRIBING MANNER IN WHICH COURT SHALL DIRECT JUDGMENT IN CASES TRIED BEFORE JURY.

AN ACT prescribing the manner in which judges of the superior court shall direct judgment in cases tried before the court with a jury.

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

SECTION 1. In all cases tried in the superior court with a jury in which the legal sufficiency of the evidence shall be challenged, and the court shall decide as a matter of law what verdict should be found, the court shall thereupon discharge the jury from further consideration of the case, and direct judgment to be entered in accordance with its decision.

Passed the senate February 13, 1895.

Passed the house March 6, 1895.

Approved March 8, 1895.

## CHAPTER XLI.

[S. B. No. 97.]

## REPEALING THE ACT ALLOWING SECOND APPEAL IN CERTAIN CASES.

AN ACT repealing an act entitled "An act allowing a second appeal to the supreme court in certain cases where persons have been convicted of felony, and declaring an emergency," being chapter 35 of Session Laws of 1893.

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

SECTION 1. That chapter 35 of the Session Laws of 1893, the same being an act entitled "An act allowing a second appeal to the supreme court in certain cases where persons have been convicted of felony, and declaring an emergency," be and the same hereby is repealed.

Passed the senate February 13, 1895.

Passed the house March 6, 1895.

Approved March 8, 1895.

## CHAPTER XLII.

[S. B. No. 118.]

## DUTIES OF GUARDIANS OF MINORS.

AN ACT prescribing the duties of guardians of minors, and amending section 1138 of volume 2 of Hill's Statutes and Codes.

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

SECTION 1. That section eleven hundred and thirty-eight of volume 2 of Hill's Statutes and Codes of Washington, being section 1614 of the Code of 1881, is hereby amended to read as follows:

Sec. 1138. It shall be the duty of the guardian of any minor—

1. To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and failing so to do, it shall be the duty of the court to remove him and appoint a successor.

2. To manage the estate for the best interest of his ward.

3. To render on oath to the proper court an account of his receipts and of his expenditures, with vouchers therefor, at least once in every two years, and whenever cited so to do, and failing so to do, he shall receive no allowances for services, and be liable to said ward on his bond in damages for ten per cent. of the whole amount of the estate, both real and personal, in his hands belonging to such ward.

4. At the expiration of his trust fully to account for and pay over to the proper person all the estate of said ward remaining in his hands.

5. To pay all just debts due from such ward out of the estate in his hands, and to collect all debts due such ward, and in case of doubtful debts, to compound the same, and to appear for and defend, or cause to be defended, all suits against such ward.

6. When any ward has no father or mother, or such father or mother is unable or fails to educate such ward,

it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify.

Passed the senate February 13, 1895.

Passed the house March 5, 1895.

Approved March 8, 1895.

## CHAPTER XLIII.

[S. B. No. 309.]

### PERMITTING WOMEN TO HOLD CERTAIN SCHOOL OFFICES.

AN ACT to amend section 78 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, and declaring an emergency.

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

SECTION 1. That section seventy-eight of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, being section 856 of volume 1 of Hill's Annotated Statutes and Codes of the State of Washington, be amended to read as follows: Sec. 78. Whenever the word "he" or "his" occurs in this act referring to either the members of the city board of education, county superintendents of common schools, city superintendents, directors, clerks, boards of examiners, state board of education or other school officers, it shall be understood to mean also "she" or "her." And any woman possessing all of the qualifications of an elector except as to sex, and possessing all of the other qualifications required by law for such offices, shall be eligible to hold such offices.

SEC. 2. Inasmuch as doubt exists as to the official acts and the qualification of women as officers, an emergency is declared to exist, and this act shall take effect and be in force immediately.

Passed the senate March 1, 1895.

Passed the house March 7, 1895.

Approved March 8, 1895.

## CHAPTER XLIV.

[S. B. No. 275.]

## RELATING TO PAYMENT OF TAXES DUE IN 1893 AND 1894.

AN ACT relating to penalty and interest on state, county and municipal taxes which became due and payable in the years 1893 and 1894, and declaring an emergency.

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

SECTION 1. All of the penalty and accrued interest shall be remitted on all delinquent state, county and municipal taxes which became due and payable in the years 1893 and 1894, and which shall be paid on or before the first day of July, 1895, and the proper officer shall receive the net amount of such taxes in full satisfaction thereof. Remission of penalties.

SEC. 2. All of the penalty and one-half of the accrued interest shall be remitted on all delinquent state, county and municipal taxes which became due and payable in the years 1893 and 1894, and which shall be paid after the first day of July, 1895, and on or before the first day of December, 1895, and the proper officer shall receive in full satisfaction of such taxes the net amount thereof together with interest thereon at the rate of ten per cent. per annum from the date when the same became delinquent to the date of payment. Conditional remission of penalties and interest.

SEC. 3. One-half of the penalty and two-fifths of the accrued interest shall be remitted on all delinquent state, county and municipal taxes which became due and payable in the years 1893 and 1894, and which shall remain unpaid after the first day of December, 1895, and the proper officer shall receive in full satisfaction of such taxes, the net amount thereof, together with a penalty of two and one-half per cent. thereon, and together with interest thereon at the rate of twelve per cent. per annum from the date when the same became delinquent to the date of payment. Further conditional remission.

SEC. 4. The delinquent tax lists shall be published during the month of April, 1896, and where any contracts have been made for the publication of delinquent tax lists prior to such date under existing laws, said contracts shall be Tax lists, when published.

extended to cover the publication herein required to be made.

SEC. 5. That, whereas, great financial stringency exists and many citizens are unable to pay their taxes with the large penalty and interest accrued thereon under the existing laws, an emergency is declared to exist, and this act shall take effect and be in force immediately.

Passed the senate March 5, 1895.

Passed the house March 6, 1895.

Approved March 8, 1895.

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## CHAPTER XLV..

[H. B. No. 573.]

### RELATING TO DAIRY PRODUCTS.

AN ACT regulating the manufacture of dairy produce, to prevent deception or fraud in the sale of the same or imitations thereof, providing for the appointment of a dairy commissioner and defining his duties, creating a state board of dairy commissioners and defining their duties, imposing certain duties upon the chemists of state institutions, providing penalties for violations of this law, making an appropriation, and declaring an emergency.

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

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome and unskimmed, any unmerchanted, adulterated, skimmed, impure or unwholesome milk.

Unmerchanted milk,  
how determined.

SEC. 2. In all prosecutions or other proceeding under this or any other law of this state relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver as aforesaid, as pure, wholesome or unskimmed milk contain less than three per centum of pure butter fat when subjected to chemical analysis or other satisfactory test, or that it had been diluted or any part of its cream

abstracted, or that it, or any part of it, was drawn from cows known by the person complained of to have been within fifteen days before or four days after parturition, or to have any disease, or ulcers, or other running sores, then, and in either case, the said milk shall be held and adjudged to have been unmerchantable, adulterated, impure or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream for the same for market or for sale or exchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthful condition, or are being fed on distillery waste, or upon any substance in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature, the milk or the cream from the same is hereby declared impure and unwholesome. Any milk that has been exposed to or contaminated by emanations, discharges or exhalations from persons or animals, is hereby declared to be impure and unwholesome.

SEC. 3. Every person who shall at any factory in the state manufacture cheese shall stamp in a distinct and durable manner on each and every cheese manufactured by him, whether cheddar, twin, flat, or Young America, or by whatever name or style known, before the sale thereof, in full faced capital letters not less than one inch high, included within a plain, heavy border, in ordinary stamping ink, either red, green, purple or violet in color, and of such composition as not to be easily removed or wholly obliterated by moisture, the grade of the same in the following named letters and words: "Washington Full Cream," "Skimmed," or "Half Skimmed," as the case may be, together with the name of the factory and the name of the city, town or village where the said factory is located; and such cheese only as shall have been manufactured from pure and wholesome milk, and from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter, nor any substance for butter, or other animal or vegetable fats or oils have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling the said cheese, shall be stamped

Dairy products to be stamped.

“Washington Full Cream,” and such cheese only as shall be made from pure milk having not less than one-half of the cream thereof extracted, leaving in said cheese not less than fifteen per centum of pure butter fat, shall be marked “Half Skimmed,” and such cheese only as shall be made from pure skimmed milk shall be marked “Skimmed.” *Provided*, That nothing in this section shall be construed to apply to Edam, Brickstein, Pineapple, Limburger, Swiss or hand made cheese, or other cheese, by whatever name or style known, not made by ordinary cheddar process.

Accounts, how kept; same open to inspection.

SEC. 4. Every butter or cheese manufacturer who shall at any creamery, cheese factory or private dairy, manufacture any butter or cheese, shall keep or cause to be kept a correct account (open to the inspection of the dairy commissioner or any person furnishing milk to such creamery, cheese factory or private dairy) of the number of pounds of milk daily received and of the number of pounds of butter and the number and aggregate weight of cheese made each day, and such manufacturer shall, on the first Monday in the month of December of each year, send a verified report of the same in writing or in print to the state board of dairy commissioners and for the purposes of this act any butter or cheese manufacturer who shall keep twenty or more milk cows, and who shall manufacture the milk from the same into butter or cheese, shall be deemed and adjudged to be keeping a private dairy.

Resemblance to butter of manufactured articles prohibited.

SEC. 5. No person, by himself, his agents or his servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell or serve to patrons, guests, boarders or inmates in any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous [substance], or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or the cream from the same with or without harmless coloring matter which shall be in imitation of yellow butter produced from pure, unadulterated milk or the cream from the same: *Provided*, That nothing in this act shall

be construed to prohibit the manufacture or sale of oleo-margarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to resemble butter.

SEC. 6. It shall be unlawful for any person to sell, or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half skimmed milk. Unlawful to color.

SEC. 7. There shall be appointed by the governor, by and with the advice and consent of the senate, one competent person who shall be denominated the dairy commissioner, whose term of office shall continue four years from and after the first Monday in April after his appointment, subject to removal for cause by the governor, or until his successor be appointed and qualified. Dairy commissioner, how appointed.

SEC. 8. Before entering upon his duties, said dairy commissioner shall file with the secretary of state a good and sufficient bond in the sum of five thousand dollars (\$5,000), conditional upon the faithful discharge of his duties under this act. Bond required.

SEC. 9. Said commissioner may appoint one or more deputies whenever he is unable to perform all the duties of his office without assistance; they shall hold office at the pleasure of the dairy commissioner, who may summarily remove any such deputy from office whenever in his judgment the public service calls for such removal. Deputies, when appointed.

SEC. 10. It shall be the duty of the dairy commissioner to devote his entire time and attention to the dairy interests of the State of Washington, to enforce all laws that now exist or that may be hereafter enacted in this state regarding the production, manufacture or sale of dairy produce, and personally to inspect any articles of milk, butter, cheese, or imitations thereof, made or offered for sale within the state, which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manu- Duties of commissioner.

facture or sale of any adulterated or counterfeit dairy products contrary to law.

Duty of chemist.

SEC. 11. It shall be the duty of the chemist of any state institution to correctly analyze, without extra compensation, and without other charge to the state than necessary traveling expenses, any and all substances that the dairy commissioner may send to either of them, and to report to him without unnecessary delay the result of any analysis so made, and when called upon by said dairy commissioner, any such chemist shall assist him in prosecuting violators of the law, by giving testimony, either expert or otherwise.

Authority to employ chemists, when.

SEC. 12. Whenever it is impossible or impracticable for the dairy commissioner to have necessary analysis performed by any of the said chemists mentioned in the preceding section, he shall have the power to appoint any competent chemist to make such analysis, who shall be paid a fair and reasonable compensation.

Commissioner to go, where.

SEC. 13. The dairy commissioner shall have power, in the performance of his official duties, to enter into any creamery, cheese or condensed milk factory, store, sales-room, warehouse, or any place or building where he has reason to believe that any dairy products or imitations of dairy products are kept, made, prepared, sold or offered for sale or exchange; and to open any cask, tub, package or receptacle of any kind, containing or supposed to contain any such article, and to examine or cause to be examined and analyzed, the contents thereof; he may seize or take any such article for analysis: *Provided*, That if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom such property was taken, seal up two samples of the article seized or taken, one of which shall be for examination or analysis under the direction of said commissioner, and the other of which shall be delivered to the person from whom the article was taken.

Penalty for violations.

SEC. 14. Any person who shall violate any of the provisions of this law, or who shall obstruct the dairy commissioner in the performance of his duties under this act by refusing him entrance to any place as enumerated in the

preceding section, or by refusing to deliver to him samples of dairy products, or imitations thereof, upon demand and upon tender of the value thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SEC. 15. Any superior court, municipal court or justice Jurisdiction. of the peace in this state shall have jurisdiction over all prosecutions arising under this act.

SEC. 16. The dairy commissioner shall receive an annual Salary. salary of twelve hundred dollars (\$1,200), and shall be allowed his actual transportation expenses: *Provided*, That such expenses shall not exceed one thousand dollars (\$1,000) in any one year. His deputies shall receive three dollars (\$3) per day for each day actually employed, and actual expenses disbursed in the discharge of their duties shall be repaid to them. No deputy shall be employed at the cost of the state for more than thirty (30) days in any one year.

SEC. 17. It shall be the duty of the attorney general or the prosecuting attorney in any county of the state, when called upon by the dairy commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act.

SEC. 18. The secretary of state, the president of the agricultural college and the dairy commissioner are hereby created a state board of dairy commissioners *ex officio*.

SEC. 19. The state board of dairy commissioners shall receive no compensation for their services as such board, but shall be allowed necessary actual traveling expenses. All accounts for expenditure incurred or made pursuant to the provisions of this act shall be approved and certified by said state board of dairy commissioners before presentation to the state auditor.

SEC. 20. The state board of dairy commissioners shall Biennial reports. biennially, on December first, report to the governor of this state a full account of their actions under this act; also the operations and results of this and any other laws

pertaining to the dairy industry of the state; a full account of all expenses and disbursements of the board and dairy commissioners; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports of dairy products within the state for the biennial term; and shall make suggestions as to the need of further legislation on this subject.

SEC. 21. All expenses incurred under the provisions of this act, shall be audited by the state auditor upon bills being presented properly certified by the board of dairy commissioners, and the said auditor shall, from time to time, draw warrants upon the state treasurer for the amounts thus audited.

SEC. 22. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the state for the term beginning April 1, 1895, and ending April 1, 1897, the sum of six thousand dollars (\$6,000).

Fines, to  
whom paid.

SEC. 23. One-half of all the fines collected under the provisions of this act shall be paid to the person or persons furnishing information upon which conviction is procured, and the remainder to be paid forthwith into the treasury of the county in which the conviction is obtained.

SEC. 24. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 25. Whereas, grievous injustice is being perpetrated daily upon both customers and producers within the state from lack of adequate legislation protective of the dairy interests, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 1, 1895.

Passed the senate March 6, 1895.

Approved March 11, 1895.

## CHAPTER XLVI.

[H. B. No. 95.]

## TO ENCOURAGE THE LIVE STOCK INDUSTRY.

AN ACT to foster and encourage the live stock interests of this state and to protect the owners of such stock, making regulations concerning the same, and providing penalties for violations of such regulations.

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

SECTION 1. Whenever three or more counties in this state shall vote to accept the benefits and share the burdens of this act, as hereinafter provided, then the governor of the state, by and with the advice and consent of the senate, shall appoint a board of stock commissioners, consisting of one member from each of such counties, and such stock commissioners, upon entering upon their duties, shall take an oath to uphold and support the constitution of the United States and the constitution and laws of this state, and to well and truly perform their duties as provided by law, which oath shall be filed in the office of the secretary of state.

Commissioners, how appointed.

SEC. 2. It shall be the duty of the county commissioners of any county in this state, whenever petitioned by fifty (50) or more electors of the county, unless such petition be counterbalanced by a remonstrance of electors more numerously signed, to submit to the qualified electors of such county at a special election to be held upon thirty (30) days' notice, the question of accepting the benefits and sharing the burdens of this act. For the purpose of giving time for remonstrance, such petition shall lie over unacted on for ten (10) days after the filing of the same. Said election shall be ordered advertised, held and conducted, and the vote canvassed and returned as other elections held under the provisions of the code: *Provided*, The officers of the board of said special election shall receive two dollars only for their service. The question shall be submitted to the electors in the following form: "For stock law," "Against stock law." Should the vote of the county be in the affirmative, the result shall be cer-

Notice of election, how submitted.

Ballots to contain, what.

tified to the governor under the hand and seal of the auditor of the county, whereupon, when three (3) or more counties have so voted in the affirmative, the governor shall make the appointments provided by section one of this act.

Place of meeting.

SEC. 3. Said board when appointed shall meet at the city of Sprague and organize by the election of a president and secretary, and shall have power to fix the times and places of meeting thereafter, and to establish the place where the office of the secretary and records of the board shall be kept. The members of said board shall receive no compensation or mileage for their services, but shall be allowed their actual expenses incurred in the performance of their duties.

Duties of board.

SEC. 4. It shall be the duty of said board to exercise a general supervision over and as far as may be protect the stock interests of the state from theft and disease, and it shall have power and authority to make rules and regulations governing the recording of stock brands and governing the recording of the shipment of live stock on railroads, and the keeping of a record thereof. Such regulations, concerning the matters aforesaid, as may be made, shall be filed in the offices of the county auditors of the several counties to be affected by this act. A copy of the regulations concerning recording of the shipment of live stock shall be certified by the president and secretary of the board to railroad companies whose lines run through or traverse said counties. Said board shall also have the power, whenever deemed necessary by it, to assist in the prosecution of any and all crimes or misdemeanors against the laws of this state in feloniously branding or stealing any stock, or any other crime or misdemeanor under any of the laws of this state for the protection of the rights and interests of stock owners, and may employ counsel out of the fund hereinafter provided for to assist in any such prosecution. Said board shall also devise and recommend to the legislature from time to time such legislation as in their judgment will foster the stock industry of the state. It shall be the duty of railroad companies to require a compliance on the part of their employés with such regula-

tions as the board may make concerning the record to be kept of the shipment of such live stock.

SEC. 5. The said board of stock commissioners are hereby authorized, and it is made their duty, to appoint such stock inspectors as they may deem necessary for the better protection of the live stock interests of the state, and such inspector shall perform such duties in the inspection of stock and in the bringing to justice of such persons depre-<sup>Inspectors ap-  
pointed, how.</sup> dating on stock, and persons violating the provisions of this act, as may be prescribed by the board, and such inspectors shall have the same power to summons a posse when necessary to make arrests in the same manner and to the same extent as sheriffs. Such inspector may, when deputized,<sup>Duties of.</sup> exercise the powers of deputy sheriffs, but shall not receive any fee or emolument therefor from the state or county. Inspectors shall be paid such compensation out of the funds hereinafter provided for as the board may determine.

SEC. 6. An annual tax shall be laid on all the horses and cattle of the several counties affected by this act for the purpose of raising a fund for the purpose of carrying out its provisions: *Provided*, Eight head of stock shall be exempt from said tax to every owner. The rate of taxation to be laid on such live stock for each year shall be fixed by the board of stock commissioners and be by them certified to the county auditors of the several counties each year prior to the annual tax levy, and the county commissioners of the several counties shall include in their tax levy the rates so fixed by said board of stock commissioners on said live stock, and cause the same to be collected along with other state and county taxes. The taxes so collected shall be covered into the state treasury as other state taxes, and shall there be kept intact for the purpose of meeting the expenditures to be incurred under this act. The treasurer shall disburse the same on warrants drawn by the state auditor upon the certificate of the president and secretary of the stock board under regulations to be prescribed by the state auditor.<sup>Annual tax  
levied.</sup>

SEC. 7. From and after the passage of this act it shall be the duty of all butchers engaged in the business of slaughtering cattle in this state to keep a true and correct<sup>Brands re-  
corded.</sup>

report of all marks and brands of all cattle slaughtered by them, recording also the name or names of persons from whom said cattle were bought, together with their residence and date of purchase and delivery of said cattle. The said record shall be kept in a suitable book in the butcher's place of business, subject at all times to the inspection of the public.

Butchers to at-  
test records.

SEC. 8. It shall be the duty of all butchers keeping a record as provided in section seven of this act to make or cause to be made on or before the first day of each month two (2) exact and correct copies of the said record as kept by him or them, and shall be and appear before the nearest acting justice of the peace within the county in which said butcher carries on and conducts his business, and shall make affidavit to the correctness of the said record, one copy of which shall be placed and kept on file in the office of the said justice of the peace and the other copy shall be sent by the said butcher to the county auditor of the county and be placed and kept on file by the said auditor, and be subject as other papers in his office to the inspection of the public.

License.

SEC. 9. All persons carrying on the business of butchering in the counties adopting the provisions of this act shall, on the first day of January of each year or at such later period of the year as they shall commence business, pay into the county treasury of the county in which they do business an annual license tax of ten (\$10) dollars, and shall enter into bond with sureties to the satisfaction of the county auditor in the sum of five hundred (\$500) dollars, conditioned that they will in all respects comply with the provisions of this act concerning their business. The obligee in said bond shall be the State of Washington. Said bond shall be filed with the county auditor, and any person suffering loss by reason of non-compliance with the provisions of this act on the part of any such butcher shall be entitled to sue on said bond for his damages. The license tax collected from butchers shall be paid into the state treasury and there become a part of the fund provided for by section six of this act.

Bonds given.

SEC. 10. Any person or persons, other than a licensed butcher, who shall slaughter any cattle shall preserve the hides of said cattle intact for thirty (30) days at his usual place of abode, and permit the same to be inspected by any and all persons.

SEC. 11. No person shall take up estray stock in this <sup>Estrays.</sup> state without first examining the marks and brands before two (2) disinterested witnesses, and swearing to the marks and brands before the nearest justice of the peace prior to advertising said stock. The said affidavit shall be filed with said justice of the peace, and shall contain the names of the witnesses before whom the marks and brands were examined.

SEC. 12. It shall be unlawful for any person to brand <sup>Branding.</sup> or mark any calf, calves or other cattle that are running at large between the first day of December of each year and the first day of April following: *Provided*, Any owner of stock may brand on his own premises at any time in the presence of one or more responsible citizens.

SEC. 13. Any person who shall violate any of the pro- <sup>Penalty.</sup> visions of sections seven, eight, ten, eleven or twelve of this act, or shall wilfully fail or refuse to comply with any of the requirements thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof in a court of competent jurisdiction shall be punished by a fine of not less than fifty (\$50) dollars or more than five hundred (\$500) dollars, or by imprisonment in the county jail not less than one month and not exceeding six months, at the discretion of the court, or by both such fine and imprisonment, at the discretion of the court. All moneys collected by such fines shall be paid into the general fund of the county for the benefit of the public schools of the county.

Passed the house February 19, 1895.

Passed the senate March 6, 1895.

Approved March 11, 1895.

## CHAPTER XLVII.

[H. B. No. 201.]

EXTENDING RIGHT OF EMINENT DOMAIN TO ELECTRIC  
POWER COMPANIES.

AN ACT to extend the right of eminent domain to electric power companies, and declaring an emergency.

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

SECTION 1. The right of eminent domain is hereby extended to all corporations incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, and doing business in this state, for the purpose of transmitting electric power by wire, cable or by any other means: *Provided, however,* That said right of eminent domain shall not be exercised in respect to any residence or business structure or structures.

SEC. 2. Every corporation incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, and doing business in this state, for the purpose of transmitting electric power by wire, cable or any other means, shall have the right to enter upon any land between the termini of the proposed lines for the purpose of examining, locating and surveying such lines, doing no unnecessary damage thereby.

SEC. 3. Every such corporation shall have the right, subject to the proviso contained in section one hereof, to appropriate real estate or other property for right-of-way or for any corporate purposes in the same manner and under the same procedure as now is or may be hereafter provided by the law in the case of other corporations authorized by the laws of this state to exercise the right of eminent domain.

SEC. 4. Whereas, there is at present no law upon the subject of this act, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house February 19, 1895.

Passed the senate March 7, 1895.

Approved March 11, 1895.

CHAPTER XLVIII.

[S. B. No. 32.]

REGULATING ATTORNEYS' FEES IN FORECLOSURE PROCEEDINGS.

AN ACT to regulate attorneys' fees and other charges in foreclosure and other proceedings.

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

SECTION 1. In all cases of foreclosure of mortgages and in all other cases in which attorneys' fees are allowed, the amount thereof shall be fixed by the court at such sum as the court shall deem reasonable, any stipulations in the note, mortgage or other instrument to the contrary notwithstanding; but in no case shall said fee be fixed above contract price stated in said note or contract.

Passed the senate February 19, 1895.

Passed the house March 8, 1895.

Approved March 11, 1895.

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CHAPTER XLIX.

[S. B. No. 2.]

APPEALS TO SUPREME COURT.

AN ACT to amend section 3, chapter 61, of an act entitled "An act relating to appeals to the supreme court," approved March 8, 1893.

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

SECTION 1. That section three of an act entitled "An act relating to appeals to the supreme court," approved March 8, 1893, be amended to read as follows: Sec. 3. In civil actions and proceedings an appeal from any final judgment must be taken within ninety days after the date of the entry of such final judgment; and an appeal from any order,

other than a final order, from which an appeal is allowed by this act, within fifteen days after the entry of the order, if made at the time of the hearing, and in all other cases within fifteen days after the service of a copy of such order, with written notice of the entry thereof, upon the party appealing, or his attorney. In criminal causes, an appeal must be taken within ninety days after the entry of final judgment.

SEC. 2. This act shall not apply to any orders or judgments already made, whether entered or not.

Passed the senate February 19, 1895.

Passed the house March 8, 1895.

Approved March 11, 1895.

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## CHAPTER L.

[S. B. No. 281.]

### COUNTY ROADS.

AN ACT providing for viewing, laying out, surveying and establishing county roads.

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

SECTION 1. County roads shall be laid out and established by order of the county commissioners of the proper counties on the application of householders in the manner provided in this act.

SEC. 2. Applications for the laying out and establishing or changing of any county road shall be by petition in writing to the board of county commissioners, signed by at least ten householders of the county residing in the vicinity of the proposed road.

SEC. 3. Such petition must set forth the terminal points of the proposed road; the course, the width, which shall not be less than thirty feet nor more than one hundred feet, and that the proposed road is practicable and will be of general use and public utility.

SEC. 4. Such petition must be accompanied by a bond Bond required. in the penal sum of three hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury the amount of all cost and expense incurred in viewing and surveying the proposed road and in the proceedings, in case the road shall not be established, and said petition and bond shall be filed with the clerk of the said board of county commissioners.

SEC. 5. Said board, at the next meeting after the filing Viewers, when appointed. of such petition and bond, or at the time of such filing, if said board is then in session, shall consider such petition and bond, and if, upon such consideration, the board is satisfied that said petition contains substantially the matters and things required by law to be set out in such petition; that at least ten of the petitioners are householders of the county residing in the vicinity of the proposed road, and that the said bond is sufficient, the said board shall appoint three viewers, one of whom shall be the county surveyor, or his deputy, all of whom must be disinterested persons, none of them being petitioners, and the clerk of said board shall make and furnish to said viewers a copy of said petition and a copy of the order appointing said viewers.

SEC. 6. Said viewers shall be sworn to perform their Duty of viewers. duties faithfully, and as soon as practicable after their appointment they shall examine the route of the proposed road, and view, lay out, and survey such road in accordance with the petition, as nearly as practicable, and shall mark plainly the course of the road as so surveyed. They shall, as far as practicable, cause notice of the route of the road as surveyed to be given to each resident owner, lessee, occupant or owner's agent of lands over which such road passes. They shall receive from each person interested in such lands, who will give the same, a statement in writing, signed by such person, and (1) consenting that such road be established as surveyed and waiving all claim to damages on account thereof, or (2) claiming damages on account of the establishment and opening of such road, and

specifying the amount so claimed. They shall estimate the actual damage to each tract of land over which the road passes as so surveyed, and shall estimate the cost of opening and constructing such road, including all necessary bridges and culverts, and all clearing, grubbing and grading. They shall consider the necessity for the road, and the public convenience to be subserved thereby, and whether such road ought to be established and opened.

SEC. 7. When the view and survey of the proposed road is completed, the viewers must report in writing to the board of county commissioners:

1. The terminal points, course and length of the road as laid out and surveyed.

2. An accurate description of each tract of land over which such road passes, with the name and place of residence or address of the owners, lessees, and incumbrancers of each of said tracts, and the quantity or area of land to be taken from each tract for such road.

3. The estimated damages to each tract of land over which such road has been so laid out and surveyed.

4. The names of the persons interested in said lands who consent to the establishment of the road, and waive all claims to damages.

5. The names of the persons interested in said lands who refuse their consent, and the amount of damages claimed by each.

6. Whether such road should be of a width different from that specified in the petition, and if so, giving the width recommended by the viewers.

7. The probable cost of the construction of the road, including all necessary bridges and culverts, and all clearing, grubbing and grading.

8. The opinion of the viewers as to the necessity for the road, and their decision as to whether the same ought to be established and opened or not.

9. Such other facts, matters and things as such viewers may deem of importance to be known by the board of county commissioners.

10. They may, in their discretion or by order of the board, report upon the feasibility and cost of any other

route than the one petitioned for, which could subserve the same purpose.

SEC. 8. Said viewers shall file with their report the written consent and waivers of damages by persons interested in the lands affected by the establishment of said road, and the claims of damages, procured as provided in this act.

SEC. 9. The surveyor must file with such report a correctly prepared map of said road, as laid out and surveyed, which map must show the tracts of lands over which such road passes, with the name of the owner of each tract written thereon, and said surveyor shall also file therewith his field notes of such survey. Surveyor to file map.

SEC. 10. The viewers, axmen, flagmen, and all other necessary assistants employed in such survey, shall be paid not to exceed the sum of two dollars per day for their services out of the proper fund of the county, the surveyor shall be paid as provided by law for the time occupied by him in viewing, laying out and surveying the road and making the plat and field notes, which plat and field notes must be filed as in this act provided before he receives his said compensation. All claims for services in and about the viewing, laying out and surveying of county roads shall be submitted to and audited by the board of county commissioners. Wages paid.

SEC. 11. The board of county commissioners at their next meeting after the filing of the report of the viewers, or at the time when the same is filed, if then in session, must fix a time for the hearing of the report, and must cause notice of such hearing to be given to the owners, lessees and incumbrancers of the lands to be taken for such road, who have not consented to the establishment of the road and waived their claims to damages therefor, which notice shall be given as follows: If such owners, lessees and incumbrancers reside or are present within the county, then by serving upon them personally within the county a written notice at least twenty days before the time set for said hearing, setting forth the time and purpose of such hearing; and if any of said owners, lessees or incumbrancers are absent from said county, or for any reason cannot Notice to owners, how given.

be served personally therein, such notice shall be given, as to them, by posting written notice of the time and purpose of such hearing, one at a conspicuous place on the land or left at the residence of the owner, lessee or incumbrancer, as the case may be, and one at a conspicuous place at the court house of the county, at least twenty days before the time set for said hearing.

County commissioners to determine damages and establish roads.

SEC. 12. On the day fixed for said hearing or to which such hearing may be postponed or adjourned, the said board, upon due proof to the satisfaction of the board, made by affidavit, of the service or posting of notice of the hearing, as by this act required, shall proceed to the hearing of said report, and shall examine the same, together with the map and the petition, the written claims for damages, the written consent and waivers of damages, and all other papers on file in the proceedings, and shall hear and consider all testimony and documentary evidence adduced for or against the establishment of the road, or as to the amount of damages which should be awarded in any case, and shall, at that time or as soon thereafter as may be, declare by order the decision of the board—(1) As to whether the road shall be established in accordance with the report of viewers, or otherwise, or at all, and if the decision of the board be that the road shall be established, and if all persons interested in the lands to be taken have consented to the establishment of said road and have waived their claims to damages therefor, the said board shall, at the same time, make an order finally establishing the road, and shall order that the same be opened in the manner provided by law. If the decision of the board be that the road shall be established, and if any of the persons interested in the lands to be taken therefor shall not have consented to the establishment of the road, or waived their claims for damages therefor, or shall claim damages therefor, said board shall, at that time, by order, declare the amount of damages awarded by such board to each of such persons, and shall order the amount of such award to be set apart in the treasury out of the proper fund, to be paid to the proper owner or claimant upon his showing or establishing his right thereto, and if the awards be accepted

the board of county commissioners shall make an order finally establishing such road, and directing that the same be opened in the manner provided by law.

SEC. 13. If any award of damages is not accepted within thirty days from the date of the award, it shall be deemed rejected, and the board must then, by order, direct proceedings to procure the right-of-way to be instituted in the superior court of the county by the county attorney of the county, in the manner provided by law for the taking of private property for public use, and to that end are hereby authorized to institute and maintain in the name of the county the proceedings provided in chapter 6, title 9, of the Code of Procedure of the State of Washinton, volume 2, as arranged and annotated by Wm. Lair Hill; and when under such proceedings the right-of-way is procured, said board shall declare the road finally established, and shall order that the same be opened in the manner provided by law.

Rejection of awards and subsequent procedure.

SEC. 14. Before causing condemnation proceedings to be instituted in the superior court as hereinbefore provided, it shall be the duty of the county commissioners to tender to each person interested in the land to be appropriated for the public highway as hereinbefore provided, such amount as in the judgment of such county commissioners such person is justly entitled to, and in case a tender cannot be made by reason of the absence of such non-consenting land owner or person whose property is taken or damaged as hereinbefore provided, a warrant shall be drawn in the name of the county auditor, who shall cash the same and deposit said cash with the clerk of the court of the county wherein the road to be laid out and opened is located.

Tender of award.

SEC. 15. The warrant hereinbefore provided for shall be drawn upon the general road and bridge fund: *Provided, however,* That if there is not sufficient money in said fund at any time to pay any warrant so drawn in full, said county commissioners shall provide a special fund for the purpose of paying such warrants, and shall cause such warrant to be drawn on such special fund.

Award, how paid.

SEC. 16. Whenever any warrant is drawn upon said general road and bridge fund for the purposes herein speci-

Duty of treasurer.

fied, it shall be the duty of the clerk of the board of county commissioners to notify the county treasurer of the date and the amount of each such warrant, and in case the said warrant is not accepted by the person to whom it is tendered, at the time of tender, the county treasurer shall set apart from the general road and bridge fund, a sum sufficient to pay such warrant with one year's interest thereon at the rate of eight per cent. per annum, and said fund shall be kept intact until the claim of damages of the person in whose favor said warrant is drawn has been settled either by agreement or condemnation proceeding as hereinbefore provided.

Costs.

SEC. 17. When condemnation proceedings are instituted as hereinbefore provided against any person to whom tender has been made, and such person shall fail in such proceedings to recover judgment for a greater sum than the amount so tendered him, all costs of such condemnation proceedings shall be taxed against such non-consenting owner.

SEC. 18. The act approved March 9th, 1893, entitled "An act providing for viewing, laying out and surveying public roads, and providing for the award of damages in the location of said roads, and declaring an emergency," is hereby repealed: *Provided*, That such repeal shall in no manner affect pending proceedings which may be perfected under the laws now in force on the subject matter of this act.

SEC. 19. Whereas, the existing laws relating to the viewing, laying out, surveying and establishing county roads are deemed defective, and the subject is one of great importance, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the senate February 28, 1895.

Passed the house March 1, 1895.

Approved March 11, 1895.

## CHAPTER LI.

[S. B. No. 49.]

AMENDING THE ACT RELATING TO THE STATE BOARD  
OF HORTICULTURE.

AN ACT relating to the state board of horticulture, amending sections six, seven, eight and ten of the act approved February 16, 1891, entitled "An act to create a state board of horticulture and appropriate money therefor, and declaring an emergency, and providing a penalty for a violation of the provisions of this act."

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

SECTION 1. Section 6 of said act is hereby amended to read as follows: Sec. 6. For the purpose of preventing the spread of contagious diseases among fruit, fruit trees and orchards, and for the prevention, treatment, cure and extirpation of fruit pests, fungus growths and the disease of fruits, fruit trees and orchards, and for the disinfection of grafts, scions or orchard debris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits and fruit trees, said board shall make regulations for the inspection and disinfection and quarantining thereof, which regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the state, and shall be published three times in each of three papers of general circulation, located in three different parts of the state, and shall be posted in three conspicuous places in each county, one of which shall be at the county court house thereof. Any violation of said regulations shall be deemed a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be a charge upon the real property of the person convicted and on the property, on account of the infection of which, or the failure to disinfect which, said conviction is had.

SEC. 2. Section 7 of said act is hereby amended to read as follows: Sec. 7. Each member of the board shall be an inspector of fruit pests for his respective district. He shall inspect or cause to be inspected, at least once a year each

Duties of  
the board.Notices, how  
given.

Penalties.

District in-  
spectors,  
duties of.

county of his district and inspect and investigate the needs and requirements of the horticultural and kindred industries of his district. And for the purpose of carrying out this provision each of said inspectors in his own district shall have power to appoint in each county of said district a deputy inspector with full powers to act in the place of said inspector for said district, such appointment of deputies may be made and revoked at the pleasure of the said inspector, and for such length of time only as he shall deem absolutely necessary. The deputy inspector shall receive for his services the sum of two dollars and fifty cents (\$2.50) per day for each day actually and necessarily employed. It shall be the duty of each member to see that the laws of the state pertaining to horticulture and also the rules and regulations of the board, be made known and are strictly enforced, to prevent the spread of fruit pests and diseases of trees and plants injurious to the horticultural interests of the state, and for the disinfection of fruits, trees, plants, vines, grafts, scions, orchard debris, empty fruit boxes and other material. Each member of the board, upon his own motion, or upon complaint made to him by any person, shall inspect orchards, gardens, hop fields, nurseries, storerooms, fruit stands or other places suspected or believed to be infected by fruit pests, or infested with contagious diseases injurious to trees, plants, or fruits. He shall make a full report to the board at each meeting in April and October of each year, as to the condition of his respective district, in regard to the horticultural interests therein; but no member shall devote more than sixty days' time each year upon his own motion, unless exceedingly urgent necessity demands it, which must be determined by the board. Each member shall receive the same compensation when attending to the duties of inspector in his district, and mileage actually paid out shall be allowed, as received when attending the meetings of the board. The secretary, under the direction of the board, may exercise throughout the state any power in this act conferred on each member of the board, as inspector of pests.

Deputies' salaries.

Reports submitted, when.

Inspection, when made.

SEC. 3. Section 8 of said act is hereby amended to read as follows: Sec. 8. Whenever a member of the board,

upon his own motion, shall make complaint, or when complaint is made by any person to a member of the board, or a member of the board suspects that any person or persons, company or corporation has an orchard, trees or nursery of trees, vineyard or garden, fruit packing house, storeroom, or that any other place in the state is infested with any noxious insects, the eggs or larvæ of any such insects, or that any package of trees, plants or fruits are in transit to this state, or about to be disseminated, which are known or suspected to be from localities that are infested with any disease or pest, injurious, or that may become injurious, to the fruit interests of the state, such member, if he has not already inspected the premises or property, shall inspect the premises or property so complained of, or suspected as aforesaid, and if the same is found to be infested as aforesaid, such member shall notify in writing the owner or his agent, or the person in charge of the same, to treat and disinfect said premises or property within a time and in a manner to be prescribed in said notice. If any person so notified shall neglect or refuse to disinfect said premises or property in the manner and in the time prescribed in said notice, the person so notified shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), in addition to the cost of the action, which fine and cost shall be a lien and charge upon said premises or property, and if the party convicted shall thereafter neglect or refuse to disinfect said premises or property, said failure, neglect or refusal for the period of five days shall be deemed a new offense, and shall subject the party committing it to conviction in like manner and with like penalty and costs as in the first offense. The penalty and costs of such action or actions, upon being docketed in the superior court, shall be a judgment lien upon all real property of the party convicted, and shall bear legal interest until paid: *Provided, however,* That the court may, in its discretion, upon conviction, declare the premises and property infected a nuisance and order the same abated, the costs of

Penalty for  
failure to  
disinfect.

the same to become a judgment against the real property as before mentioned.

Penalty for im-  
porting dis-  
eased stock.

SEC. 4. Section 10 of said act is hereby amended to read as follows: Sec. 10. Any person or persons who shall bring into the state, sell, offer for sale, distribute or give away fruit trees, plants, shrubs, fruit or other material infested with the injurious insect popularly known as the San José scale (*Aspidiotus perniciosus*), or any other live or injurious insect of this species, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than sixty days nor more than one year: *Provided*, That for each repeated offense the person or persons convicted, as aforesaid, may be punished by a fine of one hundred dollars (\$100), or by imprisonment not to exceed two years. Any person or persons who shall sell, offer for sale, distribute or give away any tree or trees, root or roots, grafts, cuttings or scions, infested with the injurious insect popularly known as the woolly aphis (*Lanigera*) shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than thirty days nor more than one year. Any nursery trees, shrubs or plants which have been shipped to any place within the state for distribution, or for planting, and which are infested with any injurious insects, shall be disinfected under the direction of a member of the board, or some person designated by such member, and the cost of said disinfection shall be charged to the owner of said articles, and shall become a lien on said trees, shrubs or plants until paid: *Provided*, That if the cost of said disinfection is more than five dollars (\$5) the expenses shall not exceed the rate of five cents per tree; and said lien to be foreclosed upon like notice as in the case of the sales of personal property on execution.

Diseased  
stock; dis-  
position of.

SEC. 5. No person, firm or corporation, shall engage or continue in the business of selling within the state, or importing fruit trees, plants or nursery stock into this state,

without first having obtained a license to do business in this state, as in this act provided.

SEC. 6. Any person, firm or corporation, may obtain a License; how obtained. license to engage in the business of selling fruit trees, plants or nursery stock into this state, by filing with the secretary of the state board of horticulture, bond, with sureties to be approved by the said board of horticulture, in the sum of three thousand dollars (\$3,000) conditioned that the principals will faithfully obey the provisions of this act and the laws of the State of Washington, and that the said principals will pay the cost of inspection and destruction of all infested nursery stock or other material or goods imported into, or sold within this state by the said principal or his or their agent. Licenses granted under this act shall be for two years or less at the discretion of the commissioner.

SEC. 7. It shall be the duty of every person, firm or corporation licensed to do business under this act to notify the Notice of nursery shipments. secretary of the state board of horticulture of his intention to ship an invoice of fruit trees, plants or nursery stock from one point to another in this state, or from any point without this state into this state. The said notice shall contain the name and the address of both the consignor and consignee and the invoice of the goods to be shipped, the freight or express office at which the goods are to be delivered and the name or title of the transportation company from whom the consignee is to receive such goods. Such notice shall be mailed at least twenty-four hours before the day of such shipment.

SEC. 8. Any person, firm or corporation who shall sell Penalty. within this state, or import into this state, any fruit trees, plants or nursery stock in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offense in any sum not less than twenty-five nor more than one hundred dollars.

SEC. 9. Any person who shall offer for sale, or solicit Penalty. persons to purchase from him, any fruit trees, plants or nursery stock belonging to any firm not licensed under the provisions of this act, shall be deemed guilty of a misde-

meanor and fined in any sum not exceeding one hundred dollars (\$100). All fines imposed for violation of the provisions of this act shall be paid to the treasurer of the county wherein the violation was committed, and be placed to the credit of the school fund of such county.

SEC. 10. Inasmuch as there is great danger to the fruit and horticultural interests of the state from the importation of fruit pests and other causes, for which the law does not fully provide: therefore, an emergency exists, and this act shall take effect immediately.

Passed the senate February 20, 1895.

Passed the house March 5, 1895.

Approved March 11, 1895.

## CHAPTER LII.

[S. B. No. 220.]

### PENALTY FOR OBSTRUCTING RAILROADS.

AN ACT prescribing punishment for obstructing railroads, railroad trains, railroad tracks, street cars and street car tracks, and to protect the passengers and employes riding upon or persons near any train or car in this state.

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

Penalty for obstructing track.

SECTION 1. Any person or persons who shall wilfully or maliciously place any obstruction on any railroad track or road bed, or street car track in this state, or who shall loosen, tear up, remove or misplace any rail, switch, frog, guard rail, cattle guard, or any part of such railroad track or road bed, or street car track, or who shall tamper with or molest any such road, road bed or track, or who shall destroy or damage any locomotive, motor or car on said track, or who shall otherwise interfere with the maintenance or operation of such road so as to endanger the safety of any train, car, motor or engine, or so as to endanger or injure any passenger or person riding thereon, or being about the same, shall, upon conviction thereof, be punished

by imprisonment in the penitentiary for any term not exceeding twenty years nor less than one year.

SEC. 2. Any person or persons who shall, within this state, wilfully or maliciously place any obstruction upon any railroad track or road bed, or street car track, or shall misplace, remove, obstruct, detach, damage or destroy any rail, switch, frog, guard rail, cattle guard or any other part of such railroad, track or road bed, or street car track, or who shall otherwise interfere with the maintenance and operation of such road, thereby causing the death of any person, whether passenger or employé of such railroad or street railway or otherwise, shall, upon conviction thereof, be deemed guilty of a felony and shall be punished as for murder in the first degree.

Penalty where death results.

Passed the senate February 26, 1895.

Passed the house March 8, 1895.

Approved March 11, 1895.

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## CHAPTER LIII.

[H. B. No. 74.]

### RELATING TO BONDS OF COUNTY CLERKS.

AN ACT relating to the bonds of county clerks, and declaring an emergency.

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

SECTION 1. That every county clerk, before he enters on the duties of his office, shall enter into bond, payable to the State of Washington, with good and sufficient sureties, as provided by law for other county officers, the amount to be fixed and the bond to be approved by the judge or a majority of the judges presiding over the court of which he is clerk. The bond shall be conditioned that he will faithfully perform the duties of his office, and account for and pay over all moneys which may come into his hands by virtue of his office, and that he, his executors

Bond of clerks.

or administrators will deliver to his successor, safe and undefaced, all books, records, papers, seals, apparatus and furniture belonging to his office, and cause said bond to be filed in the office of the county treasurer of his said county, after it has been recorded in a book kept for that purpose by the county auditor.

Bond;  
amount of.

SEC. 2. That the bond of said county clerk shall in no case be in a penal sum less than double the amount of money which said judge or judges, or a majority of them, may, by order of said court entered on the records of said court, fix upon as liable to come into his hands as clerk; and it shall be the duty of the judge or judges of the court of which he is clerk to require that said bond be sufficient, and in a penal sum double the amount of moneys liable to come into the hands of said clerk.

Vacancies de-  
clared, when.

SEC. 3. When the judge or judges of any court, or a majority of them, shall believe that the clerk of said court has not a good and sufficient bond on file, or that said bond is not large enough in amount, as herein required, the said judge or judges shall enter an order requiring him, within such time as may be specified in said order, to execute and present to said judge or judges a good and sufficient bond, as hereinbefore described, in such sum as may be fixed by said order; and in case of his failure to make and file said bond within ten days from the expiration of the date fixed by said order for the making of the same, it shall be the duty of the judge or judges of said court to declare the office of said county clerk vacant.

Notice given  
clerks, how.

SEC. 4. It shall be the duty of the superior court of each county in this state, through its judge or judges, to make an order upon the going into effect of this act, requiring the county clerk of such superior court, in office at said time, to make and file, as above provided, a bond as such county clerk, within such time and in such amount as may be fixed by said order of court; and upon the failure of such county clerk to comply with the requirements of said order within thirty days from the expiration of the period fixed thereby for the filing of said bond, it shall be the duty of said superior court, through its judge or judges, to declare the office of such county clerk vacant.

SEC. 5. Whereas, the existing laws do not provide an adequate method for bonds to be given by county clerks, and the public interests require that such method should be forthwith provided, an emergency is hereby declared, and this act shall take effect from and after its passage and approval.

Passed the house February 25, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

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## CHAPTER LIV.

[H. B. No. 265.]

### CHANGING NAME OF SQUIRE CITY TO SPRINGDALE.

AN ACT changing the name of Squire City, Stevens county, Washington, to Springdale.

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

SECTION 1. That the name of Squire City, located in Stevens county, Washington, be and the same is hereby changed to Springdale.

Passed the house March 1, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

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## CHAPTER LV.

[H. B. No. 177.]

### PUBLICATION OF THE REPORTS OF THE SUPREME COURT.

AN ACT to provide for the publication and sale of the Washington supreme court reports, and to provide for the sale of the stereotyped plates of vols. 1 to 9, inclusive, of Washington supreme court reports.

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

SECTION 1. The reports of the supreme court of the State of Washington shall be published in volumes of not

less than seven hundred (700) pages. The style of type used, the general typography and binding shall be equal in quality and generally similar to that used in volume three (3) of the Washington state reports. The paper used shall be the regular book paper of not lighter weight than 60 pounds.

SEC. 2. The reporter shall have no pecuniary interest in the volumes of reports, but they must be published under the supervision of the supreme court and reporter, by contract entered into by the reporter with Bancroft-Whitney Company, of Seattle, Washington, for a period of ten years: *Provided*, Said Bancroft-Whitney Company shall agree:

*First.* That the manufacture of the volumes of said report shall be done within the State of Washington.

*Second.* That the volumes, or any portion thereof, or any notes, indexes or tables of contents that may be published in connection therewith shall not be copyrighted.

*Third.* That said Bancroft-Whitney Company, of Seattle, Washington, shall agree to furnish three hundred (300) copies of each of said volumes to the State of Washington, for the sum of seven hundred and fifty dollars (\$750).

SEC. 3. The contract must require said Bancroft-Whitney Company to print and publish each volume within sixty days from the time at which the manuscript is delivered by the reporter. The said contract must, also, require the publishers:

*First.* To sell three hundred (300) copies of each volume, as published, to the state at the price of two dollars and fifty cents per volume, or seven hundred fifty dollars for the three hundred (300) copies.

*Second.* To keep on hand and for sale, at the price of two dollars and fifty cents per volume, a sufficient number of copies of each volume to supply all demands for ten years from publication thereof.

*Third.* To make stereotype plates of each volume, to the end that the same may never be out of print.

*Fourth.* To give bonds for the fulfillment of the terms of the contract in the sum of ten thousand dollars.

SEC. 4. On the publication of each volume of the reports the secretary of state must purchase for the use of the state three hundred (300) copies of said volumes at the price named in the contract, and after having distributed the same as required by law, shall deposit the surplus copies, if any there be, in the state library.

SEC. 5. The secretary of state is hereby authorized to sell to said Bancroft-Whitney Company, of Seattle, Washington, the stereotyped plates of volumes 1 to 9, inclusive, of Washington supreme court reports, upon the following conditions.

*First.* Whenever the number of copies of any of said volumes on hand in the secretary's office shall reach the minimum number of one hundred (100) then the secretary shall sell the plates of such volume or volumes at the actual cost of the same to the State of Washington, as shown by the item on the original bill from the state printer.

*Second.* That said Bancroft-Whitney Company will enter into a contract with the secretary of state to reprint such volume or volumes at once, and to keep on hand and for sale, for not less than ten years, a sufficient number of copies to supply all demands from the state and public, at the uniform price of two dollars and fifty cents (\$2.50) per volume.

Passed the house March 5, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

## CHAPTER LVI.

[H. B. No. 213.]

## TO PROVIDE FOR THE FORMATION OF JOINT SCHOOL DISTRICTS.

AN ACT to provide for the formation of joint school districts, and to prescribe the minimum number of school children required for the formation of new school districts, and declaring an emergency.

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

SECTION 1. Where the public good requires it, a school district may be formed of contiguous territory lying in two or more adjoining counties, and such districts shall be known as joint districts. They shall be designated by a separate number for each county in which any portion of their territory may lie.

Formation of  
joint district.

SEC. 2. For the purposes of forming such joint districts, a petition shall be presented, drawn and signed as prescribed for the formation of other school districts; but such petition shall be presented in duplicate to the superintendent of each county affected by the proposed district, and the superintendent of each such county shall post notices of the hearing of the petition before him as in the case of petitions for other districts: *Provided*, That at least one notice shall be posted in each county affected, such notice being posted in a public place within the boundaries of the proposed joint district. Each county superintendent shall conduct his hearing within his own county, and the consent of the superintendents of all the counties affected shall be necessary to the formation of the district. Such consent shall be certified in writing by each superintendent to each of the others, and when all have consented they shall jointly issue a call for a special election in such joint district for the purpose of selecting officers for said district. The call for such election shall be posted as in the case of other special elections, and the officers elected shall qualify within two days after the election. Such officers shall serve only until the next regular annual election, when a full set of officers shall be elected as provided

in the case of other new districts. Every director or clerk of a joint district shall file his certificate of election and oath of office with the county superintendent of each county in which any portion of his district lies, and he shall file his signature as required by law in the office of the county treasurer of each such county. Vacancies in the office of director or clerk of a joint district shall be filled by appointment by the county superintendent in whose county the officer vacating resided while serving, and a copy of such appointment, with the oath endorsed thereon, shall be filed in the office of each county superintendent. <sup>Vacancies,  
how filled.</sup>

SEC. 3. All reports from joint districts shall be made in full to the county superintendent of each county affected thereby: *Provided*, That any county superintendent may order the segregation of any items of such report so as to show separately the numbers or amounts from each county affected thereby.

SEC. 4. A teacher's certificate received from the examiners or county superintendent of any county in which any portion of a joint district may lie, shall entitle such teacher to teach in said joint district and to draw pay from the treasury of any county in which any portion of such district may lie.

SEC. 5. An emergency is hereby declared to exist, and this act shall be in full force and effect upon its approval by the governor.

Passed the house February 21, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

## CHAPTER LVII.

[H. B. No. 343.]

## RELIEF OF G. A. BARNES.

AN ACT for the relief of George A. Barnes, and making an appropriation therefor.

WHEREAS, On April fifteenth, eighteen hundred and sixty-one, the territorial board of university regents sold to Nelson Barnes of Thurston county, Territory of Washington, the N. E.  $\frac{1}{4}$  of N. W.  $\frac{1}{4}$  and N. W.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  sec. 31, township seventeen north, range one west, Willamette meridian, for the consideration of seventy-seven dollars and nineteen cents (\$77.19); and

WHEREAS, On December 12, 1863, the honorable commissioner of the general land office, Washington, D. C., cancelled the selection of said tracts by the territorial board of university regents, and the title thereto has never been made good; and

WHEREAS, The consideration with interest named has never been repaid as authorized by "An act for the relief of *bona fide* purchasers of school or university lands heretofore sold under the authority of laws enacted by the Territory of Washington;" and

WHEREAS, George A. Barnes, of Olympia, Washington, is the successor in interest of the said Nelson Barnes: therefore,

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

That the sum of two hundred and eighty-four dollars and fifty cents is hereby appropriated out of the state treasury not otherwise appropriated, to pay George A. Barnes, and the auditor is hereby authorized and directed to draw his warrant on the state treasurer for said sum in favor of said George A. Barnes.

Passed the house March 4, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

## CHAPTER LVIII.

[H. B. No. 452.]

## RELIEF OF THOMAS WEBB.

AN ACT for the relief of Thomas Webb for failure of title to land purchased by him of the Territory of Washington, and making an appropriation therefor.

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

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of two hundred and fourteen dollars and sixty-five cents (\$214.65) for the relief of the said Thomas Webb.

SEC. 2. That the state auditor is hereby authorized and instructed to draw a warrant on the state treasurer in favor of said Thomas Webb for the said sum of two hundred fourteen dollars and sixty-five cents, and the state treasurer is directed to pay said warrant out of any money in said treasury not otherwise appropriated.

Passed the house March 4, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

## CHAPTER LIX.

[H. B. No. 466.]

## RELIEF OF L. B. ANDREWS.

AN ACT for the relief of L. B. Andrews, and making an appropriation therefor.

WHEREAS, L. B. Andrews, on the 15th day of December, 1864, purchased of the university commissioners of the Territory of Washington, certain land donated to said territory by the United States, and selected by said commissioners, and sold under the provisions of an act of the territorial legislature, passed January 11th, 1861; and

WHEREAS, On said day the said L. B. Andrews paid to said commissioners the sum of one hundred and twenty dol-

lars (\$120), the purchase price of said land, the same being one dollar and fifty cents per acre therefor; and

WHEREAS, Under an act of the legislature, passed March 28th, 1890, the said L. B. Andrews is entitled to have said sum refunded, with interest at the legal rate from said sale, the State of Washington being unable to confirm the title to said land: now, therefore,

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

SECTION 1. That there is hereby appropriated from any money in the state treasury not otherwise appropriated the sum of four hundred and ten dollars and forty cents (\$410.40) for the relief of said L. B. Andrews.

SEC. 2. That the state auditor is hereby authorized and directed to draw a warrant upon the state treasurer in favor of said L. B. Andrews for said amount, and the said treasurer is directed to pay said warrant out of any money in said treasury not otherwise appropriated.

Passed the house March 4, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

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## CHAPTER LX.

[H. B. No. 216.]

### APPROPRIATION FOR CONSTRUCTION OF CAPITOL BUILDING.

AN ACT to amend section 15 of chapter CXXXVIII of the Session Laws of 1893, entitled "An act to provide for the location and erection of a capitol building, and providing an appropriation therefor."

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

SECTION 1. That section 15 of chapter CXXXVIII of the Laws of Washington of the session of 1893, be amended to read as follows: Sec. 15. In order to carry out the provisions of this act there is hereby created a fund to be known as the "state capitol building fund," into which

fund shall be paid the proceeds of all money derived from the sales of land granted to the State of Washington for the purpose of erecting public buildings at the state capitol, from which fund there is hereby appropriated the sum of nine hundred and thirty thousand dollars: *Provided*, That no appropriation shall be made from any fund except the fund derived from the sale of lands granted for erecting public buildings at the state capitol: *Provided further*, That any future contract shall be for the completion of the building according to the plans and specifications, adopted by the capitol building commission, and shall be paid for in warrants on said state capitol building fund.

Passed the house March 6, 1895.

Passed the senate March 8, 1895.

Approved March 13, 1895.

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## CHAPTER LXI.

[H. B. No. 197.]

### TAXATION OF MIGRATORY STOCK.

AN ACT to provide for the assessment and taxation of migratory stock, and declaring an emergency.

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

SECTION 1. That when any cattle, horses, sheep or goats are driven into any county of this state 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 assessor 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 assessed in some other county in this state 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 operation of section one of this act.

SEC. 3. Whereas, an emergency exists, this act shall be in force on and after its passage and approval by the governor.

Passed the house March 8, 1895.

Passed the senate March 11, 1895.

Approved March 13, 1895.

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## CHAPTER LXII.

[H. B. No. 472.]

### SETTING ASIDE CERTAIN SCHOOL LANDS FOR THE USE OF AMERICAN PATRIOTIC MEMORIAL COLLEGE.

AN ACT providing for the setting aside of certain school lands to the use and for the benefit of the American Patriotic Memorial College.

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

SECTION 1. That all the lands now owned by the State of Washington heretofore granted to said state, for educational purposes, in township No. 38 N., R. 2 E., W. M., in the county of Whatcom, State of Washington, shall be appraised and sold at auction, as required by law, and bid in by the governor of said state, or his order. That said lands shall be held in trust for the use and benefit of the American Patriotic Memorial College, a corporation existing under and by virtue of the laws of the State of Washington, and that said lands shall not be available for the use and benefit of said college until the aforesaid incorporated association, composed of soldiers, sailors, marines and those engaged in the life saving service, including the

Union and Confederate soldiers of the late war of the rebellion from 1861-5 and their descendants, have deposited in the treasury of the United States the sum of one million dollars, to be held in trust by the treasurer of the United States, subject to the rules and regulations as specified in congressional senate bill No. 2311, introduced by Senator Squire in the 53d congress, second session, providing for the establishment and maintenance of a college for the education of the daughters of all soldiers, sailors, marines and those engaged in the life saving service, including both the Union and Confederate soldiers of the civil war of the rebellion from 1861-5, and the descendants of soldiers, sailors, marines and those engaged in the life saving service of all other wars in which the United States has been or may hereafter be engaged.

SEC. 2. That the State of Washington shall hold said lands in trust for the use and benefit of said association for the term of five years from the date of sale, at which time the trustees of said Patriotic Memorial College shall pay to the state treasurer of said state the full amount of the purchase price for said lands, and shall be entitled to a good and sufficient deed therefor, and in default of the payment for said lands by said association, as above stated, this act shall become null and void.

Passed the house March 2, 1895.

Passed the senate March 9, 1895.

Approved March 13, 1895.

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## CHAPTER LXIII.

[S. B. No. 302.]

### BONDING UNIVERSITY LANDS.

AN ACT providing for the bonding of the lands of the University of Washington, and declaring an emergency.

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

SECTION 1. There is hereby created in the state treasury a fund to be known as the "University of Washington

fund," into which fund shall be paid all proceeds from the sales of lands granted to the State of Washington by the United States for the university, and also the proceeds from the sales of all lands acquired by the said university by purchase or donation.

SEC. 2. That for the purpose of refunding to the State of Washington the moneys appropriated for the erection and support of the said university there is hereby appropriated from this said "University of Washington fund," to be paid into the general fund of the state, the following sums, to wit: One hundred and fifty thousand dollars (\$150,000), appropriated by the legislative session of 1893 for the erection of buildings and the preparation of the new grounds; fifty thousand dollars (\$50,000), appropriated by the legislative session of 1895 for the same or similar purposes; twenty-five thousand dollars (\$25,000), being a portion of the sum appropriated by the legislative session of 1895 for the support or maintenance of the said university; making a total appropriation herein of two hundred and twenty-five thousand dollars (\$225,000).

Bonds au-  
thorized.

SEC. 3. For the purpose of anticipating the fund out of which the foregoing appropriation is provided to be paid, the governor, state auditor and state treasurer are hereby authorized to make a loan of two hundred and twenty-five thousand dollars (\$225,000) upon the bonds of the state, to be signed by the governor and attested by the secretary of state, under the seal of the state, and countersigned and registered by the state auditor. Said bonds shall be of denomination of not less than one thousand dollars (\$1,000) each, and shall, on their face, be made payable at any time after five years and within fifteen years from their date, at the option of the state, at the office of the state treasurer; shall bear interest at the rate of four (4) per cent. per annum, which interest shall be payable semi-annually out of the fund provided for in section one of this act, and no primary or secondary application for the payment of said bonds, except out of the aforesaid fund, is intended to be created by this act. Said bonds shall not be sold for less than par. If at any time there is not sufficient money in the aforesaid fund to defray the interest charges when due,

the state shall pay said interest out of the general fund, which general fund shall be repaid such interest payments out of the first moneys paid into the said "University of Washington fund."

SEC. 4. In order to refund the moneys appropriated for university purposes to the general fund, as herein specified, at as early a date as possible, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after the date of its approval by the governor.

Passed the senate March 5, 1895.

Passed the house March 11, 1895.

Approved March 13, 1895.

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## CHAPTER LXIV.

[S. B. No. 28.]

### DEFINING A HOMESTEAD.

AN ACT defining a homestead, and providing for the manner of the selection of the same.

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

SECTION 1. The homestead consists of the dwelling house, in which the claimant resides, and the land on which the same is situated, selected as in this act provided.

SEC. 2. If the claimant be married the homestead may be selected from the community property, or the separate property of the husband, or, with the consent of the wife, from her separate property. When the claimant is not married, but is the head of a family within the meaning of section 25 of this act, the homestead may be selected from any of his or her property.

SEC. 3. The homestead cannot be selected from the separate property of the wife without her consent, shown by her making the declaration of homestead.

SEC. 4. The homestead is exempt from execution or forced sale, except as in this act provided.

SEC. 5. The homestead is subject to execution or forced sale in satisfaction of judgments obtained —

1. On debts secured by mechanics', laborers' or vendors' liens upon the premises.

2. On debts secured by mortgages on the premises executed and acknowledged by the husband and wife, or by an unmarried claimant.

SEC. 6. The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both husband and wife.

SEC. 7. A homestead can be abandoned only by a declaration of abandonment, or a grant thereof, executed and acknowledged —

1. By the husband and wife if the claimant is married.

2. By the claimant, if unmarried.

SEC. 8. A declaration of abandonment is effectual only from the time it is filed in the office in which the homestead was recorded.

SEC. 9. When the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in section five is levied upon the homestead, the judgment creditor may apply to the superior court of the county in which the homestead is situated for the appointment of persons to appraise the value thereof.

SEC. 10. The application must be made upon verified petition, showing —

1. The fact that an execution has been levied upon the homestead.

2. The name of the claimant.

3. That the value of the homestead exceeds the amount of the homestead exemption.

SEC. 11. The petition must be filed with the clerk of the superior court.

SEC. 12. A copy of the petition, with a notice of the time and place of hearing, must be served upon the claimant at least ten days before the hearing.

SEC. 13. At the hearing the judge may, upon the proof of the service of a copy of the petition and notice and of the facts stated in the petition, appoint three disinterested

resident freeholders of the county to appraise the value of the homestead.

SEC. 14. The persons appointed, before entering upon the performance of their duties, must take an oath to faithfully perform the same.

SEC. 15. They must view the premises and appraise the value thereof, and if the appraised value exceeds the homestead exemption, they must determine whether the land claimed can be divided without material injury.

SEC. 16. Within fifteen days after their appointment they must make to the court a report in writing, which report must show the appraised value and their determination upon the matter of a division of the land claimed.

SEC. 17. If, from the report, it appears to the court that the land claimed can be divided without material injury the court must, by an order, direct the appraisers to set off to the claimant so much of the land including the residence, as will amount in value to the homestead exemption, and the execution may be enforced against the remainder of the land.

SEC. 18. If, from the report, it appears to the court that the land claimed exceeds in value the amount of the homestead exemption and that it cannot be divided, the court must make an order directing its sale under the execution.

SEC. 19. At such sale no bid must be received unless it exceeds the amount of the homestead exemption.

SEC. 20. If the sale is made, the proceeds thereof, to the amount of the homestead exemption, must be paid to the claimant and the balance applied to the satisfaction of the execution.

SEC. 21. The money paid to the claimant is entitled to the same protection against legal process and the voluntary disposition of the husband which the law gives to the homestead.

SEC. 22. The compensation of the appraisers shall be two dollars per day each.

SEC. 23. The execution creditor must pay the costs of these proceedings in the first instance; but in the case provided for in sections seventeen and eighteen the amount so

paid must be added as costs on execution, and collected accordingly.

SEC. 24. Homesteads may be selected and claimed in lands and tenements with the improvements thereon, not exceeding in value the sum of two thousand dollars. The premises thus included in the homestead must be actually intended and used for a home for the claimants, and shall not be devoted exclusively to any other purposes.

SEC. 25. The phrase "head of the family," as used in this act, includes within its meaning —

1. The husband or wife, when the claimant is a married person.

2. Every person who has residing on the premises with him or her, and under his or her care and maintenance, either —

1. His or her minor child or the minor child of his or her deceased wife or husband.

2. A minor brother or sister or the minor child of a deceased brother or sister.

3. A father, mother, grandmother or grandfather.

4. The father, mother, grandfather or grandmother of deceased husband or wife.

5. An unmarried sister, or any other of the relatives mentioned in this section who has attained the age of majority, and are unable to take care of or support themselves.

SEC. 26. In case of a homestead; if either the husband or wife shall become hopelessly insane, upon application of the husband or wife not insane to the superior court of the county in which the homestead is situated, and upon due proof of such insanity, the court may make an order permitting the husband or wife not insane to sell and convey or mortgage such homestead.

SEC. 27. Notice of the application for such order shall be given by publication of the same in a newspaper published in the county in which such homestead is situated, if there be a newspaper published therein, once each week for three successive weeks prior to the hearing of such application, and a copy of such notice shall be served upon the nearest male relative of such insane husband or wife,

resident in this state, at least three weeks prior to such application, and in case there be no such male relative known to the applicant, a copy of such notice shall be served upon the prosecuting attorney of the county in which such homestead is situated; and it is hereby made the duty of such prosecuting attorney, upon being served with a copy of such notice, to appear in court and see that such application is made in good faith, and that the proceedings thereon are fairly conducted.

SEC. 28. Thirty days before the hearing of any application under the provisions of this act, the applicant shall present and file in the court in which such application is to be heard a petition for the order mentioned, subscribed and sworn to by the applicant, setting forth the name and age of the insane husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; and such facts in addition to that of the insanity of the husband or wife relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition.

SEC. 29. If the court shall make the order provided for in the twenty-sixth section of this act, the same shall be entered upon the minutes of the court, and thereafter any sale, conveyance [or] mortgage made in pursuance of such order shall be as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance or mortgage in fee simple.

SEC. 30. In order to select a homestead the husband or other head of a family, or in case the husband has not made such selection, the wife must execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of homestead, and file the same for record.

SEC. 31. The declaration of homestead must contain —

1. A statement showing that the person making it is the head of a family; or when the declaration is made by the wife, showing that her husband has not made such declaration, and that she therefore makes the declaration for their joint benefit.

2. A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead.

3. A description of the premises.

4. An estimate of their actual cash value.

SEC. 32. The declaration must be recorded in the office of the auditor of the county in which the land is situated.

SEC. 33. From and after the time the declaration is filed for record the premises therein described constitute a homestead. If the selection was made by a married person from the community property, the land, on the death of either of the spouses, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this act; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to his heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent; but in no case shall it be held liable for the debts of the owner, except as provided in this act.

Passed the senate March 5, 1895.

Passed the house March 8, 1895.

Approved March 13, 1895.

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## CHAPTER LXV.

[S. B. No. 62.]

### RELATING TO SPECIAL PROCEEDINGS OF A CIVIL NATURE.

AN ACT regulating special proceedings of a civil nature.

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

SECTION 1. The party prosecuting a special proceeding may be known as the plaintiff and the adverse party as the defendant.

SEC. 2. A judgment in a special proceeding is the final determination of the rights of the parties therein. The definitions of a motion and an order in a civil action are applicable to similar acts in a special proceeding.

SEC. 3. The writ of certiorari may be denominated the writ of review.

SEC. 4. A writ of review shall be granted by any court, except a police or justice court, when an inferior tribunal, board or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board or officer, or one acting illegally, or to correct any erroneous or void proceeding, or a proceeding not according to the course of the common law, and there is no appeal, nor in the judgment of the court, any plain, speedy and adequate remedy at law.

SEC. 5. The application must be made on affidavit by the party beneficially interested, and the court may require a notice of the application to be given to the adverse party, or may grant an order to show cause why it should not be allowed, or may grant the writ without notice.

SEC. 6. The writ may be directed to the inferior tribunal, board or officer, or to any other person having the custody of the record or proceedings to be certified. When directed to a tribunal the clerk, if there be one, must return the writ with the transcript required.

SEC. 7. The writ of review must command the party to whom it is directed to certify fully to the court issuing the writ, at a specified time and place, a transcript of the record and proceedings (describing or referring to them with convenient certainty), that the same may be reviewed by the court, and requiring the party, in the meantime, to desist from further proceedings in the matter to be reviewed.

SEC. 8. If a stay of proceedings be not intended, the words requiring the stay must be omitted from the writ. These words may be inserted or omitted, in the sound discretion of the court, but if omitted the power of the inferior court or office is not suspended or the proceedings stayed.

SEC. 9. Questions of fact not apparent of record may be presented by bill of exception, and the court shall review

the same, and, in case there is error, shall render such judgment in the case as of right ought to be entered, or reverse and remand the cause for further proceedings.

SEC. 10. The writ may be served as follows, except where different directions respecting the mode of service thereof are given by the court granting it:

1. Where it is directed to a person or persons by name or by his or her official title or titles, or to a municipal corporation, it must be served upon each officer or other person to whom it is directed, or upon the corporation, in the same manner as a summons.

2. Where it is directed to a court, or to the judges of a court, having a clerk appointed pursuant to law, service upon the court or the judges thereof may be made by filing the writ with the clerk.

SEC. 11. If the return of the writ be defective, the court may order a further return to be made. When a full return has been made, the court must hear the parties, or such of them as may attend for that purpose, and may thereupon give judgment, either affirming or annulling or modifying the proceedings below.

SEC. 12. The questions involving the merits to be determined by the court upon the hearing are—

1. Whether the body or officer had jurisdiction of the subject matter of the determination under review.

2. Whether the authority, conferred upon the body or officer in relation to that subject matter, has been pursued in the mode required by law, in order to authorize it or him to make the determination.

3. Whether, in making the determination, any rule of law affecting the rights of the parties thereto has been violated to the prejudice of the relator.

4. Whether there was any competent proof of all the facts necessary to be proved, in order to authorize the making of the determination.

5. If there was such proof, whether there was, upon all the evidence, such a preponderance of proof, against the existence thereof, rendered in an action in a court, triable by a jury, would be set aside by the court, as against the weight of evidence.

SEC. 13. A copy of the judgment signed by the clerk, must be transmitted to the inferior tribunal, board or officer having the custody of the record or proceeding certified up.

SEC. 14. A copy of the judgment signed by the clerk, entered upon or attached to the writ and return, constitute the judgment roll.

SEC. 15. The writ of mandamus may be denominated a writ of mandate.

SEC. 16. It may be issued by any court, except a justice's or a police court, to any inferior tribunal, corporation, board or person, to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station, or to compel the admission of a party to the use and enjoyment of a right or office to which he is entitled, and from which he is unlawfully precluded by such inferior tribunal, corporation, board or person.

SEC. 17. The writ must be issued in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law. It must be issued upon affidavit on the application of the party beneficially interested.

SEC. 18. The writ may be either alternative or peremptory. The alternative writ must state generally the allegation against the party to whom it is directed, and command such party, immediately after the receipt of the writ, or at some other specified time, to do the act required to be performed, or to show cause before the court, at a specified time and place, why he has not done so. The peremptory writ must be in some similar form, except the words requiring the party to show cause why he has not done as commanded must be omitted and a return inserted.

SEC. 19. When the application to the court is made without notice to the party, and the writ be allowed, the alternative must be first issued; and if the application be upon due notice and the writ be allowed, the peremptory writ may be issued in the first instance. The notice of the application, when given, must be at least ten days. The writ cannot be granted by default. The case must be heard by the court, whether the adverse party appear or not.

**Return of writ.** SEC. 20. On the return of the alternative, or the day on which the application for the writ is noticed, the party on whom the writ or notice has been served may show cause by answer, under oath, made in the same manner as an answer to a complaint in a civil action.

**Question of fact, how determined.**

SEC. 21. If an answer be made which raises a question as to a matter of fact essential to the determination of the motion, and affecting the substantial rights of the parties, and upon the supposed truth of the allegation of which the application for the writ is based, the court may, in its discretion, order the question to be tried before a jury, and postpone the argument until such trial can be had, and the verdict certified to the court. The question to be tried must be distinctly stated in the order for trial, and the county must be designated in which the same shall be had. The order may also direct the jury to assess any damages which the appellant may have sustained, in case they find for him.

**Proof submitted.**

SEC. 22. On the trial the applicant is not precluded by the answer from any valid objections to its sufficiency, and may countervail it by proof, either in direct denial or by way of avoidance.

**New trial.**

SEC. 23. The motion for new trial must be made in the court in which the issue of fact is tried.

**Motion for new trial.**

SEC. 24. If no notice of a motion for a new trial be given, or if given, the motion be denied, the clerk, within five days after rendition of the verdict or denial of the motion, must transmit to the court in which the application for the writ is pending, a certified copy of the verdict attached to the order of trial, after which either party may bring on the argument of the application, upon reasonable notice to the adverse party.

**Answer.**

SEC. 25. If no answer be made, the case must be heard on the papers of the applicant. If the answer raises only questions of law, or puts in issue immaterial statements not affecting the substantial rights of the party, the court must proceed to hear or fix a day for hearing the argument of the case.

**Damages recovered, how.**

SEC. 26. If judgment be given for the applicant he may recover the damages which he has sustained, as found by

the jury or as may be determined by the court or referee, upon a reference to be ordered, together with costs; and for such damages and costs an execution may issue, and a peremptory mandate must also be awarded without delay.

SEC. 27. The writ must be served in the same manner as a summons in a civil action, except when otherwise expressly directed by order of the court. Service upon a majority of the members of any board or body is service upon the board or body, whether at the time of the service the board or body was in session or not.

Writ, how served.

SEC. 28. When a temporary mandate has been issued and directed to any inferior tribunal, corporation, board or person upon whom the writ has been personally served, has, without just excuse, refused or neglected to obey the same, the court may, upon motion, impose a fine not exceeding one thousand dollars. In case of persistence in a refusal or disobedience, the court may order the party to be imprisoned until the writ is obeyed, and may make any orders necessary and proper for the complete enforcement of the writ.

Penalty for refusing to obey.

SEC. 29. The writ of prohibition is the counterpart of the writ of mandate. It arrests the proceedings of any tribunal, corporation, board or person, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.

Prohibition and mandate.

SEC. 30. It may be issued by any court, except police or justices' courts, to an inferior tribunal, or to a corporation, board or person, in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law. It is issued upon affidavit, on the application of the person beneficially interested.

Writs, who may issue.

SEC. 31. The writ must be either alternative or peremptory. The alternative writ must state generally the allegations against the party to whom it is directed, and command such party to desist or refrain from further proceedings in the action or matter specified therein until the further order of the court from which it is issued, and to show cause before such court, at a specified time and place, why such party should not be absolutely restrained from any further proceedings in such action or matter. The

Either alternative or peremptory.

peremptory writ must be in a similar form, except that the words requiring the party to show cause why he should not be absolutely restrained, etc., must be omitted and a return day inserted.

SEC. 32. The provisions of this act relating to writ of mandate, apply to this proceeding.

Writs re-  
turnable.

SEC. 33. Writs of review, mandate, and prohibition issued by the supreme court, or by a superior court, may, in the discretion of the court issuing the writ, be made returnable, and a hearing thereon be had at any time.

SEC. 34. Except as otherwise provided in this act, the provisions of the Code of Procedure concerning civil actions are applicable to and constitute the rules of practice in the proceedings in this act.

Appeals.

SEC. 35. From a final judgment in the superior court, in any such proceeding, an appeal shall lie to the supreme court.

Passed the senate February 20, 1895.

Passed the house March 7, 1895.

Approved March 13, 1895.

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## CHAPTER LXVI.

[S. B. No. 245.]

### APPROPRIATION FOR AGRICULTURAL COLLEGE AND SCHOOL OF SCIENCE.

AN ACT making an appropriation for the improvement of the agricultural college and school of science, and for the purchase of additional lands and the construction of buildings therefor.

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

SECTION 1. That the following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated for the use of the agricultural college and school of science for the following purposes:

For furnishing administration building and connecting with steam plant.....	\$6,000 00
For heat, light and power plant .....	7,500 00
For building, heating, lighting and furnishing girls' dor- mitory .....	20,000 00
For dairy plant, piggery and granary .....	4,000 00
For the purchase of land in front of and south of campus..	4,000 00
For experiment station at Puyallup .....	2,500 00

*Provided*, That the money herein appropriated shall be returned to the general fund of the state treasury from the first proceeds of the sale of lands granted to the state for the establishment of an agricultural college and school of science.

SEC. 2. That the state auditor is hereby authorized to audit all claims, and if found correct to issue warrants upon the state treasurer in payment of bills duly authorized by the board of regents of the agricultural college and school of science as provided by law; and the state treasurer is hereby directed to pay the same: *Provided*, The money shall be expended for the purposes stated in section one of this act.

Passed the senate March 8, 1895.

Passed the house March 9, 1895.

Approved March 13, 1895.

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## CHAPTER LXVII.

[H. B. No. 337.]

### RELIEF OF HEIRS OF J. J. H. VAN BOKKELEN.

AN ACT for the relief of the heirs at law of J. J. H. Van Bokkelen, and making an appropriation therefor.

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

SECTION 1. That the sum of thirteen hundred and fifteen dollars and eighty-nine cents be and the same is hereby appropriated out of the state treasury from any funds not otherwise appropriated.

SEC. 2. That the said appropriation is for the relief of

the heirs of J. J. H. Van Bokkelen, who was the successor in interest of Nancy Van Bokkelen.

SEC. 3. The state auditor is hereby authorized to draw a warrant on the state treasurer for the said amount, and the state treasurer is hereby directed to pay said warrant out of any funds in the state treasury not otherwise appropriated.

Passed the house March 4, 1895.

Passed the senate March 9, 1895.

Approved March 14, 1895.

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## CHAPTER LXVIII.

[H. B. No. 67.]

### PROVIDING FOR APPORTIONMENT OF SCHOOL FUND.

AN ACT to amend section fifty-two of chapter twelve of the Laws of 1889-90, entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, as amended by section sixteen of chapter one hundred and twenty-seven of the Laws of 1891, approved March 7, 1891.

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

SECTION 1. That section fifty-two of chapter twelve of the Laws of 1889-90, entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, as amended by section sixteen of chapter one hundred and twenty-seven of the Laws of 1891, approved March 7, 1891, be amended to read as follows: Sec. 52.

In addition to the provisions for the support of common schools hereinbefore provided, it shall be the duty of the state board of equalization, annually, at the time of levying tax for state purposes, to levy a tax that shall be sufficient to produce a sum which, when added to the estimated amount of money to be derived from the interest on the state permanent school fund for the current fiscal year,

Duty of state board.

shall equal six dollars for each child of school age residing in the state, as shown by the last report of the several county superintendents to the superintendent of public instruction: *Provided*, That said tax shall not exceed four mills on the dollar. Said tax levy shall be certified to the several county auditors in the same manner as other state taxes are required to be certified, and shall be collected and transmitted to the state treasurer at the same time and in the same manner as other state taxes are required to be collected and transmitted; and it shall be the duty of the state auditor, within thirty days after the date at which county treasurers are required to transmit state funds to the state treasurer, to certify to the superintendent of public instruction the amount of all state annual school funds in the hands of the state treasurer subject to apportionment, and it shall be the duty of the superintendent of public instruction, within ten days after receiving the certificate of the state auditor, to apportion said funds to the several counties, according to the number of children of school age residing in each, as shown by the last annual reports of the several county superintendents on file in his office at the time of making any apportionment. He shall certify to the county superintendents and to the state auditor the amount of funds due each county, and the state auditor shall draw warrants on the state treasurer in favor of the several county treasurers for the amounts due their respective counties, as shown by the certificate of the superintendent of public instruction. The county superintendents of the several counties shall, within ten days after receiving the certificate of apportionment of the superintendent of public instruction, apportion the state annual school fund to the several school districts entitled to receive the same, in accordance with the number of children of school age, as shown by the last annual reports of the several school districts on file in his office at the time of making any apportionment, and shall certify to the several school district clerks the amounts due their respective districts. For the further support of the common schools in this state, there shall be set apart by the county treasurer of each county all moneys paid into the county treasury

Tax, how  
levied.

State auditor  
to certify.

Superintendent  
to apportion  
funds.

School funds,  
fines a part of.

arising from fines for breach of any penal law of the state, and it is hereby made the duty of all county clerks, justices of the peace and other officers receiving any moneys properly belonging to the school fund of any county, to turn the same over to the county treasurer within thirty days after the date of their collection, taking his receipt therefor, and all such officers shall make a report to the county superintendent quarterly on or before the tenth day of January, April, July and October each year of all moneys so collected.

Passed the house February 9, 1895.

Passed the senate March 8, 1895.

Approved March 14, 1895.

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CHAPTER LXIX.

[S. B. No. 319.]

APPROPRIATION FOR SOLDIERS' HOME.

AN ACT for an appropriation for the state soldiers' home at Orting.

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

SECTION 1. That there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of forty-eight thousand five hundred dollars (\$48,500) for the soldiers' home at Orting, for the following uses and purposes:

For maintenance for the two years ending 1897.....	\$36,500 00
For electric light plant.....	3,500 00
For enlargement of hospital.....	3,500 00
For furnishing hospital.....	1,000 00
Extending sewer to Puyallup river.....	1,000 00
Contingent expenses, which include clearing land, building additional outbuildings, fencing and enlarging water supply, etc.....	3,000 00
Total.....	<u>\$48,500 00</u>

SEC. 2. The state auditor is hereby authorized to draw on the state treasurer warrants against said fund upon pre-

sentation of proper vouchers of the trustees of the soldiers' home duly audited by him.

Passed the senate March 7, 1895.

Passed the house March 11, 1895.

Approved March 14, 1895.

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## CHAPTER LXX.

[H. B. No. 558.]

### RELATING TO SALE OF CIGARETTES.

AN ACT to provide for the better protection of the public health in relation to the manufacture and sale of cigarettes.

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

SECTION 1. Hereafter it shall be unlawful for any person or persons to sell cigarettes made of tobacco in combination with any substance or material, covering or wrapper, or containing any substance or material other than tobacco, until such person or persons shall have obtained a license therefor. License.

SEC. 2. The applicant for such license shall make oath that, to the best of his knowledge and belief, the cigarettes intended to be sold pursuant to said license do not contain any injurious drug, narcotic or other deleterious matter, and that he will not knowingly sell any cigarettes containing any such injurious drugs, narcotic or other deleterious matter. Oath to contain what.

SEC. 3. The board of county commissioners of any county, or the board of aldermen or city council of any incorporated city, as the case may be, are hereby authorized to issue licenses for the sale of cigarettes, on written application made to such board or council, in the manner hereinbefore provided, indorsed by not less than five reputable citizens, resident of the city or county wherein the applicant resides, or has a place for the transaction of business. Every person so licensed shall pay a Licenses, by whom and when issued.

License fee.

fee of ten dollars (\$10) if sales are to be made at retail, and twenty-five dollars (\$25) if sales are to be made by wholesale, for the right to sell cigarettes for the period of one year from the date of such license. Licenses may be granted for any fractional part of a year at the same rate proportionately; but no license granted to one party shall be transferable or assignable: *Provided*, That no license shall be granted for a shorter period than six months (6).

Fees, when paid.

SEC. 4. All moneys derived from licenses for the sale of cigarettes shall be paid over by said board of county commissioners, board of aldermen, or city council, to the county treasurer of the county wherein the same may be granted, except in incorporated cities, when the money derived from the said licenses shall be paid into the general fund of said city.

Penalties.

SEC. 5. Any person selling or giving away cigarettes without a license, or selling or giving away any cigarette or cigarettes containing any injurious drug, narcotic or other deleterious matter mentioned in section two of this act, is guilty of a misdemeanor, and shall on conviction thereof be subject to a fine of fifty dollars (\$50) for each offense, or be imprisoned for sixty days in a common jail or penitentiary, and any person having a license, or any person not licensed, who sells or gives away any cigarette or cigarettes, of any and every kind whatsoever, to a minor under the age of eighteen years, shall be subjected to the same penalty as herein provided.

SEC. 6. Any person selling cigarettes of any and every kind whatsoever, except in an original and full package, is guilty of a misdemeanor, and shall on conviction thereof be subject to the same penalty as in the section last above provided.

Unlawful to sell to minors under 18 years of age.

SEC. 7. In addition to the penalty above provided for, the sale or giving away of cigarettes to a minor under the age of eighteen years, the parent or guardian of such minor or any individual or association suing in behalf or for the benefit of such minor, may prosecute, in a civil action, any person so violating this act, for the penalty of two hundred and fifty dollars (\$250) and the costs of the action, one-half of which amount shall be paid to any person as his

moiety share who furnished the information upon which the action is brought and penalty recovered. Any person convicted of a violation of this act, who has a license, shall forfeit his license, and the same shall be revoked and canceled by the board or council having jurisdiction, and no license shall thereafter be granted any person whose license has been forfeited and revoked as provided by this act.

Passed the house March 9, 1895.

Passed the senate March 13, 1895.

Approved March 15, 1895.

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## CHAPTER LXXI.

[H. B. No. 99.]

### MEASUREMENT OF LOGS.

AN ACT to amend sections 2645 and 2646 of chapter CCVII of the Code of Washington of 1881, relative to the inspection and measurement of logs and the formation of lumber districts.

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

SECTION 1. That sections 2645 and 2646 of the Code of Washington of 1881, as amended by an act entitled "An act to amend chapter CCVII of the Code of Washington-Territory, relative to the inspection and measurement of logs and the formation of lumber districts," approved November 26, 1883, be and the same is hereby amended to read:

Sec. 2645. All logs bartered or sold in the districts aforesaid shall be scaled and measured, unless otherwise agreed to by parties interested, at the place where they are boomed or rafted for towage to market or mill. Logs, where scaled.

Sec. 2646. No logs shall be towed from the place where they are boomed or rafted and required to be scaled and measured, as provided for in the preceding section, unless the owner or owners thereof, or some one in their behalf, have caused the same to be measured, scaled and inspected by the lumber inspector or one of his deputies, or a scaler Not removed till scaled.

Violation and  
penalty.

that can be agreed upon by both seller and purchaser of the district in which such logs are boomed or rafted for towage as aforesaid, unless the parties interested agree to the towing of said logs. All persons violating this or the preceding section by removing the said logs before they are scaled and measured as herein provided for, or by aiding in the removal of the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, for each offense, be fined in any sum not less than five hundred dollars nor more than two thousand dollars, and they shall stand committed until such fine and the costs of prosecution are paid: *Provided*, [That] the provisions of this and the preceding section shall not apply to logs sold or exported for manufacture outside of the State of Washington.

Passed the house March 2, 1895.

Passed the senate March 9, 1895.

Approved March 18, 1895.

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## CHAPTER LXXII.

[H. B. No. 206.]

### RELATING TO BOOM COMPANIES.

AN ACT to provide for the organization and incorporation of companies for clearing out and improving rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, fixing maximum tolls therefor.

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

Corporations,  
objects of.

SECTION 1. Any corporation having for its object, in whole or in part, the clearing out and improvement of rivers and streams in this state, and for the purpose of driving, sorting, holding and delivering logs and other timber products thereon, may be organized under the laws of this state, and in accordance with the provisions of the codes and statutes of Washington, as set down and num-

bered in volume 1 of Hill's Annotated Statutes and Codes of Washington, sections 1497 to 1520, inclusive, and such corporations shall have all powers and be subject to all the liabilities and duties therein mentioned.

SEC. 2. Such corporation shall have power to acquire, hold, use and transfer all such real and personal property or estate, by lease or purchase, as shall be necessary for carrying on the business of said corporation. If such corporation shall not be able to agree with persons owning land, shore rights or other property sought to be appropriated, as to the amount of compensation to be paid therefor, the compensation therefor may be assessed and determined and the appropriation thereof be made in the manner provided by law for the appropriation of private property in chapter 6 of title 9, volume 2, Hill's Annotated Statutes and Codes of Washington: *Provided*, That any property acquired under the provisions of this act for the purposes herein mentioned by the exercise of the right of eminent domain shall be used exclusively for the purposes aforesaid; and whenever the use of said property acquired by the right of eminent domain, as herein contemplated, shall cease for a period of one year, the same shall revert to the original owner, his heirs or assigns.

Authority and powers of.

Eminent domain, reversion of.

SEC. 3. Any corporation organized for the purposes mentioned in section one of this act shall, within ninety days after its articles of incorporation have been filed, proceed to file in the office of the secretary of state a plat or survey of so much of the shore lines of the waters of the state and lands contiguous thereto as are proposed to be appropriated for said purposes by said corporation. Such plat shall be made from the records of the United States in the office of the surveyor general of this state, or by a competent surveyor, after actual survey, from the notes thereof.

Plats, when filed.

SEC. 4. Such corporation shall have power and is hereby authorized, in any of the rivers and streams of this state, or the dividing waters thereof, to remove jams, roots, snags and rocks, improve and straighten the channel, build wing dams and sheer booms, construct dams with gates or

Duty of companies or corporations.

otherwise for the purpose of storing water with which to produce artificial freshets, and in all ways to improve such streams and rivers for the purposes herein mentioned and contemplated: *Provided*, Nothing shall be constructed that shall in any way interfere with the navigation of such river or stream or the use of its waters for any purpose: *Provided further*, That any such wing dams, sheer booms, dams with gates or otherwise shall not be so constructed or used as to in any manner injure or damage any lands adjacent to such stream by overflowing same or causing logs or other timber to accumulate on any land adjacent to such stream so dammed or used: *Provided, however*, That whenever the owners of more than one-half the land lying along side, or abutting on, any stream affected by the tide, proposed to be improved according to this act, shall file with the board of county commissioners, of the county in which said river is situated, a remonstrance against any improvements of so much of the stream as is affected by the tide, it shall then be unlawful for any corporation to take the land or any slough within the territory owned by any of such remonstrances: *Provided*, That such remonstrance shall be filed with said board within fifteen days from the filing of said plat.

Navigation  
not to be  
obstructed.

Remonstrance,  
where filed.

Rights of  
owners of  
timber.

Tolls.

SEC. 5. After such corporation shall have entered upon its duties, which shall be within three months of the time of its filing of its maps of location, such corporation shall, upon request of owners, and in case of logs and other timber products lying in such position as to obstruct or impede the drive, without such request, sluice, sack and drive all logs and timber products of suitable length that may be placed in the beds of the river improved as aforesaid or that may be delivered into its ponds, and shall handle all such logs and other timber products of all persons upon the same terms, without discrimination as to time of sluicing, sacking and driving such logs or other timber products; to charge and collect reasonable and uniform tolls for such services on all logs or other timber products so handled; such tolls shall not exceed sixty cents per thousand feet, board measure, on logs, spars or other large timber, and reasonable compensation on all other prod-

ucts, as may be determined by the directors of said corporation; the amount of such logs and other products is to be determined by the usual method of scaling, and such corporation shall have a lien upon all logs and other timber products handled for sluicing, sacking and driving thereof, to be enforced in any manner now or hereafter provided by law for the enforcement of lien for labor on logs. Liens.

SEC. 6. Any corporation acting under and in accordance with the provisions of this act shall be liable to the owner or owners of logs or other timber products for all loss or damage resulting from neglect, carelessness or unnecessary delay on the part of such corporation or its agents. Damages.

SEC. 7. Should any corporation neglect, for the period of eight months after improving any stream or river, to operate its dams, or to otherwise perform its duties as herein provided, then all rights herein conferred to such corporations upon such streams or rivers, or portions thereof, shall cease. Rights to  
cease, when.

SEC. 8. Duly organized boom companies at present operating upon any of the streams or rivers of this state may file amended articles of incorporation to embrace the provisions of this act, and, for the purpose of time limitations mentioned in this act, the time of filing such amended articles of incorporations shall be deemed to be the time of organization thereof, but failure to comply with the provisions of this act shall work forfeiture of the rights of such corporations only so far as the same are subjoined under the provisions of this paragraph. Boom com-  
panies,  
rights of.

SEC. 9. An emergency is declared to exist, and this act shall be in force from and after its passage and approval by the governor.

Passed the house February 14, 1895.

Passed the senate March 7, 1895.

Approved March 18, 1895.

## CHAPTER LXXIII.

[H. B. No. 297.]

## RELATING TO THE DUTIES OF COUNTY TREASURER.

AN ACT relating to the duties of county treasurers regarding public moneys coming into their possession and the custody of the same, and declaring an emergency.

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

Moneys, where  
and how kept.

SECTION 1. The county treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession until disbursed according to law. He must not place the same in the possession of any person to be used for any purpose; nor must he loan or in any manner use or permit any person to use the same, except as provided by law; but it shall be lawful for a county treasurer to deposit in his own name, as county treasurer, any such moneys in any national, state or private bank or banks doing a general banking business in his county:

Banks of de-  
posit to give  
bonds.

*Provided,* That before any such deposit is made the bank in which it is proposed to make the same shall first give to such county treasurer a bond, with sureties to be approved by him, in such amount and with such conditions as he may require. Action may be brought on such bond either by such treasurer or by the county of which he is treasurer. But nothing done under the provisions of this section shall alter or affect the liability of any county treasurer or of the sureties on his official bond.

Misconduct  
of treasurer.

SEC. 2. Whenever an action based upon official misconduct is commenced against any county treasurer the county commissioners may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy.

Death of  
treasurer.

SEC. 3. In case of the death of any county treasurer his legal representatives must deliver up all official moneys, books, accounts, papers and documents which come into their possession. No percentage must be allowed to the treasurer on any money by him received from his predecessor in office, or from the legal representatives of such predecessors.

SEC. 4. The books, accounts and vouchers of the treasurer are at all times subject to the inspection and examination of the board of county commissioners and the grand jury. <sup>Inspection  
of books.</sup>

SEC. 5. There being no adequate law in this state covering the matters herein provided for, on account of which doubt exists concerning the same, an emergency is hereby declared to exist: therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

Approved March 15, 1895.

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## CHAPTER LXXIV.

[S. B. No. 331.]

### RELIEF OF PUGET SOUND TUGBOAT COMPANY.

AN ACT for the relief of the Puget Sound Tugboat Company, and making an appropriation therefor.

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

SECTION 1. The state auditor is authorized and empowered to audit certain bills of the Puget Sound Tugboat Company against the State of Washington, presented, allowed and approved by the Puget Sound board of health on the 12th day of March, 1893, said bills being incurred by the authority of the state health officer for keeping and maintaining certain seamen of the bark "Cowlitz" placed in quarantine by said health officer, and for money expended in medical attendance and other expenses set forth in said bills, and the said state auditor is authorized to draw warrants on the treasurer for the amounts found due on said bills, and the sum of one hundred and thirty-four dollars (\$134), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury

not otherwise appropriated to pay the amount found due by the state auditor.

Passed the senate March 9, 1895.

Passed the house March 14, 1895.

Approved March 19, 1895.

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## CHAPTER LXXV.

[H. B. No. 492.]

### PROHIBITING SALE OF LIQUOR ON UNIVERSITY GROUNDS.

AN ACT prohibiting the sale of intoxicating liquors on or near the grounds of the university of Washington.

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

SECTION 1. It shall be unlawful to sell any intoxicating liquors, with or without a license, on the grounds of the university of Washington, or within two miles thereof, excepting south half of section 22, township 25, range 4 east, and any license granted for the sale of such intoxicating liquors within said area shall be void. Said grounds of the university of Washington are otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette meridian.

SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for a term not less than six months nor more than one year, or by both such fine and imprisonment.

Passed the house March 12, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

## CHAPTER LXXVI.

[H. B. No. 416.]

## EXEMPTING CERTAIN MONEYS FROM EXECUTION.

AN ACT to exempt from execution and attachment certain insurance moneys.

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

SECTION 1. That whenever property, which by the laws of this state is exempt from execution or attachment, is insured and the same is destroyed by fire, then the insurance money coming to or belonging to the person thus insured, to an amount equal to the exempt property thus destroyed, shall be exempt from execution and attachment.

Passed the house March 4, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

## CHAPTER LXXVII.

[H. B. No. 268.]

## RELATING TO COUNTY SURVEYORS.

AN ACT relating to county surveyors, defining their powers and regulating their duties.

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

SECTION 1. The county surveyor of each organized county shall be elected at the general election for the term of two (2) years, and shall give bond to the people of this state in the penal sum of two thousand dollars, with two sureties to be approved by the county commissioners, conditioned for the faithful and impartial discharge of the duties of his office.

SEC. 2. The county surveyor shall appoint only such Appointment of deputies. deputies as he shall find necessary for the proper discharge of the duties of the office, which appointment and revoca-

tion thereof shall be in writing, under his hand, and filed with the county auditor; and such deputy shall take the constitutional oath of office; and for the faithful performance of the duties of their office by such deputies the county surveyor shall be responsible, and they shall receive the statutory compensation for surveyors.

Duty of surveyor and deputies.

SEC. 3. The certificate of the county surveyor, or his deputy, of any survey made by him of any lands in the county shall be presumptive evidence of the facts therein contained, unless such surveyor or deputy shall be interested therein. The county surveyor, in person or by deputy, shall make and execute all surveys, and shall be engineer in charge of all construction within his county required by the county commissioners, or by order of any court, or by application of any person therefor: *Provided*, That nothing contained in this section shall constrain the county commissioners to place the county surveyor in charge of engineering work if they, for any cause, believe him incompetent to take charge of such work.

Disqualification.

SEC. 4. Whenever a survey may be required of any land in which the county surveyor, or either of his deputies, shall be interested, or when, from any cause, there shall be no surveyor or deputy surveyor of the county to be found, or able to act, such survey may be made by any surveyor the county commissioners may appoint.

Records kept.

SEC. 5. Each county surveyor shall record in a suitable book all surveys made by him and his deputies, except such as are made for a temporary purpose, and surveys of highways and village plats; and he shall make a complete record of all construction notes, and shall also record the survey of any other surveyor, which shall be made in his county, whenever demanded by any person: *Provided*, The fees for recording the same shall be paid the same as provided for county auditors: *Provided further*, That such survey appears to have been made in accordance with the laws of the state. The record book shall be so constructed as to have one page for diagrams, to be numbered progressively, and the opposite page for notes and remarks; and no diagram shall be so constructed as to scale less than one inch to twenty chains. The course and distance of all

Diagrams, what to contain.

lines run, and the number of acres contained in each piece of land surveyed, shall be entered on the diagram of any section subdivided according to the survey thereof, and shall be considered part of the record. The record shall show in addition the time when, the name of any person by whom, and the person for whom such survey was made, a description of all witness trees marked on the survey, with their respective courses and distances, and the variation of the magnetic from the true meridian. He shall make an index to such record book, referring in suitable manner to each survey so recorded.

SEC. 6. When the term of office of any county surveyor shall expire, or he shall resign or be removed, he shall deliver over all the books and papers relating to his office to his successor therein; and any county surveyor who, on the expiration of his term of office, or on his resignation or removal, shall neglect for the space of one month after his successor shall be elected or appointed, and qualified, to deliver such books and papers as aforesaid, and any administrator of any deceased county surveyor who shall neglect for the space of one month to deliver to such successor all such books and papers which shall come to his hands, shall forfeit and pay a sum not less than ten nor more than fifty dollars, and a similar sum for every month thereafter during which he shall so neglect to deliver the same as aforesaid.

Books delivered to successor.

SEC. 7. Every chainman and marker employed in making surveys, pursuant to the provisions of this chapter, shall first take an oath that he will faithfully discharge his duties as such, which oath the county surveyor, or the deputy making the survey, is hereby authorized to administer.

Chainmen.

SEC. 8. All field notes, construction notes and plats of surveys heretofore executed for and now in possession of the county, and not heretofore recorded in the surveyor's office, shall be collected by the surveyor, perfected and recorded in his office in the same manner as records of surveys are required to be made by the provisions of this act.

Retroactive duties.

SEC. 9. Whenever a majority of the resident owners of any section or part or parts of any section of land in this

Location and relocation of corners.

state, after having given at least ten days' notice to all other persons, or to their agents, holding land in the same section or part or parts of the section, as the case may be, who reside in the township, shall desire to have their corners and lines, or any of them, established, re-located or perpetuated, such surveyor shall proceed to make the required surveys, and the expense thereof shall be borne by all the persons benefited in proportion to the amount of work done for each, to be determined by the surveyor; and if any person thus benefited, whether a non-resident or otherwise, shall refuse or neglect to pay his share of such expense, such surveyor shall certify the same, and to whom due, to the county assessor, who shall assess it upon the land of such person, to be collected in the same manner as other taxes, and held subject to the order of the person named in the surveyor's certificate as being entitled to the same.

Office, where  
located.

SEC. 10. The county surveyor shall keep his office at the county seat in such room or rooms as are provided by the county, and he shall be furnished with all necessary cases and other suitable articles, and also with all blank books and blanks necessary to the proper discharge of his official duties. The records and books in the county surveyor's office shall be public records, and shall at all proper times be open to the inspection and examination of the public.

SEC. 11. Whereas, the laws defining the powers and regulating the duties of county surveyors are inadequate and incomplete, 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.

Passed the house March 2, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

## CHAPTER LXXVIII.

[H. B. No. 29.]

## PROVIDING FOR DRAWING GRAND AND PETIT JURORS.

AN ACT to amend sections 58, 59 and 60 of title 2, chapter 2 of volume 2 of the General Statutes and Codes of the State of Washington, as arranged and annotated by William Lair Hill, providing the manner of drawing and certifying lists of grand and petit jurors, and declaring an emergency.

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

SECTION 1. That section 58 of title 2, chapter 2, volume 2 of the General Statutes and Codes of the State of Washington, as arranged and annotated by Wm. Lair Hill, be amended to read as follows: Sec. 58. In all counties from the 1st to the 7th class, inclusive, the board of county commissioners of each county shall, on or before the first Monday in February of each year, select from the persons qualified to act as jurors the names of five hundred persons, who shall be householders, to serve as grand and petit jurors for the ensuing year, and the clerk of the board of county commissioners shall certify said list to the clerk of the superior court of said county.

First to seventh class.

SEC. 2. That section 59 of title 2, chapter 2, volume 2 of the General Statutes and Codes of the State of Washington, as arranged and annotated by Wm. Lair Hill, be amended to read as follows: Sec. 59. In all counties from the 8th to the 29th class, inclusive, the board of county commissioners of each county shall draw from the persons qualified to act as jurors the names of 300 persons, who shall be householders, to serve as grand and petit jurors for the ensuing year, and the clerk of the board of county commissioners shall certify the same to the clerk of the superior court of said county: *Provided*, That if from any cause the county commissioners shall be unable to select the full number of names in this section provided for, they shall select such less number as they shall agree upon, and in such case the commissioners shall certify to the clerk the reasons why such less number has been selected: *Provided, however*, That for no cause shall a less number than 100 names be selected.

Eighth to twenty-ninth class.

SEC. 3. That section 60 of title 2, chapter 2 of volume 2 of the General Statutes and Codes of the State of Washington, as arranged and annotated by Wm. Lair Hill, be amended to read as follows: Sec. 60. Until otherwise provided for, each judge of the superior court may order, at such times as he deems necessary, a panel of not less than twelve nor more than twenty-four grand or petit jurors, to be drawn from the last jury list certified by the clerk of the board of county commissioners, and the county clerk or his deputy, the sheriff and county auditor shall place ballots prepared from such list, including therein all the names upon said list which have not previously been drawn, as hereinafter provided, in a box, and having thoroughly mixed them, the clerk or his deputy, being blindfolded, shall, in the presence of the judge, if in the county, draw therefrom the number of names required by the order of said judge. The list thus drawn shall be certified to by the sheriff and auditor, and within three days the clerk shall issue to the sheriff of the county a venire containing the names of the persons thus drawn as jurors; and until otherwise provided previous service as jurors within one year shall disqualify such person for service as juror. Each ballot, as it is drawn from the box as above provided, shall be destroyed, and the name of the person so drawn shall be stricken from the list, and no person named in said list shall be drawn to serve as a juror twice in the same year: *Provided*, That if, from any cause, the jurors in said list shall have been drawn before the list for the next succeeding year shall have been prepared and certified to the clerk as aforesaid, an open venire may issue to the sheriff for the requisite number to constitute a panel of grand or petit jurors, returnable at a day and hour to be named by the judge: *Provided further*, That if, for any reason, the sheriff or his deputy, or the county auditor or his deputy, shall be unable to be present at said drawing the clerk or his deputy may call to his assistance any other officer of said county to assist at such drawing.

SEC. 4. The certificate to the list drawn, as provided in the foregoing section, shall be in substantially the following form:

Judges may  
order panel,  
when.

Disquali-  
fication.

STATE OF WASHINGTON, COUNTY OF ....., SS.

This is to certify that the undersigned officers of ..... county, State of Washington, viz., ..... were present at the drawing of the foregoing list of jurors drawn to serve as ..... jurors from the ..... day of ..... until the further order of the court, and that the same is a full, true and correct list of the names drawn; that said drawing was conducted in the manner and form prescribed by law.

In witness whereof, we have hereunto set our hands this ..... day of ....., 189.....

.....,  
County ..... of ..... county.

.....,  
County ..... of ..... county.

SEC. 5. In any case when the grand or petit jurors shall have been selected for the year of 1895, prior to the passage and approval of this act, the county commissioners may vacate and set aside the selections already made, and select the full number of jurors, grand or petit, or both, authorized by this act.

SEC. 6. Whereas, in some of the counties of this state the number of jurors now authorized to be selected is insufficient to transact the business of the courts, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house February 5, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

## CHAPTER LXXIX.

[H. B. No. 270.]

PROVIDING FOR PAYMENT OF EXPENSES INCURRED IN  
CONSTRUCTION OF DITCHES, ETC.

AN ACT providing for the payment of expenses incurred in compliance with an act entitled "An act to provide for the construction, repairing and protection of drains and ditches for agricultural, sanitary and domestic purposes, and to provide for the organization of drainage districts, and declaring an emergency," approved March 19, 1890, and declaring an emergency.

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

Commissioners to purchase lands, when.

SECTION 1. Where any ditch or drain or any portion thereof has been constructed in compliance with the provisions of an act of the legislature of the State of Washington entitled "An act to provide for the construction, repairing and protection of drains and ditches for agricultural, sanitary and domestic purposes, and to provide for the organization of drainage districts, and declaring an emergency," approved March 19, 1890, it shall be the duty of the board of county commissioners of any county in which the same is located, to purchase the lands occupied by or necessary to said drain or ditch, or any culverts, bridges or approaches thereto, or appurtenances to said drain or ditch, or acquire the same by condemnation proceedings, wherever title to such lands has not already been obtained, and to that end are hereby authorized to institute and maintain in the name of the county the proceedings provided in chapter 6 of title 9 of the Code of Procedure of the State of Washington, volume 2, as arranged and annotated by William Lair Hill.

Ditch fund established.

SEC. 2. That said board of county commissioners shall establish a ditch fund named after such ditch or drain, and whenever there is not sufficient money to make the payments required under the provisions of section one of this act, they shall borrow money wholly on the faith of, and to be repaid wholly from, the moneys in such fund by issuing bonds payable out of said funds in denominations of not to exceed twenty dollars each, due on or before five years from date, and drawing not to exceed seven per cent.

interest per annum, in order to make such payments required pursuant to section one. Where said ditch or drain is uncompleted, or completed only in part, said board shall proceed to finish said ditch according to the survey and report of said improvement made in accordance with the provisions of said act of March 19, 1890, and pay for the same by warrants duly issued on said ditch fund, and the total cost of said improvement, including expenses heretofore incurred and warrants heretofore issued for the location, right-of-way and construction of said ditch, shall be paid as hereinafter provided.

SEC. 3. That said board of county commissioners shall, upon obtaining title to lands as provided in section one of this act, file the survey and report of said improvement, if any has been made, in accordance with the provisions of said act of March 19, 1890, and shall ascertain the aggregate cost of said ditch, and shall apportion the said cost to each lot, tract of land, road or railroad, according to the benefit which will result to each from said improvement, not exceeding the amount of such benefit, and shall fix a day for the hearing of said apportionment. The county auditor shall prepare a notice in writing directed to the resident lot or land owners, or to the municipal or private corporations affected by the improvement, setting forth a general description of the improvement, together with a tabular statement of the apportionment of the cost as hereinbefore provided for, which notice shall be served upon each lot or land owner and upon each member of any public board of authority and upon an officer or agent of such private corporation, in the manner provided for the service of a summons, at least eight days before the day set for the hearing, and return of service shall be made in the mode provided for the return of service of a summons in a civil action, and the notice and return shall be filed with the county auditor on or before the day of hearing, and the county auditor shall at the same time give like notice to each non-resident lot or land owner, either in the mode above prescribed or by publication in a newspaper printed and of general circulation in the county for at least two consecutive weeks before the day set for the hearing, proof

Apportionment of cost according to benefit.

Notice.

Notice to non-residents.

of which service shall be by affidavit of the publication of said notice during said time by the printer of such paper or other person knowing the fact, which proof shall be filed with the county auditor on or before said day of hearing.

SEC. 4. The county commissioners shall meet at their regular place of meeting on the day fixed for the hearing, and shall first determine whether the required notice has been given. If they find that due notice has not been given they shall continue the hearing to a day to be fixed by them, and order the notice to be served as hereinbefore provided, and when they find due notice has been given they shall examine said apportionment, and if it is in all respects fair and just according to benefits they shall approve and confirm the same.

Unjust apportionment.

SEC. 5. If the commissioners find that the apportionment is unfair and unjust, and ought not to be confirmed, they shall so order and amend it as to make it fair and just in proportion to benefits, and if necessary, in their opinion, they may adjourn the further hearing not exceeding twenty days to a day to be fixed by them, and go upon the premises and by actual view apportion the entire cost of location and construction, or any part thereof, according to benefits, as may seem just and proper, and on the day so fixed by them they shall again meet and determine the apportionment.

Exceptions filed.

SEC. 6. Any person or corporation party to the proceedings may file exceptions to the apportionment at any time before the time set for the final hearing of the report and apportionment. The commissioners may hear testimony and examine all witnesses upon questions made by the exceptions, and for that purpose may compel the attendance of the witnesses by subpoena, which the clerk of the superior court shall issue on demand, and their decision on the exceptions shall be entered upon the journal, and if they sustain the exceptions the cost of hearing thereon shall be paid out of the county treasury, and if they overrule the same such costs shall be taxed against such person or corporation filing the exceptions.

Assessments, when made.

SEC. 7. When the cost of said ditch shall have been approved as hereinbefore provided the commissioners shall

determine at what time and in what number of assessments, not to exceed four, they will require the same to be paid, and order that the assessments as made by them be placed upon the tax roll accordingly against the lots or lands assessed. When the commissioners make an assessment they shall cause an entry to be made directing the clerk of the board of county commissioners to make and furnish to the treasurer of the county a special tax roll with the assessment arranged thereon, as required by their order, and the clerk of the board of county commissioners shall retain a copy thereof in his office, and all assessments shall be liens on the property against which they are assessed, and shall be collected and accounted for by the treasurer as taxes: *Provided*, That the treasurer shall accept in payment of assessments the bonds issued under the provisions of section two of this act, and said treasurer shall place the assessments so collected in said ditch fund. The list thus prepared must remain in the office of the treasurer for thirty days, or longer if ordered by the board of trustees; and during the time it so remains any person may pay the amount of the charges against any tract to the treasurer without costs; or, if so ordered by the board of county commissioners, said payments may be by installments; and if, at the end of thirty days, or the longer period fixed by the said commissioners, any of the charges, or any of the installments ordered by them already due, has not been paid, the treasurer must transmit the list to the county attorney, who must at once proceed, by civil action, to collect such charges and foreclose the liens therefor. All moneys in said ditch fund shall be applied to the payment of any bonds issued by the county commissioners on the faith of said ditch fund, and to the payment of warrants issued for the construction of said ditch or drain and appurtenances and right-of-way, in the order of their issue. Wherever any assessments heretofore levied for said ditch have been paid, due credit for such payments shall be allowed, and the receipt given for such payments shall be received in lieu of a payment of a sum of money equal to the sum receipted for in the receipt.

Collections,  
manner of.

Railroads to  
pay for  
benefits.

SEC. 8. When the improvement drains or benefits the whole or a part of any public or corporate road or railroad, there shall be apportioned to the county, if the road is a state, county or free turnpike road, or to the corporation if a corporate road or railroad, a share of the costs and expense thereof proportionate to the benefits to said road or railroad. All lands of the state or any county, school district or other municipal corporation, shall be subject to the provisions of this act, and when any assessment shall be apportioned against any school lands of the state, the county shall pay the same out of its general fund and have a lien on the proceeds of the sale of such lands, from which it shall be reimbursed.

SEC. 9. Whereas, certain indebtedness has been incurred under said act in this state which has been declared invalid, an emergency is hereby declared, and this act shall be in force from and after its passage and approval.

Passed the house March 9, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

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## CHAPTER LXXX.

[H. B. No. 191.]

### RELATING TO APPROPRIATION BY CORPORATIONS OF LANDS GRANTED TO THE STATE.

AN ACT relating to private corporations and amending sections 1569, 1570, 1571 and 1572 of volume 1 of the General Statutes of the State of Washington, as arranged and annotated by Wm. Lair Hill.

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

SECTION 1. That section one thousand five hundred and sixty-nine of volume 1 of the General Statutes of the State of Washington, as arranged and annotated by Wm. Lair Hill, be amended to read as follows: "Section 1569. A corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge,

Rights to pub-  
lic lands.

shall have a right to enter upon any land, real estate or premises, or any of the lands granted to the State of Washington for school, university or other purposes, between the termini thereof, for the purpose of examining, locating and surveying the line of such road or canal, or the site of such bridge, doing no unnecessary damage thereby.”

SEC. 2. Section one thousand five hundred and seventy of volume 1 of said general statutes is amended to read as follows: “Sec. 1570. Such corporation may appropriate so much of said land, real estate or premises, or lands granted to the state for university, school or other purposes as may be necessary for the line of such road or canal, or the site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, work shops, materials for construction, a right-of-way over adjacent lands or premises, to enable such corporation to construct and prepare its road, canal or bridge, and to make proper drains; and in case of a canal, wherever the court shall deem it necessary, to appropriate a sufficient quantity of such land, real estate or premises or lands granted to the state for university, school and other purposes, in addition to that before specified in this section for the construction and excavation of such canal and of the slopes and bermes thereof, not exceeding one thousand feet in total width; and in case of a railroad, to appropriate sufficient quantity of such land, real estate or premises or lands granted to the state for university, school and other purposes, in addition to that before specified in this section for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct; compensation therefor to be made to the owner thereof irrespective of any increased value thereof by reason of the proposed improvement by such corporation, in the manner provided by law: *And provided further*, That if such corporation locate the bed of such railroad or canal upon any portion of the track now occupied by any established territorial or county road, said corporation shall be responsible to the county commissioners of said county or counties in which said territorial or county road so appropriated is located, for all expenses incurred by said county or counties in re-

Appropriation  
of public lands.

Appropriation  
of public roads.

locating and opening the portion of said road so appropriated.

SEC. 3. Section one thousand five hundred and seventy-one of volume 1 of said general statutes is amended to read as follows: Sec. 1571. Every corporation formed under this chapter for the construction of a railroad shall have the power to cross, intersect, join and unite its railway with any other railway before constructed, at any point in its route, and upon the grounds of such other railway company, with the necessary turn-outs, sidings, switches and other conveniences in furtherance of the objects of its connections, and every corporation whose railway is or shall be hereafter intersected by any new railway shall unite with the corporation owning such new railway in forming such intersections and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the taking of lands and other property which shall be necessary for the construction of its road, and every corporation formed under this chapter for the construction of a canal shall have the power to cross and intersect any railway before constructed at any point in its road and upon the grounds of such other railway company, and every corporation whose railway is or shall hereafter be crossed or intersected by any canal shall unite with the corporation owning such canal in forming such crossings and intersections and grant the facilities therefor; and if the two corporations cannot agree upon the compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the taking of lands and other property which shall be necessary for the construction of said canal.

Right to cross other railroads.

Damages, how determined.

Canals.

Eminent domain, conditions and restrictions.

SEC. 4. Section one thousand five hundred and seventy-two of volume 1 of said general statutes is amended to read as follows: Sec. 1572. Every corporation formed under the laws of this state for the construction of railroads or canals shall possess the power to construct its railway or

canal, as the case may be, across, along or upon any river, stream of water, watercourses, plank road, turnpike or canal, which the route of such railway or canal shall intersect or touch; but such corporation shall restore the river, stream, watercourse, plank road or turnpike thus intersected or touched to its former state as near as may be, and pay any damages caused by such construction: *Provided*, That the construction of any railway or canal by such corporation along, across or upon any of the navigable rivers or waters of this state shall be in such manner as to not interfere with, impede or obstruct the navigation thereof; and all rights, privileges and powers of every description by law conferred upon road or railroad companies are hereby given and granted to canal companies so far as the same may be applicable, and all power and authority possessed by the public or municipal corporations of the state or their local authorities, with reference to road or railroad companies, may be exercised by them with reference to canal companies.

Passed the house March 5, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

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## CHAPTER LXXXI.

[H. B. No. 554.]

### RELATING TO SALMON FISHING IN THE COLUMBIA RIVER.

AN ACT to amend section 274, chapter XI, Penal Code of Washington, relative to the protection of food fishes, and declaring an emergency.

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

SECTION 1. That section 274, chapter XI, Penal Code of Washington, be and the same is hereby amended to read as follows: Section 274. It shall not be lawful to take or fish for salmon in the Columbia river or its tributaries, by

any means whatever, in any year hereafter, between the first day of March and the tenth day of April, or between the tenth day of August and the tenth day of September; and any such person or persons fishing for or catching salmon in violation of this section, or catching salmon by leaving or having any fishing gear in the water in a condition to take fish, or purchasing salmon so unlawfully caught, or having in his or their possession any such salmon, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in a sum not less than fifty dollars nor more than two hundred and fifty dollars; and it shall be unlawful for any person or persons to receive or have in his possession, or to offer for sale or transportation, or to transport, during the close season in the spring, namely, from March first to April tenth, and from August tenth to September tenth, any of the following varieties or kinds of fresh fish: Chinook salmon, silver salmon, steel head or blue back; and any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and be fined in a sum not less than sixty dollars nor more than two hundred and fifty dollars.

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

SEC. 3. Whereas, the fishing season will begin April tenth, an emergency is declared to exist. This act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER LXXXII.

[H. B. No. 122.]

## REGULATION OF INSURANCE COMPANIES.

AN ACT to regulate and license insurance in this state, to repeal existing laws in relation thereto, and declaring an emergency.

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

SECTION 1. The secretary of this state shall be *ex officio* insurance commissioner of this state, and shall receive for his services the compensation hereinafter provided for. All necessary forms, circulars and blanks, together with such pamphlet copies of the insurance laws as may be required for distribution to any person at any time by the provisions of this act, shall be furnished at the expense of the state.

SEC. 2. It shall be the duty of the commissioner to see that all laws of this state respecting insurance companies, corporations and associations are faithfully executed. He shall have power to examine all books and accounts of any existing company, or companies, corporations and associations organized under the laws of this state; to examine their officers and employés under oath; to issue subpoenas for witness[es] to attend and testify before him on business touching the affairs of said companies, corporations and associations, and furnish and produce for examination and investigation, books, papers and documents in relation thereto. Said subpoenas must be served in the same manner as if issued from a superior court, and any person who shall fail, neglect or refuse to obey any such subpoena shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail not less than thirty (30) days nor more than (6) months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. The commissioner must cause every company, corporation, association or individual before engaging in the business of insurance in this state to file in his office as follows: *First*, If incorporated under the laws of this state,

Duties of commissioner.

Subpoenas, served.

Original filings, when made.

a copy of the articles of incorporation and charter of the company, corporation or association, together with any amendments or alterations made therein; *second*, if incorporated under the laws of any other state or country, a copy of its articles of incorporation and charter, duly certified by the officer having the custody of such articles that such company, corporation or association is organized under the laws of such state or country and that it is authorized to do business therein; a certificate showing the amount of capital stock and assets required by this act; *third*, if not incorporated, a certificate setting forth the nature and character of the business, the location of the principal office, the names of persons composing the association, the amount of capital stock therein employed and the names of the officers of the association; and if such association be formed out of the United States the certificate must contain the name of the chief executive officer or manager in the United States, together with the trustees appointed by the association to manage its affairs in the United States, and the certificate may be made by such manager.

Documents to contain, what.

Certificate of authority to issue, when.

SEC. 4. The commissioner shall issue to any insurance company, corporation or association his certificate of authority to transact business in this state under the following conditions: *First*, If a company, corporation or association organized under the laws of this state, when he is satisfied that the provisions of this act in relation to such company, corporation or association has been complied with; *second*, if a company, corporation or association organized in any of the United States or territories, when he is satisfied that the company, corporation or association has net assets or paid up and unimpaired capital of one hundred thousand dollars; *third*, if a foreign company, corporation or association, when he shall be satisfied that the company, corporation or association has made a deposit with the treasurer of this state, or with the proper officers of some other state, of not less than two hundred thousand dollars, in the bonds of the United States, the bonds of this state or the bonds of the states of New York or Massachusetts, in trust for the benefit of its policyholders in the United States, and that the said two hundred

Deposit required of foreign companies.

thousand dollars is unimpaired and free from all liabilities under the provisions of this act.

SEC. 5. It shall be unlawful for any company, corporation or association to transact the business of insurance in this state, unless the company, corporation or association shall have complied with all of the provisions of this act, and shall have obtained the certificate of authority from the commissioner as provided. Unlawful to act without certificate.

SEC. 6. If any insurance company, corporation or association, its agents or attorney, shall solicit insurance or shall issue a policy without having complied with the laws of this state, the company, corporation or association, or its agent or attorney so issuing the policy or accepting the application for the same, shall be guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars, or more than five hundred dollars, and imprisonment for a term not exceeding six months, in the discretion of the court. Penalty.

SEC. 7. That the commissioner shall have the same supervision, and is authorized to make the same examination of the business and affairs of every insurance company, corporation or association foreign to this state and doing business herein, as of domestic organizations doing the same kind of business, and of its assets, books, accounts, and general condition. Every organization foreign to this state, its agents and officers, shall always be subject to, and be required to make the same statements and answer the same inquiries and be subject to the same examinations and, in case of default therein, to the same penalties and liabilities as domestic organizations doing the same kind of business, or of any of the agents or officers thereof are or may be liable to under the laws of this state or the regulations of the insurance department. The commissioner may, whenever he deems it necessary, either in person or by his deputy, repair to the general office of such non-resident organization, wherever the same may be, and make an examination and investigation of its affairs and condition. He may cancel and revoke the certificate of any such non-resident organization refusing or neglecting to comply with the provisions of this act, or refusing the Commissioner to examine non-resident companies, when.

examination herein provided for, and prevent such organization from further continuance in business in this state.

Examined  
companies  
to pay costs  
thereof.

SEC. 8. The expense of every examination or other investigation of the affairs of any organization, pursuant to the authority conferred by the provisions of this act, shall be borne and paid by the corporation so examined. No charge shall be made for any examination of an insurance organization except for necessary traveling and other actual expenses incurred. All charges for making an examination shall be presented in detail, and shall be paid by the organization examined. Should payment be refused the bill shall be approved by the commissioner, audited by the state auditor and paid on his warrant drawn in the usual manner on the state treasurer to the person making the examination. The commissioner shall revoke the certificate of authority granted the company that refuses to pay the bill for expenses of examination, and shall not again grant it a certificate of authority until it has paid to the state treasurer the amount of such bill.

Penalty for  
failure  
so to do.

Commissioner  
to examine  
local com-  
panies, when.

SEC. 9. It shall be the duty of the commissioner to make a detailed examination of all companies, corporations or associations organized under the laws of this state, at least once a year; upon such examination he shall ascertain if the laws relating to payment of capital, investment of moneys and methods of doing business are complied with. If upon such examination he shall find that the capital stock of such company, corporation or association is impaired, he shall order such impairment made good, or the capital reduced the amount of such impairment: *Provided*, That no reduction shall be made which will reduce the capital of any organization to a less amount than is required by this act, and if the organization so required to make good or reduce its capital stock, refuses or neglects within a reasonable time so to do, the commissioner shall revoke its certificate to do business in this state, and shall apply to any judge of a superior court having jurisdiction for an order upon said company, corporation or association to show cause why its charter should not be revoked and a receiver appointed to wind up its affairs.

Impairment of  
capital stock.

SEC. 10. If the commissioner has reason to believe that

any company, corporation or association organized outside of this state, has less than the paid up unimpaired cash capital or net assets required by this act, it shall be the duty of the commissioner to make such investigation or require such proof as shall be satisfactory to him concerning the financial condition of such organization: *Provided, however,* The certificate of the insurance officer of any state having an insurance department that such organization has the required paid up and unimpaired cash capital, may be accepted by the commissioner as satisfactory. If such organization does not, within sixty days after demand of the commissioner, produce such certificate, the commissioner shall revoke its certificate of authority to do business in this state, and will withhold the same till said certificate is produced. If any officer or agent of the company, corporation or association upon which such demand is made shall issue or deliver, or solicit and agree to issue and deliver, any policy of the delinquent organization, covering any property or life in this state, while such certificate of authority is withdrawn and withheld, he shall be deemed guilty of a misdemeanor, and on conviction thereof subject to a fine of ten dollars for the first and fifty dollars for the second offense.

Capital stock of non-resident companies, impairment of.

Penalty for failure to respond.

SEC. 11. Every insurance organization doing business in this state shall file a statement with the commissioner on or before the fifteenth day of February in each year, verified by the oath of the principal executive officer or manager residing within the state: *Provided,* That offices of the character named are maintained within the state, otherwise, by the principal executive officer of the company, corporation or association, showing the business done in this state during the year ending the thirty-first day of December next preceding. They shall also make and file with the said commissioner, before the first day of March in each year, a complete statement, showing the condition of every such insurance organization on the thirty-first day of December next preceding, and such statement must show — *First,* The amount of capital stock of the company, corporation or association; *second,* the property or assets held by the same; *third,* the liabilities of the organization,

Annual statements, when filed; to contain what.

which must include the reinsurance reserve, as provided by this act; *fourth*, the income of the organization during the preceding year; *fifth*, the expenditures of the preceding year; *sixth*, the amount of risks written during the same period, the amount of risks expired during the same period, and the total amount at risk on the thirty-first day of December next preceding. If the provisions of this section are not complied with on or before the fifteenth day of March in each year, the commissioner shall revoke the certificate of authority to do business in this state, issued to the company, corporation or association failing to comply with the same.

Penalty for failure to report.

Certificates of authority, expiration of.

SEC. 12. Every certificate of authority heretofore granted, or certificate of authority granted pursuant to the provisions of this act to an insurance company, corporation or association to do business in this state, shall expire on the thirty-first day of December after date of issue. The statements and evidences of investment required by this act to be filed in the office of the commissioner before a certificate of authority is granted to a company, corporation or association, shall be renewed from year to year, as prescribed in section eleven of this act. If the commissioner is not satisfied that the capital, securities and investments remain secure, and that it may be safely entrusted with a continuance of its authority to do business in this state, he shall revoke its certificate of authority.

Renewal of certificate.

Agents' license.

SEC. 13. No person or organization shall act as agent for any insurance company, corporation or association in the transaction of any business in this state, or negotiate for or place risks for any such organization, or in any way or manner aid such organization in effecting insurance in this state, unless such organization shall have fully complied with the provisions of this act. Every such person or agent before commencing business, and on or before the first day of each January thereafter, shall procure a license of authority from the commissioner, which license will grant the privilege of soliciting and writing for any and all kinds of authorized insurance in this state. Any person or organization violating the provisions of this section shall forfeit to the people of the state the sum of five hundred

Penalty for failure to procure same.

dollars for the first offense, and an additional sum of one hundred dollars for each month during which any such person or organization shall continue to act for any company, corporation or association, or aiding to effect unauthorized business or insurance in this state.

SEC. 14. No insurance company, corporation or association organized outside of this state shall be permitted to do business in this state until such organization shall have filed with the commissioner a power of attorney which shall authorize a citizen and resident of this state to make and accept service in any proceedings in any court in this state, or the United States herein. If any attorney of any insurance organization, appointed under the provisions of this act, shall remove from the state, or become disqualified in any manner from accepting service, and if any citizen or resident of this state shall have any claim by virtue of any insurance policy issued by any company or organization not represented by attorney in this state, valid service may be made on such company or organization by service upon the commissioner: *Provided*, That in such case the commissioner shall immediately notify such organization, and the principal agent for the Pacific coast, enclosing a copy of the service by mail, postpaid: *And provided further*, That in such case no proceeding shall be had within forty days after such service on the commissioner.

Non-resident companies to file power of attorney.

Legal process, how served.

SEC. 15. When any state shall require insurance organizations of other states to deposit with some officer of such other state, securities in trust for policyholders of such organizations, as prerequisite to their transacting business in such state, the treasurer of this state shall receive from any insurance organization of such other state the same character and amount of securities required by the laws for such other state on deposit, and hold the same in trust for the policyholders of such organization, but such organization may collect and receive the interest and dividends thereon, and withdraw them on depositing with the said treasurer other securities of like character and value. The treasurer shall issue a certificate, under seal, of such deposit for each state which require the same, which will state the items and amount of securities thus deposited,

Securities deposited, when and where.

Treasurer to issue certificate, when.

and that he is satisfied that they are of the market value represented therein, but no securities shall be estimated above the par value of the same, nor shall any securities be withdrawn except as provided in this section.

Examination  
of securities.

SEC. 16. An examination shall be made annually by the treasurer of the securities held by him in trust as aforesaid, from each insurance organization, and if it shall appear at any time that the amount is less than the sum required for the purpose for which such deposit was made, he shall notify said organization thereof, and unless the deficiency is made good within thirty days, shall countermand all the certificates he may have issued to said organizations under the preceding section, and give notice thereof to the officers of the state to whom said certificate may have been transmitted.

Surrender  
of securi-  
ties, when.

SEC. 17. When said organization shall have caused all of its unexpired policies to be paid, canceled or reinsured, and all its liabilities under such policies thereby to be extinguished, or to be assumed by some other responsible organization, he shall, on application of such organization, verified by the oath of its chief executive officer, and on being satisfied that all its policies are so paid, canceled, extinguished or reinsured, deliver up to it such securities.

Examinations.

SEC. 18. The commissioner must keep and preserve in a permanent form a full record of his proceedings, including a concise statement of the condition of each organization examined by him. It shall be the duty of the commissioner to furnish each of the county clerks of this state, quarterly, a certified statement of all companies, corporations or associations doing business in this state under and by authority of this act, and such certificate shall be posted in the office of such county clerk for the inspection of the public.

List of au-  
thorized  
companies.

Fees.

SEC. 19. The commissioner shall require in advance the following fees: *First*, For filing articles of incorporation or certified copies of articles, by-laws or other certificates required to be filed in his office, twenty-five dollars; issuing certificate of authority, ten dollars; for each renewal certificate of authority, ten dollars; for filing the annual statement of condition, ten dollars; for filing each annual

statement of business transacted in this state, ten dollars; for filing any other paper, one dollar; for furnishing copies of papers filed in his office, twenty cents per folio; for certifying copies, one dollar each; for each agents' license, two dollars: *Provided*, That all fees so collected shall be paid into the state treasury.

SEC. 20. Any company, corporation or association organized under the laws of this state prior to the taking effect of this act, or under the provisions of this act, for the purpose of engaging in the business of insurance, must have a subscribed capital of not less than one hundred thousand dollars, of which not less than fifty thousand dollars must be paid in in cash before the issuance by such organization of any policy of insurance under the provisions of this act.

Capital stock  
of local  
companies.

SEC. 21. No company formed under the provisions of this act shall, directly or indirectly, deal or trade in, or sell wares or merchandise or other commodities whatsoever, except such articles as may have been insured by such organization, and claimed to be damaged by fire or water.

Speculation  
forbidden.

SEC. 22. No company, corporation or organization organized under this act shall purchase, hold or convey real estate, excepting for the purpose and in the manner herein set forth, to wit: *First*, such as shall be requisite for its accommodation in the transaction of its business; or, *second*, such as shall have been mortgaged to it in good faith as security for loans previously contracted, or for money due; or, *third*, such as shall have been conveyed to it in satisfaction of debts previously contracted in its legitimate business; or, *fourth*, such as shall have been or may be purchased at sales upon judgments, decrees or mortgage foreclosures obtained or made for such debts.

Real estate,  
dealing in  
prohibited;  
exceptions.

SEC. 23. It shall be unlawful for the directors, trustees or managers of any insurance organization, operating under the laws of this state or under the provisions of this act, to make any dividends except from the surplus profits arising from their business, and in estimating such profits there shall be reserved therefrom a sum equal to forty per cent. of the amount received on premiums on all unexpired risks and policies, which amount so reserved is hereby

Dividends de-  
clared, when.

declared to be unearned premiums; and there shall also be reserved all sums due the company on bonds, mortgages, stocks and book accounts, of which no part of the money or interest has been paid during the year preceding such estimate of profits, and upon which suit for foreclosure or collection has not been commenced, or judgment obtained thereon, which shall have remained more than two years unsatisfied, and upon which interest shall not have been paid.

Capital stock,  
impairment of.

SEC. 24. When the capital stock of any insurance company, organized under the laws of this state, shall be impaired, it may reduce it as provided herein, and the par value of its shares to such an amount as shall be justified by its assets; but no part of its assets shall be distributed to its stockholders, and no reduction shall be made except upon the vote of the stockholders, approved by at least two-thirds of the board of directors, and certified under the corporate seal by the secretary, a copy of which shall be filed with the commissioner. The directors, after such reduction of capital, may require each stockholder to surrender his certificate, and in lieu thereof may issue a new certificate for such number of shares as he shall be entitled to.

Capital stock,  
increase  
thereof.

SEC. 25. Such organization, after its capital shall be so reduced, may increase its capital stock to any amount not exceeding the amount authorized by its charter.

Capital stock,  
manner of in-  
creasing same.

SEC. 26. Any existing insurance organization, or any company formed under the provisions of this act, may at any time increase the amount of its capital stock, after giving notice once a week for four consecutive weeks in any newspaper having a general circulation, published in the county where the organization is located, of such intention, and by filing with the insurance commissioner a copy of such advertisement, subscribed and sworn to by the publisher or manager of said paper as having been so advertised, together with a declaration under its corporate seal signed by its president and two-thirds of its board of directors, and by the stockholders representing three-fourths of its capital stock, of their desire to so increase the capital.

SEC. 27. No insurance company, corporation or association organized under the laws of this state shall issue its policy upon any one risk for more than ten per cent. of its capital stock, paid up in cash and unimpaired, unless such excess be at once reinsured in some other reliable organization. Risks, limit of.

SEC. 28. Any insurance company, corporation or association organized under the laws of this state, and doing or proposing to do business in any other state, may frame and issue policies in such other state in accordance with the laws thereof, anything in its chart [charter] and by-laws to the contrary notwithstanding.

SEC. 29. In the event of the total destruction on any insured building, on which the amount of the appraised or agreed loss shall be less than the total amount insured thereon, the insurance company or companies shall return to the insured the unearned premium for the excess of insurance over the appraised or agreed loss, to be paid at the same time and in the same manner as the loss shall be paid. Unearned premiums.

SEC. 30. When the license or authority of any insurance company, corporation or association doing business in this state has been revoked by the commissioner, the same shall be published four times in some newspaper of general circulation published in the state. Revocation of authority.

SEC. 31. The commissioner shall appoint a deputy, and in the absence of the commissioner or his inability from any cause to exercise the powers and discharge the duties of his office, the powers and duties of the office shall devolve upon the deputy. Deputy commissioner.

SEC. 32. The commissioner shall transmit to each legislature at the beginning of its session, or within thirty days thereafter, a report containing a summary of the statements and reports made to him pursuant to the provisions of this act, classified, which reports shall also contain: *First*, A statement of all insurance companies, corporations or associations authorized to do business in this state during the biennial period ending the thirty-first day of December next preceding, with their names, locations, cap- Biennial reports, to contain what.

ital stock, dates of organization and of the commencement of business in this state, and kinds of insurance in which they are engaged, respectively; *second*, a statement of the insurance companies, corporations or associations whose business has been closed during such period, and the reason for closing the same; *third*, the receipts and disbursements of the insurance department during the same period; *fourth*, any amendments to the insurance law which, in his judgment, are demanded for the better protection of the insured.

Annual tax,  
when and  
how paid.

SEC. 33. All insurance companies, corporations or associations now doing business in this state, or that may hereafter do business in this state, must file with the commissioner annually, on or before the fifteenth day of February in each year, a statement, under oath, stating the amount of all premiums received by said companies, corporations or associations during the year ending December thirty-first preceding in this state, and the amounts actually paid policyholders during the same time, and shall pay into the state treasury a tax of two per cent. on all such premiums collected, less the amount actually paid policyholders. The commissioner shall file such verified statement and schedule in his office and certify the amount of such gross receipts, less amounts actually paid policyholders as aforesaid, to the state treasurer. Within ten days thereafter such insurance company, corporation or association shall pay or cause to be paid into the state treasury, a tax of two per cent. upon all such gross receipts, less such amounts actually paid policyholders in the State of Washington, which payment when so made shall be in lieu of all taxes upon the personal property of such company, corporation or association, and the shares of stock therein. Any organization failing or refusing to render such statement and to pay the required two per cent. tax thereon, for more than thirty days after the time so specified, shall be liable to a fine of one hundred dollars for each additional day of delinquency, and the taxes may be collected by distraint and the fine recovered by an action to be instituted by the attorney general, in the name of the state, in any court of competent jurisdiction, and the

Commissioner  
to certify  
amount to  
treasurer.

Penalty for  
neglect or  
refusal to pay.

commissioner shall revoke and annul the license and authority of such delinquent company until such payment of taxes and fine, should any be imposed, is fully paid and notice given thereof to the said commissioner: *Provided*, That all real property, if any, of such company, corporation or association shall be listed, assessed and taxed the same as real property of like character of individuals.

SEC. 34. The words "insurance company, corporation or association" or "insurance organization," as used in this act, shall be held to mean and does mean and include any company, association, corporation, partnership, individual or attorney engaged in or carrying on in any manner the business of insurance of any character in this state: *Provided*, That the provisions of this act shall not apply to secret or fraternal societies, lodges or councils, which conduct their business and secure membership on the lodge system, having ritualistic work and ceremonies in their societies, lodges, or councils; nor to any mutual or benefit association: *Provided*, That the provisions of this act pertaining to capital stock shall not apply to assessment life and accident insurance companies maintaining an absolute and unimpaired reserve fund of at least twenty thousand dollars in cash or available securities.

Terms used;  
construed to  
mean, what.

Applications  
and excep-  
tions.

SEC. 35. In addition to two hundred copies of the insurance report for the use of the legislature, there shall be printed and bound by the state printer three hundred and fifty copies of such report for the use of the insurance department.

SEC. 36. Title LII of insurance, Hill's Code, approved March 27, 1890 and section forty-three of chapter CXXIV, session laws of 1893, and all other acts or parts of acts in conflict with this act are hereby repealed.

SEC. 37. Whereas, the existing laws of this state relating to insurance and insurance companies are defective and insufficient, an emergency is hereby declared to exist, and, therefore, this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 8, 1895.

Passed the senate March 13, 1895.

Approved March 19, 1895.

## CHAPTER LXXXIII.

[H. B. No. 68.]

## PROVIDING FOR THE APPOINTMENT OF COURT COMMISSIONERS.

AN ACT relating to the appointment, powers and duties of superior court commissioners, and declaring an emergency.

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

Commissioner,  
when ap-  
pointed.

SECTION 1. There may be appointed from each county of this state, where there is no resident judge, by the judge or judges of the superior court having jurisdiction therein, one court commissioner for said county. Such commissioner shall be a citizen of the United States and an elector of the county in which he may be appointed, and having some knowledge of law, and shall reside at the county seat of such county, and hold his office during the pleasure of the court or judge appointing him.

Commissioner,  
powers of.

SEC. 2. Every court commissioner shall have power —

1. To hear and determine all probate matters and to issue all proper orders therein. To grant defaults, and after ten days from the entry of a default by the clerk of the court, to enter judgment thereon. To issue temporary restraining orders and to perform like duties as a judge of the superior court at chambers, subject to revision by the judge of the superior court of the county.

2. To take testimony and proofs in all cases where the same is required by law, and in all matters in which information is required by the court, and report in writing his findings of facts and conclusions of law thereon to the judge of the superior court of the county.

3. To grant adjournments, administer oaths, preserve order, compel the attendance of witnesses, and to punish them for non-attendance or refusal to be sworn or to testify in the hearing of any matter before him as fully as the court or judge.

4. To administer oaths and affirmations and take affidavits and depositions in any action or proceedings in any of the courts of this state, or in any manner of proceedings whatever, and to take acknowledgments and proofs of

deeds, mortgages and all other instruments requiring proof or acknowledgment for any purpose under the laws of this state.

5. To provide an official seal, upon which must be engraved the words "court commissioner" and the name of the county in which such commissioner resides.

6. To authenticate his official acts with his official seal.

7. To charge and collect, for his own use, the same fees for the official performance of official acts mentioned in the fourth subdivision herein as are now or may hereafter be allowed to notaries public in this state for like services.

SEC. 3. Each court commissioner appointed under the provisions of this act shall be allowed a salary, in addition to the fees herein provided for, in such sum as the board of county commissioners may designate, which sum shall not exceed the amount of fifty dollars per month for the time for which said commissioner is appointed, said salary to be paid at the same time and in the same manner as the salaries of other county officers are paid.

SEC. 4. Whereas, there is no law in force in this state relating to the appointment, powers or duties of court commissioners, for which there is present necessity: 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.

Passed the house February 25, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER LXXXIV.

[H. B. No. 499.]

GIVING HONORABLY DISCHARGED UNION SOLDIERS  
PREFERENCE IN PUBLIC EMPLOYMENT AND AP-  
POINTMENTS.

AN ACT giving honorably discharged union soldiers and sailors a preference to all public employment and appointments in this state.

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

SECTION 1. In every public department, and upon all public works of the State of Washington, and of any county thereof, honorably discharged union soldiers and sailors shall be preferred for appointment and employment; age, loss of limb, or other physical impairment which does not, in fact, incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved.

SEC. 2. And all officials or other persons having power to appoint to or employment in the public service set forth in the first section of this act, are charged with a faithful compliance with its terms, both in letter and in spirit, and a failure therein shall be a misdemeanor, and on conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER LXXXV.

[H. B. No. 184.]

## CREATING A BUREAU OF STATISTICS, LABOR, AGRICULTURE AND IMMIGRATION.

AN ACT to establish a bureau of statistics, labor, agriculture and immigration, and making an appropriation therefor.

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

SECTION 1. The secretary of this state shall be *ex officio* commissioner of statistics, and is hereby authorized and directed to establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration.

SEC. 2. The duties of the commissioner shall be to collect, assort, systemize and present in biennial reports to the legislature, statistical details relating to all departments of labor within the state, such as the hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for their support, the probable chances of all being employed, the operation of labor saving machinery in relation to hand labor, etc. Said statistics shall be classified as follows:

Commissioner,  
duties of.

1. Of agriculture.
2. Of immigration.
3. Of mechanical and manufacturing industries.
4. Of mining.
5. Of transportation on land and water.
6. Of clerical and all other skilled and unskilled labor not enumerated above.

7. The amount of cash capital invested in lands, buildings, machinery, materials and means of production generally.

8. Of the number, age, sex and condition of persons employed; the nature of their employment; the extent to which the apprenticeship system prevails in various skilled industries; the number of hours of labor per day; the average length of time employed per annum, and the average annual wages received by each class of workers in each of the industries and employments enumerated.

Employed.

Unemployed. 9. Of the number and condition of the unemployed, their age, sex and nationality, together with causes of their idleness. )

Sanitary conditions. 10. The sanitary conditions of lands, workshops, dwellings; the number and size of rooms occupied by working classes; the cost of rent, fuel, light, food, clothing and water in each locality of the state. )

Non-Caucasian elements. 11. Of the number and condition of the non-Caucasian elements of the state; their social and sanitary habits; the number employed and the nature of their employment; the average wages per day of each employment, and the gross amount yearly; to what extent their employment comes in competition with the white industrial classes of the state. )

Penitentiary. 12. Of the number, condition and nature of employment of the inmates of the state penitentiary, county jails and reformatory institutions, and to what extent their employment affects the labor of mechanics, artisans and laborers outside of these institutions. )

Auxiliary information. 13. Of all such other information in relation to labor as the commissioner may deem essential to further the object sought to be obtained by this statute, together with such operations [observations] on the condition of labor and the probable future of the same as he may deem good and salutary to insert in his biennial reports. >

State officers and assessors, duties of. SEC. 3. It shall be the duty of all state officers and the assessors of the various counties of the state to furnish, upon the written request of the commissioner, all the information in their power necessary to assist in carrying out the objects of this act; and all printing required by the bureau in the discharge of its duty shall be performed by the state printer at public expense, and at least three thousand (3,000) copies of the printed biennial report shall be furnished the commissioner for free distribution to the public.

Statistics, publication of. SEC. 4. The commissioner of statistics is hereby directed to prepare for immediate publication, from the reports of the county assessors, chambers of commerce, boards of trade and other authentic sources, a comprehensive report, setting forth the geography, topography, climate, natural

and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau hereby established to promptly answer all proper inquiries relative to the State of Washington received by mail or otherwise from intending immigrants.

SEC. 5. The commissioner shall have the power to send Commissioner,  
powers of. for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of said commissioner. He shall have free access to all places and works of labor, and any principal, owner, operator, manager or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employé of any such principal, owner, operator, manager or lessee, who shall refuse to said commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager or agent thereof, shall be punished by fine of not less than fifty nor more than two hundred dollars.

SEC. 6. No use shall be made in the report of the bureau Names not  
published. of the names of individuals, firms or corporations supplying the information called for by this act, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and the agent or employé of said bureau violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months.

SEC. 7. The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars (\$1,200) Deputy,  
duties of. per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed

Immigration  
agent.

for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand (\$3,000) dollars any one year. The commissioner shall have the authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be provided with such literature and incidental accessories as in his judgment may be necessary.

Appropriation.

SEC. 8. The sum of four thousand (\$4,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the expenses of the bureau for the first two years after its organization.

SEC. 9. An emergency is declared to exist: therefore, this act shall take effect and be in force from and after the date of its passage and approval by the governor.

Passed the house March 14, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER LXXXVI.

[H. B. No. 112.]

### AMENDING ACT PROVIDING FOR COMMENCEMENT OF CIVIL ACTIONS.

AN ACT to amend sections 1, 10, 11 and 15 of "An act to provide for the manner of commencing civil actions in the superior courts, and to bring the same to trial," approved March 15, 1893.

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

Summons,  
how served.

SECTION 1. That section one of an act entitled "An act to provide for the manner of commencing civil actions in the superior courts, and to bring the same to trial," approved March 15, 1893, be and the same is hereby amended to read as follows: Civil actions in the several superior courts of this state shall be commenced by the service of a summons, as hereinafter provided, or by filing a complaint

with the county clerk as clerk of the court: *Provided*, That unless service has been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint.

SEC. 2. That section ten of an act entitled "An act to provide for the manner of commencing civil actions in the superior courts, and to bring the same to trial," approved March 15, 1893, be and the same hereby is amended to read as follows: The publication shall be made in a newspaper printed and published in the county where the action is brought (and if there be no newspaper in the county, then in a newspaper printed and published in an adjoining county, and if there is no such newspaper in an adjoining county, then in a newspaper printed and published at the capital of the state) once a week for six consecutive weeks: *Provided*, That publication of summons shall not be had until after the filing of the complaint, and the service of the summons shall be deemed complete at the expiration of the time prescribed for publication as aforesaid. The summons must be subscribed by the plaintiff or his attorney or attorneys. The summons shall contain the date of the first publication, and shall require the defendant or defendants upon whom service by publication is desired, to appear and answer the complaint within sixty days from the date of the first publication of such summons; and said summons for publication shall also contain a brief statement of the object of the action. Said summons for publication shall be substantially as follows:

Notice by publication.

*In the superior court of the State of Washington for the county of.....*

.....; *Plaintiff*,

*vs.*

No.....

....., *Defendant*.

The State of Washington to the said (naming the defendant or defendants to be served by publication):

Summons, form of.

You are hereby summoned to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the..... day of....., 1.....,

and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff....., and serve a copy of your answer upon the undersigned attorneys for plaintiff....., at his (or their) office below stated; and in case of your failure so to do, judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court. (Insert here a brief statement of the object of the action.)

..... ,  
*Plaintiff's Attorneys.*

P. O. address.....

County .....

Washington.

Personal  
 service.

SEC. 3. That section 11 of "An act to provide for the manner of commencing civil actions in the superior courts, and to bring the same to trial," approved March 15, 1893, be and the same is hereby amended to read as follows: Personal service on the defendant out of the state shall be equivalent to service by publication, and the summons upon the defendant out of the state shall contain the same as personal summons within the state, except it shall require the defendant to appear and answer within sixty days after such personal service out of the state.

Jurisdiction.

SEC. 4. That section 15 of "An act to provide for the manner of commencing civil actions in the superior courts, and to bring the same to trial," approved March 15, 1893, be and the same is hereby amended to read as follows: From the time of the commencement of the action by service of summons, or by the filing of a complaint, or as otherwise provided, the court is deemed to have acquired jurisdiction and to have control of all subsequent proceedings. A voluntary appearance of a defendant is equivalent to a personal service of the summons upon him.

Passed the house March 1, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER LXXXVII.

[H. B. No. 407.]

DEFINING AND PROVIDING PUNISHMENT FOR CRIME  
OF ARSON.

AN ACT to define and punish the crime of arson and attempted arson, and declaring an emergency.

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

SECTION 1. Arson is the willful setting fire to any structure, as defined in this act, by any person, whether said structure be occupied or vacant, and whether the same be owned by the person or persons setting fire thereto or by any other person or persons, or by any corporation, or by the person or persons setting fire thereto and any other person or persons, or by the person or persons setting fire thereto and any corporation, and whether such structure be partially erected or fully completed. Arson defined.

SEC. 2. The term structure in this act shall be held to mean and shall include in meaning any house, edifice, building, cabin, tent, vessel, boat, water craft or erection capable of affording or designed to afford or intended when completed to afford shelter for any human being, any barn, stable, out house, shed, mill, mill house, dry house, hop house, distillery, manufactory, shop, store, office, office building, bank building, or any building in which property is placed or stored, or which is used or intended to be used for such purpose, or which is intended to be used for the purpose of transacting any kind of business therein, any public building, court house, jail, city hall, guard house, college building, university building, seminary, poor house, market house, pest house, public bridge, any infirmary, asylum, school house, engine house, hospital, theater, hall, church, meeting house, depot, station house, railway car, street car, round house, railroad bridge, railroad trestle, any wharf, dock or landing, or any building or shed of whatever kind or description which is used or intended to be used for the shelter of any human being, animal or thing. Structure defined.

Penalty.

SEC. 3. Every person convicted of arson shall be imprisoned in the penitentiary not exceeding ten years nor less than one year, or in the county jail not exceeding one year and be fined not exceeding one thousand dollars: *Provided*, That if any person or persons shall commit the crime of arson and thereby cause the death of any human being, the person or persons committing said crime shall be deemed guilty of murder in the first degree and shall be punished with death, if it be proved that such person or persons had reason to believe that said crime would probably produce death, otherwise such person or persons committing said crime of arson which shall cause the death of any human being shall be deemed guilty of murder in the second degree, and shall be imprisoned in the penitentiary for not exceeding thirty years.

Auxiliary participants.

SEC. 4. When any crime of arson is committed, every person who shall have aided, counseled or advised the commission of said crime shall be deemed a principal, and shall upon conviction be punished as a principal in said crime.

Married women.

SEC. 5. A married woman who shall commit the crime of arson, or who shall counsel, aid or abet in the commission of such crime may be convicted thereof and punished therefor, though the property set fire to may belong partially or wholly to the husband.

Attempted arson.

SEC. 6. Every person who attempts to commit the crime of arson and fails, or is prevented or intercepted in the perpetration thereof, shall be punished by imprisonment in the penitentiary for the term not exceeding two years, or by imprisonment in the county jail not exceeding one year, and by fine in any sum not exceeding five hundred dollars.

Attempted arson defined.

SEC. 7. Any willful preparation made by any person with a view to setting fire to any structure as defined in this act, shall be deemed to be an attempt to commit the crime of arson, and shall be punished as such.

Exceptions.

SEC. 8. No act done by any official in the discharge of his duty or by any person in pursuance of authority granted by any public authority shall be punishable under this act.

Not retro-active.

SEC. 9. The provisions of this act shall not apply to any act done or crime heretofore committed, and all acts and crimes heretofore done or committed shall be prosecuted

and punished under the laws existing at the time of the commission of said acts in the same manner as if this act had not been enacted.

SEC. 10. Whereas, the existing laws of this state defining the crime of arson and attempted arson, and prescribing punishment therefor, are defective, an emergency is hereby declared to exist for the immediate effect of this act: therefore, this act shall take immediate effect and shall be of force on its approval by the governor.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

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## CHAPTER LXXXVIII.

[H. B. No. 155.]

### AMENDING THE ACT PROVIDING FOR LIENS ON SAW LOGS, ETC.

AN ACT to amend an act entitled "An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same," approved March 15, 1893.

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

SECTION 1. That section one of an act entitled "An act providing liens upon saw logs, spars, piles or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same," approved March 15, 1893, be and the same hereby is amended so as to read as follows: Section 1. Every person performing labor upon or who shall assist in obtaining or securing saw logs, spars, piles, cord wood, shingle bolts or other timber, and the owner or owners of any tugboat or towboat which shall tow or assist in towing, from one place to another within this state, any saw logs, spars, piles, cord

wood, shingle bolts or other timber, and the owner or owners of any logging or other railroad over which saw logs, spars, piles, cord wood, shingle bolts or other timber shall be transported and delivered, shall have a lien upon the same for the work or labor done upon, or in obtaining or securing, or for the services rendered in towing, transporting or driving, the particular saw logs, spars, cord wood, shingle bolts or other timber in said claim of lien described, whether such work, labor or services was done, rendered or performed at the instance of the owner of the same or his agent. The cook in a logging camp shall be regarded as a person who assists in obtaining or securing the timber herein mentioned.

Passed the house February 27, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

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## CHAPTER LXXXIX.

[H. B. No. 258.]

### PROVIDING FOR ELECTION OF JUDGES OF SUPERIOR COURTS.

AN ACT in relation to superior courts and the election of superior court judges.

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

SECTION 1. At the general election to be held in eighteen hundred and ninety-six there shall be elected in the county of King three superior judges; in the county of Pierce, three superior judges; in the counties of Chehalis and Mason jointly, one superior judge; in the county of Thurston, one superior judge; in the counties of Skagit and San Juan jointly, one superior judge; Snohomish and Kitsap jointly, one superior judge; in the county of Whatcom, one superior judge; in the counties of Jefferson, Island and Clallam jointly, one superior judge; in the counties of Pacific, Lewis and Wahkiakum jointly, one superior judge;

in the counties of Clarke, Skamania, Cowlitz and Klickitat jointly, one superior judge; in the county of Spokane, one superior judge; in the counties of Stevens and Spokane, one superior judge; in the county of Whitman, one superior judge; in the counties [county] of Walla Walla, one superior judge; in the counties of Columbia, Garfield and Asotin jointly, one superior judge; in the counties of Kittitas, Yakima and Franklin jointly, one superior judge; and in the counties of Lincoln, Okanogan, Douglas and Adams jointly, one superior judge.

Passed the house March 9, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER XC.

[H. B. No. 405.]

### PROHIBITING THE EMPLOYMENT OF FEMALES IN CERTAIN PLACES.

AN ACT to prohibit the employment of females in places where intoxicating liquors are sold as a beverage.

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

SECTION 1. No female person shall be employed in any capacity in any saloon, beer hall, bar room, theatre, or place of amusement, where intoxicating liquors are sold as a beverage, and any person or corporation convicted of so employing, or of participating in so employing, any such female person shall be fined not less than five hundred dollars; and any person so convicted may be imprisoned in the county jail for a period of not less than six months.

Passed the house March 1, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER XCI.

[H. B. No. 348.]

## RELATING TO ATTORNEYS.

AN ACT in relation to attorneys and counselors at law, providing for admission to the bar.

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

"Attorney"  
and "counsel"  
defined.

SECTION 1. An attorney is a person duly admitted to practice law and authorized to appear for and represent a party in the written proceedings in any action or proceeding in any stage thereof. An attorney other than the one who represents the party in the written proceedings may also appear for and represent a party in court or before a judicial officer, and then he is known in the particular action or proceeding as counsel only, and his authority is limited to the acts that are done in the court or before such officer at that time.

Attorneys,  
by whom  
admitted.

SEC. 2. No person shall be permitted to practice as an attorney or counselor at law, or to commence, conduct or defend any action or proceeding in which he is not a party concerned, either by using or subscribing his own name, or the name of any other person, unless he has been previously admitted to the bar by order of the supreme court or of two judges thereof; and the court shall fix times when examinations shall take place, which may be either in term or vacation, and shall prescribe and publish rules to govern such examinations; but this section shall not be applied to persons admitted under pre-existing laws.

Examinations.

SEC. 3. When a person applies to the said court for admission to the bar he shall be examined by the court at a certain stated time, to be fixed by said court, touching his fitness and qualifications, and if on such examination the court is satisfied that he is of good moral character and has a competent knowledge of the law and sufficient general learning, an oath of office shall be administered to him and an order shall be made on the journal that the applicant be admitted to practice as an attorney and counselor at law in all the courts of record in this state, and a certificate thereof shall be issued by the clerk of said court.

SEC. 4. No person shall be admitted to such examination Qualifications. unless he is twenty-one years of age, has resided in the state for one year next preceding, and is a citizen of the United States; nor until he has produced from some attorney at law practicing in this state a certificate setting forth that the applicant is of good moral character; and that he has regularly and attentively studied law during the period of two years previous to his application, and that he believes him to be a person of sufficient legal knowledge and ability to discharge the duties of an attorney and counselor at law; but any person residing in the state or coming into the state for the purpose of making it his permanent residence, upon producing satisfactory evidence that he has studied law for the period of two years, under the tuition of some attorney at law, or has been admitted as an attorney and counselor at law in some court of record within the United States, may be admitted to such examination upon producing satisfactory evidence that he is of good moral character.

SEC. 5. All persons making application for admission to the bar, as herein provided, shall file a notice of such application with the clerk of the supreme court at least one week before the date of such examination, as shall be fixed by rule of the supreme court, and shall pay to such clerk the sum of \$20, in full for all fees, for filing his application, entering his admission and the issuing of a certificate therefor, and the fees so paid the clerk shall be accounted for by the clerk of said court as other fees. Application, notice of. Fees.

SEC. 6. No person shall practice as an attorney and counselor at law in any court of this state who does not reside in the state, or is not a citizen of the United States, or who holds a commission as judge of any court of record, or who is a sheriff, coroner or deputy sheriff; nor shall the clerk of the supreme court or of the superior court, or the deputy of either, practice in the particular court of which he is clerk or deputy clerk; but nothing herein contained shall prevent attorneys and counselors at law, who reside without this state, practicing in this state, unless the state or territory in which they reside prohibits attorneys and counselors at law residing in this state to practice therein, Additional qualifications and restrictions.

but nothing herein contained shall prevent any judge of any of the courts of this state from finishing any business by him undertaken in the district, circuit or supreme court of the United States prior to his election as judge.

Sex.

SEC. 7. No person shall be excluded from acting as an attorney at law and practicing in all the courts of this state on account of sex.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

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## CHAPTER XCII.

[H. B. No. 220.]

### RELATING TO THE ESTABLISHMENT OF PRIVATE ROADS OF NECESSITY.

AN ACT relating to the location and establishment of private roads of necessity, and providing for compensation for lands taken therefor.

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

SECTION 1. The owner or owners of any lands, which do not abut on any highway, or which are so situated that it is necessary to cross the lands of others to obtain a reasonable way to any public highway, may obtain the location and establishment of a road between his or their said lands and the highway by proceedings in the superior court of the county in which the lands over which such proposed road is to run are situated, in the manner provided by law for the appropriation of private property by corporations, except as in this act provided.

SEC. 2. The person or persons desiring the location and establishment of such road shall set out in his or their petition a description of his or their lands, the situation of the highway with reference to such land, and such other facts as will show the necessity of the establishment of the road, and shall set out the estimated value of the lands to be appropriated for such road.

SEC. 3. Before the hearing of such petition, the petitioner or some one in his behalf shall enter into a bond with two or more sureties to be approved by the county clerk, which bond shall be in the penal sum of two hundred dollars, payable to the State of Washington for the use of such persons as may be interested, conditioned that the obligors shall pay all costs and expenses incurred in the proceedings.

SEC. 4. Upon the hearing of said petition after notice thereof as prescribed by law, the court shall appoint three commissioners, who shall, on a day to be fixed by the court, in the order appointing them, view the lands of the petitioner, and the lands over which it is proposed to locate and establish such road, for the purpose of determining—*First*, whether there is necessity for the establishment of a road, and, *second*, the most practicable route for such road, if the same be necessary, and the clerk of said court shall furnish to said commissioners a certified copy of the order so appointing them.

SEC. 5. When said commissioners shall have made such examination they shall, within ten days after the day appointed by the court for such examination, report to the court in writing (filing the same with the clerk of said court), their decision as to the necessity for the road, and if they deem such road necessary, then they shall set out in such report an accurate description of the road and the route thereof, as recommended by such commissioners, and the estimated value of the land which would be taken for such road, and the amount to be allowed in damages to each separate owner of the lands sought to be appropriated, which in their estimation is just and equitable.

SEC. 6. Any person interested may file exceptions in writing to such report at any time within thirty days after the time fixed by the court for the examination of such commissioners, and such report shall be heard and considered by the court as to the necessity for such road, and as to the location thereof. On the next day after the expiration of the time limited for the filing of exceptions, or as soon thereafter as the same can be heard, which hearing shall be by the court without a jury, and the court shall

decide as to the necessity of such road, and if the same be found necessary, then the court shall fix the location of the road and establish such road, to be opened when compensation shall be made therefor as provided by law: *Provided*, That if the court do not approve the report of the commissioners as to the necessity of the road, or as to the route thereof, then the court may appoint other commissioners whose duties shall be the same as the duties of the commissioners first appointed.

SEC. 7. Such commissioners shall be allowed two dollars per day for their services, which shall be taxed as a part of the costs of the proceedings. All other costs shall be the same as in other civil actions and proceedings in such court, and all costs shall be taxed to and paid by the petitioner or petitioners.

Damages,  
when and how  
awarded.

SEC. 8. If, on the hearing of the report of the commissioners, the court shall find that there is necessity for the road, and shall by order determine the route thereof, then the cause shall be tried before a jury as to the amount of compensation to be made by way of damages for the establishment of the road: *Provided*, That such trial shall be had at a regular term of such court when a jury shall be present. The trial shall be conducted and verdict rendered in the manner provided by law in the case of appropriation of private property by corporations: *Provided further*, That a jury may be waived as in other civil cases in courts of record in the manner prescribed by law.

Appeal.

SEC. 9. No appeal shall be taken from any order of the court as to the necessity of the road or as to the route thereof until after judgment as to the amount of compensation: *Provided*, That exception shall be taken and entered to such orders at the time the same are made, and the appeal from such orders and from the judgment awarding such compensation shall be taken at one time: *Provided further*, That all the provisions of law relating to appeals from judgments in proceedings for the appropriation of private property by corporations shall apply to the proceedings provided for it in this act so far as the same are not inconsistent herewith.

SEC. 10. Within twenty days after the judgment awarding damages the petitioner or petitioners shall pay into court the amount of the award of damages, together with the costs as aforesaid, and upon such payment judgment of appropriation shall be made establishing the road. Damages, payment of.

SEC. 11. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

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## CHAPTER XCIII.

[H. B. No. 494.]

### REDUCING THE CORPORATE LIMITS OF ANY CITY, TOWN OR VILLAGE.

AN ACT to provide for reducing and lessening the corporate limits of any city, town or village in this state, and declaring an emergency.

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

SECTION 1. That the boundaries of any municipal corporation may be altered and a portion of the territory thereof excluded therefrom after proceedings had as required in this act. Upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, praying the city council or other legislative body to submit to the qualified electors of said corporation the proposition to change and alter the corporate limits of said city, town or village, and to exclude a portion of the territory therefrom, setting out and describing the territory to be excluded therefrom, together with the boundaries of the said corporation as it will exist after such change is made, the city council or other legislative body of said corporation shall submit to the electors of said cor- Limits circumscribed, when.

Special  
election.

Ballots to  
contain, what.

Abstract  
of votes.

Declaration  
by council.

poration the question whether such territory shall be excluded from said corporation and be no longer a part thereof. Such question shall be submitted at a special election to be held for that purpose, and said legislative body shall give notice thereof by publication for at least four weeks prior to said election, in some newspaper printed and published in said corporation. Such notice shall distinctly state the proposition to be submitted, and shall designate specifically the territory so proposed to be excluded, and the boundary of said corporation after said alterations of its boundaries and the exclusion of the portion of the territory therefrom; and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "for reduction of corporate limits," and "against reduction of corporate limits," or words equal thereto; said legislative body shall also bound and designate in such notice the names of the officers of election and the place or places at which the polls will be opened for said election. Said legislative body shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat. The votes cast in said corporation shall be canvassed, and if it shall appear upon said canvass that three-fifths of the electors voting at said election shall be for the reduction of the territory, said legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of said vote, which abstract shall show the whole number of electors voting in said corporation, the number of votes cast for the reduction of territory, and the number of votes cast against the reduction of territory.

SEC. 2. The city council or other legislative body of said corporation shall, immediately after said abstract of votes has been filed with the secretary of state, cause to be introduced and passed an ordinance defining and fixing the corporate limits of said corporation as set out and defined in the petition and notice of election, as referred to in section one of this act, and setting forth by metes and bounds or by legal subdivisions the territory excluded from said cor-

poration, and declaring such territory no longer a part of said corporation.

SEC. 3. That immediately after the passage, approval <sup>Plat.</sup> and publication of said ordinance, a copy thereof, duly certified by the clerk of said corporation or other officer performing the duties of clerk, together with a map and plat showing the corporate limits of said corporation as altered and changed, shall be filed and recorded in the office of the county auditor in the county in which said municipal corporation is situate. Thereafter the boundary of said corporation shall be as set forth in said ordinance.

SEC. 4. No election provided for in this act shall be held <sup>Election,  
date of.</sup> within ninety days next preceding any general election held under the laws of the State of Washington, or of any general municipal election held under said laws or the ordinances of the corporation: *Provided*, That nothing herein shall be so construed as to exempt any real property segregated by the provisions of this act from taxation for the purpose of paying any outstanding bonded or other indebtedness of any such city, and the interest of any such indebtedness.

SEC. 5. There being no law or provision for the reduction of the corporate limits of municipal corporations in this state, an emergency is declared: therefore, this act shall take effect and be in force from and after its approval by the governor.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER XCIV.

[H. B. No. 185.]

## PROVIDING FOR ISSUANCE OF DEFICIENCY CERTIFICATES FOR EXCESS OF ROAD WORK.

AN ACT providing for the issuance of "deficiency certificates" for excess of road work performed in the several counties of the State of Washington on account of the road property tax levied for the year 1894 and any succeeding years, and for the auditing of the same in the payment of subsequent road taxes, and declaring an emergency.

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

Excess work,  
provision  
to apply.

SECTION 1. That in all cases where any person, firm or corporation in any county in the State of Washington has lawfully worked out road property tax for the year 1894, or shall hereafter work out such tax for any subsequent year, in excess of the amount of road property tax charged against the real property belonging to such person, firm or corporation for such year, he or they shall, when paying such taxes as may be assessed against said property to the county treasurer, deliver to said treasurer his or their certificate for road property tax worked for such year, which was issued to him or them by the road supervisor of the district wherein such property is situated, and such county treasurer shall receive and file such certificate and shall apply the same in payment of such road property taxes as may be charged against his or their real property upon the tax roll of such county for said year.

Excess labor,  
manner of  
applying.

SEC. 2. Should the amount of labor so performed, as evidenced by said certificate, be in excess of the amount of road property tax extended on the tax rolls of said county for the year therein specified against the property on which the tax is desired to be paid, the county treasurer shall receive and apply such certificate to the payment of such road property tax as may be charged thereto to the amount shown upon said tax rolls, and shall indorse the amount of tax for which said certificate was received and applied upon the face thereof, and shall in his next succeeding quarterly settlement with the board of county commissioners of such county file all of said certificates so received and applied with the clerk of said board, as vouchers on the road dis-

trict fund of the road district wherein the labor was performed to the extent of the amount of the tax for which it was received in payment as shown by the tax roll for such year.

SEC. 3. It shall be the duty of the county auditor of each county, after each quarterly settlement with the county treasurer by the board of county commissioners, to issue to each person, firm or corporation filing a certificate of road property tax worked out for any year in this act specified with the county treasurer, in the manner hereinabove provided, a "deficiency certificate" for the amount of excess of said original certificate over and above the amount of road property tax for such year for which it was received by the county treasurer, as shown on the tax roll and by the indorsement upon the face of said certificate. Said "deficiency certificate" shall set forth all the facts necessary to a proper knowledge of its value and application, and, when issued and signed and sealed by the county auditor, shall be received and credited by the county treasurer of such county in payment of the road property tax of the person, firm or corporation filing the original certificate, for the same or any succeeding year or years, to the amount that may be designated thereon, in the manner and with the same effect as such original certificate: *Provided*, That no certificate, either original or deficiency, shall be received or credited in payment of any other than road property tax, nor shall they be transferred or transferable from person or persons or to any firm or corporation, but they must be presented by the original owner or his or their agent or attorney in order to secure credit thereon.

SEC. 4. It appearing that the tax for 1894 is now due and payable, and that there is urgent need that this act be passed in order that taxpayers may have an opportunity to preserve their rights: therefore, an emergency is hereby declared to exist, and this act shall be in force and effect from and after its passage and approval by the governor.

Passed the house March 4, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

## CHAPTER XCV.

[H. B. No. 529.]

## AUTHORIZING ACTIONS AGAINST THE STATE.

AN ACT authorizing actions against the state.

*Be it enacted by the Legislature of the State of Washington:*Claims, man-  
ner of col-  
lecting.

SECTION 1. Any person or corporation having any claim against the State of Washington shall have the right to begin an action against the state in the superior court of Thurston county. Such action shall be begun against the State of Washington by filing a complaint in such superior court, setting forth the nature of such claim, and containing a direction to the defendant to appear within twenty days after service of the complaint exclusive of the day of service, and defend the action, and a notice that in case of failure so to do, judgment will be rendered against the state according to the prayer of the complaint. The plaintiff in such action shall, at the time of filing his complaint, file a bond or undertaking with two or more sureties to be approved by the clerk of the court to the effect that such party will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state.

Bond filed.

Service.

SEC. 2. Service of the complaint shall be made by the sheriff of the county in which such action is brought, or by any of his deputies, by delivering an attested copy thereof to the attorney general, or by leaving such copy in his office, and by delivering another like copy to the secretary of state, or by leaving such copy in his office.

Attorney  
general.

SEC. 3. The attorney general or his assistant shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appeals may be taken to the supreme court of the state as in other actions or proceedings, but in case an appeal shall be taken on behalf of the state, no bond shall be required of the appellant.

Execution.

SEC. 4. No execution shall issue against the state on any judgment, but whenever a final judgment against the state

shall have been obtained in any such action, the clerk shall make and furnish to the auditor of state a duly certified transcript of such judgment; and the auditor of state shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid out of the state treasury.

SEC. 5. All provisions of law relating to the limitations of personal actions shall apply to claims against the state, but the computation of time thereunder shall not begin until this act shall have become a law.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER XCVI.

[H. B. No. 432.]

### AMENDING THE ACT RELATIVE TO ATTENDANCE OF WITNESSES.

AN ACT to amend section 165-2 [1652] of volume 2 of Hill's Annotated Statutes and Codes of Washington, relating to the manner of compelling the attendance of witnesses, and declaring an emergency.

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

SECTION 1. That section 165-2 [1652] of volume 2 of Hill's Annotated Statutes and Codes of Washington be and the same is hereby amended to read as follows:

Sec. 165-2 [1652]. The subpœna shall be issued as follows: Subpœnas.

1. To require attendance before a court of record or at the trial of an issue therein, such subpœna may be issued in the name of the State of Washington and be under the seal of the court before which the attendance is required or in which the issue is pending: *Provided*, That such subpœna may be issued with like effect by the attorney of record of the party to the action in whose behalf the wit-

ness is required to appear, and the form of such subpoena in each case may be the same as when issued by the court except that it shall only be subscribed by the signature of such attorney.

2. To require attendance out of such court before a judge, justice of the peace, commissioner, referee or other officer authorized to administer oaths or to take testimony in any matter under the laws of this state, it shall be issued by such judge, justice of the peace, commissioner, referee or other officer before whom the attendance is required.

3. To require attendance before a commissioner appointed to take testimony by a court of any other state, territory or county it may be issued by any judge or justice of the peace in places within their respective jurisdiction.

SEC. 2. Whereas, existing laws do not furnish a convenient process for compelling the attendance of witnesses, an emergency is hereby declared to exist, and this act shall take effect from and after its passage.

Passed the house March 4, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER XCVII.

[H. B. No. 532.]

PROVIDING THAT COUNTY COMMISSIONERS SHALL NOT BE INTERESTED IN ANY CONTRACT IN WHICH THE COUNTY IS A PARTY.

AN ACT to amend section 2686 of chapter CCIX of the Code of Washington of 1881, relative to county commissioners, and declaring an emergency.

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

SECTION 1. That section twenty-six hundred and eighty-six of the Code of Washington of 1881, relating to county commissioners, be and the same is hereby amended so as

to read as follows: Sec. 2686. No county commissioner shall, directly or indirectly, be concerned in any contract wherein the county is a party, under the penalty of two hundred dollars, to be recovered by an action at law for the use of the county, and such commission [commissioner] shall forfeit any compensation he must receive on such contract.

SEC. 2. There being no law in force in this state prescribing a penalty against county commissioners being interested in county contracts, an emergency now exists for the immediate taking effect of this act; the same shall be in force from and after its passage.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER XCVIII.

[H. B. No. 444.]

### RELATING TO THE DUTIES OF STATE AUDITOR.

AN ACT relating to the duties of state auditor, and declaring an emergency.

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

SECTION 1. That it shall be unlawful for the state auditor to issue any warrant or warrants except upon vouchers for services rendered or material furnished duly certified and authenticated as provided in sections 3131 and 3132 of the General Statutes of the State of Washington, volume 1, as arranged and annotated by William Lair Hill.

SEC. 2. Whereas, all appropriation acts of the legislature go into effect immediately on their passage and approval, an emergency is declared to exist, and this act shall be in force from and after its passage and approval.

Passed the house March 4, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER XCIX.

[H. B. No. 274.]

## CIVIL AND LEGAL RIGHTS TO BE ENJOYED BY ALL PERSONS.

AN ACT to amend section 2959 of volume 1 of Hill's Annotated Statutes and Codes of Washington.

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

[SECTION 1.] That section 2959 of volume 1 of Hill's Annotated Statutes and Codes of Washington is hereby amended to read as follows: Section 2959. All persons within the jurisdiction of the State of Washington shall be entitled to the full and equal enjoyment of the public accommodations and advantages, facilities and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land or water, theaters and other places of public accommodation and amusement, subject only to the condition and limitations established by law and applicable alike to all citizens.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER C.

[H. B. No. 442.]

## LIMITING HOURS OF LABOR ON STREET CAR LINES.

AN ACT to compel street railway companies to require not more than ten hours' labor in any twenty-four hours from any gripman, motorman, driver or conductor, and to provide a penalty.

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

SECTION 1. No person, agent, officer, manager or superintendent or receiver of any corporation or owner of street cars shall require his or its gripmen, motormen, drivers or conductors to work more than ten hours in any twenty-four hours.

SEC. 2. Any person, agent, officer, manager, superintendent or receiver of any corporation, or owner of street car or cars, violating any of the provisions of section one of this act shall upon conviction thereof shall be deemed guilty of a misdemeanor, and be fined in any sum not less than \$25 nor more than \$100 for each day in which such gripman, motorman, driver or conductor in the employ of such person, agent, officer, manager, superintendent or receiver of such corporation or owner is required to work more than ten (10) hours during each twenty-four (24) hours, as provided in section one of this act, and it is hereby made the duty of the prosecuting attorney of each county of this state to institute the necessary proceedings to enforce the provisions of this act.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CI.

[H. B. No. 560.]

### RELATING TO THE REGENTS OF THE STATE UNIVERSITY.

AN ACT to amend sections 936 and 949 of Hill's Annotated Statutes and Codes of the State of Washington, relating to the board of regents of the university of Washington, and to expenses and compensation of such board.

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

SECTION 1. That section 936 of Hill's Annotated Statutes and Codes of the State of Washington, be and the same is hereby amended to read as follows: Section 936. The government of the university of Washington is hereby vested in a board of regents, to consist of seven members, who shall be appointed by the governor of the state, by and with the advice and consent of the senate, and who

Board of  
regents.

shall hold their offices, respectively, for a term of six years from the second Monday in March next succeeding their appointment, and until their successors shall be appointed and shall qualify: *Provided*, That regents now serving upon such board shall continue as such during the terms for which they were respectively appointed. Four members of said board shall constitute a quorum for the transaction of business.

Quorum.

Expenses allowed, when.

SEC. 2. That section 949 of Hill's Annotated Statutes and Codes of the State of Washington be and the same is hereby amended to read as follows: Section 949. The regents of the university of Washington shall be allowed the traveling expenses actually and necessarily incurred by them while employed in the business of the university, or attending upon or traveling to or from the meetings of the board, and until the first day of October, 1895, such regent shall receive as compensation three dollars for each day actually employed in the business of the university, including time necessarily spent in going to and from the meetings of the board. From and after said date the regents of the university shall receive no allowance or compensation whatsoever except allowance for traveling expenses as above provided. Claims for the allowances and compensation provided for in this section shall be submitted under oath to the state auditor who is hereby authorized to audit and allow the same.

Passed the house March 11, 1895.

Passed the senate March 13, 1895.

Approved March 20, 1895.

## CHAPTER CII.

[H. B. No. 124.]

## RELATING TO SERVICE OF PROCESS ISSUED BY JUSTICES OF THE PEACE.

AN ACT to amend an act entitled "An act to amend section[s] 1456 and 1457 of the Code of Procedure of the State of Washington, relating to the issuing, service and return of process issued by justices of the peace, and to provide for the service and return of summons and complaint and notice issued by justices of the peace by persons other than sheriffs and constables."

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

SECTION 1. That section one of an act entitled "An act to amend section[s] 1456 and 1457 of the Code of Procedure of the State of Washington, relating to the issuance, service and return of process and the complaint and notice issued by justices of the peace, and to provide for the service and return of summons and of complaint and notice issued by justices of the peace by persons other than sheriffs and constables," approved March 10, 1893, be and the same is hereby amended to read as follows: Sec. 1. All process issued by justices of the peace shall run in the name of the State of Washington, be dated the day issued, signed by the justice granting the same, and be directed to the sheriff or any constable of the proper county, and the same, as also the complaint and notice, shall be served by one of said officers.

SEC. 2. That section two of the act above described be and the same is hereby amended to read as follows: Sec. 2. Every constable or sheriff serving any process or complaint and notice, shall return thereon in writing the time, manner and place of service, and endorse thereon the legal fees therefor, and shall sign his name to such return.

Passed the house February 27, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER CIII.

[H. B. No. 483.]

AUTHORIZING ADJUSTMENT OF CERTAIN CLAIMS OF  
WORLD'S FAIR COMMISSION AND OTHERS.

AN ACT authorizing and directing certain state officers to adjust the accounts of the Washington world's fair commission, the Washington board of lady managers, the treasurer of both with the Merchants' National Bank, of Tacoma.

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

SECTION 1. The state auditor and the attorney general of the State of Washington are hereby authorized and directed to investigate and properly adjust a settlement of the accounts pending between the Washington world's fair commission, the Washington board of lady managers, the treasurer of both and the Merchants' National Bank, of Tacoma; to ascertain what checks issued by said treasurer were protested after the failure of said bank, and to take the necessary steps to see that the said protested checks are paid as far as possible by said bank and the balance of each such protested check to be paid out of any funds that may be appropriated for the settlement of the accounts of the Washington world's fair commission and of the Washington board of lady managers.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER CIV.

[H. B. No. 638.]

## RELATING TO SALES OF NURSERY STOCK, ETC.

AN ACT to punish deception and fraud in the sale of nursery stock, garden and field seeds, and declaring an emergency.

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

SECTION 1. Any person or persons who shall misrepresent, deceive or defraud any person or persons in the sale

of any fruit, shade or ornamental tree or trees, or any vine, shrub, plant, bulb or root, by substituting inferior or different varieties, or who shall falsely represent the name, age or class of any such fruit, shade or ornamental tree or trees, or any vine, shrub, plant, bulb, root, garden or field seeds, shall be guilty of a misdemeanor, and on conviction be fined not less than ten dollars (\$10) nor more than two hundred dollars (\$200), or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, and shall be liable to the party or parties damaged or injured thereby in treble the amount of all damages sustained, to be recovered in any court having jurisdiction thereof.

SEC. 2. An emergency is declared to exist for the immediate operation of this act: therefore, it shall take effect and be in force from and after its passage and approval by the governor.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CV.

[H. B. No. 149.]

### RELATING TO DESCENT OF REAL PROPERTY.

AN ACT in relation to the descent of real estate of deceased persons and sales thereof by executors and administrators, and quieting titles acquired by descent.

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

SECTION 1. When a person dies seized of lands, tenements or hereditaments, or any right thereto or entitled to any interest therein in fee or for the life of another, his title shall vest immediately in his heirs or devisees, subject to his debts, family allowance, expenses of administration and any other charges for which such real estate is liable under existing laws. No administration of the estate of

Real property,  
descent of.

such decedent, and no decree of distribution or other finding or order of any court shall be necessary in any case to vest such title in the heirs or devisees, but the same shall vest in the heirs or devisees instantly upon the death of such decedent: *Provided*, That no person shall be deemed a devisee until the will has been probated. The title and right to possession of such lands, tenements, or hereditaments so vested in such heirs or devisees, together with the rents, issues and profits thereof, shall be good and valid against all persons claiming adversely to the claims of any such heirs, or devisees, excepting only the executor or administrator when appointed, and persons lawfully claiming under such executor or administrator; and any one or more of such heirs or devisees, or their grantees, jointly or severally, may sue for and recover their respective shares or interests in any such lands, tenements, or hereditaments and the rents, issues and profits thereof, whether letters testamentary or of administration be granted or not, from any person except the executor or administrator and those lawfully claiming under such executor or administrator.

Title, effected when.

SEC. 2. This act shall apply to and govern the transmission of title of lands, tenements and hereditaments in the case of the estates of persons hereafter dying and of persons already deceased, whether letters testamentary or of administration have been granted on such estates or not, and the title of all heirs and devisees, and their grantees, to any such real property is hereby confirmed and made valid to the same extent as if this act had been passed before the death of such decedent.

Debts.

SEC. 3. No real estate of a deceased person shall be liable for his debts unless, letters testamentary or of administration be granted within six (6) years from the date of the death of such decedent.

"Heirs," meaning of.

SEC. 4. The word "heirs" shall be construed as meaning the person or persons to whom land, tenements and hereditaments descend as defined in sections from 3302 to 3315, both inclusive, of the Code of Washington of 1881.

Community interests.

SEC. 5. This act shall apply to community real property and also to separate estate; and upon the death of either

husband or wife, title of all community real property shall vest immediately in the person or persons to whom the same shall go, pass, descend or be devised, as provided in section 3303 of the Code of Washington of 1881, subject to all the charges mentioned in section one of this act.

SEC. 6. Nothing in this act shall have the effect to pre- Liability.  
vent the real estate of a person deceased for six years prior to the going into effect of this act from being liable for his debts, where letters testamentary or of administration of the estate of such deceased person shall be issued prior to one year after the going into effect of this act.

Passed the house March 1, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CVI.

[H. B. No. 77.]

### RELATING TO OFFICIAL BONDS.

AN ACT relating to official bonds of state, county, city, town and precinct officers.

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

SECTION 1. All persons or boards whose duty by law it now is or hereafter may be to approve official bonds may accept and approve official bonds made by responsible surety or guaranty or insurance companies organized for that purpose, and authorized to do business in this state.

SEC. 2. This act shall not repeal the laws now in force relating to official bonds, but shall be considered supplemental thereto and construed therewith.

Passed the house February 25, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER CVII.

[H. B. No. 88.]

## AMENDING THE ACT FOR THE PRESERVATION OF LARGE GAME.

AN ACT to amend sections three and four of an act entitled "An act for the preservation of large game," of the Laws of Washington, 1889-90, the same being sections 249 and 250, Penal Code, volume 2 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section three of an act entitled "An act for the preservation of large game," Laws of Washington, 1889-90, the same being section 249, Penal Code, volume 2 of Hill's Annotated Statutes and Codes of Washington, be and the same is hereby amended so as to read as follows: It shall be unlawful to hunt or kill for sale, or offer for sale, any deer, mule deer, caribou, mountain sheep, goat or elk after the first day of November or before the first day of October in the counties of Okanogan, Kittitas, Yakima, Klickitat, Douglas, Stevens, Lincoln, Adams, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman, Spokane, Jefferson and Clallam. It shall further be unlawful to hunt or kill for sale, or offer for sale, any deer, mule deer, caribou, mountain sheep, goat or elk after the first day of December or before the first day of November, in the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, Clarke, Cowlitz, Thurston, Kitsap, Island, Mason, Chehalis, Pacific or Wahkiakum.

Passed the house March 9, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER CVIII.

[H. B. No. 453.]

## RELATING TO THE NATIONAL GUARD.

AN ACT to provide for the enrollment of the militia, for the organization, maintenance and discipline of the National Guard of the State of Washington and for the public defense, and entitled the "Military Code," and to repeal existing laws.

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

## ARTICLE I.

## PERSONS SUBJECT TO MILITARY DUTY, AND ENROLLMENT THEREOF.

- SEC. 1. Military code.
2. Persons subject to military duty.
  3. Persons exempt from military duty.
  4. Enrollment.
  5. Notice of enrollment.
  6. Examination of assessment rolls.

SECTION 1. *Military code.* This act shall be known as the "Military Code" of the State of Washington.

SEC. 2. *Persons subject to military duty.* All able bodied men between the ages of eighteen and forty-five, residents of the state and citizens thereof, or if of foreign birth, who shall have declared their intention to become such citizen, shall be subject to military duty if not exempted by the laws of the United States. And all such persons may voluntarily enlist in the national guard.

SEC. 3. *Persons exempt from military duty.* The following persons are exempt from military duty:

1. All persons in the army or navy or volunteer force of the United States and those who have been honorably discharged therefrom.

2. The members of any regularly organized fire or police department in any city or town; but no member of the national guard shall be relieved from duty in the national guard by reason of his joining any such fire company or police department.

3. All persons who shall have served in the national guard of this state, or in other states of the United States, for the term of seven years and have been honorably discharged therefrom.

4. All the judges and clerks of the several courts of this state, and the state and county officers and members of the state legislature.

5. Idiots, lunatics, paupers and vagabonds, habitual drunkards and persons convicted of infamous crimes. All such exempted persons, except those enumerated in subdivision 5, shall be liable to military duty in case of war, insurrection, invasion, or imminent danger thereof.

SEC. 4. *Enrollment.* Whenever the commander-in-chief deems it necessary, he may order an enrollment of all persons other than members of the national guard liable to military duty to be made by the county assessor, or by other persons designated by the commander-in-chief. Such enrollment shall state the name, residence, age and occupation of the persons enrolled. Three copies of such enrollment shall be made; one shall be retained by the enrolling officer, one shall be filed in the office of the auditor of the county in which the enrollment is made, and one in the adjutant general's office.

SEC. 5. *Notice of enrollment.* The officer or person making the enrollment shall, at the time of making the same, serve a notice of such enrollment upon each person enrolled by delivering such notice to him or leaving it with some person of suitable age and discretion at his place of residence. All persons claiming exemption must, within fifteen days after receiving such notice, file a written statement of such exemption, verified by affidavit, with the officer making the enrollment; such officer shall thereupon, if such person be exempt according to law, mark the word "exempt" opposite his name, and shall transmit a copy of such corrected roll to the adjutant general. The commanding officer highest in rank in the national guard and the head of the fire and police departments in each city or town, shall, whenever an enrollment is ordered, file with the enrolling officer a certified list of the names of the persons in his command or department.

SEC. 6. *Examination of assessment rolls.* The assessor in each county of this state shall allow persons appointed to make such enrollment, if persons other than the assessor be appointed, at all proper times to examine their assess-

ment rolls and take copies thereof, and the clerks of all counties, towns and cities shall in like manner, at all proper times, allow such persons to examine and copy the poll lists on file in their offices. All persons shall, upon the application of any person making such enrollment, give the name of and all other information concerning any person within their knowledge liable to be enrolled, under penalty of ten dollars for every concealment or false information or refusal to give the information requested, to be recovered in the name of the state in any court, with costs. The officer making the enrollment shall, within ten days, report all persons who shall fail and neglect to give information to the adjutant general of the state.

## ARTICLE II.

### ORGANIZATION.

SEC. 10. Division into national guard and reserve militia.

11. Number of companies and members thereof.
12. Discipline and exercise.
13. Governor and staff.
14. Brigade organization.
15. Regimental organization.
16. Battalion organization.
17. Company, troop and battery organization.
18. Bands.
19. Signal corps.

SEC. 10. *Division into national guard and reserve militia.* All persons subject to military duty under the laws of this state, and such other persons who shall voluntarily enlist or be commissioned, shall be divided into two classes, to wit: One, consisting of those now enlisted in the National Guard of Washington, and those who hereafter enlist or shall be commissioned therein under the provisions of this act, shall be known as the National Guard of Washington, and shall be subject at all times to the orders of their officers, and the other, to consist of all those subject to military duty not included in the national guard, which shall be known as the Washington reserve militia.

SEC. 11. *Number of companies and members thereof.* In time of peace the National Guard of Washington shall consist of not more than fourteen companies of infantry, two troops of cavalry, one battery of light artillery and

such bands, signal corps and medical department as are hereinafter provided for. The said companies, troops and battery may be allotted and stationed in such localities of the state as the necessity and advantage of the service require, in the discretion of the commander-in-chief, and with reference to the means of rapid concentration, and may be arranged into regiments or battalions, with power to alter and change the organization to conform to any system of drill or instruction now or hereafter adopted for the army of the United States, as the commander-in-chief may deem necessary. Infantry, cavalry and artillery companies shall consist of not less than twenty-four and not more than one hundred and five non-commissioned officers, musicians and privates. The commander-in-chief may limit the maximum membership of any company, troop or battery at any time to a less number than one hundred and five, in his discretion. Any company presenting less than the minimum number of twenty-four enlisted men at any stated muster or inspection shall be disbanded by order of the commander-in-chief.

SEC. 12. *Discipline and exercise.* The system of organization, discipline and exercise of the national guard shall conform as near as practicable to the drill regulations now in use in the army of the United States, and such as may hereafter be prescribed therefor, except as otherwise provided by this act.

SEC. 13. *Governor and staff.* The governor of the state shall be the commander-in-chief of its military forces, and his staff shall consist of one adjutant general, with the rank of brigadier general, who shall be chief of staff; one chief of engineers, one commissary general, one judge advocate general, one quartermaster general, surgeon general, one paymaster general, one inspector general, and one general inspector of rifle practice, each with the rank of colonel, and six aids-de-camp, each with the rank of lieutenant colonel, and one assistant adjutant general with the rank of major, who shall be the military secretary. Upon the recommendation of the chief of the staff departments the commander-in-chief may appoint such assistants, of such grade

not above that of major, and such storekeepers and clerks as in his judgment may be necessary.

SEC. 14. *Brigade organization.* The national guard of this state shall constitute one brigade. The brigade officers shall be as follows: One brigadier general and a staff, consisting of one assistant adjutant general, one assistant chief engineer, one brigade inspector, one judge advocate, one brigade quartermaster, one brigade commissary, one inspector of rifle practice, one chief signal officer, each with the rank of lieutenant colonel, and three aids-de-camp, with the rank of first lieutenant.

SEC. 15. *Regimental organization.* A regiment shall consist of not less than eight nor more than twelve companies, troops or batteries. Its officers shall be one colonel, one lieutenant colonel, not to exceed three majors, at the discretion of the commander-in-chief, and a staff consisting of one chaplain with the rank of captain, one adjutant with the rank of captain, one inspector of rifle practice with the rank of first lieutenant, one commissary, one quartermaster, each with the rank of first lieutenant, one signal officer with the rank of first lieutenant, one sergeant major, one quartermaster sergeant, one commissary sergeant, one color sergeant, one chief trumpeter, one drum major, and two color bearers, each with the grade of sergeant. Each major may detail from the second lieutenants of the line an adjutant, and from the sergeants of the line a sergeant major.

SEC. 16. *Battalion organization.* Each battalion not a part of a regiment shall consist of not more than six nor less than two companies, troops or batteries, one major and a battalion staff of one adjutant, one quartermaster, one inspector of rifle practice, one commissary and one signal officer of the grade of first lieutenant, and non-commissioned staff officers as provided for a regiment. Whenever a regiment shall fall below the number of eight companies, troops or batteries it may be re-organized as a battalion, and the commander-in-chief may in his discretion retain in command the field officers of the regiment so reduced to a battalion.

SEC. 17. *Company, troop and battery organization.* To each company or troop there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, not more than twelve corporals and two musicians or trumpeters. To every battery of artillery, one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, not more than twelve corporals, two musicians, two artificers and one wagoner. Each cavalry troop shall also have one veterinary sergeant and one guidon sergeant, two blacksmiths and one saddler.

SEC. 18. *Bands.* The commanding officer of a regiment may enlist a band of not less than sixteen and not more than thirty-six musicians, who shall be entitled to the clothing and allowance prescribed by law for enlisted men of the same rank. The members of the band must provide their own musical instruments. The leader of such band shall be entitled to the rank of a sergeant major. The said band shall be subject to the orders of the regimental commander, who may discharge and recruit said band at his discretion. The duty of said bands shall be to furnish music for the troops at the regular parades required by law, and upon such other military occasions as the commanding officer of said regiments may direct. They shall be subject to all the laws and regulations for the government of the national guard.

SEC. 19. *Signal corps.* The commanders of regiments of separate battalions, and not part of a regiment, may each organize one signal corps not to exceed twelve men. The regimental or battalion signal officer shall be in command thereof and responsible for its discipline and instruction. The chief signal officer shall be the commanding officer of all the signal corps of the state.

### ARTICLE III.

#### MEDICAL DEPARTMENT.

SEC. 25. Medical officers.

26. Surgeon general, qualification and powers.
27. Present officers continued.
28. Assistant surgeon, how appointed.
29. Examinations.
30. Term of office and duty.

SEC. 31. Hospital and ambulance corps.

32. Qualifications.

33. Discipline and instruction.

SEC. 25. *Medical officers.* The medical department of the National Guard of Washington shall consist of a surgeon general, with the rank of colonel; one brigade surgeon, with the rank of lieutenant colonel, for each brigade; one surgeon, with the rank of major, for each regiment; one assistant surgeon, with the rank of captain or first lieutenant according to length of service, for each battalion; and if deemed advisable by the surgeon general and commander-in-chief, one assistant surgeon, with the rank of captain or first lieutenant, for each unattached company, and the hospital and ambulance corps.

SEC. 26. *Surgeon general, qualification and powers.* The surgeon general shall be appointed by the commander-in-chief to serve during his term of office. He must be a graduate in medicine and surgery of at least five years standing, qualified to practice under the laws of this state, and must have served for at least three years in the national guard of this state. He is charged with the administration of the medical department under the direction of the commander-in-chief, and shall be, with the advice and assistance of the adjutant general, the chief purchasing and disbursing officer of his department. He shall submit, annually, to the adjutant general a report of the medical department.

SEC. 27. *Present officers continued.* The medical officers serving under the present several commanders shall hold office until the expiration of their commissions, and shall be assigned to the several commands by the commander-in-chief, on the recommendation of the surgeon general.

SEC. 28. *Assistant surgeon, how appointed.* All vacancies in the grade of assistant surgeon, with the rank of first lieutenant, shall be filled by appointment by the commander-in-chief, on the recommendation of the surgeon general. Assistant surgeons, at the expiration of three years, may apply for examination for promotion to the rank of captain. Vacancies in the grades of surgeon and brigade surgeon shall be filled by the commander-in-chief, on recommendation of the surgeon general, by re-appoint-

ment or by promotion in order of seniority, in his discretion.

SEC. 29. *Examination.* Candidates for the position of assistant surgeon are required to be graduates of medicine and surgery, qualified to practice under the laws of this state, and must pass a satisfactory examination in that science as well as to mental and physical qualifications, under the direction of the surgeon general, and must give evidence of good morals and habits and general aptitude for military service before being commissioned. Candidates for promotion must be in good standing and pass a satisfactory examination as to their knowledge and fitness for the duties of the next higher grade.

SEC. 30. *Duty.* Medical officers shall be assigned to serve under the various commanders by the commander-in-chief, on the recommendation of the surgeon general. No detail for special duty outside of the commands to which they are assigned shall be made without the approval of the surgeon general.

SEC. 31. *Hospital and ambulance corps.* The hospital and ambulance corps shall consist of one hospital steward for each regiment and unattached battalion or corps, as many acting hospital stewards as may be deemed advisable, not to exceed one private for each company, who shall be regularly enlisted and discharged in the discretion of the surgeon general. They shall be uniformed and equipped at the expense of the state in accordance with the United States army regulations, the bills therefor to be audited and paid as other military bills.

SEC. 32. *Qualifications.* Candidates for the appointment to the position of hospital steward must be licensed pharmacists under the laws of this state, and must give evidence of good morals and good habits. They shall be appointed and warranted by the surgeon general after a satisfactory examination. Acting hospital stewards will be appointed by the surgeon general on the recommendation of the senior medical officer of the command to which they may be attached.

SEC. 33. *Discipline and instruction.* All hospital stewards and acting hospital stewards shall be assigned to the

several commands by the surgeon general, where they shall be under the immediate direction and control of the senior medical officer of the command, who shall be responsible for their equipments, discipline and instruction. The medical department shall be subject to all the provisions of this act and the rules and regulations governing the national guard. Hospital and acting hospital stewards shall have rank, pay and allowance of a first sergeant and corporal, respectively, and the officers of the medical department, the pay and allowance for other officers of the same rank.

#### ARTICLE IV.

##### ELECTION, APPOINTMENT, DUTIES AND QUALIFICATIONS OF OFFICERS AND NON-COMMISSIONED OFFICERS.

- SEC. 38. Duties of adjutant general.  
 39. Duties of inspector general.  
 40. Duties same as in United States army.  
 41. Examining board—Examination.  
 42. How officers to be chosen.  
 43. Non-commissioned officers.  
 \* 44. Present officers to hold over.  
 45. Term of officers.  
 \* 46. Notice and manner of election.  
 \* 47. Notice, how served.  
 \* 48. Holding election.  
 49. Acceptance.  
 50. Appeal.  
 51. Oath and bond.

SEC. 38. *Duties of adjutant general.* The adjutant general must execute an official bond to the State of Washington for the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office. His salary shall be twelve hundred dollars per annum, payable monthly, and his necessary expenses and the expenses of his department, to be limited by the board of military auditors. His duties shall be: To keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the state not issued to the various companies. To keep on file in his office all returns and reports made by and to him. To keep an account in the

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\* The sections above enumerated were stricken out when under consideration in the legislature.—SECRETARY OF STATE.

manner directed by the commander-in-chief of all moneys received and disbursed by him. To attest all commissions issued to military officers. To make out and transmit militia returns prescribed by the acts of congress. To perform such other duties as are required by the provisions of this act, or as much as the commander-in-chief shall direct. He shall make quarterly reports, and an annual report on or before the first day of January in each year to the commander-in-chief, upon the condition of the national guard, and a detailed statement of all expenditures of his department during the preceding year, and of the present condition of all military property under his charge. He shall cause this act to be printed, indexed and annotated, bound in pamphlet form and distributed, one copy to each commissioned officer of the national guard. He shall also furnish to brigade, regimental and battalion and company commanders, and to the judge advocates, each a copy of the rules and regulations of the United States army.

SEC. 39. *Duties of inspector general.* The inspector general shall personally, or by either his assistants or brigade inspectors, inspect as often as may be deemed necessary by the commander-in-chief, any or all organizations, and every branch connected with the military service, including armories, arsenals, store houses, camps and military property, and report to general headquarters the condition, discipline, drill and instruction of the national guard, the condition of military property belonging to the state, and all matters pertaining to his department. He shall have the power to condemn all unserviceable property.

SEC. 40. *Duties same as in United States army.* The departmental and military duties of the officers provided for in this act shall be correlative with those discharged by similarly designated officers in the United States army, except as otherwise provided by this act.

SEC. 41. *Examining board—Examination.* All officers shall be commissioned by the commander-in-chief, and no person shall be commissioned in the national guard of this state unless he is a citizen of the United States and of the State of Washington of eighteen years of age or upwards. No commission shall be issued to any person in

the national guard, save to general officers and the staff of the commander-in-chief, until the officer appointed shall have passed a satisfactory examination before a board as to his knowledge of military duties proportionate to the office to be held, his general knowledge and his fitness for the service. If such person shall be adjudged unqualified for such office, another person shall, after due notice of such adverse decision, be appointed. The commander-in-chief shall appoint such examining board, and may remove any member thereof and fill any vacancy thereon; such examining board to consist of not more than five officers, but the brigadier general and the surgeon general shall always be members of such board, who shall have the same power to compel the attendance of witnesses, administer oaths and take testimony as is possessed by general courts martial. No person shall be eligible for appointment to office in the national guard for the period of one year after he shall have been reported adversely by an examining board. Any officer required by law or by orders to appear before such board shall do so at his own expense.

SEC. 42. *How officers to be chosen.* The military officers of the state shall be chosen as follows: The brigadier general and the adjutant general shall be appointed by the commander-in-chief, with the consent of the senate. Any vacancy in said offices from any cause may be filled by the commander-in-chief, subject to confirmation or rejection by the senate at the next meeting of the legislature thereafter. Field officers of regiments and battalions shall be appointed by the commander-in-chief, and no person shall be eligible as a field officer who has not served as an officer at least three years in the aggregate in either the national guard of this state or some other state of the union, or in the army of the United States. The commissioned officers of companies shall be appointed and commissioned upon the recommendation of a majority of those signing a petition for the organization of any company; and whenever a vacancy occurs in the commissioned office of the National Guard of Washington, below the rank of colonel, the officer next in rank in the company, battalion or regiment shall be gazetted for promotion, and shall appear before the ex-

aminig board for examination at such time as the board may order, and, upon passing said examination successfully, shall be commissioned to fill the vacancy existing in said company, battalion or regiment. Vacancies created by reason of promotions, shall be filled in the same manner, and non-commissioned and warrant officers of companies or divisions shall be gazetted in order of rank to fill vacancies in the office of second lieutenant. No candidate shall be recommended for promotion who fails to make a record of seventy-five per cent. on examination, and where such failures occur the candidate shall be recommended for honorable discharge by the examining board, and the officer next in rank shall be gazetted for examination and promotion, and whenever a vacancy shall exist in the office of any field officer in any regiment or battalion not a part of a regiment, the commander of the brigade shall notify the commander-in-chief and said vacancy shall be filled in the manner herein provided: *Provided*, That when a vacancy occurred in any office by reason of the expiration of the term of office, such officer may, if found qualified upon examination, be re-appointed to fill the vacancy. No person shall be eligible as captain of a company except he shall have served at least one year as an officer and three years in the aggregate in the national guard of this state, or of some other state of the union, or of the army of the United States, or is a graduate of a military college requiring at least three years' military service. For the purpose of this act the word company or companies shall apply to and include the infantry, cavalry and artillery forces. Company commanders shall give bond in the sum of two thousand dollars in form to be prescribed by the adjutant general, conditioned for the faithful discharge of the duties of their office and the proper care and preservation of the state funds and property under their charge. The staff of the commander-in-chief shall be appointed by the governor, except as herein provided, and their commissions shall expire with the term for which the governor appointing them shall have been elected. All officers of the governor's staff shall hold office during his pleasure, and until their successors are appointed and qualified. The brigadier general

and the commanding officers of regiments and battalions not a part of a regiment, shall appoint their respective staff officers, who shall hold office at the pleasure of the officer appointing them, and their commissions shall expire as soon as the successor of such brigade, regimental or battalion commander is commissioned and qualified. No person shall be appointed as a staff officer except judge advocates and chaplains, unless he shall have served at least three years in the national guard of this state, or of some other state of the union, or of the army of the United States: *Provided*, That nothing contained in this section shall be so construed as to apply to the first officers selected of any company organized after the passage of this act.

SEC. 43. *Non-commissioned officers.* Commanding officers of regiments and battalions not part of a regiment shall appoint and warrant the non-commissioned staff officers of their respective regiments and battalions, and they shall appoint and warrant the non-commissioned officers of the companies of their respective regiments and battalions from the members thereof upon the nomination of the commanding officers of the respective companies. In any troops, batteries and companies not a part of a regiment or battalion, the non-commissioned officers shall be warranted by the commanding officer of the brigade from the members thereof upon the written nomination of the commanding officer of such troop, battery or company. All non-commissioned officers shall be appointed for length of service and military qualifications. The non-commissioned staff officers and the members of signal corps, except trumpeters, drum majors, band leaders and veterinary surgeons, who may be civilians, must be duly enlisted.

SEC. 45 [44]. *Term of officers.* The terms of all officers, not otherwise provided for, shall be for four years and until their successors are commissioned and qualified.

SEC. 49 [45]. *Acceptance.* If the person appointed shall not, within ten days after being notified of his appointment, signify his acceptance to the commander-in-chief, he shall be considered as declining the office to which he shall have been appointed, and a new appointment shall be made. All officers, except the general officers and staff of com-

mander-in-chief, must, when notified, appear before the examining board for examination under such rules and regulations as may be prescribed by the commander-in-chief.

SEC. 51 [46]. *Oath and bond.* Every officer duly commissioned shall, within ten days after his commission is tendered him, or within ten days after he shall be personally notified that the same is held in readiness for him by any superior officer, take and subscribe the constitutional oath of office, and give bond if bond is required. In case of neglect or refusal to take and subscribe such oath and give bond if required, within the time mentioned, he shall be deemed to have resigned such office, and a new appointment shall be made forthwith to fill the place.

SEC. 53 [47]. *Examinations.* No person shall be commissioned as an officer of the national guard until such person shall have first passed a satisfactory examination in the following subjects:

1. English grammar, and his ability to speak, read and write with facility and correctness.
2. Arithmetic, and his ability in the application of its rules to all practical questions.
3. His knowledge of the geography of the United States.
4. His knowledge of the history of the United States.
5. His knowledge of the constitution of the United States and of the State of Washington, and the organization of the government under each, and the laws of the state governing the national guard, and also the United States army regulations and the regulations governing the National Guard of Washington.
6. His knowledge of the drill regulations adopted for the use of the army of the United States, and his general qualifications, aptitude and probable efficiency as an officer of the national guard, marking the result on a scale of one hundred. The answers to all questions shall be reduced to writing by the party examined in the presence of the board, and no person shall be granted a certificate of proficiency who shall not make a general average of at least seventy-five, and the said board shall deliver to such per-

son as may pass the required examination, a certificate marking the general average made by the person named therein, and said certificate shall be signed by the presiding officer of said board and attested by the secretary; and on the presentation of said certificate to the commander-in-chief a commission shall be issued to the person therein named.

## ARTICLE V.

## ADMISSION OF COMPANIES AND ENLISTMENT.

SEC. 56. New companies; how admitted.

57. Enlistments.

58. Transfers.

59. Company may be disbanded.

SEC. 56 [48]. *New companies; how admitted.* No company other than those now organized and in the service as a part of the national guard, shall be admitted into the National Guard of Washington except upon the recommendation of the military board, approved by the commander-in-chief, upon petition duly presented for that purpose. No officers shall be appointed upon the organization of a company, hereafter organized, unless at least the prescribed minimum number of men have petitioned therefor. If such company neglects or refuses to recommend persons for officer, or the persons recommended shall not accept and qualify, the commander of the regiment or battalion to which such company may be assigned, shall detail some officer of the line of the regiment or battalion to command said company until some officer is appointed; such officer shall have the same power and be subject to the same liabilities as if he were captain of such company. The military board shall consist of the commander-in-chief, brigadier general and senior field officers below the rank of brigadier general; the adjutant general shall be the clerk of the board.

SEC. 57 [49]. *Enlistments.* All enlistments in the National Guard of Washington shall be for the term of three years, and on the expiration of that term they may be, if discharged with good character, reënlisted, either immediately or at any time thereafter, for terms of one or more years, at their option. No person above the age of forty-five years shall be enlisted or reënlisted except by the

permission of the commanding officer of the regiment or battalion to which the organization is attached, nor any person under the age of twenty-one years without the consent of his parents or guardian. No person under the age of eighteen years shall be enlisted except as musicians. Applicants for enlistment must be citizens of the United States, of the State of Washington, and of good moral character, and before any recruit shall be enlisted he shall be subjected to physical examination by a medical officer, or by any surgeon or physician designated by the surgeon general, and the certificate of such medical officer or physician shall accompany his enlistment papers. Any enlisted man at any time may be ordered by his commanding officer to appear and be examined by a medical officer, and if not up to the requirements physically shall be discharged from the service. The physical qualifications of recruits shall be fixed by the surgeon general, who shall prepare the necessary blanks for examination. Every enlisted man shall continue to be held to duty and shall retain rank, and be eligible to promotion after the expiration of his term of enlistment or reënlistment until he is actually discharged. When an organization is consolidated or disbanded its enlisted men discharged by reason thereof, who shall thereafter reënter the service, shall have allowed to them as part of their terms of service the time already served. Every person recruited for the national guard shall sign two enlistment papers, one copy of which shall be forwarded to the adjutant general, and one copy retained by the company commander, of such form as may be prescribed by the commander-in-chief, which shall contain an oath of allegiance to the state and the United States. The signing of said papers and taking the oath, and the approval thereof by the company, battalion or regimental commander or surgeon general, as the case may be, shall be considered as enlistment in the national guard. Applications for enlistment in any company shall be in writing, and shall only be made at a regular weekly meeting or assemblage of such company by reading the application before the members of the company present. The application shall then be posted in a conspicuous place in

the company's quarters or armory for at least one week, at which time, and not before, such applicant may be balloted for by the company; the ballot must be secret, and three adverse votes shall reject the applicant: *Provided*, That the company commander, in cases of emergency, when the company is about to be ordered into service in cases of riot, war, insurrection or invasion, or imminent danger thereof, may dispense with the posting of the application or with balloting for the applicant in his discretion. Nothing herein shall prevent any company from prescribing other rules as to the admission of members not in conflict herewith. Every applicant for enlistment shall have explained to him the duties and service required of a national guardsman, and the company commander shall be satisfied of the applicant's general fitness and ability to perform the service required of him for the term of his enlistment before enlistment.

SEC. 58 [50]. *Transfers.* An enlisted man, upon his own application, with the approval of the commanding officer of the organization from which and to which he is to be transferred, may be transferred from one company, troop or battery to another organization in the same regiment or battalion, not part of a regiment, by the commanding officer of the regiment or battalion, or from one organization to another in the same brigade by the commanding officer of the brigade.

SEC. 59 [51]. *Company may be disbanded.* If it appears to the commander-in-chief that any company of the national guard has failed to comply with the requirements of the law in the matters of uniform equipment and discipline so that it is incapacitated to discharge the duties required of it, such company may be disbanded by the commander-in-chief: *Provided*, That immediately upon the passage of this act the commander-in-chief shall, upon the recommendation of the brigade commander, muster out and disband such company or companies of infantry and troops of cavalry as may seem to him for the good of the service.

## ARTICLE VI.

RESIGNATION, DISCHARGE AND RETIREMENT OF OFFICERS, AND  
DISCHARGE OF ENLISTED MEN.

SEC. 63. Discharge of officers.

64. Officer must account before discharge.

65. Officer may be ordered before examination board.

66. Retirement of officers.

67. Discharge of enlisted men.

68. Company commander may recommend discharge.

SEC. 63 [52]. *Discharge of officers.* The commander-in-chief may discharge a commissioned officer when such officer tenders his resignation, or when he has been convicted of an infamous crime; when, either before or after receiving his commission, he has removed his residence out of the bounds of his command to so great a distance that it is inconvenient to perform the duties of his office; when he has been absent from his command more than thirty days without leave; upon sentence of a court martial after trial according to law; upon recommendation of a board of examination, as prescribed by this act; and upon disbandment of an organization, as prescribed herein. He may discharge any member of his staff at any time.

SEC. 64 [53]. *Officer must account before discharge.* No officer shall be permitted to resign his commission who shall be under arrest or return to a military court for any deficiency or delinquency; no officer shall be honorably discharged and no officer's resignation shall be accepted unless the officer tendering the same or applying for discharge shall furnish to the commander-in-chief satisfactory proofs that he has on hand and ready to deliver all books or other property of the state in his possession to the officer authorized to receive the same, and that his accounts for money and public property are correct, and that he is not indebted to the state.

SEC. 65 [54]. *Officer may be ordered before examination board.* The commander-in-chief, whenever he may deem that the good of the service requires it, shall order any officer of the national guard before the board of examination hereinbefore provided for, and such board shall examine into the moral character, capacity and general fitness, military and physical qualifications for the service of

such commissioned officer. If the findings of such board be unfavorable to such officer, and he be approved by the commander-in-chief, he shall be discharged or retired from the service. No officer whose rank or promotion would in any way be affected by the decision of said board in any case that may come before it shall participate in the examination or decision of the board in such case when it is possible to avoid the same. Such officer shall pass the examination provided in section 53.

SEC. 66 [55]. *Retirement of officers.* Any commissioned officer who shall have served as such for the continuous period of five years in the national guard of this state or of the Territory of Washington, if he shall have been honorably discharged or be in good standing, may, upon his own request, be placed upon a roll to be established and maintained in the adjutant general's office, which roll shall be designated "the roll of retired officers," with the rank held by him at the time of such application, and withdraw from active service and command, by order of the commander-in-chief, without pay or allowance, except when ordered upon duty as hereinafter provided, and the vacancy thereby created shall be filled in the same manner as other vacancies. The officers on the retired list shall be subject to detail by orders from the commander-in-chief for duty upon boards of officers for military purposes, courts martial and courts of inquiry, and for such other military duties as in his judgment may be advisable. When, however, officers on the retired list are so detailed for active duty other than upon boards of officers, courts martial and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office or duties which they are detailed to perform. When the duties end or the detail is canceled, the officer shall again return to the retired list with his former retired rank. On all occasions of duty and all occasions of ceremony retired officers shall take rank next to the officers of like rank upon the active list.

SEC. 67 [56]. *Discharge of enlisted men.* Whenever any enlisted man of the national guard shall have performed service therein for the term of his enlistment, or

re-enlistment, the commanding officer of the regiment or battalion not part of a regiment, to which he belongs, or in case of a troop, battery or company, not a part of a regiment or battalion, the commanding officer of the brigade, upon a certificate of the commanding officer of his troop, battery or company, or signal corps, to that effect, and that he has turned in to the proper officer all state, regimental and company property for which he is accountable, grant him a full and honorable discharge from further service in the state forces. No enlisted man shall be discharged before the expiration of his term of service, except by order of his brigade, regimental or battalion commander, and for the following reasons: To accept promotion by commission; upon removal of residence from the state or county, or permanent removal to such distance from the command to which he belongs, or any company of the national guard, that in the opinion of his commanding officer he cannot perform his military duties; for disability, established by the certificate of a medical officer; upon being convicted of a felony in a civil court; to carry out a sentence of a court martial; upon the disbandment of any company by the commander-in-chief, as provided by this act; upon the application of commanding officers for non-commissioned staff officers, and musicians enlisted as such; for the good of the service, upon recommendation of company commanders, as herein provided. Discharges must be granted or refused in fifteen days after application therefor is made, or sentence approved, and must be published in orders. The discharge shall be in form prescribed by the commander-in-chief. A statement of all discharges shall be forwarded by the regimental or battalion commanders to the adjutant general. A member applying for a discharge, or for whom an application is made, may be excused from duty pending the application, in the discretion of the commanding officer.

SEC. 68 [57]. *Company commander may recommend discharge.* The company commander may recommend the discharge for the good of the service of any enlisted member of his command, and must state the reason for such recommendation and give notice thereof to such member

in the manner of giving warning for duty. Any member so recommended for discharge may appeal from such recommendation to the brigade, regimental or battalion commander. Non-commissioned staff officers may be discharged at any time by the officer appointing them. Non-commissioned officers may be reduced to the ranks by the commanding officer of the organization to which they belong or by sentence of a court martial.

## ARTICLE VII.

## UNIFORMS, ARMS AND EQUIPMENTS.

- SEC. 75. Adjutant general to furnish all uniforms and equipments.
76. Uniforms.
77. Purchasing board.
78. Equipments state property.
79. Sale or injury of property prohibited.
80. Buying or [and] receiving state property prohibited.
81. Officers having custody of property to give bond.
82. Uniforms and equipments exempt from execution.

SEC. 75 [58]. *Adjutant general to furnish all uniforms and equipments.* Every organization shall be provided by the adjutant general at the expense of the state with such uniforms, arms, equipments, colors, books of instruction and record, blanks, camp and garrison equipage and military supplies as may be necessary for the proper performance of the duty required by this act, upon requisition made for the same approved by the commander-in-chief.

SEC. 76 [59]. *Uniforms.* All non-commissioned officers, musicians and privates of a company or of a regiment or battalion staff, or members of a signal corps and of the medical department, and of the regular organized and enlisted bands shall be furnished with service uniforms of the United States army fatigue pattern, and arms and equipments, at the expense of the state. The service uniforms and equipments shall be issued to the several organizations of the national guard upon requisition of the proper officer. No dress uniforms shall be hereafter furnished by the state. The uniforms of all commissioned officers shall be the undress uniforms, such as is worn by the officers of the army of the United States.

SEC. 77 [60]. *Purchasing board.* The commander-in-

chief, brigadier general and quartermaster general shall constitute a board to purchase such service uniform, arms and equipments. This board shall fix the maximum price of uniforms ready made. This board is also authorized to adopt and purchase such arms and equipments and other military property as in their judgment will best serve the uses of the national guard, which shall be issued by the adjutant general to the several organizations upon requisition approved by the commander-in-chief. Said board shall have power to sell or to exchange from time to time such military property belonging to the state as may be unserviceable, or which it may be deemed for the interest of the state to sell or exchange. All actions or suit against any officer or enlisted man responsible therefor, for any loss or damage to any military property entrusted to his care, shall be brought and prosecuted in the name of the State of Washington.

SEC. 78 [61]. *Equipments state property.* All uniforms, arms, equipments and other property issued to organizations or members of the national guard shall be and remain the property of the State of Washington, and shall be accounted for on their annual returns.

SEC. 79 [62]. *Sale or injury of property prohibited.* Every arm, uniform or equipment issued by the state shall be used only in the discharge of military duties; and any enlisted man who shall wilfully or wantonly injure or destroy any uniform, arm or equipment, or other military property belonging to the state, or the regiment, battalion or company, or refuse to make good such injury or loss, or who shall sell, dispose of, secrete or remove the same with intent to sell or dispose thereof, or shall fail, within ten days after being notified, to return the same to the state or his commanding officer, shall be tried by a court martial and sentenced to pay a fine of not more than fifty dollars, or in default of payment of the same, undergo an imprisonment in the county jail of not more than thirty days; and all clothing, camp and garrison equipage, ordnance, ordnance stores and quartermaster stores, issued by the state, or fabricated from material issued by the state, and charged against the company allowance, or for which com-

mutation has been paid, shall be considered the property of the State of Washington.

SEC. 80 [63]. *Buying and receiving state property prohibited.* If any person shall, knowingly and wilfully, purchase or receive in pawn or pledge any arm, accoutrement, article of military clothing, equipment, tent or fly, or any quartermaster or ordnance stores, the property of the State of Washington, he shall be guilty of a misdemeanor, and, being convicted thereof in any court of competent jurisdiction, shall be sentenced to an imprisonment not exceeding one year, or a fine not exceeding three hundred dollars, or both such fine and imprisonment.

SEC. 81 [64]. *Officers having custody of property to give bond.* The commander-in-chief shall cause and require proper bonds to the state to be given, with good and sufficient sureties, from all officers who shall have any military property in their charge or possession, before any commission shall be issued to or property turned over to such officer.

SEC. 82 [65]. *Uniforms and equipments exempt from execution.* The uniforms, arms and equipments required by law or regulations of every member of the national guard shall be exempt from all suits, distresses, execution or sales for debt or the payment of taxes.

## ARTICLE VIII.

### PAY AND ALLOWANCE.

SEC. 86. Military auditors.

87. Allowance to companies.

88. Allowance to brigade and regimental headquarters.

89. Per diem.

90. Pay for officers on boards and courts.

91. Auditing of military bills.

92. Pensions.

SEC. 86 [66]. *Military auditors.* The commander-in-chief, the brigadier general and state auditor shall constitute a board of military auditors. The commander-in-chief is president and the adjutant general secretary; and the board must have a seal, which must be attached to all accounts audited by them.

SEC. 87 [67]. *Allowance to companies.* There must be audited and allowed by the board of military auditors, to

be paid quarterly out of the special military fund, to the commanding officer of each infantry, cavalry or artillery company of the national guard performing the duty required by law, for armory rent and other incidental expenses, the sum of forty dollars per month, and to each band twenty-five dollars per month. To each battery, in addition to the above mentioned sum, shall be allowed its actual expenses for horsing said battery for all parades and services authorized by law. The company commanders shall render to the adjutant general quarterly reports showing expenditures and duty performed for preceding quarter before said allowance is paid.

SEC. 88 [68]. *Allowance to brigade and regimental headquarters.* The necessary expenses of general, brigade, regimental or battalion headquarters shall be audited and allowed by the board of military auditors, and paid as other military bills, and such expenses shall in no event exceed for brigade headquarters twenty-five dollars per month, and for each regimental and battalion headquarters twenty-five dollars per month.

SEC. 89 [69]. *Per Diem.* There shall be provided by the state, transportation and subsistence, and in addition thereto there shall be paid to each officer and enlisted man for the annual parades, encampments or field duty, and when ordered for duty by the commander-in-chief, except when so ordered for inspection and muster or rifle practice, the following sums for every day actually on duty to be known as duty pay: Musicians or privates, one dollar and fifty cents per day; musicians, members of an enlisted band, two dollars; all non-commissioned officers, one dollar and fifty cents; each enlisted man who has served a full term of enlistment shall be entitled to additional pay at the rate of twenty-five cents per day; all commissioned officers shall receive two dollars per day while on actual duty. Each officer and enlisted man mounted and equipped shall be paid one dollar and fifty cents for each horse actually used by him. When on duty or assembled therefor, or in case of riot, tumult, breach of the peace, war, insurrection or invasion, or whenever called in aid of the civil authorities, commissioned officers shall be entitled to and shall receive

the same pay and allowance as commissioned officers of the regular army of the United States, of equal grade and term of service. Enlisted men on such service shall receive the same pay as hereinbefore provided. The necessary subsistence and quartermaster stores and transportation for the troops, when ordered on any duty, may be contracted for by the proper departmental officers by the direction of the commander-in-chief and paid for as other military claims.

SEC. 90 [70]. *Pay for officers on boards and courts.* All officers detailed or required by the duties of his office to attend or to serve on any board or commission ordered by the commander-in-chief, or in any court of inquiry, court martial or delinquency court, ordered by proper authority in pursuance of any provision of this act, shall be paid a sum equal to one day's duty pay for each day actually employed on such board or court, or engaged in the business thereof, or in traveling to and from the same. The sum in no case shall exceed ten day's pay and actual traveling expenses and subsistence unless upon application of the judge advocate of the court martial, or a presiding officer of a delinquency court, for the trial of commissioned officers, or the presiding officer of a board, the commander-in-chief, or in case of such delinquency court, the commander-in-chief or the officer ordering such court, has authorized such court to sit for a longer period than ten days. The officer detailed to serve upon a delinquency court for the trial of enlisted men shall be paid for each day actually employed therein, or engaged in the business thereof, or in traveling to and from the same, the duty pay pertaining to his rank, as provided for in section eighty-nine, including traveling expenses and subsistence, when such court shall be held at a place other than at the place or town of his residence.

SEC. 91 [71]. *Auditing of military bills.* All military bills and claims shall be certified to or verified in the manner provided by law and such regulations as the board of military auditors may prescribe, and shall be audited by the board of military auditors, and paid by the state treasurer upon the warrant of the state auditor from the special military fund hereinafter provided for: *Provided, however,*

That in all cases where the national guard, or any part thereof, is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or to aid the civil authorities, the pay and expenses for such services shall be audited as above and paid by the state treasurer from the general fund upon the warrant of the state auditor. Such warrants shall be the obligations of the state and shall bear interest at the legal rate from the date of their issue.

SEC. 92 [72]. *Pensions.* Every member of the national guard who shall be wounded or disabled while in the service of the state in cases of riot, tumult, breach of the peace, resistance to process, invasion, insurrection or imminent danger thereof, or whenever called upon in aid of the civil authorities, shall be taken care of and provided for at the expense of the state, and if permanently disabled shall receive the like pension or reward that persons under similar circumstances receive from the United States: *Provided*, That no pension shall be granted for any disability received while in the service of the United States, or while proceeding to or returning from such service. Before the name of any person is placed upon the pension roll under this article, proof shall be made, under such regulations as the commander-in-chief may from time to time prescribe, that the applicant is entitled to such pension.

#### ARTICLE IX.

##### MILITARY DUTY REQUIRED.

SEC. 98. Drills and parades.

99. Disobedience and interruptions.

100. Camp and field duty.

101. State camp grounds.

102. Warning for duty.

103. Not subject to arrest while on duty.

104. Discharge from employment prohibited.

SEC. 98 [73]. *Drills and parades.* Each and every company organized under the provisions of this act shall meet at least once in each month for drill and inspection. In addition to such drills the commanding officer of any organization may require the officers and enlisted men of his organization to meet for drills and instruction at such times and places as he may appoint. There shall be three

annual parades, one on the 22d of February, one on Memorial day and one on the 4th of July.

SEC. 99 [74]. *Disobedience and interruptions.* The commanding officer at any drill, parade or encampment may cause those under his command to perform any military duty he shall require, and may place in arrest for the time of such drill, parade or encampment, any officer or enlisted man who shall disobey the orders of his superior officer, or in any way interrupt the exercises, and any other person or persons who shall trespass on the camp grounds, parade ground or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those under arms, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered parade or encampment; and may prohibit and prevent the sale or use of all spirituous liquors, wines, ale or beer, or holding of huckster or auction sales, and all gambling, and remove disorderly persons within the limit of such parade or encampment, or within the limits not exceeding one mile therefrom, as he may prescribe; and he may, in his discretion, abate as common nuisances all disorderly places, and all such sales of liquors, wine, ale or beer, huckster or auction sales, within such limits. Any person violating any of the provisions of this section, or any order issued to carry out the provisions hereof, shall be guilty of a misdemeanor, and may be delivered, at the termination of such drill, parade or encampment, to any peace officer, and shall be brought before the nearest court of competent jurisdiction for trial, and upon conviction shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both such fine and imprisonment. No parade of the national guard shall be ordered on any day during which a general election shall be held, except in case of riot, invasion or insurrection, or imminent danger thereof. And if any officer shall order any such parade he shall forfeit to the State of Washington the sum of one hundred dollars.

SEC. 100 [75]. *Camp and field duty.* The commander-in-chief may cause the national guard, or such portion of it as he may direct, to perform at least five consecutive

days, in each year, of camp duty, field maneuvers or such other duty as in his judgment will best promote the discipline and efficiency of the force. There shall be no brigade encampment oftener than once in two years, unless upon request as herein provided, and it shall not continue for more than twelve days. During such camp or other duty, there shall be made by the inspector general, or his assistants, a muster and inspection of the troops and of the arms and equipments and other property. In addition to the above, inspections may be ordered by the commander-in-chief at any time: *Provided*, That on all camp and field duty, no female or other citizen shall be allowed within the limits of the camp after retreat without permission of the commander-in-chief. Upon the request of the commanding officer of any organization of the national guard, the commander-in-chief may order such organization upon camp, field or other duty not exceeding twelve days in each year, and for such camp or other duty there shall be allowed at the expense of the state, the necessary transportation and subsistence for men and horses, and other expenses for such duty, but without the per diem pay. While on such duty or ordered thereupon, such force shall in all respects be subject to the provisions of the law and regulations governing the national guard on other camp or field duty.

SEC. 101 [76]. *State camp grounds.* All encampments shall be held at such places and at such time as may be ordered by the commander-in-chief. Such grounds may be selected by the brigadier general, quartermaster general and surgeon general, subject to the approval of the commander-in-chief, and rented and paid for by the state. The auditor is hereby authorized and empowered to draw his warrant upon the state treasurer, against the military fund, upon the certificate of the board of military auditors, for such sums as shall be required in renting and in laying out and preparing grounds designated for such purposes, and in furnishing quarters for troops ordered into camp, and for all necessary disbursements, and for the pay, transportation and subsistence of such troops.

SEC. 102 [77]. *Warning for duty.* Orders for duty

may be oral or written. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order, or by reading the order to the persons warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at the last known place of abode or business of such man, with some person of suitable age and discretion, or by sending a copy of such order or notice containing the substance thereof, to such man by mail, directed to him at his last known place of abode or business, or a postoffice nearest thereto. Orders may be transmitted by telegraph also. Such warning may be given by any officer or enlisted man. The officer or enlisted man giving such warning shall, when required, make a return thereof, containing the names of persons warned and the time, place and manner of warning. Such returns shall be verified by oath and shall be *prima facie* evidence, on the trial of any person returned as a delinquent, of the facts therein stated.

SEC. 103 [78]. *Not subject to arrest while on duty.* No person belonging to the military force of this state shall be arrested under any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty. Any portion of the national guard parading, or performing any duty according to law, shall have the right-of-way in any street or highway through which they may pass: *Provided*, The carriage of the United States mail or the legitimate functions of the police and the progress and operations of fire engines and fire departments shall not be interfered with thereby; and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby. Any person belonging to the military forces of the state going to or returning from any parades, encampments, drill or meeting, which may be required by law to attend, shall, together with his conveyance and the military property of the state, be allowed to pass free through all toll gates and over all toll bridges and ferries.

SEC. 104 [79]. *Discharge from employment prohibited.* No member of the national guard shall be discharged by

his employer by reason of the performance of any duties which he may be ordered upon. When any member of the national guard is ordered upon duty which takes him from his employment, upon the termination of such duty, if the same shall not continue for a longer period than three months, he may apply to be restored to his position or employment. Any employer, or the officer or other manager of any corporation, having authority to employ, who fails or refuses so to do, or violates any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding one hundred dollars, or imprisonment not more than thirty days, or both such fine and imprisonment.

#### ARTICLE X.

##### INSURRECTION, INVASION, BREACH OF THE PEACE.

SEC. 110. Governor may order out the militia.

111. Commanding officer's power to order out.

112. Increase of force.

113. Drafts.

114. Failure to attend, deserter.

115. Term of service one year.

SEC. 110 [80]. *Governor may order out militia.* The commander-in-chief shall have power in case of insurrection, invasion, tumult, riot or breach of the peace, or imminent danger thereof, resistance to process, or in aid of the civil authorities, to order into the active service of the state the national guard, or any part thereof, or the reserve militia, that he may deem proper; and all the members thereof who shall be ordered out by any proper authority for such services shall not be subject to arrest nor liable, civilly or criminally, for any act or acts done by them in pursuance of orders from their commanding officers.

SEC. 111 [81]. *Commanding officer's power to order out.* In case of insurrection or invasion, or imminent danger thereof, within the limits of any command, the senior commanding officer of such command, if the exigency should be such that the commander-in-chief cannot be first communicated with, shall order out for the defense of the state the national guard, or any part thereof, under his command, and immediately report what he has done and the

circumstances of the case to the commander-in-chief. In case of any breach of the peace, tumult or resistance to process of this state, or imminent danger thereof, any sheriff of any county, or mayor of any city or town, may call for aid upon the commander-in-chief, or, if the exigencies are such that the commander-in-chief cannot first be communicated with, upon the senior commanding officer of the national guard stationed therein or adjacent thereto. The call shall be in writing, and shall set forth the grounds therefor. The commanding officer upon whom the call is made shall order out in aid of the civil authorities the military forces, or any part thereof, under his command, and shall immediately report what he has done and all circumstances of the case to the commander-in-chief: *Provided*, The circumstances are such and the urgency so great that the commander-in-chief cannot be first communicated with.

SEC. 112 [82]. *Increase of force.* In case of war, insurrection, invasion, riot, or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, the governor, if he deems the organized national guard insufficient to defend the state or to aid the civil authorities and enforce the laws, may, in his discretion, either call for volunteer recruits to fill the companies of the national guard to the maximum strength, or authorize the temporary organization of volunteer companies, or he may do both; and he shall have full power to increase and reorganize the national guard in any other manner as the exigencies of the occasion may require. Such temporary, volunteer or increased forces shall be discharged when directed by the commander-in-chief as soon as the exigency for which they were required has passed, and while in such service they shall be subject to the same discipline and penalties and receive the same pay as the regular national guard.

SEC. 113 [83]. *Drafts.* Whenever it shall be necessary to call out any portion of the reserve militia for active duty the commander-in-chief shall direct his orders to the senior officers of the nearest organized forces to the point of disturbance, who, upon receipt of the same, shall forthwith proceed to draft as many of the enrolled militia in

his county, or accept as many volunteers, as are required by the commander-in-chief, and shall forthwith forward to the commander-in-chief a list of the persons so drafted or accepted as volunteers.

SEC. 114 [84]. *Failure to attend, deserter.* Every member of the enrolled militia ordered out, or who volunteers or is drafted under the provisions of this article, who does not appear at the time and place designated by the officer, or who has not some able bodied and proper substitute at such time and place within twenty-four hours from such time, or who does not produce his sworn certificate of physical disability from a physician of good standing to so appear, shall be taken to be a deserter and dealt with as prescribed in the articles of war of the United States.

SEC. 115 [85]. *Term of service, one year.* The portion of the enrolled militia so accepted shall be immediately mustered into the service of the state for such period as the commander-in-chief may direct, not exceeding one year, and shall be organized into troops, batteries or companies which may be arranged in battalions or regiments, or assigned to organizations of the national guard already existing. The commander-in-chief is authorized and empowered to appoint the officers necessary to commence and complete any organization thus created. Such new organization shall be equipped, disciplined and governed and paid according to the laws for the government of the national guard.

## ARTICLE XI.

### ASSOCIATION AND INCORPORATION.

SEC. 122. Field, staff and line officers and members of companies may form by-laws.

123. Incorporation of companies.

124. Disbandment.

SEC. 122 [86]. *Field, staff and line officers and members of companies may form by-laws.* The field, staff and company officers of any regiment, or battalion not a part of a regiment, and the members of any troop, battery, company or signal corps, may organize themselves into an association or associations, of which the commanding officer shall be president, and by a vote of two-thirds of all their

members, form by-laws, rules and regulations, not inconsistent with this act, and which shall conform to the system prescribed in general regulations, and be submitted to the judge advocate general for his approval, and when approved by him, such by-laws, rules and regulations shall be binding upon all commissioned officers and enlisted men therein, but they may be altered in the manner provided for their adoption from time to time, as may be found necessary.

SEC. 123 [87]. *Incorporation of companies.* The officers of any regiment or battalion with the members of any military company or companies, where more than one company is stationed in the same city or town, of the national guard, may be incorporated for the purpose of renting, purchasing or erecting and constructing an armory or other edifice or hall to be used by them. Any company or companies with the officers of the national guard stationed in the same city or town, desirous of incorporating, shall adopt articles of incorporation, certifying—The designation of the company or companies and the names and official titles of the officers concerned, and their having associated to form a body politic. The corporate name and location of the chief place of business. If to be a joint stock company, the amount of capital stock and amount constituting a share, or, if not a stock company, shall set forth the manner of admission to membership in the corporation; a full statement of their object and purpose as a corporation; what officers the company will have; by what officers business will be conducted, and when and how they are to be elected or appointed; the number of trustees for the first six months of its existence, and the time of its existence, not to exceed fifty years. Which articles shall be subscribed to by all the military officers joining therein, and sworn to by their president or secretary, and filed with the county auditor and secretary of state, as articles of incorporation of other companies. When so incorporated such company or companies shall be a body politic and corporate, by the name expressed in its articles of incorporation, and by that name it shall have succession and may sue and be sued, may lease, purchase, take, receive, hold and enjoy

to itself and its successors, estates, real and personal, and may mortgage, lease and sell the same, and it may have a common seal which may be changed or altered at pleasure, may adopt by-laws and amend its articles of incorporation, and it shall have the general powers conferred upon private corporations, by the laws of this state, for carrying out the purposes of its incorporation.

SEC. 124 [88]. *Disbandment.* The dissolution or disbandment of any such company or companies as a military organization shall not operate to terminate the existence of the corporation, but the existence of the same may continue for the period limited in its articles of incorporation for the benefit of such corporation.

## ARTICLE XII.

### MILITARY COURTS.

- SEC. 131. Officers' power to administer oath.  
 132. Military courts.  
 133. Courts of inquiry.  
 134. General and garrison courts martial.  
 135. Delinquency courts for officers.  
 136. Delinquency courts for enlisted men.  
 137. Oath.  
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 139. Procedure.  
 140. Counsel.  
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 142. Attendance of witnesses.  
 143. Power to preserve order.  
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 145. Summons to delinquents.  
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 149. Forms.  
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 155. Fines.  
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 157. Payment of fines.  
 158. Sheriff to execute process.  
 159. Collection of fines.  
 160. Levy.  
 161. Dishonorable discharge.

SEC. 162. Collection of fines under by-laws.

163. Fines paid to state treasurer.

164. No action against members of military court.

SEC. 131 [89]. *Officers' power to administer oath.* All commissioned officers of the national guard shall have power to administer oaths and affirmations in all matters pertaining to or concerning the military service, but in no case shall they charge any fee therefor. Any person who shall falsely swear or affirm to any oath or affirmation so administered shall, upon trial and conviction, be deemed guilty of perjury and sentenced for such offense as is now prescribed by law.

SEC. 132 [90]. *Military courts.* The military courts of this state shall be: 1. General courts martial. 2. Garrison courts martial. 3. Delinquency courts, which are of two kinds, (*a*) for officers, (*b*) for enlisted men.

SEC. 134 [91]. *General and garrison courts martial.* General courts martial shall be ordered by the commander-in-chief and shall consist of five officers, any three of whom shall constitute a quorum, but whenever possible a majority of the court must be of a grade at least equal to that of the accused. Garrison courts martial for the trial of military offenses committed by enlisted men when subject to the articles of war, may be appointed by the officer thereunto authorized by such articles, and shall possess the jurisdiction and power to punish exercisable by such courts thereunder. Such court shall consist of three officers, and the oaths of members, the organization of the courts, its procedure and the record of its proceedings shall be in the form prescribed for that of general courts martial convened under this act.

SEC. 135 [92]. *Delinquency courts for officers.* The commander-in-chief shall order or cause to be ordered delinquency courts for the trial of commissioned officers below the rank of brigadier general for delinquencies reported. Such courts shall consist of three officers of at least equal grade with the accused, if possible. The proceedings and sentence of such court shall without delay be delivered to the commander-in-chief or to such officer as he may cause to order such court, who shall approve or disapprove the

same within fifteen days thereafter, and shall notify the delinquent of his approval or disapproval thereof, and from the sentence of such court imposing a fine or penalty for any delinquency, the person tried may appeal to the commander-in-chief or other person ordering the court, within twenty days after notification of the fine or penalty, and the commander-in-chief, or in case such court shall be ordered by any other officer under his direction, then the officer ordering such court may remit or mitigate such fine or penalty.

SEC. 136. [93]. *Delinquency courts for enlisted men.* The commanding officer of each regiment, or battalion not part of a regiment, may appoint a delinquency court, to consist of one commissioned officer of his command, for the trial of enlisted men of his command. The commanding officer of each brigade may, in like manner, appoint a delinquency court or delinquency courts, for the trial of enlisted men in such troops, batteries, separate companies and signal corps as are under his direct command, and shall designate the organizations over which each court shall have jurisdiction. The commander-in-chief may, in like manner, appoint a delinquency court or delinquency courts for the trial of enlisted men of any organization or organizations not herein provided for. Any officer so detailed may be relieved from the duties of such court at any time by the officer appointing him, or his successor in office, and another detailed as such court. Proceedings pending before such court shall not abate or be suspended by reason of such relief and new detail, and any officer so detailed shall have full power to do and perform all acts necessary to complete any proceeding pending before the court to which he was appointed, and to carry into effect any judgment, mandate, order or process made or issued by such court previous to such relief and new detail. A delinquency court so appointed shall be permanent and continuous. Its sessions shall be held at such time and in such places as may be most convenient for the prompt disposition of the business of the court within the discretion of the officer constituting the same. The officer constituting such court may appoint and at any time remove a

clerk thereof, who shall receive a reasonable compensation while on duty, to be fixed by such officer, with the approval of the officer appointing the court. It shall be the duty of the commanding officer of every regiment or battalion, every company attached to a regiment or battalion, and of every battery, troop, separate company, signal corps or hospital and ambulance corps to make return to the delinquency court appointed for or having jurisdiction over the enlisted men of his command, as herein provided, of all delinquents in his command, whereupon such delinquents must be forthwith summoned to appear before such delinquency court at the time and place designated in the summons. The proceedings and sentence of such court shall, from time to time, as may be convenient for the prompt disposition of its business, be delivered to the officer ordering the court or his successor in command, who shall approve or disapprove the same within fifteen days thereafter, and shall notify the delinquent of his approval or disapproval thereof, and from the sentence of any such court imposing a fine or penalty for any delinquency the person tried may appeal within ten days after the notification of the fine or penalty to the officer ordering the court or his successor in command, who may remit or mitigate such penalty or fine.

SEC. 137 [94]. *Oath.* Before entering upon his duties each member of a delinquency court shall take an oath of office to the effect that he will well and truly try and determine, according to the evidence, all matters between the State of Washington and any person or persons who shall come before the court to which he is appointed. The oath need not be administered but once. It may be taken before any officer authorized by law to take acknowledgments of deeds, or before any commissioned officer of the national guard, all of whom shall administer the oath without fee. When the court is composed of three officers the junior may administer the oath to the senior member, who in turn may administer it to the other members.

SEC. 138 [95]. *Organization.* The president of every military court shall be a member of the court highest in grade and rank. Whenever any military court consists of

one person he shall be deemed the president thereof within the meaning of this act. In the absence of the president of any military court the senior officer present shall preside, with all the powers of the president. All members of such court shall, when on duty, be in uniform. The court may sit without regard to hours, and may adjourn from time to time, as may be necessary for the transaction of business. Any vacancy in any military court may be filled by the officer who ordered the court or his successor in command.

SEC. 139 [96]. *Procedure.* Challenges to the court, the arraignment of the accused, the proceeding, trial, record and form of appeal shall in all respects, except as otherwise specially provided herein or in the regulations hereunder, conform to the law and procedure of the courts martial of the United States. After the challenges, if any, have been made and determined the president of the court or the judge advocate shall administer the oath to the members of the court, and the oath shall be administered to him in turn by one of the sworn members. The oath shall be administered in the presence of the accused unless, after due notice, he fails to appear, and in case of a general court martial each member shall take an oath to the effect that he will faithfully try and determine, according to evidence, the matter before him between the State of Washington and the prisoner to be tried, and that he will duly administer justice according to the established rules of law for the government of the military forces of the state, and the judge advocate shall take an oath to the effect that he will faithfully discharge the duties of judge advocate of such court according to the established rules of law for the government of the military forces of the state. No challenges shall be allowed in delinquency courts, and the member or members of any delinquency court need not be sworn in the presence of the delinquents.

SEC. 140 [97]. *Counsel.* In courts of inquiry and general courts martial, a judge advocate shall attend. In delinquency courts and in garrison courts martial, the services of a judge advocate may be dispensed with, and in garrison courts martial a member of the court may be designated

to act as its recorder. In all the courts provided by this act the accused shall have the right to appear and be heard by counsel.

SEC. 141 [98]. *Secrecy.* The members and judge advocates of military courts, except delinquency courts, shall keep secret the proceedings and sentence of the court until the same shall have been approved or disapproved by the proper officer, and shall always keep secret the vote and opinion of any member of the court, unless required to give evidence thereof by a court of justice.

SEC. 142 [99]. *Attendance of witnesses.* The president or the judge advocate of any military court, both before and after being sworn, may issue subpoenas for witnesses whose attendance at such court may be necessary in behalf of the state, and on application, for all witnesses in behalf of any person charged or accused or returned as delinquent, and may direct the commanding officer of any organization to cause such subpoena to be served on any member of his command. Subpoenas shall be served and proof thereof made, as provided by law in civil actions. The president of a military court may, upon proof of service of a subpoena, issue attachments to compel the attendance of witnesses. Such attachment shall be served in the same manner as in civil cases in courts of record. The person so attached for non-attendance shall pay the fees for such service, besides the penalty provided, unless he satisfies the court that his failure to attend was excusable. The court may issue execution for such fees which shall be levied as other executions. Every witness not appearing in obedience to such subpoena when duly served personally with a copy of the same and not having sufficient excuse, shall forfeit to the state the sum of twenty-five dollars. The president of such court shall from time to time report to the judge advocate general the names of all such delinquent witnesses, together with the names and places of residence of the persons serving such subpoenas, and such judge advocate general may sue for and recover such penalties, in the name of the state, in any court of competent jurisdiction.

SEC. 143 [100]. *Power to preserve order.* The president

or the judge advocate of every military court shall have the power to administer the usual oath to witnesses, and the president shall have the same power to preserve order, to compel witnesses to be sworn and testify, and to have the testimony of such witnesses as cannot be reasonably produced at the trial taken by commission as civil courts of record.

SEC. 144 [101]. *Contempts.* Any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or use any insulting or contemptuous or indecorous language or expressions to, or before, any military court or any member of either of such courts in open court, intending to interrupt the proceedings or to impair the authority of such courts, may be committed to the jail of the county in which such court shall sit, by warrant under the hand of the president of the court. The warrant shall be directed to the sheriff or any constable of any such county, and shall briefly state the offense adjudged to have been committed, and shall command the officer to whom it is directed to take the body of such person and commit him to the jail of the county, there to remain without bail in close confinement for a time to be limited, not exceeding three days, and until the officer's fees for committing and the jailer's fees, if any, be paid. Such sheriff shall obey such warrant and keep the person committed thereby until the expiration of the time mentioned in the warrant, and until the officer's and jailer's fees be paid, or until the offender shall be discharged by due course of law, unless sooner discharged by a judge of a court of record, in the same manner and under the same rules as in cases of imprisonment under process of contempt from a civil court of record.

SEC. 145 [102]. *Summons to delinquents.* The president of delinquency court shall designate a fit person or persons to summon all delinquents to appear before the court. Such person or persons must be a citizen of the State of Washington, above the age of twenty-one years, and the service shall be made by delivering to and leaving with each delinquent a copy thereof, or by leaving a copy at his last known place of abode or business, or in towns

or cities in which there is a postal delivery, by mailing to him a copy directed to his last known place of abode or business.

SEC. 146 [103]. *Charges to be served.* When an officer or enlisted man is put in arrest for the purpose of trial, a copy of the charges and specifications, upon which he is to be tried, shall be delivered to him or left at his last known place of abode or business within twenty days after arrest, and a court shall be ordered for his trial within thirty days after the notice of arrest is received by the officer authorized to order the court. If a copy of the charges and specifications be not served or a court be not ordered within the time herein limited, the arrest shall cease, but such charges and specifications may be served, a court ordered and the officer or enlisted man be brought to trial within twelve months after such release from arrest. The appearance of the accused, without objection, and pleading to the charges, shall be deemed a waiver of any defect or irregularity of such service or any of the papers mentioned in this section.

SEC. 147 [104]. *Sentence.* The record of the proceedings and sentence of every court martial shall, without delay, be delivered to the officer ordering the court, or to his successor in command, who shall approve or disapprove the same. The sentence of the court as approved or modified shall be published in orders.

SEC. 148 [105]. *Officer ordering may disapprove.* Every officer authorized to approve or disapprove the proceedings and sentences of a court martial is authorized to re-convene the court and send back its findings and sentence, or either of them, for revision, and to remit, commute or mitigate any punishment awarded by the court.

SEC. 149 [106]. *Forms.* The form of summons issued by delinquency courts provided by this article shall be substantially as follows, the blanks being properly filled up:

#### SUMMONS.

THE STATE OF WASHINGTON, TO ....., GREETING:

You are hereby summoned and required personally to be and appear before a delinquency court for the trial of

....., which will meet pursuant to the laws of the State of Washington, at ....., on the ..... day of ....., 1....., at ..... o'clock ... M., by virtue of orders No....., from headquarters ..... N. G. W., to answer for the following delinquencies and fines for offenses against regimental, battalion, troop, battery, company, or signal corps (as the case may be), by-laws, rules and regulations, and dues, as follows, that is to say, with being absent from (stating the parade, drill, or other duty for which the accused is charged with absence, or other delinquency).

Fines for offenses against the by-laws, rules and regulations of regiment, battalion, troop, battery, company or signal corps (as the case may be).

\$.....

Dues, \$.....

Dated at ....., 1.....

(Signature and rank of presiding officer.)

N. G. W.,

*President of the court.*

An affidavit shall be attached to such summons showing the time, place and manner of service thereof, which may be made before any officer authorized to administer oaths, and no person shall receive any fee for taking such affidavit. The judgment roll shall consist of the summons and affidavit of service thereof, and the judgment of the court, which shall be in form substantially as follows, the blanks being properly filled up:

THE STATE OF WASHINGTON,  
against

.....  
An (or a) ..... in ..... (stating the organization of which the accused is an officer or enlisted man) National Guard of the State of Washington.

Whereas, the said ..... having been duly served with the annexed summons to personally be and appear before the court, as required by law, to make answer to the charges therein specified; and the said ..... (stating whether the accused did or did not appear).

And it satisfactorily appearing that the said ..... is and was an (or a) ..... at the aforesaid dates, of the

National Guard of the State of Washington, and that he was and is subject to the jurisdiction of the court; and it duly appearing that he had been duly notified to perform the duty, for neglect whereof he was returned as delinquent; and, after due deliberation of evidence offered by the state and the delinquent, the court finds and adjudges the said ..... guilty of the following named delinquencies, and does sentence him, the said ....., to pay a fine therefor as follows: ..... (stating each delinquency as set forth in the summons and findings of the court thereon).

Fines for offenses against the by-laws, rules and regulations of regiment, battalion, troop, battery, company or signal corps (as the case may be).

\$ .....

Dues, \$ .....

Making a total fine of ..... dollars.

(Signed) .....,

(Rank) ....., N. G. W.,

*President of the court.*

The warrant issued for the purpose of collecting the fines and penalties imposed by this act shall be substantially in the following form, blanks being properly filled up:

The State of Washington: To the marshals of the court below mentioned, duly appointed according to law, and to any sheriff, marshal, deputy marshal or constable to whom these presents shall come, greeting:

Whereas, pursuant to the laws of the State of Washington, by an order duly issued by (name and rank of the officer ordering court) ..... of the National Guard of the State of Washington, and dated on the ..... day of ....., 18...., court was duly appointed for (state object of court) .....; and,

Whereas, the said court was duly and regularly convened, and was from time to time duly adjourned; and,

Whereas, (name and rank of accused) ....., in (organization) ..... of the National Guard of the State of Washington, was duly and regularly returned to said court, as required by law, charged with (state whether accused was charged with delinquencies, or offenses against the

military code, without specifying character thereof), as appears by (either summons or charges and specifications, as the case may be), duly filed with said court, and was duly summoned and notified to appear before said court, and it satisfactorily appearing to the court that such ..... was and is an ..... of the National Guard of the State of Washington, and subject to the jurisdiction of the court, and, after the deliberation of the evidence offered by the people and the accused, the court did find and adjudge the said ..... (state finding) ....., and did sentence him to pay a fine of ..... dollars, and did also sentence him to pay for fines for offenses against the by-laws, rules and regulations of the said ..... (regiment, battalion, troop, battery, company or signal corps, as the case may be) ..... of ..... dollars, and dues of ..... dollars, making a total fine of ..... dollars; and,

Whereas, the proceedings, findings and sentences of such court ..... were thereafter duly approved by ....., the officer ordering said court:

These presents are, therefore, to command you to levy and collect said fines, together with the sum of ..... dollars, being your costs, according to law, of the goods and chattels of ....., and in default of sufficient goods and chattels of such ..... to satisfy the same, then to take the body of such delinquent and convey him to the common jail of ..... county, and deliver him to the jailer thereof; and the said jailer is hereby directed and required to receive the body of such ..... conveyed to such jail as aforesaid, and to keep such ..... closely confined in the manner and during the time required by law, and until discharged according to law, for which this shall be his warrant; and of your doings by virtue thereof to make return to me within forty days after the execution of these presents.

Given under my hand at ....., State of Washington, on the ..... day of ....., 18....

(Signature) .....

(Rank and organization of presiding officer), N. G. W.,

*President of said court.*

The papers constituting the judgment roll and the war-

rant shall each and all be *prima facie* evidence of the facts therein, or therein stated, before all courts. The jurisdiction of the courts established by this article shall be presumed, and the burden of proof shall rest with the person seeking to oust any such court of jurisdiction in any matter or proceeding.

SEC. 150 [107]. *Payment of fines.* Fines for delinquencies may be paid to the court at any session of the court, and in all such cases the president of the court shall record the fact in the proceedings delivered to the officer ordering the court. The officer hearing any appeal may, in his discretion, receive such further evidence as the nature of the case may require, and for that purpose he shall have power to administer oaths to witnesses produced before him and order testimony of such witnesses as cannot be reasonably produced at the hearing of such appeal, to be taken by commission as in courts of record.

SEC. 151 [108]. *Offenses for officers.* Commissioned officers may be tried by general court martial for the following offenses:

1. For unmilitary or unofficer-like conduct, or for cowardice.
2. For drunkenness on duty.
3. For neglect of duty.
4. For disobedience of orders or any act contrary to the provisions of this act, or to the provisions of the regulations for the government of the national guard.
5. For refusing to grant a discharge to an enlisted man when entitled to the same.
6. For gross oppression or injury of any one under his command.
7. For a combination or attempt to break, resist or evade the laws or lawful orders given to any person, or advising any person so to do.
8. For insult to a superior officer in the line of military duty.
9. For neglect or refusal, when commanding officer, to order out the troops under his command when required by law or lawfully ordered by his superior officer.

10. For presuming to exercise his command while under arrest or suspension.

11. For neglect or refusal to make a draft or detachment when lawfully ordered to do so.

12. For parading the troops under his command on days of election contrary to law.

13. For receiving any fee or gratuity for any certificate.

14. For neglect when detailed to drill or instruct a command, to make complaint for neglect or violation of any duty as provided by law, and for any other neglect for which a commanding officer would be liable.

15. For neglect or refusal to march, to make a draft, or for disobedience to an order in case of rebellion or insurrection, as provided by law.

16. For refusal or neglect to obey a precept or order to call out the national guard or militia, or an order issued in obedience thereto, or for advising any officer or soldier to do the like.

17. For making a false certificate, account, or muster, or parade return.

18. For conduct unbecoming an officer and a gentleman, or for conduct to the prejudice of good order and military discipline.

On conviction of any of the above named offenses, such officer may be sentenced to be cashiered, and shall thereby become disfranchised and incapacitated from holding any military commission or any office in the state, or fined to any amount not exceeding one hundred dollars, or by imprisonment in the county jail for a period not exceeding one year, or reprimanded, or to all or either of such fines and penalties. The commander-in-chief may mitigate the penalty in the order of dismissal if in his judgment there are extenuating circumstances to justify so doing.

SEC. 152 [109]. *Fines of officers.* Commissioned officers may be fined by delinquency courts for non-attendance without excuse at any drill, parade, encampment, meeting for instruction or other duty ordered by competent authority, not more than ten dollars for each day of such non-attendance or delinquency. Absence for a day or any part thereof shall constitute a delinquency.

SEC. 153 [110]. *Return of delinquents.* The commanding officer of each brigade, regiment, battalion, not a part of a regiment, troop, battery and separate company, shall, on or before May 15th and November 15th in each year, return to the adjutant general the names of all commissioned officers absent without excuse, and not on leave of absence, from any parade, encampment, drill or meeting for instruction during the preceding six months. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, but the delinquent may be fined pursuant to the provisions of this act.

SEC. 154 [111]. *Offenses of enlisted men.* Enlisted men may be tried by a general courts martial for the following offenses, and if found guilty, punished as follows:

1. For disobedience of orders, six months in the penitentiary.
2. For disrespect to his superiors, three months in the penitentiary.
3. For mutiny, in penitentiary for one year.
4. For desertion, six months in penitentiary.
5. For drunkenness on duty, thirty days in county jail.
6. For conduct prejudicial to good order and military discipline, thirty days in county jail.
7. For any act contrary to the military code or to the provisions of the regulations for the government of the national guard or to the by-laws of the organization to which he belongs, except for the non-payment of dues and fines, thirty days in the county jail.

On conviction such enlisted men may, in addition to the punishment above prescribed, be sentenced to be dishonorably discharged; if a non-commissioned officer, reduced to the ranks or dishonorably discharged or fined to an amount not exceeding fifty dollars, or all or either of such fines and penalties.

SEC. 155 [112]. *Fines.* Enlisted men who shall, without proper excuse, be absent from, or in any other respect be delinquent at any drill, parade, encampment, meeting for instruction, or other duty ordered by competent authority or prescribed by the by-laws of any company, may be fined by a delinquency court for the enlisted men not

more than five dollars nor less than one dollar for each day thereof for such absence or other delinquency. Such fines when collected shall be paid over to the treasurer of the organization of which the delinquent is a member.

SEC. 156 [113]. *Excuses.* The officer ordering any military duty shall have the power to excuse any officer or enlisted man for absence therefrom, upon good and sufficient grounds. Commanding officers of troops, batteries, companies and signal corps shall make a return within five days after any parade or encampment, of all enlisted men absent, without excuse, from the same, to their next superiors in command.

SEC. 157 [114]. *Payment of fines.* Any officer or enlisted man fined in any military court may, at any time within twenty days from the day when such fine was imposed, pay the amount thereof to the president of the court.

SEC. 158 [115]. *Sheriff to execute process.* The president of any court martial or delinquency court may designate any sheriff or a constable to execute the process and orders of the court; and the sheriff or constable so designated shall, when required, not only perform the usual duties as such officers, but shall also execute any process, mandate or order lawfully issued by such president or court, and perform all acts and duties by this act imposed or authorized to be performed by any sheriff or constable. Any sheriff or constable who refuses to execute the lawful process or orders of such courts shall forfeit his office and may be fined not exceeding one thousand dollars. He may be prosecuted in any court of competent jurisdiction, by the judge advocate general or any officer of his department.

SEC. 159 [116]. *Collection of fines.* For the purpose of collecting any fines or penalties imposed by any court martial or delinquency court, the president of the court shall, within twenty days after the expiration of the time in which an appeal is allowed, if such fines and penalties have been approved, issue a warrant or warrants for the collection of such fines and penalties as remain unpaid. No property shall be exempt from the payment of such fines and penalties. In default of sufficient personal prop-

erty to satisfy the same, the officer executing the same shall take the body of the delinquent and convey him to the common jail of the city or county in which he may be found, whose jailer shall closely confine him without bail for two days for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the costs and jailer's fees, be sooner paid. No such imprisonment shall extend beyond the period of twenty days, and the prisoner may be liberated at any time by the order of the officer who ordered the court that imposed the fines or penalties.

SEC. 160 [117]. *Levy.* Any officer to whom any warrant shall be directed and delivered shall execute the same by levying and collecting the fines or penalties within forty days from the receipt of such warrant, and make return thereof to the officer who issued the same. Any warrant for the collection of fines issued by virtue of this act may be renewed in the same manner that execution issued from justice's courts may by law be renewed.

SEC. 161 [118]. *Dishonorable discharge.* Enlisted men fined by a military court who shall neglect or refuse to pay such fine within forty days after the same was imposed may be dishonorably discharged from the service by the officer ordering the court. A dishonorable discharge shall disfranchise such person and disqualify him from holding any position in the national guard or from holding any office in this state. The officer, in the order of dishonorable discharge, may reduce or remit this penalty if in his judgment there are such extenuating circumstances as to justify so doing. The commander-in-chief shall have the like power at any time.

SEC. 162 [119]. *Collection of fines and dues under by-laws.* When a certified copy of the proceedings relating to the infliction of any fine for offenses against the by-laws, rules and regulations of any association organized pursuant to this act, and dues not exceeding twenty-five dollars, with a copy of such by-laws, rules and regulations, has been returned to any delinquency court, such fine or dues may be enforced by such court in the same manner as a fine for

delinquency. Any such fine when collected shall be paid over to the treasurer of the organization of which the offender or delinquent is a member.

SEC. 163 [120]. *Fines paid to state treasurer.* All fines and penalties imposed by any military court upon any of the officers or enlisted men of the national guard, except as otherwise provided herein, shall be paid by the officer collecting the same to the treasurer of the state, and passed to the credit of the military fund.

SEC. 164 [121]. *No action against members of military court.* No action shall be maintained against any member of a military court, or officer or agent acting under its authority, on account of the imposition of a fine or penalty or for the execution of a sentence on any person.

### ARTICLE XIII.

#### MISCELLANEOUS.

- SEC. 168. Ammunition for practice.
- 169. Prizes for rifle practice.
- 170. Articles of war, when govern.
- 171. Rules and regulations.
- 172. Custom and usage of the United States army.
- 173. Suit against officers.
- 174. Exempt from jury duty and poll tax.
- 175. Flags.
- 176. Revenue.
- 177. Military fund.
- 178. Repealing clause.

SEC. 168 [122]. *Ammunition for practice.* Upon the order of the commander-in-chief the adjutant general shall provide for and issue to the national guard for rifle and artillery practice such ammunition as may be necessary for the efficiency of the service, and he shall provide fully such conveniences for rifle practice for the national guard as shall be prescribed by the commander-in-chief to be paid as other military expenses.

SEC. 169 [123]. *Prizes for rifle practice.* The commander-in-chief is authorized to use annually the sum of one hundred fifty dollars to be given in prizes for the promotion and encouragement of rifle practice. Said sum shall be audited and paid as other military expenses, and shall be competed for under such regulations as shall be

prescribed by the commander-in-chief and general inspector of rifle practice.

SEC. 170 [124]. *Articles of war, when govern.* When any portion of the military forces of this state shall be on duty under or pursuant to the orders of the commander-in-chief, or whenever any part of the state forces shall be ordered to assemble for duty in time of war, insurrection, invasion, public danger, any breach of the peace, tumult, riot, resistance to process of this state, or imminent danger thereof, the rules and articles of war and general regulations for the government of the army of the United States, so far as they are applicable, and with such modifications as the commander-in-chief may prescribe, shall be considered in force and regarded as a part of this act until said forces shall be duly relieved from such duty. No punishment under such rules and articles which shall extend to the taking of life shall, in any case, be inflicted except in time of actual war, invasion or insurrection, declared by proclamation of the governor to exist, and then only after the approval of the commander-in-chief of the sentence inflicting such punishment.

SEC. 171 [125]. *Rules and regulations.* The commander-in-chief is hereby authorized to make such rules and regulations, from time to time, as he may deem expedient, but such rules and regulations shall conform to this act, and as nearly as practicable, to those governing the United States army, and when promulgated, shall have the same force and effect as the provisions of this act. But the rules and regulations in force at the time of the passage of this act shall remain in force, except as changed hereby, until new rules and regulations are approved and promulgated.

SEC. 172 [126]. *Custom and usage of the United States army.* All matters relating to the organization, discipline and government of the national guard, not otherwise provided for in this act or in the general regulations, shall be decided by the custom and usage of the United States army.

SEC. 173 [127]. *Suit against officers.* When a suit or proceeding shall be commenced in any court by any person against any military officer of the state, for any act done

by such officer in his official capacity in the discharge of any duty under this act, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person prosecuting or instituting a suit or proceeding, to file security for the payment of costs that may be incurred by the defendant therein, and in case the plaintiff shall be non-suited, or have a verdict or judgment rendered against him, the defendant shall recover treble cost.

SEC. 174 [128]. *Exempt from jury duty and poll tax.* Every commissioned officer and every enlisted man of the national guard of this state shall be during his term of service exempt from all jury duty, if he claims it, and from the payment of poll tax.

SEC. 175 [129]. *Flags.* No flag but that of the United States and that of the State of Washington shall be carried by the national guard.

SEC. 176 [130]. *Revenue.* For the purpose of raising revenue for the national guard, there is hereby levied, and the proper officers shall collect, a tax of one-fifth of one mill upon all the property in the state subject to taxation for the present fiscal year and for each fiscal year hereafter.

SEC. 177 [131]. *Military fund.* The revenue raised under the provisions of this act shall be paid into the state treasury and be converted into a special military fund, from which special fund shall be paid the expenses authorized by this act, except as otherwise provided.

SEC. 178 [132]. From and after the passage of this act, the acts of the legislature of the State of Washington, entitled "An act to provide for the organization, maintenance and discipline of the militia of the State of Washington," approved March 27, 1890; "An act to amend an act entitled 'An act to provide for the organization, maintenance and discipline of the militia of the State of Washington,' approved March 27, 1890," approved March 10, 1893, be and the same are hereby repealed.

Passed the house March 8, 1895.

Passed the senate March 11, 1895.

Approved March 19, 1895.

## CHAPTER CIX.

[H. B. No. 176.]

PROVIDING FOR INSPECTION AND WEIGHING OF  
GRAIN.

AN ACT to provide for state grain weighing and grading, creating the office of state grain inspector, establishing a state grain commission, and making an appropriation of \$2,000.

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

SECTION 1. There is hereby created the office of state grain inspector in the State of Washington. Within thirty days after this act shall have become a law, the governor shall appoint a suitable person, who shall be a qualified elector of the State of Washington, as state grain inspector, who shall be styled chief inspector. The said chief inspector shall be thoroughly familiar with the grains of Washington and contiguous states, and shall have had at least three years experience in handling said grain, and shall hold his office for the term of two years and until his successor is appointed and qualified, unless sooner removed by the governor, and shall, before entering upon the duties of his office, take an oath of office as in case of other state officers, and shall execute a bond to the State of Washington in the penal sum of \$10,000, with good and sufficient sureties, to be approved by the governor and attorney general, conditioned that he will faithfully and impartially discharge the duties of the office of chief inspector according to law. Any vacancy which may occur in the office of chief inspector shall be filled by the governor for the remainder of the term. Any chief inspector shall be eligible to reelection [reappointment]. He shall be required to give his entire time to the duties of the office.

Grain in-  
spector, quali-  
fications of.

Vacancies,  
how filled.

SEC. 2. The first chief inspector appointed under this act shall have his headquarters in the city of Tacoma, and thereafter in that city in the state in which the receipts of grain in carload lots was greatest for the preceding year. He shall appoint such a number of deputy inspectors as may be necessary to properly and thoroughly inspect the grain as received, and carry out the provisions of this act,

Inspector,  
location of.

Deputies.

one of whom shall be stationed in each of the cities provided with state inspection under this act, and styled chief deputies. The cities of Seattle, Tacoma and Spokane are hereby provided with state inspection under this act, and such other places in the state where grain is received in carload lots for milling or export may be designated as placès for state inspection by the state grain commission: *Provided*, That the expenditures for inspecting at such places so designated by the state grain commission shall not exceed the receipts of fees at such place or places.

Deputies, qualifications of.

SEC. 3. Said chief deputy inspectors shall be expert grain men with at least three years experience handling grain, and shall take an oath of office as in case of a chief inspector, and shall each give bonds to the State of Washington in the penal sum of \$5,000, with good and sufficient sureties, to be approved by the governor and attorney general, and conditioned as in case of the chief inspector.

Bonds, where filed.

SEC. 4. The bonds given by the chief inspector and chief deputy inspectors shall be filed in the office of the secretary of the State of Washington, and suit may be brought upon said bonds in any court having jurisdiction thereof for the use of any person or persons who may be injured by reason of a neglect or failure to comply with the law or the rules and regulations made thereunder.

Removals.

SEC. 5. The chief inspector shall have the power to remove any of the deputy inspectors at pleasure, and said deputy inspectors shall act under the immediate control and supervision of the said chief inspector.

Reports, to contain what.

SEC. 6. It shall be the duty of such chief deputies to make daily reports to the chief inspector, showing the number of cars weighed and graded [graded], the weight and grade of such cars, the amount of fees, fines and forfeitures collected and such other information as the chief inspector may require. He shall make remittances of all moneys collected under the provisions of this act as directed by the chief inspector.

Clerk, salary of.

SEC. 7. The chief inspector shall be allowed one clerk at a salary of ten hundred dollars per annum, to be paid monthly in the same manner and out of the same funds the chief inspector is paid.

SEC. 8. No chief inspector or deputy inspector shall, during his term of office, be interested directly or indirectly in handling, storing, shipping, purchasing or selling grain, nor shall he be in the employment of any person or corporation interested directly or indirectly in the handling, storing, shipping, purchasing or selling of grain.

Disqualifi-  
cation.

SEC. 9. Any duly authorized chief inspector of grain who shall be guilty of any neglect of duty or who shall knowingly or carelessly inspect any grain improperly or who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector of grain, or any person, persons, corporation or agent who shall improperly influence or attempt to improperly influence any inspector of grain in the performance of his duty as such inspector shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars nor more than five thousand dollars, in the discretion of the court.

Neglect of  
duty, punish-  
ment for.

Bribery,  
penalty for.

SEC. 10. Appeal may be taken to the chief inspector from the decision of any of his deputies as to grade of grain, and in case of such appeal the decision of the chief inspector shall be final and binding on all parties concerned, except as hereinafter provided.

Appeals.

SEC. 11. The chief inspector and his deputies shall, at the places provided with state inspection under this act, supervise and have exclusive control of the weighing and grading of grain which may be subject to the inspection under the provisions of this act, and the action and certificate of such inspectors and his assistants in the discharge of the aforesaid duties shall be conclusive upon all parties at interest. They shall keep suitable books of record in their office, upon which shall be kept a faithful and true record of every car of grain inspected by them, showing the number and initial of such car, the kind of grain and its grade, and if graded below number one grade the reason for such grade, the amount of fees and forfeitures collected and disposition of same, and for each carload of grain inspected they shall give a certificate of inspection, showing the kind and grade of same and reason for all

Inspectors,  
duties of.

grades below number one, the number of sacks, if sacked grain, with the grade or grades and weight of same, if requested to do so by the consignor or consignee. They shall also furnish the agent of the railroad company over which such grain was shipped a certificate showing the weight of the grain if requested to do so. They shall also keep a true record of all appeals, decisions, licenses granted or revoked, and a complete record of every official act, which books and records shall be kept in their office and open to any party in interest.

Reinspection,  
when.

SEC. 12. In case any owner, consignee or shipper of grain or their agent or broker or any warehouse manager shall be aggrieved at the original grading of his or their grain, such aggrieved person or persons may, before or after unloading said grain, call upon the chief inspector or his resident chief deputy for a reinspection, whose duty it shall be to carefully reinspect it, and if, in his opinion, the grades should be changed he shall at once make the change; but any such reinspection shall be called for within thirty-six hours after the first inspection, not counting Sundays and legal holidays. A charge of one dollar a car, in addition to the regular charge for inspection fee, shall be paid the chief inspector or resident chief deputy by the person calling for the reinspection under this section before the case is taken up, which shall be returned to the person paying it if the decision is in his favor; otherwise it shall be paid into the state treasury by the chief inspector. Should any owner, consignee, shipper or warehouseman in charge of such grain mingle it with other grain before said reinspection, and thereby lose its identity, the person so mingling such grain shall accept and account for it as number one in grade: *Provided*, Notice has been given him that such grain is to be held.

Reinspection,  
fees for same.

Arbitration.

SEC. 13. In case any owner, warehouse manager, consignor, consignee or shipper shall be satisfied [dissatisfied] with the reinspection of any lot of grain, as provided in the preceding section of this set [act], and desires to appeal the same from the decision of the chief inspector or resident chief deputy inspector, such dissatisfied person shall choose a competent and disinterested party to act with the chief

inspector or resident chief deputy, and the two shall choose a third competent and disinterested party, and these three shall then decide the appeal, and their decision shall be final and binding on all parties concerned: *Provided, however,* That the party thus appealing shall enter his appeal at the time of reinspection and the decision shall be made within twenty-four hours, and the person or persons making the appeal shall, before it is taken up, pay the chief inspector or his deputy five dollars for each case, which sum shall be refunded to the party making the appeal in case the decision is in his favor, but if the decision is against him the said five dollars shall be paid to the chief inspector and by him paid into the state treasury.

SEC. 15 [14]. Every railroad company or common carrier delivering grain in cars at any of the places provided with state inspection under this act shall provide convenient and suitable side tracks on which all cars of grain delivered by them shall upon arrival be set and arranged conveniently for inspection, and after being inspected such railroad company or common carrier shall promptly distribute all such cars of grain and set them at the proper place or places to be unloaded, to be designated by the consignor or consignee: *Provided,* Their tracks extend to such places, for which no switching charge or other charge or charges shall be made by any such railroad company or common carrier. Any common carrier using steamboats or any water craft for delivering grain at any of the places having state inspection shall before the same is removed from the dock notify the chief inspector or his chief deputy of the delivery, and pay to him the inspection fees as provided under this act, or under the rules and regulations made by the board of state grain commissioners governing such cases as herein provided for, which charges may be collected from the consignee by the said common carrier before such grain is removed from the dock by him. In all cases the inspection charges may be charged to the grain and collected therefrom by the consignee, agent or broker.

SEC. 16 [15]. After cars are placed for inspection as required by this act the chief inspector or one of his deputy

Side tracks  
provided,  
when.

Inspection  
fees, when  
collected.

Inspection,  
when.

inspectors shall promptly open them and carefully inspect and grade them according to the merits of the grain they contain and in accordance with the grades, rules and regulations provided by this act, and shall leave in each car a card showing the grade of such grain, and if graded below number one grade the reasons for such grade shall be noted in the margin of the card; the inspector shall then seal each car inspected with his official seal, keeping a correct memorandum of it. In all cases where no appeal is taken from any inspectors' decision within the time prescribed for making appeals as provided by this act, his decision thereon shall be final and binding on all concerned, and in all cases appealed as provided by this act the chief inspector or his chief deputy shall, after the final appeal is decided, issue an inspection certificate in accordance with the decision made on the appeal, which certificate shall be final and binding on all concerned as to the grade of the grain.

Certificates  
to issue.

Fraud in  
loading.

SEC. 17 [16]. After any grain has been duly inspected should any inspector, warehouseman, miller, wharfinger or other person who may be unloading it find that in any car there is concealed a poorer grain than is shown at the time of inspection and that it does not equal the grade given it by the inspector, he may upon such discovery set out the car or cars containing such grain and call for a reinspection, and the chief inspector or one of his deputies shall be called in and shall reinspect it and make a grade to conform to such rules for reinspection. No charge shall be made for such reinspection where it is shown that such poorer grade was concealed.

Interstate  
shipments.

SEC. 18 [17]. Any grain originally consigned to a destination outside of the state shall not be subject to state inspection nor to the inspection fees provided for in this act, unless it is milled or stored, or passed through some mill or warehouse in transit within this state, in which case it shall pass the regular inspection and pay the regular charges.

Scales, when  
tested.

SEC. 19 [18]. The chief inspector shall have full supervision of the inspection of all grain and the weighing of same at places provided with state inspection under this act, and at least twice each year he and his chief deputies

shall examine, test and correct all scales used in weighing grain at places provided with state inspection, one of which tests shall be made at the beginning of each season, and after such scale is tested, if it be found correct and in good condition, he or his chief deputy shall seal the weights and issue to the proprietor or proprietors of the place where such scales are found a license certificate authorizing such proprietor or proprietors to use the said scales for weighing grain, so long as they are kept correct and in good condition, which license shall be good for one year, unless sooner revoked by the chief inspector or his chief deputy. The party receiving such license shall pay the chief inspector or his chief deputy the sum of five dollars per annum, which sum shall be paid into the state treasury by the chief inspector and credited by the state treasurer to the state inspection fund. If such scales be found inaccurate or unfit for use, the chief inspector or his chief deputy shall notify the party operating or using them and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until the same is done to the satisfaction of the chief inspector or his chief deputy the license of such party or parties shall be suspended or revoked in the discretion of the chief inspector or his chief deputy, but no license fees shall be returned to any one by reason of any license being suspended or revoked.

License to weighers.

License fees.

SEC. 20 [19]. Every person, persons, corporation or agent operating any warehouse, mill, elevator, wharf, dock, commission house, feed store, or other place where grain is received and weighed, located at places where state inspection is provided for, shall, before weighing any grain after September first, 1895, procure of the chief inspector, or his chief deputy, a license as herein provided, which license shall show that his scales are correct and the weights duly sealed, and shall be posted in a conspicuous place in the office of the building where such scales are located. Any company, corporation, person, persons or agent, found guilty of using scales for weighing grain as provided for under this act, after they have been notified by the chief inspector or his chief deputy that such scales are incorrect,

General license.

Penalty for tampering with scales.

or any such person, persons, corporation or agent, who may refuse or prevent the chief inspector or his chief deputy from having free access to their scales in the regular performance of their duty, within the tenor and meaning of this act, or any such person, persons, corporation or agent, found guilty of tampering with any of such scales, or of rendering false weights, shall forfeit the sum of five hundred dollars for the first offense and one thousand dollars for each subsequent offense, to be recovered before any court having jurisdiction thereof, and shall also pay all costs of prosecution, and his license may be revoked, in the discretion of the chief inspector. The chief inspector shall pay all such forfeitures thus collected into the state treasury, and the same shall be credited to the state inspection fund.

Inspector to procure, what.

SEC. 21 [20]. The chief inspector shall procure at the expense of the state, if not already provided, the necessary full set of weights and measures, stamps, scales and beams, which he shall cause to be tried, proved and sealed by the state standard, and certified by the state treasurer, by which he shall test and prove all scale beams, weights and measures within the purport of this act, and shall seal such, when found to be accurate, by stamping upon them the letters "Wash." with a seal provided for that purpose.

Weighers, qualifications of.

SEC. 22 [21]. No person, persons or corporation operating any warehouse, elevator, mill, wharf, dock, feed store, commission house or other places where grain is received subject to state inspection, shall employ any person as weigher who is not competent and acceptable to the chief inspector, or his chief deputy, and who has not received from the chief inspector or his chief deputy a license to weigh grain, and who shall not have taken an oath to faithfully and honestly to perform his duties as such weigher in such form as the state grain commission may prescribe. No fee shall be charged for such license. The said person shall be in the employ and under the control of the person, persons or corporation operating any such warehouse, elevator, mill, wharf, dock, feed store, commission house or other place where grain is received and weighed, subject to state inspection, and shall receive no compensation from

the state for services rendered. The agent or manager of such warehouse, elevator, mill, wharf, dock, feed store or commission house or other place, as above specified, shall report daily to the chief inspector or his chief deputy the weight of grain in each car received, referring to the car by its initial and number, together with the number of sacks if it be sacked grain. Daily reports.

SEC. 23 [22]. In case appeal be taken from any inspector's decision, either while such grain is on the inspection track or after it has been placed at any mill, warehouse, elevator, wharf, dock, feed store, commission house or other place of unloading, no railroad company or common carrier shall, for the space of forty-eight hours after appeal has been made, charge any demurrage on any such cars by reason of not being unloaded, nor shall any switching charge or other charge or charges be put upon any such car by any railroad company or common carrier by reason of having to remove or re-switch them, provided they are ordered re-switched to the original place they were by order of consignor, consignee or agent set for unloading by such railroad company or common carrier. Demurrage, when charged.

SEC. 24 [23]. The charges for inspection shall be and constitute a lien on the grain so inspected; whenever such grain is in transit the said charges shall be treated as advance charges, to be paid by the common carrier in whose possession the grain is at the time of the inspection. Every railroad company or common carrier who handles or carries grain subject to the provisions of this act shall collect of the consignee or agent of the owner or consignor, the inspection charges as fixed by the state grain commissioners, and on the first day of each month the said railroad company or common carrier shall pay to the chief inspector or his chief deputy all moneys thus collected, and accompany the said moneys with a statement showing the number of cars handled by them, the numbers of cars, where unloaded, the initials of the cars and the amount of fees collected. The chief inspector shall pay all such moneys to the state treasurer, and said moneys shall be credited to the state grain inspection fund. Liens. Inspection fees.

SEC. 25 [24]. Any company, corporation, person or per-

Violations, and  
punishment  
therefor.

sons or agent found guilty of in any way tampering with the inspection of grain as herein provided for, or of switching or unloading the same before it is inspected, or of making false reports or false returns on the same, or of withholding or refusing to pay the prescribed inspection fee, shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of competent jurisdiction shall be fined not less than five hundred dollars, nor more than five thousand dollars, in the discretion of the court.

Attorney  
general.

SEC. 26 [25]. The attorney general of the State of Washington shall be *ex officio* attorney for the chief inspector and the state grain commission, hereinafter provided, and shall give them such counsel or advice as they may from time to time require, and he shall institute and prosecute any and all suits which the chief inspector may deem expedient and proper to institute, and he shall render to the chief inspector and state grain commission all counsel, advice and assistance necessary to carry out the provisions of this act according to the intent and meaning thereof. In all criminal prosecutions against any one for violations of any of the provisions of this act, it shall be the duty of the county attorney of the county in which such prosecution is brought to prosecute the same to a final issue.

State grain  
commission.

SEC. 27 [26]. There is hereby created a commission to be styled "State Grain Commission," to consist of the chief inspector and two other qualified electors of the State of Washington; the decision of a majority of whom shall be considered to be the decision of the commission on all questions arising for their consideration, and the said additional members of said commission shall hold their office for a period of two years and until their successors are appointed and qualified, and who shall be appointed by the governor, one of whom shall be of opposite political party to the governor.

Commission,  
how created.

SEC. 28 [27]. Within thirty days after this act shall take effect the governor shall appoint two qualified electors of the State of Washington who, with the chief inspector, shall constitute such commission and who shall hold their office for two years unless sooner removed by the governor. Both of said commissioners shall take an oath of office the

same as is required by other state officers, and both of them shall be competent and experienced grain men, one of whom shall be a resident of Eastern Washington and prominently identified with grain raising, and the other shall be a resident of Western Washington.

SEC. 29 [28]. The chief inspector shall be *ex officio* chairman of said commission, and before the 20th day of September of each year the said commission shall be called together by the chairman at some place within the state, and then and there establish standard grades of all grain bought or handled by any public warehouse within this state, which shall be known as "Washington grades." The said commission shall also establish the necessary rules and regulations for grading and weighing grain, and shall fix the charges for inspecting and grading grain, and shall make such other rules and regulations as may be necessary for enforcing the regulations of this act or any law of this state in regard to same.

Standards  
established.

SEC. 30 [29]. The charge for inspecting grain in sacks shall not be more than seventy-five cents per car for one grade only, and the charge for inspecting grain in bulk shall not be more than fifty cents per car, and the said commission shall estimate the cost of carrying out the provisions of this act as nearly as possible and fix the charges accordingly, within the limits herein provided.

Inspection  
rates.

SEC. 31 [30]. The said standard grades, charges, rules and regulations so made and established shall be published in some daily newspaper in each of the places provided with state inspection under this act each day for a period of seven days, beginning immediately after they are made or established, and it shall be the duty of every warehouseman within this state to apply to and receive of the chief inspector a placard copy of the said standard grades, charges, rules and regulations, which he shall keep posted in a conspicuous place in his office, and which the chief inspector shall furnish free of cost. Said commission may, on the recommendation of the chief inspector, modify such grades, rules and regulations, or establish new ones, and such changes shall be advertised the same as required for the original.

Published  
notices to  
contain. what.

Standard sam-  
ples furnished.

SEC. 32 [31]. It shall be the duty of the chief inspector of grain to furnish any elevator or warehouse in this state, or adjoining states, standard samples of grain as established by the state grain commission, when requested to do so by the proprietor, lessee or manager thereof, at the actual cost of such samples. It shall also be the duty of the chief inspector to advertise the cost to the warehouseman of the said standard samples of grain at the time the said standard grades, charges, rules and regulations are advertised, as herein provided.

Inspector  
to obtain  
samples.

SEC. 33 [32]. For the purpose of maintaining the grade of wheat known abroad and in exporting as "fair, average quality Walla Walla," it shall be the duty of the chief inspector to procure from every part of the State of Washington each season, as soon as it can be done after harvest, samples of the crop of wheat, and after collecting such samples of wheat he shall call a meeting of the state grain commission and they shall make up and establish from the said samples the said grade, which shall be a fair, average mixture of all the club varieties grown in the different sections of this state. If the said state grain commission deems it expedient they may, in making up and establishing the said grade, meet and confer with like grain authorities in the State of Oregon, or in case there are no such authorities in the State of Oregon, then with the representatives of the leading handlers of grain in the city of Portland, Oregon, and make up and establish, as nearly as possible, the same fair, average quality Walla Walla, which shall be maintained in this state. This section shall not be so construed as to interfere with the standard grades of grain elsewhere provided for in this act.

Commission to  
confer, when.

Inspection  
certificate to  
issue, when.

SEC. 34 [33]. In case grain is sold for delivery on Washington grades, or as "fair, average quality Walla Walla," and to be shipped from places provided with state inspection under this act, the buyer, seller or persons making the delivery may have it inspected out by notifying any duly authorized inspector, whose duty it shall be to inspect such grain, and after it is inspected to issue to the buyer, seller or person delivering it, on request, an inspection certificate showing the grade of said grain, and the said

inspection shall be final and binding on all concerned. The person or persons calling for the said inspection shall pay for the same inspection fees as follows, viz.: On lots from 10 <sup>Fees.</sup> to 50 tons of 2,000 pounds, 5 cents per ton; from 50 to 100 tons, 3 cents per ton; from 100 to 300 tons, 2 cents per ton; from 300 to 1,000 tons, 1 cent per ton; for 1,000 tons or more, one-half of one cent per ton: *Provided, however,* That the above scale of charges must be for a continuous delivery of the lot until completed, and that the chief inspector or the chief deputy may, in his discretion, make the charge for such inspection 50 cents per hour, without reference to the quantity of grain inspected, but in no case shall he make the said charges to exceed the actual cost of the inspectors' time while he is engaged in such work, nor shall any charge be less than one dollar.

SEC. 35 [34]. On all grain shipped by water to any of <sup>Water</sup> the places for which state inspection is provided under this <sup>shipments.</sup> act, ten tons shall be considered a carload, and the inspection charges shall be fixed accordingly, but no charge on any smaller parcel shall be less than the charge for a carload.

SEC. 35. The salary of the chief inspector shall be <sup>Salaries.</sup> eighteen hundred dollars per annum, payable in the same manner and out of the same funds that other state officers are paid, and the salary of each of his chief deputies shall be one thousand two hundred dollars per annum. The salary of other deputies shall be eighty-five dollars per month, payable monthly. The chief inspector shall be allowed all necessary transportation expenses incurred in the discharge of his duties under this act, which shall be paid monthly. He shall receive no additional salary for acting as *ex officio* chairman of the commission, but the other two commissioners shall receive fifty dollars each, and necessary traveling expenses, for each meeting of the commission which they attend, when such meeting was duly called by the chief inspector, but not more than four such meetings shall be held in any one year.

SEC. 36. All moneys collected by the chief inspector or his chief deputies as herein provided shall be paid into the state treasury by the chief inspector on or before the fif- <sup>Fees, where deposited.</sup>

teenth day of each month, accompanied with a statement showing from what source collected and the amount of such collections. It shall be the duty of the state treasurer to receive all moneys aforesaid, and to credit the same to the grain inspection fund, and said fund is hereby appropriated for the purpose of carrying out the provisions of this act.

Expenses,  
how paid.

SEC. 37. All the expenditures and salaries not otherwise provided for under this act shall be paid out of the grain inspection fund only. No money shall be paid out of said fund except on a warrant issued by the state auditor. All bills must be approved by the chief inspector, and by him certified to be correct, and when presented to the state auditor he shall draw a warrant for such amount so certified to on the state treasurer, who shall pay the same out of the grain inspection fund. The expenditures under the provisions of this act shall not exceed the receipts, and it shall be the duty of the grain commission to see that this provision is observed.

Expenditures  
not to exceed  
income.

Appropriation.

SEC. 38. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be credited to the grain inspection fund, and used to inaugurate and carry into effect the provisions of this act.

Expenses  
allowed.

SEC. 39. The chief inspector and his chief deputies shall be allowed offices and office furniture and expenses incidental thereto, and also all necessary tools and appliances necessary to carry out the provisions of this act.

Violations,  
and penalties  
therefor.

SEC. 40. Any railroad company or common carrier and every officer, agent or employé of any railroad company or common carrier, and every person, persons, corporation, company or agent, who shall violate any of the provisions of this act for which penalties are not specifically provided in the various sections thereof, shall, upon conviction, be fined and pay a sum not less than three hundred dollars nor more than five thousand dollars for each offense.

Prosecutions,  
how instituted.

SEC. 41. All such prosecutions shall be in the name of the State of Washington, and may be instituted in any county in this state where such violations occur. All suits to inflict penalties or to collect or recover fees, fines or

forfeitures under this act shall have precedence over all other business except criminal business, and if the chief inspector deems it expedient, he may employ counsel to assist the attorney general or county attorney in conducting such suit. All fees, fines and forfeitures recovered under the provisions of this act shall be paid to the chief inspector by the officer collecting the same, and by the chief inspector they shall be paid into the state treasury and credited to the grain inspection fund.

SEC. 42. The provisions of this act are not intended to apply to grain brought by farmers in wagons into any place provided with grain inspection, and the provisions of this act shall not affect or change the liabilities of any one on grain now in store.

Passed the house March 8, 1895.

Passed the senate March 14, 1895.

Approved March 19, 1895.

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## CHAPTER CX.

[H. B. No. 85.]

### RELATING TO ELECTION OF COUNTY COMMISSIONERS.

AN ACT to amend section one of an act entitled "An act concerning the manner of electing county commissioners, and amending sections 272 and 266 of the first volume of Hill's Annotated Statutes and Codes of Washington" approved March 3, 1893.

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

SECTION 1. That section 1 of "An act concerning the manner of electing county commissioners and amending sections 272 and 266 of the first volume of Hill's Annotated Statutes and Codes of Washington" approved March 3, 1893, be amended to read as follows: One county commissioner shall be elected from among the qualified electors of each of said districts by the qualified electors of the county, and the person receiving the highest number of

votes for the office of commissioner for the district in which he resides shall be declared duly elected from that district.

Passed the house February 27, 1895.

Passed the senate March 9, 1895.

Approved March 20, 1895.

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## CHAPTER CXI.

[H. B. No. 645.]

### TO QUIET TITLE TO LANDS ACQUIRED BY ALIENS PRIOR TO ADOPTION OF THE CONSTITUTION.

AN ACT to quiet title to lands conveyed to or otherwise acquired by aliens prior to the adoption of the state constitution.

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

SECTION 1. All lands and all estates or interests in lands, within the State of Washington, which were conveyed or attempted to be conveyed to, or acquired or attempted to be acquired by, any alien or aliens, prior to the date of the adoption of the state constitution, are hereby confirmed to the respective persons at present owning or claiming to own the title thereto derived by, through or under any such alien ownership or attempted ownership, to the extent that title was vested in or conveyed by said alien or aliens: *Provided*, That nothing in this act shall be construed to affect, adversely or otherwise, any title to any such lands, or to any interest or estate therein, held or claimed by any private person or corporation adversely to the title hereby confirmed.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXII.

[H. B. No. 523.]

TO PUNISH LARCENY BY PERSONS CONNECTED WITH  
AN INSURANCE COMPANY.

AN ACT to define and punish larceny by a director, officer, agent or other person connected with an insurance company.

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

SECTION 1. If any director, officer, agent or other person connected with or doing business for or with any insurance company shall fail to account for or fraudulently convert or appropriate to his own use, or the use of any other person or persons, any money or other property belonging to such company, he or they shall be deemed guilty of larceny, and on conviction thereof shall be imprisoned in the penitentiary not more than five (5) years, or be imprisoned in the county jail for any period of time less than one year.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXIII.

[H. B. No. 217.]

## PUBLICATION OF REPORT OF STATE BOARD OF HEALTH.

AN ACT to provide for the printing of the last biennial report of the state board of health, and declaring an emergency.

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

SECTION 1. There is hereby ordered to be printed under the supervision of the state printing board one thousand copies of the last biennial report of the state board of health, the same to be distributed under the direction of the secretary of the state board of health.

SEC. 2. The state auditor shall hereafter have printed one thousand copies of the report of the state board of health, at the time of the publication of reports of other state officers, to be distributed under the direction of [the] secretary of the state board of health.

SEC. 3. Whereas, the last biennial report of the state board of health is now ready for publication, an emergency is declared, and this act shall take effect from and after its passage and approval.

Passed the house March 1, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXIV.

[H. B. No. 107.]

### LIMITATION OF TIME FOR COMMENCEMENT OF ACTIONS FOR COLLECTION OF SPECIAL ASSESSMENT FOR LOCAL IMPROVEMENTS.

AN ACT prescribing the time within which actions may be brought by municipal corporations for the collection of special assessment for local improvements.

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

SECTION 1. All actions by municipal corporations to collect any special assessment for local improvement of any kind, against any person, corporation or property whatsoever, or to enforce any lien for any special assessment for local improvement of any kind, shall be commenced within ten years after said assessment shall have become delinquent or due, or within ten years after the last installment of any such special assessment shall have become delinquent or due, when said special assessment is payable in installments.

SEC. 2. There being no law on the subject herein contained, providing for the limitation of actions herein provided for, an emergency is declared to exist, and this act

shall be in force from and after its passage and approval by the governor.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXV.

[H. B. No. 402.]

### ESTABLISHMENT AND ORGANIZATION OF DRAINAGE DISTRICTS.

AN ACT to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency.

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

SECTION 1. Any portion of a county, requiring drainage, which contains five or more inhabitants and freeholders therein may be organized into a drainage district, and when so organized such district and the board of commissioners hereinafter provided for shall have and possess the power herein conferred or that may hereafter be conferred by law upon such district and board of commissioners, and said district shall be known and designated as drainage district No. .... (here insert number), of the county of ..... (here insert the name of the county), of the State of Washington, and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession, and shall adopt and use a seal. The commissioners hereinafter provided for and their successors in office shall, from the time of the organization of such drainage district, have the power, and it shall be their duty, to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers and employés as may be required, and prescribe

Drainage  
districts.

their duties, and perform such other acts as hereinafter provided, or that may hereafter be provided by law.

Districts,  
how formed.

SEC. 2. For the purpose of the formation of such drainage districts, a petition shall be presented to the board of county commissioners of the county in which said proposed drainage district is located, which petition shall set forth the object for the creation of said district; shall designate the boundaries thereof and set forth therein the number of acres of land to be benefited [by] the proposed drainage system, and shall also contain the names of all the freeholders residing within said proposed district (so far as known), and shall contain a brief description of the proposed system of drainage, designating a point which shall be a good and sufficient outlet for the drainage of said district; the route over which the same is to be constructed, together with the proposed spurs or branches, if any there may be, and the termini thereof, and set forth the further fact that the establishment of said district and the proposed system of drainage will be conducive to the public health, convenience and welfare, and increase the public revenue, and that the establishment of said district and said system of drainage will be of special benefit to the property included therein. Said petition shall be signed by such a number as own at least a majority of the acreage in the proposed district, and shall pray that the same be organized under the provisions of this act. Said petitioners shall, at the time of the filing of said petition, file a bond with said commissioners, running to the State of Washington, in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

Petitions to be  
published.

SEC. 3. Such petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a

notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed drainage system, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed drainage system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within said boundaries of the said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided further*, That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; setting forth in said petition the reasons therefor: *Provided, however*, That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided further*, That any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the

Commissioners to locate boundaries.

proposed boundaries. In such case the board of county commissioners shall give the like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county commissioners deem it advisable, and to the best interest of all concerned, they may grant the prayer of such petitioner or petitioners in whole or in part. No district shall be established unless it is shown that a good and sufficient outlet for the drainage thereof is within the boundaries of such district. And said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard on the final hearing thereof.

Election to  
establish  
district.

SEC. 4. Upon the entry of the findings on the final hearing of said petition as set forth in the last preceding section, said board of county commissioners of said county, if they find said proposed drainage system will be conducive to the public health, welfare and convenience, and will increase the public revenue and be of special benefit to the majority of the lands included within said boundaries, shall give notice of an election to be held in such proposed drainage district for the purpose of determining whether the same shall be organized under the provisions of this act as a drainage district of the State of Washington, and for the further purpose of choosing at such election three commissioners who shall be known and designated as "drainage commissioners" for said district proposed to be organized, which said three commissioners shall, upon their election, be the district authorities of said drainage district; and such notice shall particularly describe the boundaries as established by the board of county commissioners on its final hearing of said petition, and shall state the name of such proposed drainage district and approximately the number of acres of land in said district to be benefited thereby, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is

Drainage com-  
missioners,  
how created.

located, and in case no such newspaper be printed or published therein, then in some such newspaper of general circulation therein, for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of said proposed district; such notice shall designate the place within the proposed district where the election shall be held, and require the voters to cast ballots which shall contain the words "drainage district, yes," or "drainage district, no," and also the names of persons voted for for commissioners of said drainage district. The board of county commissioners shall also appoint two judges, one inspector and two clerks for such election, whose compensation shall be the same as in other elections for the election of county and state officers and shall be a charge upon said district, in case the same be established, and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of said improvement. In case said district be not established, then all costs and expenses shall be collectible from the bond hereinbefore provided for, and any person having a charge against said district shall have a right of action thereon.

Notices published and posted.

Bond, action on.

SEC. 5. Such election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Washington, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county in which such district is located, and shall have resided within the limits of such district, as established by the board of county commissioners, for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat, and if, upon such canvass, it appears that a majority of the votes cast are for drainage district, "yes," the board shall have an order entered upon their minutes and declare such territory duly organized as a drainage district under the name and style of drainage district No. (here insert number) of (here insert name of county) of the State of Washington, and shall declare the three persons receiving respectively the highest

Election.

Drainage commissioners.

number of votes to be duly elected as a board of commissioners of such drainage district. Said board shall cause a copy of said order, duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing such organization shall be deemed complete, and such board of commissioners so chosen at such election shall be entitled to enter immediately upon the duties of their office, and upon qualifying as county officers are required to qualify, and giving a bond to the State of Washington for the benefit of said drainage district, for the faithful performance of their duties as such board of drainage commissioners in the penal sum of \$5,000, with two or more sureties, to be approved by the board of county commissioners, and shall hold such office until the next general election for the election of officers in such drainage district, and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election, shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by the judge of the superior court of the county in which said district is located, and shall be filed in said court.

Commissioners, bonds of.

General election, when.

SEC. 6. A general election for the election of a board of drainage commissioners of such district shall be held upon the first Tuesday after the first Monday in December of each year thereafter, and the term of office shall begin the second Monday of the following January, and such election shall be held in accordance with the general election laws of the State of Washington for the election of county and state officers, and the expenses thereof shall be defrayed by said district, and the judges, clerks and inspectors of said election shall each receive as compensation for the services rendered at such election the sum of \$2.00 per day: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the board of commissioners of such drainage district, by posting the same in four public places within said district. Said notice shall contain the names of two electors of said district as judges of said election and the name of one elector of said district as inspector thereof,

Inspectors, compensation of.

Notice, how given.

the same to be chosen by said board of commissioners. Said board of commissioners shall be a canvassing board to canvass the vote of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

SEC. 7. All drainage districts organized under the provisions of this act shall have the right of eminent domain, with the power by and through its board of commissioners, to cause to be condemned and appropriated private property for the use of said corporation in the construction and maintenance of a system of drainage, and make just compensation therefor: *Provided*, That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: *Provided further*, That the said board of commissioners shall have power to acquire by purchase all the real property necessary to make the improvements herein provided for.

Eminent domain.

SEC. 8. Said board of drainage commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all drainage systems which may be constructed within the boundaries of said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law. In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term or until the next general election: *Provided*, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.

Commissioners, duties of.

SEC. 9. Whenever it is desired to prosecute the construction of a system of drainage within said district, said district, by and through its board of commissioners, shall file a petition in the superior court of the county in which said district is located, setting forth therein the route and termini of said system, with a complete description thereof,

Drainage, method of procedure.

together with specifications for its construction, with all necessary plats and plans thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such proposed improvement; the number of acres owned by each land owner, and the maximum amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvement, and that the same will be conducive to the public health, convenience and welfare, and increase the value of all of said property for purposes of public revenue. Said petition shall further set forth the names of the land owners through whose land the right-of-way is desired for said improvement; the amount of land necessary to be taken therefor, and an estimate of the value of said lands so sought to be taken for such right-of-way, and the damages sustained by any person or corporation interested therein, if any, by reason of such appropriation, irrespective of any benefits to be derived by such land owners by reason of the construction of said improvement. Such estimate shall be made, respectively, to each person through whose land said right-of-way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefited by said improvement, and all persons or corporations through whose land the right-of-way is sought to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of drainage is necessary to drain all of said lands described in said petition, and that all lands sought to be appropriated for said right-of-way are necessary to be used as a right-of-way in the construction and maintenance of said improvements; and when the proposed improvement will protect or benefit the whole or any part of any public or corporate road or railroad, so that the traveled track or roadbed thereof will be improved by its construction, such fact shall be set forth in said petition, and such public or private corporations owning said road or railroad shall be made parties defendant therein, and the maximum amount of benefits to be derived from

said proposed improvement shall be estimated in said petition against said road or railroad: *Provided, however,* That all maps, plats, field notes, surveys, plans, specifications, or other data heretofore made, ascertained or prepared under laws heretofore enacted on the subject of this act, may be used under the provisions of this act.

SEC. 10. In the preparation of the facts and data to be inserted in said petition and filed therewith for the purpose of presenting the matter to the superior court, the board of commissioners of said drainage district may employ one or more good and competent surveyors and draughtsmen to assist them in compiling data required to be presented to the court with said petition, as hereinbefore provided, and such legal assistance as may be necessary, with full power to bind said district for the compensation of such assistants or employes employed by them, and such services shall be taxed as costs in the suit. Surveyors and draughtsmen.

SEC. 11. A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed to be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the State of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode, or in case of a foreign corporation, at its principal place of business in this state with Summons.

some person of more than sixteen years of age; in case of domestic corporations, said service shall be made upon the president, secretary or other director or trustee of such corporation; in case of minors, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or insane persons, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a non-resident of this state, or where the residence of such owner or person is unknown, and an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a non-resident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated, once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each non-resident person or persons whose residence is unknown. Such summons may be served by any competent person over twenty-one years of age. Due proof of service of such summons by affidavit of publication shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided,

Service by  
publication.

either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct: *Provided*, That personal service upon any party outside of the state shall be of like effect as service by publication.

SEC. 12. Any or all of said defendants may appear Appearance. jointly or separately and admit or deny the allegations of said petition and plead any affirmative matter in defense thereof at the time and place appointed for hearing said petition, or to which the same may have been adjourned. If the court or judge thereof shall have satisfactory proof that all of the defendants in said action have been duly served with said summons, as above provided, and shall be further satisfied by competent proof that said improvement is practicable and conducive to the public health, welfare and convenience, and will increase the value of said lands for the purpose of public revenue, and that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, and that the land, real estate, premises or other property sought to be appropriated are required and necessary for the establishment of said improvement, and that said improvement has a good and sufficient outlet, the court or judge thereof shall cause a jury of twelve qualified persons Jury. to be impaneled to assess the damages and benefits, as herein provided, if in attendance upon his court; and if not he may, if satisfied that the public interests require the immediate construction of said improvement, direct the sheriff of his county to summon from the citizens of the county in which said petition is filed as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties to the proceedings consent to a less number, such number to be not less than three, and such consent shall be entered by the clerk in the minutes of the trial. If necessary, to complete the jury in any case, the sheriff, under the direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the citizens of the

county in which the petition is filed. In case a special jury is summoned the cost thereof shall be taxed as part of the costs in the proceeding and paid by the district seeking to appropriate said land, the same as other costs in the case; and no person shall be competent as a juror who is a resident of, or land owner in, the district seeking to appropriate said land. The jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation or company, or to the state, by reason of the appropriation and use of such land, real estate, premises or other property for said improvement, and shall ascertain, determine and award the amount of damages to be paid to said owner or owners, respectively, and to all tenants, incumbancers and others interested, for the taking or injuriously affecting such land, real estate, premises or other property for the establishment of said improvement; and shall further find the maximum amount of benefits per acre to be derived by each of the land owners from the construction of said improvement. And upon a return of the verdict into court the same shall be recorded as in other cases; whereupon, a decree shall be entered in accordance with the verdict so rendered, setting forth all the facts found by the jury, and decreeing that said right-of-way be appropriated, and directing the commissioners of said drainage district to draw their warrant on the county treasurer for the amount awarded by the jury to each person for damages sustained by reason of the establishment of said improvement, payable out of the funds of said drainage district.

Jury,  
duties of.

Appeals.

SEC. 13. Every person or corporation feeling himself or itself aggrieved by the judgment for damages, or the assessment of benefits, may appeal to the supreme court of this state, within thirty days after the entry of the judgment, and such appeal shall bring before the supreme court the propriety and justness of the amount of damage or assessment of benefit in respect to the parties to the appeal. Upon such appeal no bond shall be required and no stay shall be allowed.

Benefits and  
damages.

SEC. 14. In case the damages or amount of compensation for such right-of-way, together with the estimated costs

of the improvement, amount to more than the maximum amount of benefits which will be derived from said improvement, or, if said improvement is not practicable, or will not be conducive to the public health, welfare and convenience, or will not increase the public revenue, or will not have sufficient outlet, the court shall dismiss such proceedings, and in such case a judgment shall be rendered for the costs of said proceedings against said district, and no further proceedings shall be had or done therein; and upon the payment of the costs, said organization shall be dissolved by decree of said court.

SEC. 15. Any person or corporation claiming to be entitled to any money ordered paid by the court, as provided in this act, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he is entitled to the same, the court shall make an order directing the payment to such claimant of the portion of such money as he or it may be found entitled to; but if, upon application, the court or judge thereof shall decide that the title to the land, real estate or premises specified in the application of such claimant is in such condition as to require that an action be commenced to determine the title of claimants thereto, it shall refuse such order until such action is commenced and the conflicting claims to such land, real estate or premises be determined according to law.

Damages,  
how paid.

SEC. 16. Upon the entry of the judgment upon the verdict of the jury, the clerk of said court shall immediately prepare a transcript, which shall contain a list of the names of all the persons and corporations benefited by said improvement and the amount of benefit derived by each, respectively, and shall duly certify the same, together with a list of the lands benefited by said improvement belonging to each person and corporation, and shall file the same with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in said list, together with the amounts thereof, and the same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other

Transcript to  
contain, what.

Assessments,  
manner of.

taxes and subject to the same right of redemption, and the lands sold for the collection of said taxes shall be subject to the same right of redemption as the sale of lands for general taxes: *Provided*, That said assessments shall not become due and payable except at such time or times and in such amounts as may be designated by the board of commissioners of said drainage district, which designation shall be made to the county auditor by said board of commissioners of said drainage district, by serving written notice upon the county auditor designating the time and the amount of the assessment, said assessment to be in proportion to benefits to become due and payable, which amount shall fall due at the time of the falling due of general taxes, and the amount so designated shall be added by the auditor to the general taxes of said person, persons or corporation, according to said notice, upon the assessment rolls in his said office, and collected therewith: *And provided further*, That no one call for assessments by said commissioners shall be in an amount to exceed twenty-five per cent. of the actual amount necessary to pay the costs of the proceedings, and the establishment of said district and drainage system and the cost of construction of said work.

Conditional  
tax, how  
levied.

SEC. 17. In the event of the dismissal of said proceedings and the rendition of judgment against said district, as hereinbefore provided, said drainage commissioner[s] shall levy a tax upon all the real estate within said district, taking as a basis the last equalized assessment of said real estate for state and county purposes, sufficient to pay said judgment and the cost of levying said tax, and shall cause said tax roll to be filed in the office of the clerk of the superior court in which such judgment was rendered. If said tax is not paid within sixty days after the filing of said tax roll, the court shall, upon the application of any party interested, direct said real estate to be sold in payment of said tax, said sale to be made in the same manner and by the same officer as is or may be provided by law for the sale of real estate for taxes for general purposes; and the same right of redemption shall exist as in the sale of real estate for the payment of taxes for general purposes.

SEC. 18. After the filing of said certificate said commissioners of such drainage district shall proceed at once in the construction of said improvement, and in carrying on said construction or any extensions thereof they shall have full charge and management thereof, and shall have the power to employ such assistance as they may deem necessary and purchase all material that may be necessary in the construction and carrying on of the work of said improvement, and shall have power to let the whole or any portion of said work to any responsible contractor, and shall in such case enter into all necessary agreements with such contractor that may be necessary in the premises: *Provided*, That in case the whole or any portion of said improvement is let to any contractor said commissioners shall require said contractor to give a bond in double the amount of the contract price of the whole or of such portion of said work covered by said contract, with two or more sureties to be approved by the board of commissioners of said drainage district and running to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns, according to the terms and conditions of said agreement, and shall cause said contractor to enter into a further or additional bond in the same amount, with two or more good and sufficient sureties to be approved by said board of commissioners of said drainage district in the name of said district as obligee therein, conditioned that said contractor, his executors, administrators or assigns, or sub-contractor, his executors, administrators or assigns, performing the whole or any portion of said work under contract of said original contractor, shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or sub-contractor, or any employé thereof in the construction of said improvement: *Provided further*, That no sureties on said last mentioned bond shall be liable thereon unless the persons or corporation performing said labor and furnishing said materials, goods, wares, merchandise and provisions, shall, within ninety days

Commissioners, duty of.

Contractor to give bond.

Liability of sureties.

after the completion of said improvement, file their claim, duly verified, that the amount is just and due and remains unpaid, with the board of commissioners of said drainage district.

Work, where  
to begin.

SEC. 19. The work on said improvement shall begin at the outlet thereof, and shall be completed toward the terminus of said system, and shall be completed toward said terminus with all expedition possible, and said board of commissioners of such drainage district, or any contractor thereunder, shall have no power whatever to change said route or system of improvement or the manner of doing the work therein so as to make any radical changes in said improvement, without the written consent of all the land owners to be benefited thereby, and the land owners which may be damaged thereby. And in case any substantial changes in said system of improvement or the manner of the construction thereof shall be deemed necessary by said board of commissioners at any time during the progress thereof, and if the written consent to such changes cannot be procured from said land owners, then said commissioners, for and on behalf of said district, shall file a petition in the superior court of the county within which said district is located, setting forth therein the changes which they deem necessary to be made in the plan or manner of the construction of said improvement, and praying therein to be permitted to make such changes, and upon the filing thereof, the commissioners shall cause a summons to be served, setting forth the prayer of said petition, under the seal of said court, which summons shall be served in the same manner as the service of summons in the case of the original petition, upon all the land owners or others claiming any lien or interest therein appearing of record in said district, and any or all of said parties so served may appear in said cause and submit their objections thereto, and after the time for the appearance of all of said parties has expired, the court shall proceed to hear said petition at once without further delay, and if it appears during the course of said proceedings that the property rights of any of said land owners will be affected by such proposed change in said improvements, then the court, after having

Changes,  
how made.

Summons,  
how served.

passed upon all preliminary questions as in the original proceedings, may call a jury to be impaneled as in the case of the original proceeding for the establishment of said improvements, and upon the final hearing of said cause, the jury shall return a verdict finding the amount of damages, if any, sustained by all persons and corporations, the same as upon the original petition, by reason of such proposed change, and the amount of compensation to be paid to any persons or corporations therefor, and for any additional right-of-way that may be necessary to be appropriated by reason of said proposed change, and shall readjust the amount of benefits claimed to have been increased or diminished by any of said land owners by reason of said proposed change in said improvements, and the proceedings thereafter shall be the same as to rendering judgment, appeal therefrom, payment of compensation and damages and filing of the certificate with the auditor, as hereinbefore provided for in the proceedings upon the original petition, and said commissioners shall have a right thereafter to proceed with the construction of said improvements according to the changes made therein.

Jury to determine damages.

SEC. 20. During the construction of said improvement said commissioners shall have the right to allow payment thereof, in installments as the work progresses, in proportion to the amount of work completed: *Provided*, That no allowance or payment shall be made for said work to any contractor or sub-contractor to exceed seventy-five per cent. of the proportionate amount of the work completed by such contractor or sub-contractor, and twenty-five per cent. of the contract price shall be reserved at all times by said board of commissioners until said work is wholly completed, and shall not be paid upon the completion of said work until ninety days have expired for the presentation of all claims for labor performed and materials, goods, wares, merchandise and provisions furnished or used in the construction of said improvements; and upon the completion of said work and the payment of all claims hereinbefore provided for according to the terms and conditions of said contract, said commissioners shall accept said improvement and pay the contract price therefor.

Contractors, when paid.

Private drains  
to connect.

SEC. 21. Any person or corporation owning land within said district shall have a right to connect any private drains or ditches for the proper drainage of such land with said system, and in case any persons or corporations shall desire to drain such lands into said system and shall find it necessary, in order to do so, to procure the right-of-way over the land of another, or others, and if consent thereto cannot be procured from such person or persons, then such land owner may present in writing a request to the board of commissioners of said district, setting forth therein the necessity of being able to connect his private drainage with said system, and pray therein that said system be extended to such point as he may designate in said writing, and immediately thereon said board of commissioners shall cause a petition to be filed in the superior court, for and in the name of said drainage district, requesting in said petition that said system be extended as requested, setting forth therein the necessity thereof and praying that relief [leave] be granted by the board to extend the system in accordance with the prayer of said petition, and the proceedings in such case, upon the presentation of such petition and the hearing thereof, shall be, in all matters, the same as in the hearing and presentation of the original petition for the establishment of the original system of drainage in said district, as far as applicable. That the costs in such proceedings shall be paid from the assessment of benefits to be made on the lands of the person or persons benefited by such extension, and the assessment and compensation for the right-of-way, damages and benefits, and payment of damages and compensation, and the collection of the assessments for benefits, shall be the same as in the proceedings under the original petition, and the construction of the said extension shall be made under the same provisions as the construction of the original improvement; and all things that may be done or performed in connection therewith shall be, as near as may be applicable, in accordance with the provisions already set forth herein for the establishment and construction of said original improvement: *Provided*, That such petitioner or petitioners shall, at the time of filing such petition by said drainage commissioners,

enter into a good and sufficient bond to said drainage district in the full penal sum of five hundred dollars, with two or more sureties, to be approved by the court, conditioned for the payment of all costs in case the prayer of said petition should not be granted, which bond shall be filed in said cause.

SEC. 22. In case of the establishment of a drainage district and system of drainage under the provisions of this act above any other district that may have theretofore been established and above any other system of drainage that may have theretofore been constructed in said district, and in case said district to be established above may desire to connect its drainage system with the lower or servient district, shall be made a party to the proceedings for the establishment of such system, and the petition to be filed in the superior court for the establishment of the system of drainage in said upper district shall, in addition to the facts hereinbefore provided and required to be set forth therein, set forth the fact that said lower system in said lower district is necessary to be used as an outlet for the system of drainage of said upper district, and that the same will be a sufficient outlet and will afford sufficient capacity to carry the drainage of both said upper and lower districts; and in case said system of said lower district will be required to be enlarged by widening or deepening the same, or both, in order to give sufficient outlet to said upper district and afford sufficient drainage for said upper and lower districts, then the plans and specifications for enlarging the system of said lower district shall be filed with said petition in addition to the other data hereinbefore provided for in this act. All the land owners in said lower district, or any person claiming any interest therein as mortgagee or otherwise, shall be made parties defendant in said petition, and the proceedings therein as to the assessment of damages and compensation for land taken, if any be necessary to be taken in enlarging said lower system, shall be the same as in the establishment of systems of drainage in the lower or servient district as hereinbefore provided for; but the jury, in addition to the facts to be found by them as

Parties to  
proceed-  
ings, when.

Parties de-  
fendant.

Jury, duty of.

Jury, findings of.

provided for in the establishment of a drainage system in the lower district, shall find and determine whether said lower system, when improved according to the plans and specifications filed with the said petition, will afford sufficient drainage for both said upper and lower districts, which finding shall be made by the jury before considering any other question at issue in said proceeding; and in case said jury should find that the system of said lower district when improved as proposed in said petition would not be sufficient, then, in that case, said finding shall terminate the proceedings, and no further proceedings in said case shall be had, and the costs of said proceeding shall be paid as costs in other proceedings, as hereinbefore provided for; but in such case the finding of said jury shall not terminate the objects of said upper district or operate to disorganize the same, but said upper district may begin new proceedings for the establishment of a system of drainage with some new outlet provided therein. All costs for the enlarging or improving of said lower system that may be required shall be assessed to the land owners in the upper district according to the benefits to be derived from the construction of said entire system, and no additional cost shall be thrown upon the lower district, and all compensation for taking any right-of-way that may be necessary to be taken in enlarging said lower system, and all damages occurring therefrom, if any, to the land owners of said lower district, shall be ascertained and paid in the same manner as hereinbefore provided for for the adjustment of compensation and damages in the establishment of drainage systems in lower districts. Said lower district, by and through its board of commissioners, may appear in said cause and show therein any injury it may sustain as a district by reason of the additional cost of maintenance of said lower system as improved and enlarged, and such fact shall be determined in said cause and the jury shall find the amount of the increased costs of maintenance per annum, which will be sustained by said lower district by reason of said enlarging or improving of the same, and judgment shall be rendered in favor of said lower district against said upper district for such amount so found, and

the same shall be paid each year as the cost of construction is paid as provided for in this act, and the amount so paid shall be held by said lower district as an additional fund for the maintenance of its said system as improved and enlarged by said upper district.

SEC. 23. Any town or city already incorporated, or which may hereafter be incorporated, may exercise the functions of a drainage district under the provisions of this act, or the whole or any portion of any such town or city may be included with other territory in a common district under the provisions for the establishment thereof as provided for herein.

Incorporated towns, functions of.

SEC. 24. The board of commissioners of any drainage district organized under the provisions of this act shall, on or before the first day of January of each year, make an estimate of the cost of maintenance of the drainage system constructed in such district, which estimate shall include the costs of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located on or before said date, and the amount thereof shall be apportioned to the land owners in such district benefited by said improvement in proportion to the maximum benefits originally assessed, and such amount shall be added to the general taxes of such land owners and collected therewith.

Cost of maintenance, estimate of.

SEC. 25. The board of commissioners of such district shall elect one of their number chairman and one secretary, and shall keep minutes of all their proceedings, and may issue warrants of such district in payment of all claims of indebtedness against such district; such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: *Provided*, That no warrants shall be issued by said board of commissioners in payment of any

Commission, officers and duty of.

indebtedness of such district for less than the face or par value.

Bonds, to  
issue when.

SEC. 26. Upon the establishment of any district under the provisions of this act and the establishment of a system of drainage therein as provided for in this act, the board of commissioners of such drainage district may, upon petition of a majority of all the land owners owning land within such district to be benefited thereby, issue bonds for the total amount of the costs of construction of said improvement, together with the costs of the establishment thereof, including damages assessed and compensation made to land owners for right-of-way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than ten years from the date thereof; and such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him, which call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two successive weeks in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: *Provided*, That no bonds shall, under the provisions hereof, be sold for less than their par value.

Bonds.

SEC. 27. Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate not exceeding seven per cent. per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of drainage commissioners, and

shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

SEC. 28. Said bonds may be exchanged at not less than <sup>Bonds.</sup> their par value for an equal amount of the warrants of the district issuing such bonds.

SEC. 29. Five years before said bonds shall become due <sup>Bonds, liquida-</sup> the drainage commissioners of such district issuing them, are hereby authorized and required, annually, to levy an assessment sufficient to liquidate said bonds at maturity; such assessment shall be collected by the county treasurer and kept as a separate fund for the sole purpose of liquidating said bonds in accordance with the provisions of the following section.

SEC. 30. It shall be the duty of the treasurer of any county <sup>Treasurer,</sup> in which there may be a district issuing bonds under the <sup>duties of.</sup> provisions of this chapter, whenever he has upon hand two thousand dollars of the special fund for the payment of said bonds, to advertise in the newspaper doing the county printing, for the presentation to him for payment of as many of the bonds issued under the provisions of this act as he may be able to pay with the funds in his hands, to be paid in numerical order of said bonds, beginning with bond number one, until all of said bonds are paid: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said bonds by their number, said bonds shall cease to bear interest, which shall be stated in the notice.

SEC. 31. It shall be the duty of such drainage commis- <sup>Coupons, pay-</sup> sioners annually to levy an assessment sufficient for the <sup>ment of.</sup> payment of the coupons hereinbefore mentioned as they fall due. Said coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this act, and, when presented to the county treasurer, and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid.

Bonds to be registered.

SEC. 32. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond register, in which register he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall in all cases be paid by the purchaser thereof to the county treasurer.

Warrants presented for endorsement.

SEC. 33. All warrants issued under the provisions of this act shall be presented by the holders thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of non-payment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this act until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their indorsement.

Warrants paid, when.

Trial by jury.

SEC. 34. Upon the trial of any questions of issue by a jury under the provisions of this act the trial court may, in its discretion, submit all questions to be found by the jury in the form of separate findings, or may submit to such jury separate forms of verdict on all such questions to be found by the jury therein.

No lands exempt.

SEC. 35. All state, county, school district or other lands belonging to other public corporations requiring drainage shall be subject to the provisions of this act, and such corporations, by and through the proper authorities, shall be made parties in all proceedings herein affecting said lands, and shall have the same rights as private persons, and their

lands shall be subject to the right of eminent domain the same as the lands of private persons or corporations.

SEC. 36. In case lands belonging to the state, county, school district or other public corporations are benefited by any improvement instituted under the provisions of this act, all benefits shall be assessed against such lands, and the same shall be paid by the proper authorities of such public corporation at the times and in the same manner as assessments are called and paid in case of private persons, out of any general fund of such corporation. Assessments.

SEC. 37. Fees for service of all process necessary to be served under the provisions of this act shall be the same as for like services in other civil cases, or as is or may be provided by law. Service fees.

SEC. 38. In performing their duties under the provisions of this act the board of drainage commissioners shall receive such compensation as may be just and reasonable for all necessary services actually performed, not exceeding two dollars per day, to be determined and allowed by the court upon presentation by said commissioners, or either of them, of an itemized statement duly verified by either or all of such board, that the same is just, reasonable, necessary and were actually performed and that no part of the same has ever been paid, and in case such services are rendered by said board in the establishment or construction of said improvement, or any extension thereof, the amount thereof so allowed by the court shall be deemed to be a part of the cost of the construction and establishment of said improvement, and in case such compensation to be allowed by the court shall be for services rendered by said board in the repairing or maintenance of such improvement, such allowance shall be added to the annual cost of maintenance of such system: *Provided*, That any person interested therein may file objections to the allowance asked for, either in whole or in part, and such claims so filed shall not be passed upon or allowed by the court until the expiration of thirty days from the filing thereof. Said board of commissioners, or the member thereof presenting such claim or allowance shall, at the time of the filing thereof in the court, post notices in at least four public Commissioners, compensation of.

places within said district, which said notices shall set forth therein the fact that an application for allowance has been filed in said court, giving the date of the filing thereof and the amount of the allowance applied for, and demand that any and all persons having any interest therein shall file objections in said court, if any they have, to the allowance of such claim or any portion thereof, within thirty days from the filing of such application for allowance, and the court shall hear said application and the objections thereto if any be made and filed, and shall, in its discretion, make such allowance in such amount as it may deem to be just in the premises, and the same shall be paid as other claims against said district are paid.

Natural water-  
courses.

SEC. 39. The whole or any portion of any natural watercourse, the whole or any portion of which lies within any district established under this act, or the whole or any portion of any ditch or drainage system already constructed or partially constructed prior to the passage of this act, may be improved and completed as a system under the provisions of this act: *Provided*, That in the improvement of any natural watercourse the rights of the public therein for purposes of navigation shall not be in any wise impaired, and vested rights therein shall not be disturbed.

SEC. 40. The superior court may compel the performance of the duties imposed by this act, and may, in its discretion, on proper application therefor, issue its mandatory injunction for such purpose.

SEC. 41. Whereas, there is no law in force in this state in relation to the subject matter of this act: 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.

Passed the house March 8, 1895.

Passed the senate March 13, 1895.

Approved March 20, 1895.

## CHAPTER CXVI.

[H. B. No. 233.]

## TEMPORARY FUNDS FOR CURRENT EXPENSES OF COUNTIES, CITIES, ETC.

AN ACT to authorize counties, cities, towns and school districts to provide temporary funds for current expenses, in anticipation of revenue.

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

SECTION 1. That any county, city, town or school district in this state may borrow money or issue warrants in anticipation of its revenue, to meet its current general expenses, as hereinafter provided: *Provided, however,* That no county, city, town or school district now or hereafter having an outstanding warrant or floating indebtedness, not funded, shall be permitted to take advantage of the provisions of this act until said indebtedness shall be paid, funded, canceled or exchanged (as provided in section 6 of this act), or otherwise paid.

SEC. 2. That whenever any tax shall have been actually levied, and it shall appear to the treasurer of any such county, city, town or school district that there are no funds in his hands, as such treasurer, with which to meet the current general expenses of such county, city, town or school district for which such tax has been levied, he shall report such fact to the board of county commissioners, the common council, the board of trustees, or education, or other managing body of such county, city, town or school district, and if in the opinion of a majority of said board, council or other managing body, it is necessary to provide temporary funds for such purposes, such necessity shall be declared by proper order, ordinance or resolution, specifying the amount of such proposed loan or loans, and shall give notice of such proposed loan or loans, by publication once a week for two consecutive weeks in some newspaper of general circulation in the county, calling for bids for such loan or loans, to be submitted within five days from the last publication of such notice, and shall award the same to such bidder as shall offer the lowest rate of interest and the most satisfactory terms, and there-

Anticipated  
revenue.

Deficiency re-  
ported by  
treasurer.

Notices.





Renewals.

*Provided, however,* That if any such note or notes shall not be paid at maturity, the same may be renewed for such period or periods as shall be necessary: *Provided further,* That in no case when the total amount of taxes paid in on any levy, together with all outstanding loans, or warrants issued against said levy, shall be equal to seventy-five per centum of said levy, shall it be lawful to make any additional loan or loans, but in such case warrants may be issued as hereinafter provided: *And provided also,* That it shall not be lawful to make any temporary loan or loans, nor to issue any warrants against said levy during any one month when the total amount of outstanding loans and warrants made and issued against said levy during said month (exclusive of warrants issued for interest payments and outstanding loans maturing during said month) shall be equal to one-eighth of the total amount of such levy.

Warrants to contain, what.

SEC. 5. Whenever any such county, city, town or school district shall have reached its limit of indebtedness as specified in the preceding section, and shall desire to issue warrants, such warrants shall be in manner and form as now required by law, except that each shall contain a clause declaring that the same is not a debt or obligation of such county, city, town or school district, and distinctly limiting the payment thereof, and the payment of interest accruing thereon, to the revenues to be derived from the levy then actually made, and against which the same is drawn; and in case any such warrant shall be presented for payment and there shall be no funds on hand with which to pay the same, it shall be indorsed, "Presented for payment and not paid for want of funds," together with the date of presentation, and shall thereafter draw interest at the legal rate, but such indorsement shall in no case operate to make such warrant a debt or obligation of said county, city, town or school district, or in any manner extend the payment thereof to any revenue or revenues than that or those against which the same was originally drawn.

Treasurer authorized to borrow, when.

SEC. 6. That when any warrants shall have been issued, as now provided by law, or as provided in this act, and shall be outstanding and not called for payment, and the board, council or other managing body of any county,

city, town or school district shall deem it necessary or advisable to cancel or exchange the same, and there shall be no funds on hand with which to effect such cancellation, then, in such case, said board, council or other managing body shall, by a majority vote, duly authorize the treasurer to make a temporary loan or loans in the manner hereinbefore provided with which to take up and cancel such warrants, or may cause to be issued, in the manner hereinbefore provided, note or notes in exchange therefor; but in all cases, before any such note or notes shall be issued, said treasurer shall publish a notice calling for the warrants it is proposed to so cancel or exchange, said notice to be so published once a week for two consecutive weeks in some newspaper of general circulation in the county; and interest on such warrants shall cease ten days after the date of the last publication of such notice (if said warrants are not sooner presented); and when warrants aggregating an amount not less than five hundred dollars shall be so presented a note or notes may be issued in exchange therefor, or with which to obtain funds to cancel the same.

Published notice.

SEC. 7. That in all cases where any temporary loan or loans shall have been made and any note or notes shall have been issued as provided in this act, it shall be the duty of the treasurer of such county, city, town or school district, to set aside and reserve out of all revenues, when collected, an amount sufficient to meet the payment of such note or notes at maturity, and said revenues so set aside and reserved shall not be diverted to any other purpose so long as such loan or loans shall remain outstanding and unpaid: *Provided*, That when any temporary loan or loans shall have been made, as provided in section four of this act, and any note or notes shall have been issued as therein provided, or when any warrant shall have been issued as provided in section five of this act, then, and in such case, such treasurer shall set aside, and reserve when collected, for the payment of such note or notes, or warrants, only such revenues as shall be derived from the levy against which said note or notes, or warrant, is drawn, and such revenues shall not be diverted to any other purpose so long as such note or notes, or warrants, shall remain outstanding and unpaid:

Reserve fund.

Warrants,  
payment of.

*Provided*, That when any such treasurer may have five hundred dollars on hand applicable to the payment of any such warrants, he shall publish a call for such warrants in the manner prescribed in section six of this act, and shall redeem the same in the order of their issuance: *Provided, however*, That no such warrants shall be paid while any note or notes issued against said levy under the provisions of section four of this act remains outstanding and unpaid, unless there shall be funds on hand with which to pay such note or notes at maturity.

Notes, signed  
by whom.

SEC. 8. All notes issued under the provisions of this act shall be signed by the following officers before the same shall be delivered to the purchaser: When issued by a county, the chairman of the board of county commissioners, countersigned by the county treasurer and attested by the county auditor, who shall affix thereto his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer (and comptroller, if any), and attested by its clerk, who shall affix thereto its corporate seal; when issued by a school district, by the chairman of its board of education or directors, countersigned by the county treasurer and attested by the clerk of said district, who shall affix thereto his official seal, if he have any.

Notes to be  
registered.

SEC. 9. The treasurer of such county, city, town or school district shall keep separate registers of all notes and of all warrants issued under the provisions of this act. The register of notes shall at least contain the number of each note, date when issued, to whom issued, where payable, rate of interest, when payable, whether issued generally against such revenue or specially against a specific tax levy, date when paid or renewed, to whom paid or renewed, and shall be kept substantially according to the following form:

REGISTER OF NOTES.

No.....	When issued .....	To whom issued .....	Where payable.....	Rate of interest.....	When payable.....	Amount issued generally against revenue.....	Year .....	Amount issued against tax levy for .....	Date paid or re- newed .....	Amount paid.....	Amount renewed.....	To whom paid or renewed.....
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Such register of warrants shall at least contain the number of such warrant, date when issued, to whom issued,

the tax levy against which it is issued, when presented or indorsed, amount, date called for redemption, when paid, amount paid, to whom paid, whether canceled or exchanged by the issuance of notes, and shall be kept substantially in the following form:

\* REGISTER OF SPECIAL WARRANTS.

To whom paid or renewed.....	Amount renewed.....	Amount paid.....	Date paid or renewed.....	Amount issued against tax levy for year.....	Amount issued generally against revenue.....	When payable.....	Date of interest.....	Where payable.....	To whom issued.....	When issued.....	No.....
Canceled by note number.....	To whom paid.....	Amount paid.....	When paid.....	Date called for redemption.....	Amount.....	Date presented or indorsed.....	Issued against tax levy for year.....	To whom issued.....	When issued.....	No.....	

SEC. 10. Whenever any note or notes shall have been issued according to the provisions of this act, and shall become due and payable, and there shall be no funds on hand with which to pay the same, or any interest thereon, and it shall be deemed desirable to renew said note or notes, as provided in this act, the interest due upon said note or notes shall not be included in the sum for which said note or notes shall be renewed, but warrant or warrants may be issued therefor; and said warrant or warrants shall be non-interest bearing, and shall so state upon their face, and shall be paid only when there shall be sufficient funds on hand, received from the revenues against which the original note or notes was issued.

Interest not compounded.

SEC. 11. This act shall not be construed to prevent any county, city, town or school district from issuing warrants, as heretofore provided by law, but it shall be optional with such county, city, town or school district to issue such warrant, or issue warrants or make temporary loans, as provided by this act.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 20, 1895.

\*In enrolling this law the enrolling clerk inserted the wrong heading for warrant register. The proper heading is inserted in brackets.

## CHAPTER CXVII.

[H. B. No. 401.]

## TO PROVIDE FOR ESTABLISHING DIKING DISTRICTS.

AN ACT to provide for the establishment and creation of diking districts, and the construction and maintenance of a system of dikes, and to provide the means of payment thereof, and declaring an emergency.

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

Diking  
districts.

SECTION 1. Any portion of a county requiring diking, which contains five or more inhabitants and freeholders therein, may be organized into a diking district, and when so organized, such district, and the board of commissioners hereinafter provided for, shall have and possess the power herein conferred or that may hereafter be conferred by law upon such district and board of commissioners, and said district shall be known and designated as diking district No. .... (here insert number) of the county of ..... (here insert name of county) of the State of Washington, and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession, and shall adopt and use a seal. The commissioners hereinafter provided for, and their successors in office, shall, from the time of the organization of such diking district, have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts, employ and appoint such agents, officers and employés as may be required, and prescribe their duties, and perform such other acts as hereinafter provided, or that may hereafter be provided by law.

Districts, how  
formed.

SEC. 2. For the purpose of the formation of such diking districts a petition shall be presented to the board of county commissioners of the county in which said proposed diking district is located, which petition shall set forth the object for the creation of said district; shall designate the boundaries thereof and set forth therein the number of acres of land to be benefited by the proposed diking system, and shall also contain the names of all the free-

holders residing within said proposed district, (so far as known), and shall contain a brief description of the proposed system of diking, the route over which the same is to be constructed, together with the proposed spurs or branches, if any there may be, and the termini thereof, and set forth the further fact that the establishment of said district and the proposed system of diking will be conducive to the public health, convenience and welfare, and increase the public revenue, and that the establishment of said district and said system of diking will be of special benefit to the property included therein. Said petition shall be signed by such a number as own at least a majority of the acreage in the proposed district, and shall pray that the same be organized under the provisions of this act. Said petitioners shall, at the time of the filing of said petition, file a bond with said commissioners, running to the State of Washington, in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

SEC. 3. Said petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper,

Petitions to be published.

and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed system of dikes, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed diking system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within the said boundaries of said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided further*, That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; setting forth in said petition the reason therefor, but no person, persons or corporations not owning lands included within the boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided*, Any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries. In such case the board of county commissioners shall give the like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county commissioners deem it advisable and to the best interest of all concerned, they may grant the prayer of said petitioner or petitioners in whole or in part, and said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced

Petition filed,  
by whom.

by them from the evidence heard upon the final hearing thereof.

SEC. 4. Upon the entry of the findings on the final hearing of said petition as set forth in the last preceding section, said board of county commissioners of said county, if they find said proposed system of dikes will be conducive to the public health, welfare and convenience and will increase the public revenue and be of special benefit to the majority of the lands included within said boundaries, shall give notice of an election to be held in such proposed diking district for the purpose of determining whether the same shall be organized under the provisions of this act as a diking district of the State of Washington, and for the further purpose of choosing at such election three commissioners who shall be known and designated as "dike commissioners" for said district proposed to be organized, which said three commissioners shall, upon their election, be the district authorities of said diking district; and such notice shall particularly describe the boundaries as established by the board of county commissioners on its final hearing of said petition, and shall state the name of such proposed diking district and approximately the number of acres of land in said district to be benefited thereby, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of said proposed district, which notice shall designate the place within the proposed district where the said election shall be held, and require the voters to cast ballots which shall contain the words "Diking district, yes," or "Diking district, no," and also the names of the persons voted for for commissioners of said diking district. The board of county commissioners shall also appoint two judges, one inspector and two clerks for such election, whose compensation shall be the same as in other elections for the election of county

Election to establish districts.

Dike commissioners, now created.

Notices published and posted.

and state officers, and shall be a charge upon said district, in case the same be established, and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of said improvement. In case said district be not established, then all costs and expenses shall be collectible from the bond hereinbefore provided for, and any person having a charge against said district shall have a right of action thereon.

Bond, action on.

Election, when held.

SEC. 5. Said election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Washington, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county in which such district is located, and shall have resided within the limits of such district, as established by the board of county commissioners, for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat, and if upon such canvass it appears that a majority of the votes cast are for "diking district, yes," the board shall have an order entered upon their minutes and declare such territory duly organized as a diking district under the name and style of dike district No. (here insert number) of (here insert name of county) of the State of Washington, and shall declare the three persons receiving, respectively, the highest number of votes to be duly elected as a board of commissioners of such diking district. Said board shall cause a copy of said order, duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing, said organization shall be deemed complete, and such board of commissioners so chosen at such election shall be entitled to enter immediately upon the duties of their office, and upon qualifying as county officers are required to qualify, and giving a bond to the State of Washington for the benefit of said diking district, for the faithful performance of their duties as such board of dike commissioners, in the penal sum of \$5,000, with two or more sureties, to be approved by the board of county commissioners, and shall hold such office until the next general election for the

Diking commissioners.

Commissioners, bond of.

election of officers in such diking district and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election, shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by the judge of the superior court of the county in which said district is located, and shall be filed in said court.

SEC. 6. A general election for the election of a board of dike commissioners for such district shall be held upon the first Tuesday after the first Monday in December each year thereafter, and the term of office shall begin the second Monday of the following January, and such election shall be held in accordance with the general election laws of the State of Washington for the election of county and state officers, and the expenses thereof shall be defrayed by said district, and the judges, clerks and inspectors of said election shall each receive as compensation for the services rendered at such election the sum of \$2 per day: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the board of commissioners of such diking district, by posting the same in four public places within said district. Said notice shall contain the names of two electors of said district as judges of said election and the name of one elector of said district as inspector thereof, the same to be chosen by said board of commissioners. Said board of commissioners shall be a canvassing board to canvass the votes of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

SEC. 7. All diking districts organized under the provisions of this act shall have the right of eminent domain, with the power, by and through its board of commissioners, to cause to be condemned and appropriated private property for the use of said corporation [organization] in the construction and maintenance of a system of dikes, and make just compensation therefor: *Provided*, That the property of private corporations may be subjected to the same rights of eminent domain as private individuals:

General election, when held.

Inspectors, compensation of.

Notice, how given.

Eminent domain.

*Provided further,* That said board of commissioners shall have power to acquire by purchase all the real property necessary to make the improvements herein provided for.

Commissioners, duty of.

SEC. 8. Said board of dike commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all dikes or dike systems which may be constructed within the said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties, as provided by law. In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district, such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term, or until the next general election or until a successor is elected and qualified: *Provided,* That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.

Diking, method of procedure.

SEC. 9. Whenever it is desired to prosecute the construction of a system of dikes within said district, said district, by and through its board of commissioners, shall file a petition in the superior court of the county in which said district is located, setting forth therein the route over which the same is to be constructed, with a complete description thereof, together with specifications for its construction, with all necessary plats and plans thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such proposed improvement; the number of acres owned by each land owner, and the maximum amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvement, and that the same will be conducive to the public health, convenience and welfare, and increase the value of all of said property for purposes of public revenue. Said petition shall further set forth the names of the land owners through whose land the right-of-way is desired for the construction of said dikes; the amount of

land necessary to be taken therefor, and an estimate of the value of said lands so sought to be taken for such right-of-way, and the damages sustained by any person or corporation interested therein, if any, by reason of such appropriation, irrespective of the benefits to be derived by such land owners by reason of the construction of said system. Such estimate shall be made, respectively, to each person through whose land said right-of-way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefited by said improvement, and all persons or corporations through whose land the right-of-way is sought to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of dikes is necessary for the protection of all the lands from overflow described in said petition, and that all lands sought to be appropriated for said right-of-way are necessary to be used as a right-of-way in the construction and maintenance of said improvements; and when the proposed improvement will protect or benefit the whole or any part of any public or corporate road or railroad, so that the traveled track or roadbed thereof will be improved by the construction of said dikes, such fact shall be set forth in said petition, and such public or private corporations owning said road or railroad shall be made parties defendant therein, and the maximum amount of benefits to be derived from such proposed improvement shall be estimated in said petition against said road or railroad.

SEC. 10. In the preparation of the facts and data to be inserted in said petition and filed therewith for the purpose of presenting the matter to the said superior court, the board of commissioners of said diking district may employ one or more good and competent surveyors and draughtsmen to assist them in compiling data required to be presented to the court with said petition as hereinbefore provided, and such legal assistance as may be necessary, with full power to bind said district for the compensation of such assistants or employés employed by them, and such services shall be taxed as costs in the suit.

Summons to  
contain, what.

SEC. 11. A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed will be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the State of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode; or in case of a foreign corporation, at its principal place of business in this state with some person of more than sixteen years of age; in case of domestic corporations said service shall be made upon the president, secretary or other director or trustee of such corporation; in case of minors, on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or insane persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a non-resident of this state,

Summons,  
service of.

or where the residence of such owner or person is unknown, and an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a non-resident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each non-resident person or persons whose residence is unknown. Such summons may be served by any competent person over twenty-one years of age. Due proof of service of such summons by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for, service of notice, order and other papers in the proceeding authorized by this chapter may be made as the superior court, or the judge thereof, may direct: *Provided*, That personal service upon any party outside of this state shall be of like effect as service by publication.

Service by  
publication,  
when.

Proceedings  
void, when.

SEC. 12. Any or all of said defendants may appear jointly or separately, and admit or deny the allegations of said petition, and plead any affirmative matter in defense thereof, at the time and place appointed for hearing said petition, or to which the same may have been adjourned. If the court or judge thereof shall have satisfactory proof that all of the defendants in said action have been duly served with said summons, as above provided, and shall be further satisfied by competent proof that said improvement is practicable, and conducive to the public health, welfare

Appearance  
of defendants.

and convenience, and will increase the value of said lands for the purpose of public revenue, and that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, and that the land, real estate, premises or other property sought to be appropriated are required and necessary for the establishment of said improvement, the court or judge thereof shall cause a jury of twelve qualified persons to be impaneled to assess the damages and benefits as herein provided, if in attendance upon his court; and if not, he may, if satisfied that the public interests require the immediate construction of said improvement, direct the sheriff of his county to summon from the citizens of the county in which said petition is filed as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties to the proceedings consent to a less number, such number to be not less than three, and such consent shall be entered by the clerk in the minutes of the trial. If necessary to complete the jury in any case, the sheriff, under direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the citizens of the county in which the petition is filed. In case a special jury is summoned, the cost thereof shall be taxed as part of the costs in the proceeding, and paid by the district seeking to appropriate said land, the same as other costs in the case; and no person shall be competent as a juror who is a resident of, or land owner in, the district seeking to appropriate said land. The jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation or company, or to the state, by reason of the appropriation and use of such land, real estate, premises or other property for said improvement, and shall ascertain, determine and award the amount of damages to be paid to said owner or owners, respectively, and to all tenants, incumbrancers and others interested, for the taking or injuriously affecting such land, real estate, premises or other property for the establishment of said improvement; and shall further find the maximum amount of benefits, per acre, to be derived by each of the land owners from

Jury.

Special jury,  
costs of.

Damages, as-  
sessment of.

the construction of said improvement. And upon a return of the verdict into court, the same shall be recorded as in other cases; whereupon a decree shall be entered in accordance with the verdict so rendered, setting forth all the facts found by the jury, and decreeing that said right-of-way be appropriated, and directing the commissioners of said drainage [diking] district to draw their warrant on the county treasurer for the amount awarded by the jury to each person, for damages sustained by reason of the establishment of said improvement, payable out of the funds of said diking district.

Decrees, when entered.

SEC. 13. Every person or corporation feeling himself or itself aggrieved by the judgment for damages, or the assessment of benefits, may appeal to the supreme court of this state, within thirty days after the entry of the judgment, and such appeal shall bring before the supreme court the propriety and justness of the amount of damage or assessment of benefit in respect to the parties to the appeal. Upon such appeal no bond shall be required and no stay shall be allowed.

Appeals, when taken.

SEC. 14. In case the damages or amount of compensation for such right-of-way, together with the estimated cost of the improvement, amount to more than the maximum amount of benefits which will be derived from said improvement, or if said improvement is not practicable, or will not be conducive to the public health, welfare and convenience, or will not increase the public revenue, the court shall dismiss such proceedings, and in such case a judgment shall be rendered for the costs of said proceedings against said district, and no further proceedings shall be had or done therein; and upon the payment of the costs, said organization shall be dissolved by decree of said court.

Benefits and damages, how determined.

SEC. 15. Any person or corporation claiming to be entitled to any money ordered paid by the court, as provided in this act, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he is entitled to the same, the court shall make an order directing the payment to such claimant of the portion of such money as he or it may be found entitled to; but if, upon application, the court or judge thereof shall decide that the title to the

Damages, how paid.

land, real estate or premises specified in the application of such claimant is in such condition as to require that an action be commenced to determine the title of claimants thereto, it shall refuse such order until such action is commenced and the conflicting claims to such land, real estate or premises be determined according to law.

Transcript to contain, what.

SEC. 16. Upon the entry of the judgment upon the verdict of the jury, the clerk of said court shall immediately prepare a transcript, which shall contain a list of the names of all the persons and corporations benefited by said improvement and the amount of benefit derived by each, respectively, and shall duly certify the same, together with a list of the lands benefited by said improvement belonging to each person or corporation, and shall file the same with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in said list, together with the amounts thereof, and the same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other taxes and subject to the same right of redemption and the lands sold for the collection of said taxes shall be subject to the same right of redemption as in the sale of lands for general taxes:

Assessments, when due.

*Provided*, That said assessment shall not become due and payable except at such time or times and in such amount as may be designated by the board of commissioners of said dike district, which designation shall be made to the county auditor by said board of commissioners of said dike district, by serving a written notice upon the county auditor designating the time and the amount of the assessment, said assessment to be in proportion to benefits, to become due and payable, which amount shall fall due at the time of the falling due of general taxes, and the amount so designated shall be added by the auditor to the general taxes of said person, persons or corporations, according to said notice, upon the assessment rolls in his said office, and collected therewith: *And provided further*, That no one call for assessments by said commissioners shall be in an amount to exceed twenty-five per cent. of the actual amount

necessary to pay the costs of the proceedings, and the establishment of said district and system of dikes and the cost of construction of said work.

SEC. 17. In the event of the dismissal of said proceedings and the rendition of judgment against said district, as hereinbefore provided, said diking commissioners shall levy a tax upon all of the real estate within said district, taking as a basis the last equalized assessment of said real estate for state and county purposes, sufficient to pay said judgment, and the cost of levying said tax, and shall cause said tax roll to be filed in the office of the clerk of the superior court in which such judgment was rendered. If said tax is not paid within sixty days after the filing of said tax roll, the court shall, upon the application of any party interested, direct said real estate to be sold in payment of said tax, said sale to be made in the same manner and by the same officer, as is or may be provided by law for the sale of real estate for taxes for general purposes; and the same rate of redemption shall exist as in the sale of real estate for the payment of taxes for general purposes.

Conditional  
tax, how  
levied.

SEC. 18. After the filing of said certificate said commissioners of such diking district shall proceed at once in the construction of said improvements, and in carrying on said construction or any extension thereof they shall have full charge and management thereof, and shall have the power to employ such assistance as they may deem necessary, and purchase all material that may be necessary in the construction and carrying on of the work of said improvement, and shall have power to let the whole or any portion of said work to any responsible contractor, and shall in such case enter into all necessary agreements with such contractor that may be necessary in the premises: *Provided*, That in case the whole or any portion of said improvement is let to any contractor, said commissioners shall require such contractor to give a bond in double the amount of the contract price of the whole or of such portion of said work covered by such contract, with two or more good and sufficient sureties to be approved by the board of commissioners of said diking district and running

Improvements, when  
ordered.

Contractor,  
bonds of.

to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns, according to the terms and conditions of said agreement, and shall cause said contractor to enter into a further and additional bond in the same amount, with two or more good and sufficient sureties to be approved by said board of commissioners of said diking district in the name of said district as obligee therein, conditioned that said contractor, his executors, administrators or assigns, or sub-contractor, his executors, administrators or assigns, shall perform the whole or any portion of said work under contract of said original contractor; shall pay or cause to be paid all just claims of all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or sub-contractor, or any employé thereof in the construction of said improvement: *Provided further*, That no sureties on said last mentioned bond shall be liable thereon unless the persons or corporations performing said labor and furnishing said materials, goods, wares, merchandise and provisions, shall, within ninety days after the completion of such improvement, file their claim, duly verified, that the amount is just and due and remains unpaid, with the commissioners of said diking district.

Sureties, liability of.

Work, when to begin.

SEC. 19. The work on said improvement shall begin without delay, and shall be carried on with all expedition possible, and said board of commissioners of said diking district, or any contractor thereunder, shall have no power whatever to change the location of the dikes or the system of improvement or the manner of doing the work therein so as to make any radical changes in said improvement, without the written consent of all the land owners to be benefited thereby, and the land owners which may be damaged thereby. And in case any substantial changes in said system of improvement or the manner of the construction thereof shall be deemed necessary by said board of commissioners at any time during the progress thereof, and if the written consent to such changes cannot be procured

Changes, how made.

from said land owners, then said commissioners, for and on behalf of said district, shall file a petition in the superior court of the county within which said district is located, setting forth therein the changes which they deem necessary to be made in the plans or manner of the construction of said improvement, and praying therein to be permitted to make such changes, and upon the filing thereof, the commissioners [clerk] shall cause a summons to be served, Summons, how served. setting forth the prayer of said petition, under the seal of said court, which summons shall be served in the same manner as the service of summons in the case of the original petition, upon all the land owners or others claiming any lien thereon or interest therein appearing of record in said district, and any or all of such parties so served may appear in said cause and submit their objections thereto, and after the time for the appearance of said parties has expired, the court shall proceed to hear said petition at once without further delay, and if it appears during the course of such proceedings that the property rights of any of said land owners will be affected by such proposed change in said improvement, then the court, after having passed upon all preliminary questions as in the original proceedings, shall cause a jury to be impaneled as in the case of Jury impaneled, when. the original proceedings for the establishment of said improvement, and upon the final hearing of said cause the jury shall return a verdict finding the amount of damages, if any, sustained by all persons and corporations the same as upon the original petition, by reason of such proposed change, and the amount of compensation to be paid to any persons or corporations therefor, and for any additional right-of-way that may be necessary to be appropriated by reason of said proposed change, and shall readjust the amount of benefits claimed to have been increased or diminished by any of said land owners by reason of such proposed change in said improvement, and the proceedings thereafter shall be the same as to rendering judgment, appeal therefrom, payment of compensation and damages, and filing of the certificate with the auditor, as hereinbefore provided for in the proceedings under the original petition, and said commissioners shall have a right thereafter to proceed with the

construction of said improvement according to the changes made therein.

Contractors,  
when paid.

SEC. 20. During the construction of said improvement said commissioners shall have the right to allow payment thereof, in installments as the work progresses, in proportion to the amount of work completed: *Provided*, That no allowance or payment shall be made for said work to any contractor or sub-contractor to exceed seventy-five per cent. of the proportionate amount of the work completed by such contractor or sub-contractor, and twenty-five per cent. of the contract price shall be reserved at all times by said board of commissioners until such work is wholly completed, and shall not be paid upon the completion of said work until ninety days have expired for the presentation of all claims for labor performed and materials, goods, wares, merchandise and provisions furnished or used in the construction of said improvement; and upon the completion of said work and the payment of all claims hereinbefore provided for, according to the terms and conditions of said contract, said commissioners shall accept said improvement and pay the contract price therefor.

Private dikes  
to connect,  
when.

SEC. 21. In case any diking district organized under the provisions of this act desires to connect its system of dikes with the system of dikes of any other district theretofore organized or constructed, said last mentioned diking district shall be made a party defendant in the proceedings in the superior court for the establishment of the improvement proposed to be constructed by such first mentioned diking district, and the petition to be filed in said court, in addition to the facts to be set forth therein as hereinbefore provided for, shall set forth the further fact that said district is desirous of connecting its said system of dikes with the system of such other diking district, and shall set forth an estimate of the additional cost per annum, if any, for the future maintenance of the diking system so sought to be connected with, and also an estimate of the cost of any additional improvement in said system so sought to be connected with, if any, by reason of such connection, and shall also set forth the amount of compensation which should be made by said diking district for the privilege of

connecting with the said system of dikes; and in case it shall be deemed necessary to enlarge or strengthen the system of dikes to be connected with by reason of such connection, there shall be filed with said petition, in addition to the plans, specifications and data hereinbefore provided to be filed, plans and specifications and the estimated cost of the proposed improvement to be made in the system sought to be connected with by reason of such connection, and the proceedings thereon shall be the same as in other cases for the establishment of diking districts under the provisions of this act: *Provided*, That the jury shall, in addition to the other findings provided for in other cases under the provisions of this act, find the amount of compensation to be paid said district with whose system connection is sought to be made, for any additional cost, if any, which may be thrown upon said district by reason of the increased cost of maintenance by reason of such connection, and shall estimate the amount of such increased cost of maintenance per annum, and also the amount of compensation to be made to said district for the privilege of joining on to its system of dikes; the compensation to be made for the increased cost of maintenance shall be paid per annum out of the revenue derived from the assessments to be levied as in other cases, and the compensation to be made as may be found by the jury to said district whose system is sought to be connected with for the privilege thereof, shall be paid such district as damages are paid in other cases under the provisions of this act; and all amounts so paid to said district sought to be connected with, as compensation for the cost of maintenance, shall be used as an additional fund for the maintenance of said diking system of such district, and the amount of compensation paid for the privilege of connecting with the system of such district shall also be added to the general fund of said district, to be used for the payment of the cost of maintenance of the system of such district sought to be connected with.

Additional plans and specifications.

Additional costs, how collected.

SEC. 22. In case it shall be found necessary to enlarge or strengthen the system of dikes sought to be connected

Enlarging dikes, cost of.

with, by reason of such connection, the jury shall determine the cost of such enlarging or strengthening, and said petitioner district shall have the right, by and through its representatives, assistants and employés, to make such improvement on the system of such other district as may have been found necessary upon the hearing of said petition, and the costs thereof shall be assessed against the land owners of said petitioner district to be benefited by the construction of said entire system, and no additional cost or burden, by reason of such improvement, shall be thrown upon the land owners of said district sought to be connected with.

Dikes, protection of.

SEC. 23. Where any diking system is sought to be constructed by any district organized under the provisions of this act along any river or water course to prevent overflow therefrom, and it shall become necessary to provide against the washing away of the banks of said river or water course so as to prevent injury to such proposed diking system, or any system which may have already been completed, such district, by and through its board of commissioners, may make such portions of lands lying along said dikes which are threatened to be washed away by said river or water course part of the right-of-way of said dike system, and may construct along the banks of said river or water course, as a part of said diking system, such protection as may be necessary to protect said dike, and in such cases such tract or parcel of land may be condemned and appropriated under the law of eminent domain as provided herein as a part of the right-of-way of such dike system; and when not condemned or appropriated at the time said system is established and constructed, said diking district, by and through its board of commissioners, may, at any time thereafter, when any portion of said system is threatened to be washed away by such river or water course, file their petition with the court condemning and appropriating for the use of said district so much of the land lying along said river or water course as may be necessary to be used for the protection of said diking system, and the proceedings therein for the making of compensation therefor and the payment of damages by reason of such appropriation shall

Additional right-of-way.

Condemnation for.

be the same, or as near as may be applicable, as other proceedings for the condemnation of right-of-way provided for in this act.

SEC. 24. Whenever any land is appropriated along the bank of any river or water course, as provided for in the last preceding section, the expenses of such appropriation, including the costs and damages to be paid therefor — when such appropriation is taken subsequently to the construction of any system of dikes under the provisions of this act — shall be added to the annual cost of the maintenance of said system and be paid as such, as provided herein.

Condemnation, appropriation for.

SEC. 25. In the construction of any diking system under the provisions of this act, where it is desired to construct the same along the right-of-way of any public road which has theretofore been legally established, said district shall have a right to construct its dikes along such road: *Provided*, That the dikes so constructed along such road shall not destroy or impair the same for the use of the public convenience as a public highway; and in case of the construction or improvement of any dike along any public highway, such dike shall be constructed of sufficient width and in such manner as will be conducive to the public as a public highway.

Public highways.

SEC. 26. Any town or city already incorporated, or which may hereafter be incorporated, may exercise the functions of a diking district under the provisions of this act, or the whole or any portion of any such town or city may be included with other territory in a common district under the provisions for the establishment thereof as provided for herein.

Incorporated towns may be included.

SEC. 27. The board of commissioners of any diking district organized under the provisions of this act shall, on or before the first day of January of each year, make an estimate of the cost of maintenance of the diking system in such district, which estimate shall include the costs of making any necessary repairs as it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is lo-

Maintenance, cost of estimated.

cated on or before said date, and the amount thereof shall be apportioned to the land owners in such district benefited by said improvement in proportion to the maximum benefits originally assessed, and such amount shall be added to the general taxes of such land owners and collected therewith.

Commission,  
officers of.

SEC. 28. The board of commissioners of such district shall elect one of their number chairman and one secretary, and shall keep minutes of all their meetings, and may issue warrants of such district in payment of all claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: *Provided*, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Warrants  
issued.

Bonds, when  
and how  
issued.

SEC. 29. Upon the establishment of any district under the provisions of this act and the establishment of a system of diking therein as provided for in this act, the board of commissioners of such diking district may, upon petition of a majority of all the land owners owning land within such district to be benefited thereby, issue bonds for the total amount of the costs of construction of said improvement, together with the costs of the establishment thereof, including damages assessed and compensation made to land owners for right-of-way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than ten years from the date thereof; and such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him,

which call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two successive weeks in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: *Provided*, That no bonds shall, under the provisions hereof, be sold for less than their par value.

SEC. 30. Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate not exceeding seven per cent. per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of diking commissioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

Bonds, numbers and denominations of.

SEC. 31. Said bonds may be exchanged at not less than their par value for an equal amount of the warrants of the district issuing such bonds.

Bonds, exchanged for warrants.

SEC. 32. Five years before said bonds shall become due the diking commissioners of such district issuing them are hereby authorized and required, annually, to levy an assessment sufficient to liquidate said bonds at maturity. Such assessment shall be collected by the county treasurer and kept as a separate fund for the sole purpose of liquidating said bonds in accordance with the provisions of the following section.

Assessments, when levied.

SEC. 33. It shall be the duty of the treasurer of any county in which there may be a district issuing bonds under the provisions of this chapter, whenever he has upon hand two thousand dollars of the special fund for the payment of said bonds, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the bonds issued under the provisions of this act as he may be able to pay with the funds in his

Treasurer, duties of.

hands, to be paid in numerical order of said bonds, beginning with bond number one, until all of said bonds are paid: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said bonds by their number said bonds shall cease to bear interest, which shall be stated in the notice.

Annual assessments to pay interest.

SEC. 34. It shall be the duty of such diking commissioners, annually, to levy an assessment sufficient for the payment of the coupons hereinbefore mentioned as they fall due. Said coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this act, and, when presented to the county treasurer and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid.

Bonds registered.

SEC. 35. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond register, in which register he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall in all cases be paid by the purchaser thereof to the county treasurer.

Treasurer to indorse warrants.

SEC. 36. All warrants issued under the provisions of this act shall be presented by the holders thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of non-payment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this act until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the

Warrants, when and how called.

first publication of said notice of the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks, consecutively, and said warrants shall be called in and paid in the order of their indorsement.

SEC. 37. Upon the trial of any questions of issue by a jury under the provisions of this act, the trial court may, in its discretion, submit all questions to be found by the jury in the form of separate findings, or may submit to such jury separate forms of verdict on all such questions to be found by the jury therein. Jury, questions submitted to.

SEC. 38. All state, county, school district or other lands belonging to other public corporations requiring to be diked as a protection from overflow shall be subjected to the provisions of this act, and such corporations, by and through the proper authorities, shall be made parties in all proceedings therein affecting said lands and shall have the same rights and liable to the same right of eminent domain as private persons, and their lands shall be subject to the right of eminent domain the same as the lands of private persons or corporations. No lands exempt.

SEC. 39. In case lands belonging to the state, county, school district or other public corporations are benefited by any improvement instituted under the provisions of this act, all benefits shall be assessed against such lands, and the same shall be paid by the proper authorities of such public corporations at the times and in the same manner as assessments are called and paid in case of private persons out of any general fund of such corporation. Benefits.

SEC. 40. Fees for service of all process necessary to be served under the provisions of this act shall be the same as for like services in other civil cases, or as is or may be provided by law. Fees.

SEC. 41. In performing their duties under the provisions of this act the board of diking commissioners shall receive such compensation as may be just and reasonable for all necessary services actually performed, not exceeding two dollars per day, to be determined and allowed by the court upon presentation by said commissioners, or either of them, Commissioners, compensation of.

of an itemized statement duly verified by either member or all of said board, that the same is just, reasonable, necessary and actually performed and that no part of the same has ever been paid. In case such services are rendered by said board in the establishment and construction of said improvement, the amount thereof so allowed by the court shall be deemed to be a part of the cost of the construction and establishment of said improvement, and in case such compensation to be allowed by the court shall be for services rendered by said board in the repairing or maintenance of such improvement, such allowance shall be added to the annual cost of maintenance of such system: *Provided*, That any person interested therein may file objections to the allowance asked for, either in whole or in part, and such claims so filed shall not be passed upon or allowed by the court until the expiration of thirty days from the filing thereof. Said board of commissioners, or the member thereof presenting such claim for allowance, shall, at the time of the filing thereof in the court, post notices in at least four public places within said district, which said notice shall set forth therein the fact that an application for allowance has been filed in said court, giving the date of the filing thereof and the amount of the allowance applied for, and demand that any and all persons having any interest therein shall file objections in said court, if any they have to the allowance of said claim or any portion thereof, within thirty days from the filing of such application for allowance, and the court shall hear said application and the objections thereto, if any be made and filed, and shall, in its discretion, make such allowance and in such amount as it may deem to be just in the premises, and the same shall be paid as other claims against said district are paid.

Claims, objections to.

Notices posted.

SEC. 42. The court may compel the performance of the duties imposed by this act and may, in its discretion, on proper application therefor, issue its mandatory injunction for such purpose.

SEC. 43. Whereas, there is no law in force in this state in relation to the subject matter of this act: 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.

Passed the house March 8, 1895.

Passed the senate March 13, 1895.

Approved March 20, 1895.

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## CHAPTER CXVIII.

[S. B. No. 263.]

### RELIEF OF INNOCENT APPLICANTS FOR PURCHASE OF TIDE LANDS.

AN ACT for the relief of innocent applicants for the purchase of tide lands, and making an appropriation therefor.

WHEREAS, Through a misconception and misunderstanding of the tide land laws, certain innocent applicants to purchase second and third class lands have made deposits for the survey, erroneously supposing that they had the prior right to purchase; and

WHEREAS, such deposits have been declared forfeited, and thereby have inured to the benefit of the state without due recompense to the applicants: therefore,

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

SECTION 1. That the sum of six hundred and twenty dollars (\$620) be and the same is hereby appropriated out of any moneys in the tide land fund of the state treasury not otherwise appropriated for the relief of the several parties hereinafter named, in the following stated sums, to wit:

B. D. Mills, Mason county.....	\$190 00
Andrew Peterson, Wahkiakum county.....	150 00
Jonathan G. Elliott, Wahkiakum county.....	120 00
A. G. Hardesty, Wahkiakum county.....	160 00
Total.....	\$620 00

SEC. 2. Upon submission of proper vouchers, the state auditor is hereby authorized and directed to draw his warrant on the state treasury, payable out of the tide land

fund, in favor of the several parties, and for the stated sum specified in section one of this act.

Passed the senate March 7, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXIX.

[S. B. No. 96.]

### FOR THE PURCHASE OF ADDITIONAL LAND FOR THE REFORM SCHOOL.

AN ACT making an appropriation for the purchase of additional lands for the state reform school.

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

SECTION 1. That there be and is hereby appropriated for the purchase of additional lands for the state reform school the sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary for the said purchase.

Passed the senate March 11, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXX.

[S. B. No. 225.]

### PROVIDING FOR APPROPRIATION OF LAND FOR THE REFORM SCHOOL.

AN ACT relating to the appropriation of certain lands for the use of the Washington state reform school.

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

SECTION 1. That the legislature of the State of Washington deems it necessary for the use of the Washington state reform school, a public use of said state, to acquire

and appropriate the following described lands, to wit: All those tracts and parcels of lands lying and being in the county of Lewis and State of Washington, more particularly bounded and described as follows: The northeast quarter of the northwest quarter of section five, township thirteen north, range two west, Willamette meridian, county of Lewis, State of Washington, containing forty acres. Also, that certain tract or parcel of land situate and lying in the southwest corner of the southwest quarter of the southeast quarter of section thirty-two, township fourteen north, range two west, in the county of Lewis, State of Washington, containing ten and ninety-seven hundredths acres more or less, and more particularly described as follows, to wit: Beginning at a point on the south line of section thirty-two, township fourteen north, range two west, fifteen hundred and eighty-four feet west of the southeast corner of said section thirty-two, running thence west ten hundred and fifty-six feet to the southwest corner of the southeast quarter of said section thirty-two; thence north along the center line of said section nine hundred and six and two-tenths feet to the point of intersection of said line with an extension of the southerly line of Eleventh street as shown by the recorded maps and plats of the city of Chehalis, Washington; and thence in a southeasterly direction to the point of beginning. Also, that certain tract or parcel of land situate and lying in the south part of that portion of S. S. Saunders' donation claim situated in section thirty-two, township fourteen north, range two west, of the W. M., county of Lewis, State of Washington, containing twenty-four acres more or less, and more particularly described as follows, to wit: Commencing at the south corner of the said S. S. Saunders' donation claim, running thence northeasterly along the line of said donation claim about thirteen hundred sixty-two and eight-tenths feet to the point of intersection of said line with a line forming the southern boundary of the city of Chehalis, Washington; thence west along said boundary line to the point of its intersection with the southwesterly line of said S. S. Saunders' donation claim; thence in a southeasterly direction along the line of said donation claim to

the point of beginning, all together, with all the appurtenances, tenements and hereditaments thereunto belonging.

SEC. 2. That due proceedings be had according to the provisions of sections 638, 639, 640, 641, 642, 643, 644, 645, 646 and 647 of the Code of Procedure of the State of Washington, as arranged and annotated by William Lair Hill, for the appropriation of said lands to the use of the Washington state reform school, a public use of said State of Washington.

SEC. 3. That, whereas, it is necessary that said lands be acquired and appropriated for the use of the Washington state reform school as soon as practicable, an emergency is hereby declared to exist, and this act shall be in force from and after its passage.

Passed the senate March 1, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXI.

[S. B. No. 254.]

### TO PREVENT DESTRUCTION OF GAME ON CERTAIN ISLANDS.

AN ACT to prevent the destruction of game on certain islands, prescribing a penalty, and declaring an emergency.

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

SECTION 1. Every person who shall, on any island in the State of Washington located in any fresh water lake, surrounded by navigable fresh water, and having an area exceeding five hundred (500) acres, injure, take, kill or destroy, or have in their possession except for breeding purposes, sell or offer for sale, any elk, deer, black, gray, or fox squirrels, blue grouse, ruffed grouse, sharp tailed grouse, wild pigeons, prairie chickens, American pheasants, Mongolian pheasants, golden pheasants, bob-white quail, California quail, or woodcock, shall be guilty of a misdemeanor.

SEC. 2. Every person who shall at any time destroy or remove from the nest of any of the feathered game included in section one of this act, any egg or eggs, or wilfully destroy the nest of any such birds, shall be guilty of a misdemeanor.

SEC. 3. Every person convicted of a violation of any of the provisions of this act shall be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), and in default of payment of fine imposed shall be imprisoned in the county jail of the county wherein the offense was committed until such fine shall have been paid at the rate of one day for each two dollars (\$2) of fine imposed. All money collected from fines for the violation of the provision of this act shall be paid into the general fund of the county for the benefit of the public schools in said county.

SEC. 4. Whereas, certain individuals desire to form a game reserve, and the time of breeding being near: 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.

Passed the senate March 12, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXII.

[S. B. No. 367.]

### PROTECTION OF EASTERN OYSTERS.

AN ACT for the protection of eastern species of oysters, and providing a penalty for the violation of the same.

WHEREAS, The United States fish commissioner has placed young oysters into the waters of this state for the purpose of creating a new industry in this state, and it is necessary that they be protected: therefore,

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

SECTION 1. That it shall be unlawful to dredge for or take any oysters of the species known as eastern oysters

from the waters of this state for a period of five years from the passage of this act, except such oysters as may be outside any reservation legally established. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in a sum not less than twenty dollars or more than one hundred dollars: *Provided*, That this section shall not apply to the state fish commissioner or any deputy sent by the United States fish commissioner for the purpose of examination.

Passed the senate March 11, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXIII.

[S. B. No. 159.]

### AMENDING THE ACT RELATIVE TO TAKING OF TROUT.

AN ACT amending section one of an act entitled "An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and line, providing a punishment, and declaring an emergency," approved March 6, 1891.

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

SECTION 1. That section one of an act entitled "An act making it unlawful to catch or kill trout during certain months, or to take, catch or kill the same in any manner whatever other than by hook and line, providing a punishment, and declaring an emergency," approved March 6, 1891, is amended to read as follows: "Section 1. Every person who shall, within the State of Washington, during the months of November, December, January, February and March of each year, take, catch, kill or have in their possession any brook trout [or] mountain trout shall be deemed guilty of a misdemeanor. Every person who shall take, catch, kill or have in their possession any of the food

fishes implanted in the creeks, rivers, lakes or bays of the State of Washington, except for propagating the same, for a period of three years after the same shall have been implanted, shall be guilty of a misdemeanor.”

SEC. 2. An emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the senate February 28, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXIV.

[S. B. No. 42.]

### TO PROHIBIT STALLIONS RUNNING AT LARGE.

AN ACT to prohibit stallions running at large, and providing a penalty for the violation thereof.

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

SECTION 1. It shall be unlawful for the owner of stallions in this state to permit the same to run at large. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred and fifty dollars nor more than two hundred and fifty dollars, and one-half of the fine so enforced shall, in each case, be paid to the complaining witness: *Provided*, That this section will not apply to stallions running with and belonging to bands of horses which are herded and corralled by the owners once each day.

SEC. 2. In any prosecution under this act proof that the animal running at large is branded with the registered or known brand of the defendant shall be *prima facie* evidence that the defendant is the owner of said animal, and proof that said animal is found at large shall be *prima facie* evidence that the owner permitted the same to be at large.

SEC. 3. The complaining witness shall notify the owners of said animals, and a reasonable time shall be allowed for the removal of same.

Passed the senate February 20, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXV.

[S. B. No. 299.]

### EXEMPTING PROCEEDS OF LIFE INSURANCE FROM LIABILITY FOR DEBT.

AN ACT exempting the proceeds of life insurance from liability for debt, and declaring an emergency.

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

SECTION 1. That the proceeds or avails of all life insurance shall be exempt from all liability for any debt.

SEC. 2. There being no adequate law now in force exempting the proceeds of life insurance, an emergency is hereby declared to exist, and this act shall take effect immediately.

Passed the senate March 11, 1895.

Passed the house March 13, 1895.

Approved March 20, 1895.

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## CHAPTER CXXVI.

[S. B. No. 274.]

### PROHIBITING MINORS FROM ENTERING SALOONS AND OTHER PLACES.

AN ACT to prohibit minors from entering saloons and places where intoxicating liquors are sold, or offered for sale, and houses of prostitution, or places where gambling is conducted, whether public or otherwise, and providing a penalty for the violation of this act.

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

SECTION 1. It shall be unlawful for any person or persons conducting, owning or maintaining any building,

rooms, tents or places where spirituous, vinous, malt or other intoxicating liquors are sold or offered for sale, to permit any child or children, boy or girl, under the age of eighteen years, to enter the same to deliver any papers, messages, or for any other purpose whatsoever.

SEC. 2. It shall be unlawful for any child or children, boy or girl, under the age of eighteen years, to enter into or become an inmate of any house or houses of prostitution, or room or rooms where the same is conducted, either as messengers, servants, or for any other purpose whatever, whether the same be under license or otherwise.

SEC. 3. It shall be unlawful for any child or children, boy or girl, under the age of eighteen years, to enter in, as messenger or otherwise, any gambling house or houses, room or rooms, where any games of chance are played, either for money or for any other consideration whatever.

SEC. 4. Any person or persons owning, operating or maintaining any of the places enumerated in sections one, two and three of this act, permitting or allowing in any way whatever any child or children, boy or girl, under eighteen years of age, to enter the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment.

SEC. 6 [5]. Any person or persons owning, operating or maintaining any saloon or place where spirituous liquors are sold, house of prostitution, or where gambling or gaming is conducted, shall cause a sign to be put in a conspicuous place on the outside of such building or room, with the words thereon, "minors not allowed within," in plain, legible letters in the English language.

Passed the senate, March 12, 1895.

Passed the house, March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXXVII.

[S. B. No. 338.]

## PERTAINING TO THE ORGANIZATION OF CORPORATIONS.

AN ACT to amend section 1497 of volume 1 of Hill's Annotated Statutes and Codes of Washington, relating to the organization of corporations.

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

SECTION 1. That section 1497 of volume 1 of Hill's Annotated Statutes and Codes of Washington be and the same is hereby amended so as to read as follows:

“Section 1497. Corporations for manufacturing, mining, milling, wharfing and docking, mechanical, banking, mercantile, 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 irrigation 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: *And provided further*, That the provisions of the foregoing proviso shall not apply to corporations engaged exclusively in loaning money on real estate, nor to corporations engaged exclusively in raising money from, and loaning or repaying it to, their own members, and which confine their loaning and business operations wholly to the counties of their principal place of business, respectively, and to the counties adjacent and adjoining thereto.

Passed the senate March 8, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXXVIII.

[S. B. No. 211.]

## RELATING TO COLLECTION OF TAXES IN MUNICIPAL CORPORATIONS OF THE THIRD AND FOURTH CLASSES.

AN ACT to amend sections one, nine and ten of an act entitled "An act to provide for the assessment and collection of taxes in municipal corporations of the third and fourth classes in the State of Washington, and declaring an emergency," approved March 9th, 1893.

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

SECTION 1. That section one of an act entitled "An act to provide for the assessment and collection of taxes in municipal corporations of the third and fourth class in the State of Washington, and declaring an emergency," approved March 9th, 1893, be and the same hereby is amended to read as follows: Section 1. That all taxes levied for municipal purposes by municipal corporations of the third and fourth class, and by cities of equal population but existing under special legislative charters, may be assessed and collected in the manner hereinafter provided, whenever such municipal corporation shall by ordinance provide that assessments and collection of taxes shall be so made. A copy of which said ordinance shall be delivered to the county assessor and to the county treasurer: *Provided*, That nothing in this act shall be held to prevent any such municipal corporation from providing by ordinance a general system for the assessment and collection of its taxes: *Provided*, That penalties and interest on delinquent taxes shall not exceed those provided by the general revenue laws.

SEC. 2. That section nine of said act be and the same hereby is amended to read as follows: Sec. 9. All municipal taxes when so levied by any such municipal corporations, either upon personal or real property, shall become due and collectible, and shall be declared delinquent at the same time and in the same manner as state and county taxes.

SEC. 3. That section ten of such act shall be and the same hereby is amended to read as follows: Sec. 10. All

delinquent municipal taxes of any such municipal corporations when assessed in the manner provided in this act shall be subject to the same penalty and be collected in the same manner, and in the same action and by the same officers, as the state and county taxes levied against the said property.

Passed the senate March 1, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXIX.

[S. B. No. 112.]

### RELATING TO REGISTRATION OF VOTERS.

AN ACT to amend section 17 of an act entitled "An act to provide for and to regulate registration of voters in cities and towns and precincts having a voting population of two hundred and fifty (250) or more," approved March 27, 1890, the same being section 467, vol. 1 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 17 of an act entitled "An act to provide for and to regulate registration of voters in cities and towns and precincts having a voting population of two hundred and fifty (250) or more," approved March 27, 1890, be amended to read as follows: Section 17. The provisions of this act shall apply to all elections for national, state, congressional, district, county or municipal officers, and all general or special elections held within any such cities, towns or precincts, except road elections, and the wards or voting precincts established by the authorities of any county, city or town shall be the same for all county, district, state, congressional, national or other elections.

Passed the senate February 8, 1895.

Passed the house March 6, 1895.

Approved March 20, 1895.

## CHAPTER CXXX.

[S. B. No. 365.]

## AUTHORIZING CITIES, TOWNS AND COUNTIES TO MAINTAIN FERRIES.

AN ACT authorizing cities, towns and counties to purchase, construct and maintain ferries.

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

SECTION 1. That any incorporated city or town within this state be and is hereby authorized to construct, or condemn and purchase, or purchase and to maintain, a ferry across any unfordable stream adjoining and within one mile of the limits of such city or town, together with all necessary grounds, roads, approaches and landings necessary or appertaining thereto located within one mile of the limits of such city or town, with full jurisdiction and authority to manage, regulate and control the same beyond the limits of the corporation, and to operate the same free or for toll.

SEC. 2. That any county within the state be and is hereby authorized to construct, or condemn and purchase, or purchase and to maintain, a ferry across any unfordable stream, together with all necessary grounds, roads, approaches and landings necessary or appertaining thereto, with full jurisdiction and authority, and to operate the same free or for toll.

Passed the senate March 8, 1895.

Passed the house March 13, 1895.

Approved March 20, 1895.

## CHAPTER CXXXI.

[S. B. No. 370.]

## REGULATION AND GOVERNMENT OF THE STATE PENITENTIARY.

AN ACT amending sections 6, 8 and 9 of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891.

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

SECTION 1. That section six of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891, be amended to read as follows: Sec. 6. The directors shall appoint a warden for the penitentiary, who shall take and subscribe an oath or affirmation faithfully to perform the duties of his office, as prescribed by law and by the rules and regulations of the board of directors, and to enter into a bond to the State of Washington in the sum of twenty-five thousand dollars (\$25,000), with two or more sufficient sureties, to be approved by the directors and the attorney general of the state, conditioned to the faithful performance of such duties as such officer aforesaid, and he shall hold his office four years after such appointment, unless sooner removed for cause by the directors.

SEC. 2. That section eight of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891, be amended to read as follows: Sec. 8. The board of directors shall appoint a clerk for the penitentiary, who shall take an oath of office, and enter into a bond to the state, with sureties satisfactory to the board, in the sum of five thousand dollars, conditioned that he will faithfully discharge the duties required of him. The clerk shall hold his office for the period of four years after his appointment, unless sooner removed for cause by the directors.

SEC. 3. That section nine of an act entitled "An act to define, regulate and govern the state penitentiary, and declaring an emergency," approved March 9, 1891, be amended to read as follows: Sec. 9. The clerk shall require from

Warden, ap-  
pointment of.

Warden,  
bond of.

Clerk, ap-  
pointment  
and bond of.

Clerk,  
duties of.

the warden, daily, a statement of his cash receipts and expenditures, and shall keep the financial accounts of the penitentiary and books by the double entry system, and in such manner as will exhibit clearly all the financial transactions of the penitentiary. The clerk shall keep such books by double entry system as will clearly and accurately show the transactions of and between the different departments, and by proper and systematic accounts show accurately expense of each department, and earnings, if any. He shall, by vouchers, requisitions and receipts, provide an absolute check upon each department's transactions. He shall also perform such other duties as may from time to time be required of him by the board of directors.

Passed the senate March 14, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXXII.

[S. B. No. 369.]

### REGULATING THE SALE OF JUTE FABRICS, ETC., AT THE STATE PENITENTIARY.

AN ACT to amend section five of an act entitled "An act appropriating money for the purchase of material and regulating the manufacture and sale of jute and other fabrics and brick at the state penitentiary," approved March 9, 1893.

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

SECTION 1. That section five of an act entitled "An act appropriating money for the purchase of material and regulating the manufacture and sale of jute and other fabrics and brick at the state penitentiary," approved March 9, 1893, shall read as follows:

Sec. 5. The jute and other fabrics and brick manufactured at the state penitentiary shall be sold to actual consumers who are residents of the State of Washington, for cash on delivery, in the order, as near as may be, of the

making of written applications therefor, on blanks to be provided by the directors and filed with the clerk, and it shall be a misdemeanor, punishable by a fine of one thousand dollars and a removal from office, for the officers of the state penitentiary who knowingly permit the disposal of jute fabrics to other than actual consumers. All payments for jute and other fabrics and brick shall be made to the warden of the state penitentiary, who is alone authorized to receipt therefor, and who shall keep a correct account of all sales, showing to whom sold, when sold, the quantity of each article sold and the amount paid; and the warden shall submit a transcript of said account of sales to the legislature, through the directors, at each session thereof, and shall report the amount of such sales monthly to the state auditor.

Passed the senate March 14, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXXIII.

[S. B. No. 248.]

### RELATING TO UNLAWFUL USE OF TRADE MARKS.

AN ACT to amend section five of an act entitled "An act in relation to trade marks," approved February 21, 1891, and declaring an emergency.

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

SECTION 1. That section five of an act entitled "An act in relation to trade marks," approved February 21, 1891, be and the same is hereby amended to read as follows: Sec. 5. Any person using the trade mark so adopted by any other person, or any imitation of such trade mark, or any counterfeit thereof, or who shall in any manner mutilate, deface, destroy or remove such trade mark from any such goods, wares, merchandise, article or articles, or from any package or packages containing the same, or from any

empty or second hand package which has contained the same or been used therefor, with the intention of using such empty or second hand package, or of the same being used to contain goods, wares, merchandise, article or articles of the same general character as those for which they were first used, and any person who shall use any such empty or second hand package for the purpose aforesaid without the consent in writing of the person whose trade mark was first applied thereto or placed thereon, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$100 and not more than \$500, and the goods, wares, merchandise, article or articles contained on [in] any such second hand package or packages shall be forfeited to the original user of such package or packages whose trade mark was first applied thereto or placed thereon. The violation of any of the above provisions as to each particular article or package shall be held to be a separate offense.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force and effect immediately.

Passed the senate March 11, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXXXIV.

[S. B. No. 114.]

### PUBLIC LIBRARIES IN CITIES.

AN ACT authorizing the establishment of public libraries in cities.

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

SECTION 1. That whenever three or more resident tax-payers of any city in this state having a population of five thousand or more people, that is, any city of the first, the second or the third class, or any city of like population ex-

Public li-  
brary, how  
established.

isting under special legislative charter, shall present to the mayor and council of such city their petition in writing for the establishment of a public library in said city, together with their private agreement to donate to the city, within three months thereafter for the use of such library, one thousand dollars in money or books, the said council may appoint three reputable citizens of said city to act as directors of the public library, except where city charters otherwise provide for the organization and management of public libraries.

Directors  
authorized to  
receive, what.

SEC. 2. Said directors or authorities mentioned in city charter to manage public libraries are authorized to receive from said petitioners, and from any other persons, donations of money and books for the purpose specified in the preceding section, and to appraise said books; and when they have received such donations to the value of \$1,000, they shall report that fact to the council, stating how much of the donation is in money.

Room  
provided.

SEC. 3. Thereupon it shall be the duty of the council to provide, at the expense of the city until the beginning of the next fiscal year of the city, a suitable room and librarian for such public library.

Tax, how  
levied.

SEC. 4. The city council of every such city, after the directors have made the report mentioned in the second section of this act, annually at the same time and in the same manner as other city taxes are levied, may levy a tax of not more than one-half mill on the dollar for the support of such library. The money so raised shall be kept as a separate fund, to be known as the library fund, and shall be disbursed for library purposes only.

Warrants,  
when drawn.

SEC. 5. It shall be the duty of the officers of the city, who are authorized by law to draw warrants upon the city treasury, to draw upon the library fund such warrants as the directors, or a majority of them, shall direct, that no warrants be drawn against said library fund when there is no money therein.

Term of di-  
rectors, how  
determined.

SEC. 6. The three directors first appointed shall determine the length of their terms of office by lot, reporting the result thereof to the city council. The term of one thereof shall expire at the same time as that of the mayor

in office at the time of their appointment; the term of a second shall expire one year later, and that of the third two years later than that of the first. Whenever a director's term of office shall expire, it shall be the duty of the council to appoint his successor, who shall hold office for three years.

SEC. 7. Every director, before entering upon the duties of his office, shall file with the city clerk a bond, with sufficient sureties, to be approved by the council, conditional upon the faithful performance of the duties of his office. Such bond shall be in the penal sum of \$2,000, and shall be payable to the city. No director shall receive any compensation for his services. Directors,  
bonds of.

SEC. 8. The directors of the public library shall have sole control of the library and shall disburse the money belonging to the library fund. They shall, when the same are not furnished by the city, provide and furnish suitable rooms, and shall appoint all librarians and assistants and fix their compensation. They shall attend to the selection, purchase and preservation of books and other property for the library, and may make rules for its government not in conflict with law. They shall, so far as the funds at their disposal will warrant, keep the library open at reasonable hours throughout the year. They may direct warrants on the treasurer to be drawn, and may expend all money belonging to the library fund, including the donations mentioned in the first and second sections of this act: *Provided*, That if any money or funds be donated to the library, or to the city for it, upon condition that only the income thereof shall be used, the directors shall not expend any part of the principal thereof; but they may invest the principal under the direction and with the approval of the city council: *Provided further*, That the directors shall have no power to create any indebtedness against the city or the library. They shall, on the last Monday preceding the expiration of the term of a director, make an annual report to the mayor and council of the conditions and needs of the library, with a detailed statement of their receipts and expenditures during the year. Directors,  
duty of.

SEC. 9. All inhabitants of the city shall enjoy the use

Library, free  
access to.

of the library without charge: *Provided, however,* That the directors may exclude from the library rooms disorderly persons, persons who violate the rules established by the directors and persons of bad repute, and may require security for the care and return of books taken from the room.

Passed the senate March 1, 1895.

Passed the house March 13, 1895.

Approved March 20, 1895.

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## CHAPTER CXXXV.

[S. B. No. 69.]

### RELATING TO CORPORATIONS.

AN ACT in relation to corporations and to amend section 2450 of the Code of Washington of 1881, the same being section 1638 of volume 1 of Hill's Annotated Statutes and Codes of Washington.

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

SECTION 1. That section 2450 of the Code of Washington of 1881, the same being section 1638 of volume 1 of Hill's Annotated Statutes and Codes of Washington, be and the same is hereby amended so as to read as follows: Any two or more persons desirous of forming a corporation for a college, seminary, church, library, or benevolent, temperance, charitable or scientific society, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgments of deeds, and file one of such articles in the office of the secretary of state, and another in the office of the county auditor of the county in which the principal place [of] business of the corporation is intended to be located, and retain the third in the possession of the corporation. Such articles shall specify —

1. The corporate name and location and chief place of business of such corporation.
2. If a joint stock company, the amount of capital stock,

and the amount constituting a share; if not a joint stock company, then the terms of admission to membership.

3. The object for which the corporation is formed.

4. By what officers the affairs of said corporation shall be managed, and when such officers are to be elected, or, if appointed, when and by whom such appointments are to be made.

Passed the senate February 13, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXXXVI.

[S. B. No. 303.]

### ESTABLISHING LEGAL RATE OF INTEREST AND TO PREVENT USURY.

AN ACT to establish the legal rate of interest in the State of Washington, and to prevent usury.

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

SECTION 1. Every loan or forbearance of money, goods or thing in action shall bear interest at the rate of seven per centum per annum where no different rate is agreed to in writing between the parties. The discounting of commercial paper, where the borrower makes himself liable as maker, guarantor or indorser, shall be considered as a loan for the purposes of this act.

Interest rate determined, how.

SEC. 2. Any rate of interest not exceeding twelve per centum per annum agreed to in writing by the parties to the contract, shall be legal, and no person shall directly or indirectly take or receive in money, goods or thing in action, or in any other way, any greater interest, sum or value for the loan or forbearance of any money, goods or thing in action than twelve per centum per annum.

Interest twelve per cent., when.

SEC. 3. All state, county, city, town and school warrants, and all warrants or other evidences of indebtedness

Warrants, legal rate of.

drawn upon or payable from any public funds, shall bear interest at a rate not greater than eight per centum per annum, unless a less rate be specified therein.

Judgments,  
legal rate of.

SEC. 4. Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in such contracts: *Provided*, That said interest rate is set forth in the judgment; and all other judgments shall bear interest at the rate of seven per centum per annum from date of entry thereof.

Penalty for  
violations.

SEC. 5. If a greater rate of interest than is hereinbefore allowed shall be contracted for or received or reserved, the contract shall not, therefore, be void; but if in any action on such contract proof be made that greater rate of interest has been directly or indirectly contracted for or taken or reserved, the plaintiff shall only recover the principal, less the amount of interest accruing thereon at the rate contracted for, and the defendant shall recover costs; and if interest shall have been paid, judgment shall be for the principal, less twice the amount of the interest paid, and less the amount of all accrued and unpaid interest; and the acts and dealings of an agent in loaning money shall bind the principal, and in all cases where there is illegal interest contracted for by the transaction of any agent, the principal shall be held thereby to the same extent as though he had acted in person. And where the same person acts as agent for the borrower and lender, he shall be deemed the agent of the lender for the purposes of this act.

SEC. 6. Nothing herein contained shall be construed as affecting any contract or obligation made or entered into prior to the taking effect of this act, nor the rate of interest provided by law for state, municipal or other public bonds.

Passed the senate March 2, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

## CHAPTER CXXXVII.

[S. B. No. 271.]

## PUNISHMENT OF FRAUD IN SALE OF STOCK.

AN ACT to punish fraud in the sale of stock.

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

SECTION 1. It shall hereafter be unlawful for any person to make, or cause to be made, and furnish or deliver, or use any false or fraudulent pedigree of any horse, cow, sheep or other domestic animal for the purpose of enhancing the value of such animal. Any person who shall by false statement or misrepresentation concerning pedigree, sell to another person any domestic animal not of the breeding or pedigree as represented, shall be liable to the purchaser of such animal in a civil action for double the price received for such animal.

Passed the senate March 4, 1895.

Passed the house March 13, 1895.

Approved March 20, 1895.

## CHAPTER CXXXVIII.

[S. B. No. 167.]

## PROVIDING FOR THE ELECTION OF CITY MARSHAL.

AN ACT providing for the election of city marshal in cities of the third and fourth classes, and other cities of equal population.

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

SECTION 1. That in all cities of the third and fourth classes in this state the marshal shall in all cases be elected by the city council, and he shall hold office for one year, unless sooner removed for cause.

Passed the senate February 28, 1895.

Passed the house March 13, 1895.

Approved March 20, 1895.

## CHAPTER CXXXIX.

[S. B. No. 176.]

## AUTHORIZING CITIES OF THE THIRD CLASS TO PROVIDE FOR SUPPORT OF POOR AND INFIRM.

AN ACT to authorize cities of the third class to provide for the support of the poor and infirm, and declaring an emergency.

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

SECTION 1. That cities of the third class shall have power to provide for the care and support of the poor and infirm residents of the city, and may pass any special or general ordinance or resolution for such purpose.

SEC. 2. The city council of any such city may by ordinance levy a general or special tax not exceeding one-half of one mill on the taxable property for the purpose or purposes of this act in any one year.

SEC. 3. Whereas, there is now no power in cities of the third class to provide for the care and support of the poor and infirm, an emergency exists, and this act shall take effect immediately.

Passed the senate February 28, 1895.

Passed the house March 13, 1895.

Approved March 20, 1895.

## CHAPTER CXL.

[S. B. No. 368.]

## OWNERS AND CLAIMANTS OF PROPERTY TO BE MADE PARTIES IN CONDEMNATION PROCEEDINGS.

AN ACT providing for making owners or claimants to be made parties to proceedings for the appropriation of property to public use.

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

SECTION 1. If a party having or claiming a share or interest in or lien upon any property sought to be appropriated for public use be unknown, and such fact be made

to appear by affidavit filed in the office of the clerk of the court, the notice required by law in such cases may be served by publication as in the case of non-resident owners, and such notice shall be directed by name to every owner of a share or interest in or lien upon the property sought to be so appropriated, and generally to all persons unknown having or claiming an interest or estate in the property or any portion thereof, and all such unknown parties shall in all papers and proceedings be designated as "unknown owners," and shall be bound by the provisions and be entitled to the benefits of the judgment the same as if they had been known and duly named.

Passed the senate March 14, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXLI.

[S. B. No. 227.]

### TO ESTABLISH A FISCAL AGENCY IN THE CITY OF NEW YORK.

AN ACT establishing in the city of New York a fiscal agency of the State of Washington, and of counties, townships, school districts, cities and towns therein, and prescribing the duties of such fiscal agency and the duties of the public officers in relation thereto, and declaring an emergency.

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

SECTION 1. There is hereby established in the city of Fiscal agency. New York a fiscal agency of the State of Washington, and of the counties, townships, school districts, cities and towns therein, for the payment through such agency of all bonds and coupons hereafter to be issued by this state, or by any county, township, school district, city or town therein, as shall be by their terms made payable in the city of New York. Such agency shall be known as the fiscal agency of the State of Washington in the city of New York.

Governor to  
appoint.

SEC. 2. The governor of this state is hereby authorized and directed, within thirty days after this act shall take effect, to designate some well known and responsible bank or trust company in the city of New York having a paid up capital amounting, with its surplus, to not less than one million dollars, to act as the fiscal agency established by section one of this act, and to make duplicate certificates of such designation and cause the same to be attested under the seal of the state, and to file one of such duplicate certificates in the office of the secretary of the state and to transmit the other to such bank or trust company designated; and such bank or trust company shall become and is hereby declared to be a fiscal agency established by this act, and shall continue to be such fiscal agency for the term of four years from and after the filing of the certificate of its designation as such, and thereafter until the designation of another bank or trust company as such fiscal agency. No bank or trust company that buys or sells municipal bonds as dealers shall be eligible to the appointment of fiscal agents.

Fiscal agency,  
duty of.

SEC. 3. It shall be the duty of the fiscal agency established by this act on the receipt of any moneys transmitted to such agency by or for this state, or for any county, township, school district, city or town therein, for the purpose of paying therewith any of its bonds or coupons hereafter to be issued and by their terms made payable in the city of New York, to transmit forthwith to the sender of such moneys a proper receipt therefor; to pay such bonds or coupons upon presentation thereof for payment at the office of such agency in the city of New York at or after the maturity thereof, in the order of their presentation, so far as the moneys received for that purpose suffice for such payment; and to cancel all such bonds and coupons upon payment thereof, and thereupon forthwith to return the same to the proper officers of this state, or any county, township, school district, city or town therein which shall have issued such bonds or coupons.

Compensation.

SEC. 4. The fiscal agency established by this act shall receive no compensation for the performance of the duties prescribed by this act.

SEC. 5. No bonds which shall be hereafter issued by this state, or by any county, township, school district, city or town therein, after this act shall take effect, shall be by their terms made payable in the city of New York at any specific place other than at the office of the fiscal agency hereby established. Bonds, where payable.

SEC. 6. It shall be the duty of the state treasurer, and the duty of the treasurer or other proper officer of every county, township, school district, city or town in this state, to transmit to the fiscal agency hereby established, not less than twelve days before the maturity of any bonds or coupons that shall hereafter be issued by the state, or by any county, township, school district, city or town therein, and that shall be by their terms made payable in the city of New York, sufficient moneys out of any funds in the hands of any such treasurer or other officer applicable to such purpose for the payment of such bonds and coupons. Treasurers, duty of.

SEC. 7. There being at this time no fiscal agency for the State of Washington, an emergency is declared to exist for the immediate operation of this act: therefore, this act shall take effect and be in force from and after its approval by the governor.

Passed the senate March 11, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXLII.

[S. B. No. 307.]

### REQUIRING DOMESTIC CORPORATIONS TO FILE LIST OF OFFICERS WITH COUNTY AUDITOR.

AN ACT requiring all domestic corporations to file a written statement containing a list of their officers with the county auditor of the county where such corporations have their principal place of business.

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

SECTION 1. Every corporation heretofore organized under the laws of the Territory or State of Washington,

and every corporation which may hereafter be organized under the laws of this state, shall, on or before the second Tuesday of January of each year, and at such other times as such corporations may elect so to do, file with the county auditor of the county in which such corporation has its principal place of business, a statement, sworn to by its president and attested by its secretary and sealed with its corporate seal, containing a list of all its officers and their respective titles of office, names and addresses, and the term of office for which they have been chosen.

SEC. 2. Every corporation which shall be hereafter organized under the laws of this state shall, within thirty days after it shall have filed its certificate of incorporation with the county auditor of the county in which it has its principal place of business, file with such county auditor a statement, sworn to by its president and attested by its secretary and sealed with its corporate seal, containing a list of all of its officers and their respective titles of office, names and address, and the term of office for which they have been chosen.

Passed the senate March 12, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXLIII.

[S. B. No. 50.]

### TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

AN ACT to prevent the spread of contagious or infectious diseases among cattle, horses and other domestic animals, and prescribing penalties for violation of the provisions thereof.

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

Isolation of  
diseased stock.

SECTION 1. The local board of health of towns, counties and cities, in case of existence in this state of tuberculosis or the disease called pleuro-pneumonia among cattle, or farcy or glanders among horses, or any other contagious

or infectious disease among domestic animals, shall cause the animals in their respective towns, counties or cities which are infected, or which have been exposed to infection, to be secured or collected in some suitable place or places within their respective towns, counties or cities, and kept isolated; such isolation to continue as long as the existence of such disease or other circumstances may render it necessary: *Provided, however,* That the provisions of this act shall not apply to sheep in counties having a duly appointed sheep inspector.

SEC. 2. The said local boards of health, when any such animal is adjudged by a veterinary surgeon, selected by the state board of health, to be infected with any contagious or infectious disease, may, in their discretion, order such diseased animal to be forthwith killed and buried at the expense of such town, county or city.

Diseased animals killed, when.

SEC. 3. The said local boards of health may, within their respective towns, counties or cities, prohibit the departure of animals from any inclosure, or exclude animals therefrom.

SEC. 4. The said local boards of health may make regulations in writing to regulate or prohibit the passage from, to or through their respective towns, counties or cities, or from place to place within the same, of any cattle or any other domestic animals, and may arrest and detain at the cost of the owners thereof, all animals found passing in violation of such regulations, and may take all necessary measures for the enforcement of such prohibition, and also for the preventing the spread of any disease among the animals to their respective town, county or city, and the immediate vicinity thereof.

Quarantine regulations.

SEC. 5. Such regulations shall be recorded upon the records of their respective towns, counties and cities, and shall be published in such towns, counties and cities in such manner as may be provided in such regulations.

Quarantine regulations, record of.

SEC. 6. When the state board of health make and publish any regulations concerning the extirpation, care or treatment of animals infected with, or which have been exposed to, any contagious disease, such regulations shall supersede those made by the local boards of health that are incon-

State board of health.

sistent therewith, and said local board of health shall carry out and enforce all orders and directions of the state board of health to them directed.

Penalty for violations.

SEC. 7. Any person disobeying the orders of said state board of health or of said local board of health, made in conformity with the preceding provisions, or driving or transporting any animals contrary to the regulations made, recorded and published as aforesaid, shall be punished by a fine of not less than one hundred (100) dollars, nor exceeding five hundred (500) dollars.

Notice, and penalty for failure to give.

SEC. 8. Whoever knows or has reason to suspect the existence of any such disease among the animals in his possession, or under his care, shall forthwith give notice thereof to the said local boards of health of the town, county or city where such animals are kept, and for failure so to do shall be punished by a fine of not less than fifty (50) dollars nor exceeding five hundred (500) dollars.

Failure to enforce, penalty for.

SEC. 9. Any member of any local board of health who neglects or refuses to carry into effect the preceding provisions shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred dollars for each day's neglect.

State board of health, duties of.

SEC. 10. The state board of health shall have all the power and authority herein conferred upon the local boards of health, and said state board of health shall elect an executive officer, whose directions shall have the force and effect of orders and regulations of the state board.

Local boards to notify state board.

SEC. 11. The local boards of health, within twenty-four (24) hours after they have notice that any domestic animals in their respective towns, counties and cities are infected with, or have been exposed to, any such disease, shall give notice thereof in writing to the state board of health.

Quarantine regulations.

SEC. 12. The state board of health may make all necessary regulations for the quarantine of such animals and extirpation of such disease, and may direct local boards of health to enforce and carry into effect all such regulations as may from time to time be made for that end, and any member of any local board of health who refuses or neglects to enforce or carry out any regulation of the state

board of health, shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars for every offense.

SEC. 13. The state board of health, when in their judgment the public requires it, may cause to be killed and buried any domestic animals which are infected with any contagious or infectious disease, and may isolate those that have been exposed to such disease. Stock, extirpation of.

SEC. 14. In all cases of contagious disease in animals the state board of health, having condemned the animal infected therewith, shall cause such animal to be killed, without an appraisement or compensation to the owner thereof. Condemned animals not paid for.

SEC. 15. Any person who fails to comply with the regulation made or an order given by the state board of health shall be punished by fine not exceeding five hundred (500) dollars. Fines.

SEC. 16. The state board of health may examine, under oath, all persons believed to possess knowledge of material facts concerning the existence or dissemination, or danger of dissemination, of disease among domestic animals; and for this purpose shall have all the power vested in justices of the peace to take depositions and to compel witnesses to attend and testify. All costs and expenses incurred in producing the attendance of such witnesses shall be certified by the state board of health and paid from the treasury of the state, upon being duly audited by the state auditor: *Provided*, That witnesses shall be examined in the county where the infected stock is situated. All costs and expenses incurred in producing the attendance of such witnesses shall be certified by the state board of health and paid from the treasury of the state, upon being duly audited by the state auditor. State board may summon witnesses. Costs, how paid.

SEC. 17. Whoever violates any of the provisions of the preceding section shall be punished by fine not exceeding one hundred (100) dollars and the cost of prosecution.

SEC. 18. The state board of health shall keep a full record of their doings and report the same to the legislature, unless sooner required by the governor. Records kept.

SEC. 19. The state board of health may, by order, re-

quire any two (2) or more local boards to act together to carry out the purposes of this act.

Passed the senate February 25, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXLIV.

[S. B. No. 29.]

AN ACT requiring street railway companies to provide weather guards on street cars, and providing a penalty for violation thereof.

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

SECTION 1. All corporations, companies or individuals owning, managing or operating any street railway or line in the State of Washington, shall provide, during the rain or winter season, all cars run or used on its or their respective roads with good, substantial and sufficient vestibules, or weather guards, for the protection of the employés of such corporation, company or individual.

SEC. 2. The vestibules or weather guards, provided for in section one hereof, shall be so constructed as to protect the employés of such company, corporation or individual from the wind, rain or snow.

SEC. 3. Any such street railway company, corporation or individual, as mentioned in the preceding sections, failing to comply with the provisions of this act, shall forfeit and pay to the State of Washington a penalty of not less than fifty dollars nor more than two hundred and fifty dollars for each and every violation of this act, and each period of ten days that any such company, corporation or individual shall fail to comply with the provisions of this act, or for each car used by such corporation, company or individual not in conformity with this act, shall be taken and deemed to be a separate violation of this act, and all moneys collected under and by virtue of the provisions of this act

shall be paid into the common school fund of the State of Washington.

SEC. 4. It shall be the duty of the prosecuting or county attorneys of the various counties of this state to see that the provisions of this act are complied with.

Passed the senate February 13, 1895.

Passed the house March 14, 1895.

Approved March 20, 1895.

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## CHAPTER CXLV.

[S. B. No. 182.]

### REGULATING PRIMARY ELECTIONS.

AN ACT to authorize and regulate primary elections of voluntary political associations, to provide for punishment of frauds therein.

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

SECTION 1. All primary elections hereafter to be held by any voluntary political associations or party for delegates to any nominating convention of such party for candidates for public office shall be held under the provisions of this act in the incorporated cities and towns of this state.

SEC. 2. Whenever such primary elections are called by any managing committee authorized under the rules or customs of such voluntary political association or party to call such primary elections, such call shall be made by resolution duly passed by such managing committee and attested by the chairman and secretary of such committee.

Primary elections, how called.

SEC. 3. This resolution shall be published in some newspaper of general circulation in the city or town where such primary election is to be held, at least ten days previous to the time set for such election; and if there be no newspaper published therein, then written copies of such resolution shall be posted in two of the most public places in each precinct in said city or town.

Notice published.

Resolutions to contain, what.

SEC. 4. The resolutions shall declare — *First*, The time and places of holding such primary elections and the hours between which the polls are to be kept open; *second*, the object of the election; *third*, the qualifications required of voters in addition to those prescribed by law; *fourth*, the number of persons to be elected as such delegates in each polling precinct, and such other matters as such managing committee, in accordance with the custom of such voluntary political associations or party, usually submit in an official call for such primary elections.

Qualification of voters.

SEC. 5. The qualifications of voters at such primary elections, in addition to those prescribed by such resolution, shall be the same as those at a general election held under the general election law of this state.

Candidates, qualifications of.

SEC. 6. The persons to be voted for as such delegates at such primary election shall possess all the qualifications required of a voter at such primary election in the respective voting precincts.

Relative number of delegates voted for.

SEC. 7. The persons to be voted for as such delegates shall be selected in excess by at least twice the number to be elected in each polling precinct, and such selection shall be made at least one day previous to such primary election by a caucus of the qualified voters in each precinct, under such call or resolution, and such caucus shall also select three reputable citizens, two to act as judges and one as clerk of such primary election. Such selection shall be certified to such managing committee by the officers of such caucus.

Judges and clerks, qualifications of.

SEC. 8. The qualifications and duties of the judges and clerks selected by such caucus and their organization into an election board for their respective precincts shall be similar to those in the general election law, and such election board shall have the right to question the voter as to his previous party affiliation, and shall have the same powers in administering oaths, questioning voters as to their qualification, rejecting ballots, etc., as the election board has under the general election law of this state.

List of delegates elected to be printed.

SEC. 9. The managing committee shall cause a list of the names of such delegates so selected to be printed on one ballot of convenient form for each polling precinct, which

ballot shall be the only ballot voted at such primary election and shall be obtained only by the voters from the primary election officers immediately before voting.

SEC. 10. The voters shall designate the persons for whom he wishes to vote by marking a cross (x) opposite their names on such printed ballot voting for as many persons only as the respective precinct is entitled to elect under such call or resolution: *Provided*, That nothing in this section shall prevent the voter from inserting or adding any name or names on such printed ballot he may wish to vote for.

Designation  
of persons  
voted for.

SEC. 11. It shall be the duty of the registration officers under the general election law of this state to permit the judges or managing committee of such primary elections to make a list of the registered voters in the respective precincts.

Registered  
voters, list of.

SEC. 12. It shall be the duty of the clerks of each primary election board to keep a tally list of the names and residences of all persons voting, numbered in the order of the voting, and upon canvassing the vote such clerk shall make a return of all persons voted for, with the number of ballots cast for each person.

List of  
voters kept.

SEC. 13. Before receiving any ballots the judges, in the presence of the persons assembled at the polling places, shall open and exhibit and then close the ballot box, and thereafter it must not be removed from the polling place nor from the view of the bystanders until all the ballots are counted, nor must it be opened until the polls are finally closed.

Ballot boxes  
opened before  
election  
begins.

SEC. 14. Before the judges receive any ballots they must cause it to be proclaimed aloud at the places of election that the polls are open, and fifteen minutes before the time of closing that fact must be proclaimed in like manner, and after the final closing of the polls no ballots must be received.

Announce-  
ment of open-  
ing and clos-  
ing polls.

SEC. 15. On closing the polls the judges must immediately proceed to canvass the votes in the presence of the bystanders, and must continue the canvass without adjournment at the polling place until complete and the results thereof declared.

Votes, when  
canvassed.

Judges,  
duty of.

SEC. 16. After counting the votes, proclaiming the result and signing the return, the judges shall cause the tally list and ballots to be filed with the clerk of the county wherein such election is held, which tally list and ballots shall be kept by him as part of the public records until after the adjournment of the convention for which such primary election was held, and they shall cause the return to be filed with the managing committee under whose authority such primary election was called, whereupon such managing committee shall issue certificates of election in accordance with the result therein declared. Such certificate shall be *prima facie* evidence of the person's selection.

Penalty for  
falsifying  
returns.

SEC. 17. Any judge or clerk who shall falsify any primary election return, or in any manner violate the provisions of this act, or make it possible to secure a return of such primary election other than the true one by fraudulently canvassing the votes of such primary election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or by both fine and imprisonment, in the discretion of the court.

Penalty for  
fraudulent  
voting.

SEC. 18. (1) Whoever fraudulently votes at any primary election; or (2) offers to vote after having voted at such election; or (3) knowing that he is not a qualified voter under the resolution or call of such managing committee at such primary election, wilfully votes or offers to vote at such primary election; or (4) aids or abets any one not a qualified voter at such primary election in voting; or (5) by offering a reward or bribe, either directly or indirectly, to influence or attempt to influence any elector at such primary election to give or withhold his vote at such primary election; or (6) furnishes a voter, or himself votes, a ballot other than the lawful ballot obtained from the officers of such primary election; or (7) fraudulently or deceitfully changes a ballot of a voter; or (8) prevents the voting of any qualified voter; or (9) exercises an unlawful influence over a qualified voter at such primary election by means of violence or threats of violence, or any other

injury, or by bribery or by corrupt means prevents or attempts to prevent any qualified voter from attending or voting at such primary election; or (10) gives, or offers to give, any valuable thing or bribe to any judge or clerk of such primary election as a consideration for some act to be done, or omitted to be done, contrary to his duty in relation to such primary election; or (11) shall in any manner interfere with or disturb any primary election held under the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than one nor more than six months, or by both fine and imprisonment, in the discretion of the court.

SEC. 19. Any person who shall violate any section of this act for which no punishment is herein especially provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail for not less than one or more than three months, or by both fine and imprisonment, in the discretion of the court.

Passed the senate February 21, 1895.

Passed the house March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CXLVI.

[S. B. No. 215.]

### AUTHORIZING AGRICULTURAL COLLEGE TO GRANT USUAL DEGREES.

AN ACT to empower the faculty of the agricultural college to grant the usual academic and honorary degrees.

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

SECTION 1. That the faculty of the state agricultural college and school of science be and hereby are empowered to grant the usual academic and honorary degrees, and to

issue diplomas therefor, under such regulations as may be adopted by the board of regents and faculty of said agricultural college and school of science.

Passed the senate February 25, 1895.

Passed the house March 13, 1895.

Approved March 21, 1895.

## CHAPTER CXLVII.

[S. B. No. 148.]

AN ACT to amend sections 9, 13 and 20 of an act entitled "An act to provide for the management and control of state normal schools in the State of Washington," approved March 10, 1893.

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

Trustees,  
annual  
meeting of.

SECTION 1. That section nine of said act be amended to read as follows: Sec. 9. The annual meeting of the general board of normal school trustees shall be held on Friday next preceding the annual commencement day, which day shall be uniform for all normal schools in the state, and shall be fixed by the general board. The general board shall have power to fix the place of its annual meetings. Such special meetings may be held as shall be deemed necessary; special meetings to be called by the president or a majority of the board, the time and place of any special meeting to be stated in the call.

Certificates,  
when issued.

SEC. 2. That section 13 of said act be amended to read as follows: No diploma shall be granted to students completing the elementary course provided for in this act; but the general board of trustees may, upon the recommendation of the faculty of the school attended by any student completing the elementary course, issue to such student a certificate setting forth his qualifications and authorizing him to teach in any common school in the state for a period of two years from date of issue, and at the expiration of said certificate it may be renewed by the general board for a period of three years, upon the filing of satisfactory evi-

dence that the holder has taught successfully at least nine months subsequent to the time of the issue of his certificate. Diplomas shall be granted to the graduates of the advanced course, and shall qualify the holders thereof to teach in any of the public schools of this state for a period of five years, and at the expiration of that time, upon the filing of satisfactory evidence that the holder of such a diploma has taught successfully at least twenty-seven months, the board shall grant to said holder a diploma which shall be valid as a license to teach in the public schools of this state during his or her natural life. Every diploma shall be signed by the president and secretary of the general board of trustees, by order of the board, and by the principal of the normal school at which the holder graduated, and all diplomas and certificates shall be stamped with the seal of the board. No student shall be entitled to a diploma from any state normal school contemplated by this act who has not been in regular attendance thereat at least forty weeks, and who does not show proficiency in all branches included in the course of study from which he proposes to graduate. Every diploma shall state specifically what course of study the holder has taken and for what length of time said diploma is valid as a certificate: *Provided*, That no certificate, diploma or renewal of a certificate provided for in this act shall entitle the holder thereof to teach in any county of this state until such certificate, renewal or diploma shall have been duly presented to the county superintendent of the county in which the holder desires to teach, and by said county superintendent indorsed with the words, "Registered for use in ..... county, Washington," together with the date of such indorsement and the official signature of the county superintendent: *Provided further*, That a copy of the original paper, duly certified by the secretary of the general board, may be used for the purposes of indorsement in lieu of the original. It is hereby made the duty of county superintendents to indorse the diplomas, certificates or renewals of certificates contemplated in this act, and to keep a registry of the same in their respective offices. Any contract made after this act goes into effect, between any district board or

Diplomas,  
when issued.

Diplomas, to  
whom issued  
and to con-  
tain, what.

Diplomas  
to be regis-  
tered, where.

Diplomas, in-  
validity of.

board of education and any teacher, shall be void if based upon a diploma, certificate or renewal thereof which has not been registered as herein provided. Nor shall any diploma heretofore issued by the general [ board ] of trustees shall be valid as a certificate to teach in any county of this state unless registered in said county as herein provided.

Biennial  
reports.

SEC. 3. That section 20 of said act shall be amended to read as follows: Sec. 20. The general board of normal school trustees shall, biennially, on or before the first day of October next preceding each regular session of the legislature of this state, make, through its secretary, a report to the governor of the state, which report, or such portions thereof as the governor may determine, shall be included with and constitute a part of the biennial report of the superintendent of public instruction. Said normal school report shall embrace a statement of the receipts and expenditures of the several schools contemplated in this act, and the purpose for which all moneys have been expended; a classified catalogue of all students enrolled in each of said schools, a directory of all graduates of each school properly classified; the course or courses of study pursued in the several schools, and such other information as may be deemed advisable. And it shall be the duty of each local board of trustees, through its clerk and chairman, on or before the first day of September, to make a report to the secretary of the general board, embracing such facts as are required to be embraced in the biennial report of the general board, and such other facts as the general board may require.

Passed the senate March 12, 1895.

Passed the house March 14, 1895.

Approved March 21, 1895.

## CHAPTER CXLVIII.

[S. B. No. 212.]

## LICENSING COMMISSION MERCHANTS.

AN ACT to regulate the sale of farm, dairy, orchard or garden produce on commission.

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

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the business of selling farm, dairy, orchard or garden produce on commission within this state without first taking out a license therefor as herein provided. Licensing.

SEC. 2. Any person, firm or corporation desiring to engage in the business of selling farm, dairy, orchard or garden produce on commission shall file with the secretary of state his sworn statement, giving his full name if an individual, the full names of all the partners if a partnership, and the date of incorporation and where incorporated if a corporation; also the place where the proposed business is to be conducted, the actual amount of capital that will be employed in the business, and the character of produce to be dealt in by the applicant. Name filed, when.

SEC. 3. Such applicant shall also deliver to the secretary of state the state treasurer's receipt for the sum of five dollars, and the sum so collected shall go into the general fund. Fees.

SEC. 4. It shall thereupon be the duty of the secretary of state to deliver to such applicant a license to carry on the business of a commission merchant until the 31st day of December of the year in which said license is issued: *Providing*, Such person is, in the judgment of the secretary of state, a proper person to carry on such business. License to issue, when.

SEC. 5. It shall be unlawful for persons engaged in the business of commission merchants to enter into any combination, conspiracy or pool for the purpose of artificially raising or depressing the market prices of any farm, dairy, orchard or garden produce, or of excluding from Pool prohibited.

the market the produce of any particular locality grown or manufactured by any person.

Consignments registered and sales noted.

SEC. 6. Every person, firm or corporation engaged in the business of handling or selling produce hereinbefore mentioned on commission shall keep an accurate set of books, in which shall be truly stated the amount and character of any consignment received by him, with the date of receipt, the name of the consignor or his agent, and the condition of the shipment when received, and when the same shall be sold or any portion thereof; the name of the person to whom sold, together with the amount and date of sale, shall be entered on the books, which books shall be open to the inspection of any consignor or his agent during business hours.

Consignor notified, when.

SEC. 7. It shall be the duty of any person, firm or corporation making any sale of produce on commission to make a true account and return thereof to the consignor within seven days after the making of such sale, in which statement shall be shown the quantity of each kind of produce sold, the price received and the name and address of the person to whom sold.

Consignor paid, when.

SEC. 8. It shall also be the duty of every person, firm or corporation engaged in the business of selling farm, dairy, orchard or garden produce on commission to pay to the consignor within thirty days the full amount of money due him, to the consignor upon any such sale or any sale of the whole or any part of any consignment of produce: *Provided*, That in case the consignor and consignee do not live in the same town, such payment shall be deemed to be made whenever such commission merchant shall deposit in the postoffice, postage prepaid, a good and valid draft, check or order for the amount of such sale, enclosed in an envelope and addressed to the consignor at his place of residence. No check, draft or order shall be deemed to be good or valid within the meaning of this law unless the amount of money specified therein shall be paid to the payee or his order thereon upon demand.

Consignor to recover, when.

SEC. 9. If any person, firm or corporation shall make any sale of the produce hereinbefore mentioned upon commission and shall fail or neglect to pay the amount received

upon such sale as hereinbefore provided, the consignor of such produce shall be entitled to recover from the person making such sale double the amount thereof in a civil action, and such person, firm or corporation shall also be subject to the penalties hereinafter imposed.

SEC. 10. Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding the sum of two hundred and fifty dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment at the discretion of the court. Penalty for violations.

SEC. 11. The secretary of state shall revoke any license issued under the provisions of this act whenever the person, firm or corporation holding the same shall be convicted of any violation of this law, or whenever in his judgment such person, firm or corporation is conducting said business in a manner detrimental to the interest of the public. License revoked, when.

Passed the senate February 20, 1895.

Passed the house March 13, 1895.

Approved March 21, 1895.

## CHAPTER CXLIX.

[S. B. No. 209.]

### DEFINING CRIMES AGAINST PUBLIC DECENCY.

AN ACT defining crimes against public decency and good morals, providing punishment therefor, and repealing sections 192 and 193 of the Penal Code of Washington.

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

SECTION 1. Incest is the sexual commerce of persons related within the degrees wherein marriage is prohibited. Incest defined.

SEC. 2. Persons being within the degrees of consanguinity or affinity, within which marriages are prohibited by law, who intermarry with each other, or who commit forni- Punishment for.

cation or adultery with each other, or who carnally know each other, shall be deemed guilty of the crime of incest, and upon conviction thereof shall be punished by imprisonment in the state prison for any term not exceeding twenty years.

Adultery defined.

SEC. 3. Adultery is the sexual intercourse between a married person and one who is not such married person's husband or wife.

Punishment for.

SEC. 4. Every person who lives in a state of adultery, upon conviction thereof, shall be punished by imprisonment in the state prison not exceeding five years.

Marriage, evidence of.

SEC. 5. A recorded certificate of marriage, or a certified copy thereof, there being no decree of divorce, proves the marriage of a person for the purposes of this act.

Bigamy defined.

SEC. 6. Every person having a husband or wife living, who marries any other person, except in the cases specified in the next section, is guilty of bigamy.

Exceptions.

SEC. 7. The last section does not extend —

1. To any person by reason of any former marriage whose husband or wife by such marriage has been absent for five successive years, without being known to such person within that time to be living; nor,

2. To any person by reason of any former marriage which has been pronounced void, annulled or dissolved by the judgment of a competent court.

SEC. 8. Sections 192 and 193 of the Penal Code of Washington are hereby repealed.

Passed the senate March 11, 1895.

Passed the house March 14, 1895.

Approved March 21, 1895.

## CHAPTER CL.

[S. B. No. 100.]

## RELATING TO STATE BOARD OF EDUCATION.

AN ACT to amend section 773, volume 1 of Hill's Code of Washington, relating to the powers of the state board of education, and declaring an emergency.

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

SECTION 1. That section 773 of volume one of Hill's Annotated Statutes and Codes of Washington be amended to read as follows: Sec. 773. The said board shall have power —

*First:* To adopt or readopt, at a special meeting which the superintendent of public instruction is hereby directed to call, to be held on or before the tenth day of May, eighteen hundred and ninety-five, a uniform series of text books for the use of the common schools, including graded common schools, throughout the state: *Provided*, They can secure an exchange of books at any time in use for those of the same grade, or an exchange of those of a lower grade for those of the next higher grade, without a greater average cost to the people than one-fifth of the contract retail price of the books in use at the time of the adoption; and enter into contract with the publishers for the supply of the same, to take effect on the first day of September following, and the books so adopted shall not be changed within five years thereafter, unless the publishers of such adopted books shall fail to comply with the terms of the contracts. The adoption herein provided for shall occur every five years, at the time of the year and in the manner herein provided, unless otherwise ordered by the legislature: *Provided*, That whenever any book or set of books compiled and published by or under authority of the state shall be ready for distribution, the contract, as provided by this section, shall, as far as that book or set of books is concerned, be abrogated, and this proviso shall be construed to be sufficient notice to contractors. Before making any adoption, the superintendent of public instruction shall advertise for at least four weeks, in such papers or

Text books,  
how adopted.

Exchanges.

Adoption to  
occur every  
five years.

Proposals ad-  
vertised for.

periodicals of general circulation as he may determine, that the board of education will receive sealed proposals for the supply of text books to the people of the state. Said advertisement shall state the day and hour upon which said proposals shall cease to be received. It shall also name all the kinds of books for the supply of which proposals are invited, and shall prescribe that the proposals so advertised for shall state the price at which the books offered shall be exchanged for the books in use at the time of making such proposals, the wholesale price which shall be maintained in the state, and also the uniform retail price which shall be maintained in every incorporated town and city in the state during the time the books shall continue in use. Said proposals shall be marked "Sealed proposals to furnish text books for the State of Washington," and shall be addressed to the superintendent of public instruction, 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 contracts shall be made within ten days following. No books shall be adopted without a majority vote of the whole board: *Provided*, That the board shall have power to reject any and all proposals or parts of proposals, and, in case of such rejection, they shall at once notify the principal office or any agent of any bidder that such rejection has been ordered, and that proposals will again be received for furnishing such books as may not have been adopted, according to the terms of the former advertisement, and such notice shall state the day and hour upon which such new proposals shall cease to be received, and such date shall not be less than ten days nor more than fifteen days after the day on which the former proposals were rejected. On the day named in such notice the board shall meet, and, at the hour named, shall open, read and consider the proposals in the manner hereinbefore provided, and they may continue to reject proposals and invite new bids in the manner herein provided for such subsequent proposals until satisfactory proposals shall have been received: *Provided*, That no proposal shall be ac-

Advertisement to contain, what.

Proposals, how submitted.

Awards, how made.

cepted in which the retail price offered is greater than sixty-six and two-thirds per centum of the retail price of books, similar in grade, quality of material, illustrations and general workmanship, which are now furnished under the contracts of eighteen hundred ninety and eighteen hundred ninety-one. The publishers awarded the contracts 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 faithful performance, which sureties shall be residents of this state, the said bond to cover such period as the books may remain in use, and to be approved by the board and the attorney general. Said publishers shall also guarantee in the same bond that in case they reduce the retail price in this state of any book furnished by them, they will also make a proportionate reduction of the contract wholesale price to all dealers at all points where such reduction is made in the retail price.

Proposals accepted, when.

Publishers to guarantee, what.

Bonds required.

*Second:* To prepare a course or courses of study for the primary, grammar and high school departments of the common schools, and to prescribe such rules for the general government of the common school as shall secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interests of the common schools.

Course of study.

*Third:* To use a common seal and elect one of their own members secretary; he shall keep a correct record of all the proceedings of the board, and shall file a certified copy of the same in the office of the superintendent of public instruction.

Secretary.

*Fourth:* To sit as a board of examination at their annual or special meetings, and grant state certificates and life diplomas. State certificates shall be granted to such applicants only as shall file with the board satisfactory evidence of having taught successfully twenty-seven months, at least nine of which shall have been in the public schools of this state. The applicant must either pass a satisfactory examination in all the branches required for first grade county certificates, also plain geometry, geology, botany, zoölogy, civil government, psychology, bookkeeping, composition and general history, or file with the board a certified copy of a diploma from some state normal school, or of a state

State certificates, to whom issued.

Examinations.

or territorial certificate from some state or territory, the requirements to obtain which shall not have been less than those required by this act. State certificates shall be valid for five years and may be renewed without examination, and they shall entitle the holder to teach in any common school in this state. They may be revoked at any time for cause deemed sufficient by the board. Life diplomas shall be granted to such applicants only as shall file with the board satisfactory evidence that they have taught successfully for ninety months, not less than fifteen of which shall have been in the public schools of this state. In other respects the requirements shall be the same as those for state 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 common school in the state.

The board shall also have power to grant certificates, without examination, good for three years, to all applicants who are graduates from the classical, scientific, philosophical or literary courses of the university of the State of Washington, or of any other university, college or institution of learning whose requirements for entrance and graduation are equal to those of the university of Washington, and which is legally authorized to grant diplomas: *Provided*, The applicant shall file with the board a certified copy of his diploma. Such certificate may be renewed once, and at the expiration of the certificate or renewal the applicant may be granted a life diploma: *Provided*, He shall pass a satisfactory examination before the state board in theory and practice of teaching and history of education, and shall furnish satisfactory evidence of having taught successfully for a period of ninety months, at least fifteen of which shall have been in the public schools of this state. The board shall also have the power to issue a special primary certificate to any applicant who may have obtained a first grade county certificate in this state, upon examination: *Provided*, Such applicant shall file with the board his manuscripts written at such county examination, and provided the board, upon canvassing such manuscript shall consider the applicant qualified in the branches thus

State certificates.

Certificates, revocation of.

Life diplomas, when issued.

Board, general powers of.

Certificates renewed, when.

Evidence of terms taught required.

Primary certificates.

represented, to receive a special primary certificate: *Provided*, That in addition to such county examination the applicant shall pass an examination before the state board in methods of primary teaching, school management and history of education. Such special certificate shall be valid for five years, and at the expiration thereof the applicant may be granted a life diploma upon filing satisfactory evidence of having taught successfully in primary schools for a period of thirty-six months, not less than nine of which shall have been in the public schools of this state. Special primary certificates shall entitle the holders thereof to teach only such departments of the public schools of this state as shall be composed exclusively of pupils in the first, second, third and fourth years of school, as shown by the state course of study or an equivalent course: *Provided*, That before any state certificate or life diploma, issued or to be issued in this state, shall be valid for use in any county thereof, it shall be presented to the superintendent of common schools of said county for registry, and he shall indorse thereon the words "Registered for use in ..... county," together with the date of registry and his official signature: *Provided further*, That a copy of the original certificate or diploma duly certified by the superintendent of public instruction may be used for the purpose of registry and indorsement in lieu of the original. He shall keep a record of all certificates and diplomas so registered; and any contract hereafter made with the teacher by any board of directors or board of education, based upon a state certificate or life diploma not registered as herein required, shall be void. The fee for state certificates shall be three dollars, and for life diplomas, five 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.

Certificates,  
registration of.

Diplomas and  
certificates  
void, when.

*Fifth*: To prepare a uniform series of questions to be used by county boards of examiners in the examination of teachers. Any member of said board who shall directly or indirectly disclose any question thus prepared, shall be deemed guilty of a misdemeanor, and on conviction thereof

Examination  
questions.

shall be fined in any sum not less than one hundred nor more than five hundred dollars.

SEC. 2. Whereas, there is no sufficient provision now in existence for the adoption of text books; and whereas, contracts with publishers should be made at the earliest possible date in order to allow sufficient time for dealers to secure a supply of books before the expiration of the present contracts, an emergency exists, and this act shall take effect and be in force immediately.

Passed the senate March 7, 1895.

Passed the house March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLI.

[S. B. No. 192.]

### AMENDING THE ACT RELATIVE TO ASSIGNMENTS.

AN ACT to amend section fifteen of an act entitled "An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," approved March 6, 1890.

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

SECTION 1. That section fifteen of an act entitled "An act to secure creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors," approved March 6, 1890, be and the same is amended to read as follows: Whenever it shall appear to the satisfaction of the court or judge thereof when the assignment is pending upon the final reports of the assignee chosen by the creditors or otherwise that the assignor has been guilty of no fraud in making an assignment or concealment or diversion of the property or any part thereof, in order to keep the same beyond the reach of creditors, and has acted justly and fairly in all respects; that the estate has been made to realize the fullest amount possible and that the expenses of the assignment have been paid.

The judge of the court having jurisdiction of the matter shall, upon the allowance of the final account of the assignee, make an order discharging the assignor or assignors as the case may be from any further liability on account of any indebtedness existing prior to the making of such assignment, and thereafter such assignor shall be freed from any liability on account of any unsatisfied portion of the indebtedness existing prior to the making of the assignment.

Passed the senate March 1, 1895.

Passed the house March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLII.

[S. B. No. 366.]

### RELATING TO PAYMENT OF WARRANTS.

AN ACT prescribing the duties of county treasurers and treasurers of municipalities in regard to the payment of warrants, and providing a penalty for the violation thereof.

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

SECTION 1. Whenever the treasurer of any county, city, town or other municipality shall have in his hands, as such treasurer, the sum of five hundred dollars, belonging to any fund upon which warrants are outstanding, it shall be his duty to make a call for such warrants to that amount in the order of their issue, and he shall cause such call to be published in some newspaper printed and published in the county, city, town or other municipality, as the case may be, in the first issue of such newspaper after such sum shall have been accumulated, and if there be no such newspaper, then such call shall be posted in three conspicuous places in such county, city, town or other municipality, and such call shall describe by number the warrants so called, and specify the funds upon which the same were drawn: *Provided*, That the commissioners of any county, or the coun-

cil or other governing body of any city, town or other municipality may prescribe a less sum than five hundred dollars, upon the accumulation of which such call shall be made as to any particular fund: *And provided further,* That if the warrant longest outstanding on any fund shall exceed the sum of five hundred dollars, or shall exceed the sum fixed by the county commissioners or other governing board, then no call need be made for warrants on such fund until the amount due on such warrants shall have accumulated: *And provided further,* That no more than two calls shall be made by any treasurer in any one month: *And provided further,* That it shall be the duty of any such treasurer to pay on demand, in the order of their issue, any warrants when there shall be in the treasury sufficient funds applicable to such payment.

SEC. 2. Any such treasurer who shall knowingly fail to call for or pay any warrant in accordance with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars, and such conviction shall be sufficient cause for removal from office.

Passed the senate March 7, 1895.

Passed the house March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLIII.

[H. B. No. 505.]

### APPOINTMENT OF STATE LUMBER AND SHINGLE WEIGHERS.

AN ACT providing for the appointment by the governor of state lumber and shingle weighers.

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

State weighers,  
how ap-  
pointed.

SECTION 1. That it shall be the duty of the governor to appoint state weighers, to weigh all shingles and lumber to be shipped beyond the limits of this state. That there

shall be one weigher appointed for each of the transcontinental railroads running into this state, and that the office of said weighers shall commence when this act goes into effect. That the term of office of said weighers shall be for the period of four years.

SEC. 2. That the governor shall have the power, and it is hereby made his duty, upon receiving a petition in writing from five manufacturers of shingles or lumber, complaining of the wrongful acts of any of said weighers or their deputies, to investigate such charges and in his discretion to remove such weigher and to appoint a successor for such weigher.

Weighers,  
removal of.

SEC. 3. That each weigher and each deputy weigher shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge and ability. Each weigher shall execute to the State of Washington a bond with two or more sureties, to be approved by the secretary of state, in the sum of three thousand dollars, conditioned that he and his deputies will faithfully perform their duties as lumber and shingle weighers, and if said lumber and shingle weighers or his deputy shall fail to keep the conditions of said bond, then the person aggrieved by his or their wrongful act shall have a right of action against said weigher and the sureties on said bond, and they shall be liable on said bond for any judgment recovered in such action to the amount of the penalty of such bond. The oath and bond shall be filed with the secretary of state.

Weigher and  
deputy, oath  
and bond  
required of.

SEC. 4. That it shall be the duty of each of said railroads to construct scales capable of weighing cars loaded with lumber or shingles shipped from that portion of Washington west of the Cascade mountains at some point on their respective lines and within the limits of this state for the purpose of weighing said lumber and shingles; and that it shall be the duty of each of said railroads doing business east of the Cascade mountains to maintain scales on the east side of the mountains and within the limits of this state for the purpose of weighing lumber and shingles manufactured on each side of said mountains.

Railroads to  
provide scales.

Deputies.

SEC. 5. That each weigher shall have the right to appoint one or more deputy weighers.

Weigher, duty of.

SEC. 6. That all lumber and shingles to be shipped beyond the limits of this state by railroad shall first be weighed by said weigher or his deputy at the place where said scales are located.

Railroads to accept weights.

SEC. 7. If any lumber or shingles shall be shipped beyond the limits of this state by any railroad company before being weighed by said weigher or his deputy, said railroad shall be compelled to accept the weight named in the affidavit (if there be any affidavit) attached to the bill of lading, and in all cases where there is no such affidavit attached, said cars of shingles or lumber shall be weighed by said weigher in every instance; any failure to comply with the above requirements shall be adjudged a misdemeanor, and on conviction thereof shall, for each offense, be fined in any sum not less than five hundred dollars nor more than two thousand dollars.

Penalty for failure to comply.

Weigher's bill to contain, what.

SEC. 8. That upon weighing said shingles or lumber, the weigher or his deputy shall make out a bill, stating therein the names of the consignor and the consignee, the destination of said car of shingles or lumber and the place from which said car was billed, the name of the railroad owning such car and the number of said car, together with the number of shingles or amount of lumber said to be contained in such car, and the total weight of shingles or lumber contained therein. That he shall enter upon the books of his office, to be provided by him and kept for that purpose, a correct copy of said bill, and shall mail or deliver to the consignee two correct copies of said bill, and to the agent of the railroad over which said car is shipped one correct copy of said bill, with the certificates thereto attached, that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained.

Books to contain, what.

Fees.

SEC. 9. That each weigher or his deputy shall receive and collect from the railroad by which said lumber or shingles were received, the sum of fifty cents a car for each and every car of lumber or shingles weighed by him.

SEC. 10. When any cars shall have been weighed, as

herein designated, the said weight shall constitute the basis by which the weight of said lumber or shingles shall be determined.

SEC. 11. Whereas, there is at the present time no law on this subject, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the governor.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLIV.

[H. B. No. 420.]

### RELIEF OF ISAAC T. KEENE.

AN ACT for the relief of Isaac T. Keene, and making appropriation therefor.

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

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and ninety-four dollars (\$294) for the relief and payment of Isaac T. Keene, of Spokane, State of Washington, for services rendered and money expended by him for expenses as an enumerator, and in the enumeration of the Indians on Colville Indian reservation, commencing March 7, 1891, in pursuance of his appointment by the governor, as provided in chapter 88 of the Session Laws of 1891.

SEC. 2. That the state auditor is hereby authorized and directed to draw his warrant on the state treasurer for the money hereby appropriated in favor of the said Isaac T. Keene.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

CHAPTER CLV.

[H. B. No. 508.]

RELATING TO REPAIRS AND RENEWAL OF SIDEWALKS.

AN ACT relating to maintenance, repairs and renewal of sidewalks in cities of the first, second or third class, and providing for pavement [payment] therefor by the owners of abutting property, and declaring an emergency.

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

Sidewalks, abutting property liable for.

SECTION 1. That whenever any street, lane, square, place or alley in any city of the first, second or third class, now or hereafter legally organized in this state, shall have been improved by the construction of a sidewalk or sidewalks along either or both sides thereof, the duty, burden and expense of maintenance, repairs and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed, as hereinafter provided.

Notice of unsafe walks, how given.

Whenever, in the judgment of that officer or department of any such city who or which is, or shall be, charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys in such city, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the said officer or department shall thereupon notify the owner of the property immediately abutting upon said portion of said sidewalk of the condition thereof, instructing the said owner to clean, repair or renew the said portion of said street or sidewalk. Said notice shall specify a reasonable time within which such cleaning, repairs or renewal shall be executed by the said owner, and in case the said owner shall fail to comply with the instructions of said notice within the time therein specified, then the said officer or department shall proceed to clean said walk or to make such repairs or renewal forthwith, and shall charge the full cost thereof to the said owner of abutting property, which said charge shall become a lien upon said property and shall be collected by due process of law. For the purposes of this act all property having a frontage upon the sides or mar-

Notice to repair to contain, what.

gin of any street shall be deemed to be abutting property, and such property shall be chargeable, as provided by this act, for all cost of maintenance, repairs or renewal of any form of sidewalk improvement between the said street margin and the roadway lying in front of and adjacent to said property, and the term sidewalk, as intended for the purposes of this act, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and the roadway.

SEC. 2. Nothing in this act shall be construed to limit or repeal any existing powers of cities of the first, second or third class with reference to the improvement or maintenance of sidewalks, streets, lanes, places, squares or alleys, but the power and authority herein granted are to be exercised concurrent with or in extension of the powers and authority now existing. The legislative authority of any city, before exercising the powers and authority herein granted, shall by proper ordinance provide for the application and enforcement of the same within the limitations herein specified.

SEC. 3. Whereas, there is now no statute in force nor clearly defined provisions in charters of cities of the first, second or third class defining the rights of municipal authorities with reference to the responsibility for necessary maintenance, repairs or renewals of sidewalks along streets, lanes, squares, places and alleys in such cities, and providing for the placing of the cost therefor upon abutting owners, and by reason thereof the keeping of sidewalks in proper condition is greatly retarded and much inconvenience results to the public, an emergency is hereby declared to exist for the immediate effect of this law, and, therefore, this act shall take effect on its passage and approval by the governor.

Passed the house March 2, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

## CHAPTER CLVI.

[H. B. No. 356.]

## AMENDING ACTS IN RELATION TO ELECTIONS.

AN ACT entitled "An act amending sections 356 and 361 of chapter II, title VIII; also sections 367, 379, 384, 385, 390 and 391 of chapter III, title VIII; also sections 397 and 401 of chapter IV, title VIII; also sections 418 and 423 of chapter V, title VIII, volume 1, Hill's Annotated Codes and Statutes of Washington; also amending section 380, volume 1, Hill's Annotated Codes and Statutes, as amended by section one of chapter ninety-one of the Laws of 1893, in relation to elections.

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

That sections 356 and 361 of chapter II, title VIII; also sections 367, 379, 384, 385, 390 and 391 of chapter III, title VIII; also sections 397 and 401 of chapter IV, title VIII; also sections 418 and 423 of chapter V, title VIII of volume 1, Hill's Annotated Codes and Statutes of Washington; also amending section 380, volume 1, Hill's Annotated Codes and Statutes, as amended by section one of chapter ninety-one of the Laws of 1893, in relation to elections, be and the same are hereby amended to read as follows:

SECTION 1. That section 356 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 356. The inspector and judges for each precinct having more than one hundred voters shall, before the time of opening the polls, appoint two suitable persons to act as clerks, who shall be qualified electors: *Provided*, That in precincts having less than one hundred voters the said judges shall keep a tally of the voters voting at said election, and shall perform all of the duties pertaining to and required to be performed by clerks of elections: *And provided further*, That each of the recognized political parties may have one challenger at the polls of each voting precinct.

SEC. 2. That section 361 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 361. It shall be the duty of the county auditor to make out two copies of each of the said oaths or affirmations for each election precinct, which shall

Clerks, how  
and when  
appointed.

Challengers.

County audi-  
tor, duties of.

be severally subscribed by the inspector and judges and clerks in the precincts where clerks are employed, and the said oaths or affirmations shall be certified under the hand of the person by whom they shall be administered, and one of the said oaths or affirmations shall be placed with the election returns to be returned to the county auditor.

SEC. 3. That section 367 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 367. Candidates for public office may be nominated otherwise than by convention or primary meeting, or primary election, in the manner following: A certificate of nomination containing the name of the candidate for the office to be filled, with such information as is required to be given in certificates provided for in section 365 of volume 1, Hill's Annotated Codes and Statutes of Washington, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected, in the following numbers: The number of signatures shall not be less than one thousand, when the nomination is for an office to be filled by the electors of the entire state; and not less than three hundred when the election is for an office to be filled by the electors of a county, district, or other division less than a state, and not less than twenty-five when the nomination is for an office to be filled by the electors of a township, precinct or ward: *Provided*, That the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence, his business and his address. Such certificate may be filed as provided for in section 306 of volume 1, Hill's Annotated Statutes and Codes of Washington, in the same manner and with the same effect as a certificate of nomination made by a party convention, primary meeting or primary convention.

SEC. 4. That section 379 of volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 379. All ballots prepared under the provisions of this chapter shall be white and of a good quality of paper, and the names shall be printed thereon in black ink. Every ballot shall contain at the head the

Nominations,  
how made.

Ballots, how  
prepared.

names of all recognized political parties, in the order following, to wit: Republican Ticket, Democratic Ticket, People's Party Ticket, Prohibition Ticket, and any other party placing a full ticket in nomination, in the order in which the same shall be filed with the clerk of the board of county commissioners. Every ballot shall contain the name of each candidate, once only, whose nomination for any office is specified or filed according to law, and no other names. All nominations of any party or group of petitioners shall be placed after the title of such party or group of petitioners as designated by them in their certificate of nomination or petition first filed: *Provided*, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the clerk of the board of county commissioners at least twenty days before any election is to be held, designate the political party after which title he desires to have his name placed. The name of each nominee shall be placed under the designation of the office for which he has been nominated, in the order following, to wit: Republican, Democratic, People's Party, Prohibition and any other party in the order filed with the clerk of the board of county commissioners. Before the designation of the office shall be indicated the number of candidates for such office to be voted for at said election. At the end of the lists of all the political parties and the list of candidates for each office shall be left a blank space on the right side of each ticket extending the full length of the column of political parties and of the nominees, at least one-half inch in width, so that the voter may correctly indicate in the way hereafter provided the candidate or candidates for whom he wishes to cast his ballot. Upon each official ballot a perforated line, one-half inch from the left hand edge of such ballot, shall extend from the top of such ballot towards the bottom of the same for two inches, thence to the left hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot, which shall be upon the back of such space, in such position that it shall appear upon the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered from one

Dual nominations, how provided for.

Ballots, general arrangement of.

upwards, consecutively, beginning with number one for each separate voting precinct. Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct, except in cases of municipalities, where a number of precincts vote for the same nominees for justices of the peace and constables, and in the latter event the ballot shall contain only the names to be voted for by the electors of such precincts. On the margin of each of said ballots, to the right, there shall be printed instructions directing the voter how to mark his ballot before the same shall be deposited with the judges of election. The arrangement of the ballot shall, in general, conform as nearly as possible to the plan hereinafter given.

REPUBLICAN TICKET .....		
DEMOCRATIC TICKET .....		
PEOPLE'S PARTY TICKET .....		
PROHIBITION TICKET .....		
VOTE FOR TWO.....		REPRESENTATIVES IN CONGRESS.
Republican.....	A..... B.....	
Republican.....	C..... D.....	
Democrat.....	E..... F.....	
Democrat.....	G..... H.....	
People's Party.....	I..... J.....	
People's Party.....	K..... L.....	
Prohibition.....	M..... N.....	
Prohibition.....	O..... P.....	
VOTE FOR ONE.....		GOVERNOR.
Republican.....	A..... B.....	
Democrat.....	C..... D.....	
People's Party.....	E..... F.....	
Prohibition.....	G..... H.....	
VOTE FOR ONE.....		LIEUTENANT GOVERNOR.
Republican.....	A..... B.....	
Democrat.....	C..... D.....	
People's Party.....	E..... F.....	
Prohibition.....	G..... H.....	
VOTE FOR ONE.....		SECRETARY OF STATE.
Republican.....	A..... B.....	
Democrat.....	C..... D.....	
People's Party.....	E..... F.....	
Prohibition.....	G..... H.....	

Mark your ticket by placing an "X" in the space at the right of the name of the political designation of the party for whose candidates you wish to vote. These spaces are at the right of and at the top of this ballot.  
If you desire to vote for any candidate of any other party, place an "X" in the space at the right of the name of such candidate.

Whenever the secretary of state has duly certified to the clerk of the board of county commissioners any question to be submitted to the vote of the people, the clerk of the board of county commissioners shall have printed on the regular ballots, at the bottom thereof, the question in such form as will enable the electors to vote upon the questions so presented in the manner hereinafter provided. The clerk of the board of county commissioners shall also prepare the necessary ballots in the same manner whenever any question is by law to be submitted to the vote of the electors of any locality, and not of the state generally: *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the city or town clerk to provide the necessary ballots.

SEC. 5. That section 380, volume 1, Hill's Annotated Statutes and Codes of Washington, as amended by section 1 of chapter 91 of the laws of 1893, is amended to read as follows: Sec. 380. The clerk of the board of county commissioners of each county shall provide for each election precinct in the county two ballots for each elector registered in the precinct, and two tallying books, that shall be printed in relation with the tickets. If there is no register in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of two for every elector who voted at the last preceding election in the precinct: *Provided, however,* That in municipal elections it shall be the duty of the city or town clerk to provide tickets as specified in this section.

SEC. 6. That section 382, volume 1, Hill's Annotated Statutes and Codes of Washington, by [be] and the same is hereby amended to read as follows: Sec. 382. Before the opening of the polls, the clerk of the board of county commissioners (or the municipal clerk in the case of municipal elections) shall cause to be delivered to the judges of election of each election precinct which is within the county (or within the municipality in case of municipal elections), and in which the election is to be held, at the polling place of the precinct, the proper number of ballots provided for in section five of this act. The ballots shall be given to the inspector of each election precinct; but in case it may

Ballots,  
county to  
furnish.

Ballots, mu-  
nicipalities  
to furnish.

Ballots,  
to whom  
furnished.

be impracticable to deliver such ballots to the inspector, then they may be delivered to one of the judges of election of any such precinct, and in making the appointment of judges of election under this chapter and other election laws of this state, not more than a majority of such judges of election shall be appointed from any one political party for each precinct.

SEC. 7. That section 384 of volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 384. At any election it shall be the duty of the inspector, or one of the judges of election, to deliver Ballots, delivery of to electors. ballots to the qualified electors. Any elector desiring to vote shall give his name to the inspector or one of the judges, who shall then, in an audible tone of voice, announce the same, whereupon a challenge may be interposed Challenge. in the manner provided by law. If no challenge be interposed, or if the challenge be overruled, the inspector or one of the judges shall give him a ballot, at the same time calling to the clerks of election the number of such ballot. In precincts where there is a registration of voters it shall be the duty of such clerks to write the number of the ballot against the name of such elector as the same appears upon the certified copy of poll books of registration in their possession. In precincts where there are no registration of voters, it shall be the duty of the clerks to transcribe the name of the elector in the poll books, and against such name the number of the ballot delivered to the elector. Each qualified elector shall be entitled to receive from the said judges one ballot.

SEC. 8. That section 385, volume 1 of Hill's Annotated Codes and Statutes of Washington is amended to read as follows: Sec. 385. On receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or apartments provided to prepare his ballot. If he desires to vote for all the candidates of any political party he may mark a cross "X" after the name, against the political designation of such party, and shall then be deemed to have voted for all the persons named as the candidates of such party. If he desires to vote for any particular candidate of any other Ballots, how marked.

political party he may do so by placing after the name of such candidate a mark "X:" *Provided*, That if two or more candidates for such office are to be elected, then such voter shall place his mark "X" after the name of each of the candidates for whom he wishes to vote for that particular office, and in that case such voter shall then be deemed to have voted for all the persons named as the candidates of the political party after which he shall have made his mark "X," except those who are otherwise designated as herein provided. Each elector may prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote. In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be. Any elector may write in the blank spaces, or paste over any other name, the name of any person for whom he may wish to vote. Before leaving the booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and he shall keep it folded until he has voted. Having folded the ballot, the elector shall deliver it folded to the inspector, who shall, in an audible tone of voice, repeat the name of the elector and the number of the ballot. The election clerks having the certified copies of the poll books of registration or poll books in charge, shall, if they find the number marked opposite the elector's name on the register or poll books to correspond with the number of the ballot handed to the inspector, mark opposite the name of such elector the word "voted," and one of the clerks shall call back, in an audible tone, the name of the elector and the number of his ballot. The inspector shall separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The numbers removed from ballots shall be immediately destroyed.

Ballot, number  
of exposed.

County com-  
missioners  
to print in-  
structions.

SEC. 9. That section 390, volume 1 of Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 390. The clerk of the board of county

commissioners of each county shall cause to be printed in large type on cards, in English, instructions for the guidance of electors in preparing their ballots. He shall furnish ten such cards to the judges of election of each election precinct, and one additional card for each fifty electors or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling places, upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, viz.:

Instructions to be posted and to contain what.

1. To obtain ballots for voting.
2. To prepare the ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake.

SEC. 10. That section 391, volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 391. In the canvass of the votes, any ballot or parts of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted: *Provided*, That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part.

Uncertain ballots, how disposed of.

SEC. 11. That section 401, volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 401. The voting shall be by ballot. No ballot shall bear any impression, devise, color or thing designated to distinguish such ballot from other legal ballots, or whereby the same may be known or designated. The ballot shall be eight inches in width and of such length as shall be necessary to print the names of all the candidates, who shall be duly nominated according to law, and whose nominations shall be duly certified to the clerk of the board of county commissioners, such length to be determined by the said clerk of said board of county commissioners. All of the official ballots, after the same shall be so prepared by the said clerk, shall be of the same size for each and every

Ballots, distinguishing marks prohibited.

Ballots, size of.

precinct, and shall not vary one-eighth of an inch in breadth from the above specification.

Auditors to  
transmit, what.

SEC. 12. That section 423, volume 1, Hill's Annotated Codes and Statutes of Washington, is amended to read as follows: Sec. 423. It shall be and is hereby made the duty of the county auditor in each county of this state, immediately after making abstracts of the vote, given in his county at the general or special election, for members of the legislature, county, state or district officers, or members of congress, to transmit by mail a certified copy of said abstract to the secretary of state, at the seat of government. It shall be the duty of the secretary of state to furnish uniform and proper blanks to each and every county auditor in the state, on which said county auditor shall make returns to the secretary's office. The county auditor shall make returns of all persons voted for for state, county and district officers.

Secretary  
of state to  
furnish blanks.

SEC. 13. All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Passed the house March 6, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLVII.

[H. B. No. 411.]

### TO PROVIDE FOR MORTGAGING OF REAL PROPERTY BY EXECUTORS AND ADMINISTRATORS.

AN ACT to amend sections 998, 1005, 1006, 1007, 1008, 1012, 1013, 1014, 1015, 1025, 1036, 1038, 1039 of chapter 9 of volume 2 of the General Statutes and Codes of Washington, as arranged and annotated by William Lair Hill, relating to sales of property by executors and administrators, and to provide for the mortgaging of real property by executors and administrators, and declaring an emergency.

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

SECTION 1. That section 998 of chapter 9 of volume 2 of the General Statutes and Codes of Washington, as ar-

ranged and annotated by William Lair Hill, be amended to read as follows: Sec. 998. No sale or mortgage of any property shall be valid unless made under order of the court, unless otherwise provided by law.

SEC. 2. That section 1005 of said chapter be amended to read as follows: Sec. 1005. When the personal estate in the hands of the executor or administrator shall be insufficient to pay the allowance to the family and all the debts and charges of the administration, the executor or administrator may sell or mortgage the real estate for that purpose, upon the order of the court. To obtain such order he shall present a petition to the court setting forth the amount of the personal estate that has come to his hands, and how much, if any, remains undisposed of, a list and the amounts of the debts outstanding against the deceased, as far as the same can be ascertained, a description of all the real estate of which the testator or intestate died seized, the condition and value of the respective lots and portions, the names and ages of the devisees, if any, and of the heirs of the deceased, which petition shall be verified by the oath of the party presenting the same.

Real estate,  
when en-  
cumbered.

SEC. 3. That section 1006 of said chapter be amended to read as follows: Sec. 1006. If it should appear from such petition that there is not sufficient personal estate in the hands of the executor or administrator to pay the allowance to the family, the debts outstanding against the deceased and the expenses of administration, and that it is necessary to sell or mortgage the whole or some portion of the real estate to provide funds for the payment of such debts, the court shall thereupon make an order directing all persons interested to appear at a time and place specified, not less than four nor more than eight weeks from the time of making such order, to show cause why an order shall not be granted to the executor or administrator to sell or mortgage the real estate of the deceased, or so much thereof as shall be necessary to pay such allowances, charges and debts.

Notice to  
precede.

SEC. 4. That section 1007 of said chapter be amended to read as follows: Sec. 1007. A copy of such order to show cause shall be personally served on all persons inter-

Personal  
service re-  
quired, when.

ested in the estate at least ten days before the time appointed for the hearing of the petition, or shall be published at least four successive weeks in such newspaper as the court shall order: *Provided, however,* That if all persons interested in the estate shall signify in writing their assent to such sale or the making of such mortgage, the notice may be dispensed with.

Hearing.

SEC. 5. That section 1008 of said chapter be amended to read as follows: Sec. 1008. The court, at the time and place appointed in such order, or at such other time to which the hearing may be adjourned, upon proof of due service or publication of a copy of the order, or upon filing the consent in writing to such sale or to the making of such mortgage of all parties interested, shall proceed to the hearing of such petition, and if such consent be not filed, shall hear and examine the allegations and proofs of the petitioner and of all persons interested in the estate who may oppose the application.

Court to determine method of raising funds.

SEC. 6. That section 1012 of said chapter be amended to read as follows: Sec. 1012. If the court shall be satisfied, after a full hearing upon the petition, and on examination of the proofs and allegations of the parties interested, that it is necessary, in order to raise funds for the payment of the allowance to the family and all valid claims against the estate, and charges of administration, to sell or mortgage the whole or some portion of the real estate, the court shall then proceed to determine which method of raising such funds will be most beneficial to the estate and those interested therein, and shall thereupon make an order authorizing the executor or administrator to sell the whole or so much and such parts of the real estate described in the petition as the court shall adjudge necessary or beneficial, or authorizing the executor or administrator to mortgage the whole or so much and such parts of the real estate described in said petition as the court shall adjudge necessary or beneficial, according as the court shall determine one or the other methods most beneficial to the estate and those interested therein: *Provided,* That if the executor or administrator shall, in his petition, represent to the court that one or the other of such methods of providing

such funds will be most beneficial to the estate, and all parties interested in the estate shall join in such petition, then the court, if it grants such petition, shall order that such funds be raised in the manner petitioned for.

SEC. 7. That section 1013 of said chapter be amended to read as follows: Sec. 1013. The order shall specify the lands to be sold or mortgaged and the terms of the sale or mortgage. If a sale be ordered it may be either for cash or on credit, not exceeding six months, as the court may direct. If a sale has been ordered and it appears that any part of the real estate has been devised and not charged in such devise with the payment of debts, the court shall order that part descended to heirs to be sold before that part devised. If a mortgage be ordered the court shall order the amount to be borrowed, which may be greater or less than the amount prayed for in the petition, and shall prescribe the maximum rate of interest which shall be paid, and the period for which the mortgage shall run, and may require that the interest and part or the whole of the mortgage debt be paid from any part of the estate, and may direct that any buildings on the lands to be mortgaged shall be insured for the further security of the mortgagee, the premiums to be paid from any funds in the hands of the executor or administrator. If a mortgage be ordered the executor or administrator shall at once proceed to negotiate a loan for the amount and upon the terms and upon the security ordered by the court, and upon securing said loan and upon the receipt of the money borrowed, shall execute and deliver to the lender of said money a mortgage of the premises described in the order of the court directing such mortgage, in accordance with said order, setting forth in the mortgage that it is executed by order of the court, and giving the date of such order. Before the delivery of such mortgage the same shall be presented to a judge of the court making the order for his approval, and if he shall approve the same his approval shall be endorsed upon said mortgage. No notice of such presentation need be given. Every mortgage so made and approved shall be effectual to mortgage and hypothecate all the right, title and interest which the decedent had in

Order to specify, what.

Mortgage to contain, what.

the premises described therein at the time of his death or acquired by his estate subsequent to his death. Jurisdiction of the court to administer such estate shall be sufficient to clothe such court with jurisdiction to make an order to mortgage the real property thereof, and such jurisdiction shall inure to the benefit of the mortgagee, his heirs and assigns. No irregularity in the proceedings shall impair or invalidate any mortgage given pursuant to such order and so approved, and the mortgagee, his heirs and assigns, shall have the same rights and remedies by virtue of such mortgage as if it had been duly executed and delivered by the decedent in his life time. Whenever any such mortgage shall be foreclosed and the mortgaged property sold under such foreclosure proceedings, and the proceeds of the sale of such lands shall not be sufficient to pay the costs of such foreclosure proceedings and sale and the amount due upon said mortgage, then the amount of the deficiency shall be stated by the sheriff in his return of said sale, and the same shall stand as an allowed claim against the estate.

Jurisdiction.

Irregularities  
no impairment.

Foreclosure.

Application  
made, by  
whom.

SEC. 8. That section 1014 of said chapter be amended to read as follows: Sec. 1014. If the executor or administrator shall neglect to apply for an order to sell or mortgage the real property of the estate, whenever it may be necessary, any person interested in the estate may make application therefor in the same manner as an executor or administrator, but notice thereof shall be given to the executor or administrator before the hearing.

Clerk to notify  
administrator.

SEC. 9. That section 1015 of said chapter be amended to read as follows: Sec. 1015. Upon the making of such order the clerk of the court shall deliver the same to the executor or administrator, who shall thereupon be authorized to sell or mortgage the real estate as directed.

Legacies, how  
administered.

SEC. 10. That section 1025 of said chapter be amended to read as follows: Sec. 1025. When a testator shall have given any legacy by will that is effectual to charge real estate, and his goods, chattels, rights and credits shall be insufficient to pay such legacy, together with the debts and charges of administration, the executor or administrator, with the will annexed, may obtain an order to sell or mort-

gage his real estate for that purpose in the same manner and upon the same terms and conditions as prescribed in this chapter in case of a sale or mortgage for the payment of the debts.

SEC. 11. That section 1036 of said chapter be amended to read as follows: Sec. 1036. If it shall be made to appear to the satisfaction of the court that it will be to the interest of the estate of any deceased person to sell other personal estate or to sell or mortgage other real estate of the decedent than that mortgaged by him, to redeem the real estate so mortgaged, the court may order the sale of any personal estate, or the sale or mortgaging of any real estate of the decedent which it may deem expedient to be sold or mortgaged for such purpose, which sale or mortgaging shall be conducted in all respects as other sales or mortgages of like property ordered by the court.

Sales and loans, when further made.

SEC. 12. That section 1038 of said chapter be amended to read as follows: Sec. 1038. If there should be any neglect or misconduct in the proceedings of the executor or administrator in relation to any sale or mortgage by which any person interested in the estate shall suffer damages, the party injured may recover the same in a suit upon the bond of the executor or administrator, as the case may appear.

Damages, how recovered.

SEC. 13. That section 1039 of said chapter be amended to read as follows: Sec. 1039. Any executor or administrator who shall fraudulently sell or mortgage any real estate of his testator or intestate, contrary to the provisions of this chapter, shall be liable in double the value of the land sold or mortgaged, as damages, to be recovered in an action by the person or persons having an estate of inheritance therein.

Fraudulent conduct of administrator.

SEC. 14. Whereas, existing laws do not provide for the mortgaging of the estates of descendants, and it is necessary that such provision should be made, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the governor.

Passed the house March 4, 1895.

Passed the senate March 13, 1895.

Approved March 21, 1895.

## CHAPTER CLVIII.

[H. B. No. 322.]

## INCORPORATION OF SOCIAL, CHARITABLE AND EDUCATIONAL ASSOCIATIONS.

AN ACT to provide for the incorporation of associations for social, charitable and educational purposes.

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

SECTION 1. Two or more persons within this state who associate themselves together by an agreement in writing, as hereinafter described, with the intention of forming a corporation for any of the purposes hereinafter specified, upon complying with the provisions of sections 4, 5 and 6 of this act, shall be and remain a corporation.

Associations,  
objects of.

SEC. 2. Such association may be formed for any educational, charitable, benevolent or religious purposes; for the prosecution of any antiquarian, historical, literary, scientific, medical, artistic, monumental or musical purpose; for supporting any missionary enterprise having for its object the dissemination of religious or educational instruction; for promoting temperance or morality in this state; or other charitable or social bodies of a like character and purpose; for the establishment and maintenance of social clubs, and of places for reading rooms, libraries or social meetings.

Agreement to  
state, what.

SEC. 3. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purposes for which it is formed, the town or city — which shall be in this state — in which it is located, and if it has a capital stock, the amount thereof, and the number and par value of its shares. The name shall be one not previously in use by any existing corporation, and shall be changed only as hereinafter provided.

Subscribers,  
first meet-  
ing of.

SEC. 4. The first meeting of the subscribers to such agreement shall be called by a notice signed by one or more thereof, stating the time, place and purpose of the meeting; a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each

subscriber, or left at his usual place of business or place of residence, or deposited in the postoffice, postpaid, and addressed to him at his usual place of business or of residence. And whoever gives such notices shall make affidavit of his doings, which shall be recorded in the records of the corporation.

SEC. 5. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary secretary, and by the adoption of by-laws, and the election of a president, secretary, treasurer and a board of trustees, not less than three nor more than fifteen in number, and such other officers as may be provided for by the by-laws. But at such first meeting no person shall be eligible as an officer or trustee who has not subscribed to the agreement of association. The temporary secretary shall make and attest a record of the proceedings until the secretary has been chosen.

Temporary secretary, duties of.

SEC. 6. The president, secretary and a majority of the trustees shall forthwith make, sign and swear to a certificate setting forth a true copy of the agreement of association, with the names of the subscribers thereto, the date of the first meeting and the successive adjournments thereof, if any, and shall file such certificate in the office of the county auditor of the county wherein the organization is effected and in the office of the secretary of state, who, upon payment of a fee of five dollars, shall cause the same to be recorded in a book to be kept for that purpose, and shall thereupon issue a certificate in the following form:

Certificate to contain, what; and where filed.

Filing fee.

#### STATE OF WASHINGTON.

Be it known that, whereas, (here the names of the subscribers to the agreement of association shall be inserted) have associated themselves with the intention of forming a corporation under the name of (here the name of the corporation shall be inserted), for the purpose (here the purpose declared in the agreement of association shall be inserted), with a capital of (here the amount of the capital stock shall be inserted, or if there is no capital stock this clause shall be omitted), and have complied with the

Agreement, form of.

Secretary of  
state to issue  
certificate.

provisions of the laws of this state in such case made and provided, as appears from the certificate of the president, secretary and a majority of the trustees of said corporation, recorded in this office; now, therefore, I (here the name of the secretary shall be inserted), secretary of the State of Washington, do hereby certify that said (here the names of the subscribers to agreement of association shall be inserted), their associates and successors, are legally organized and established as and are hereby made an existing corporation, under the name of (here the name of the corporation shall be inserted), with the powers, rights and privileges and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature subscribed and the seal of the State of Washington hereunto affixed, this ..... day of ....., in the year ..... (In these blanks the day, month and year of execution of the certificate shall be inserted.)

Certificate  
filed with  
county  
auditor.

The secretary shall sign the same and cause the seal of the state to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation. He shall also cause a record of such certificate to be made, and such corporation shall forthwith cause a certified copy of such record to be filed in the office of the auditor of the county wherein such corporation is located.

By-laws to  
contain, what.

SEC. 7. The corporation may prescribe by its laws the manner in which, and the officers and agents by whom the purposes of its incorporation may be carried out. The corporation may hold real and personal estate, and may hire, purchase or erect suitable buildings for its accommodation, to be devoted to the purposes set forth in its agreement of association, and may receive and hold in trust, or otherwise, funds received by gift or bequest, to be devoted by it to such purposes. And for the purposes of the corporation shall have power to issue its promissory notes, bonds or other obligations, to be secured by mortgages on its real estate and other property in such manner as may be provided by its by-laws.

Beneficiaries.

SEC. 8. The corporation organized for any purpose mentioned in section two may, for the purpose of assisting

widows, orphans or other persons dependent upon deceased members, provide in its by-laws for the payment by each member of a fixed sum, to be held by such association until the death of a member occurs, and then to be forthwith paid to the person or persons entitled thereto; and such fund so held shall not be liable to attachment by garnishment or other process. And the associations may be formed under this act for the purpose of rendering assistance to such persons, and in the manner herein specified.

SEC. 9. Any such beneficiary corporation or society may hold at any one time as a death fund, belonging to the beneficiaries of anticipated deceased members, an amount not exceeding one assessment from a general or unlimited membership, or an amount not exceeding in the aggregate one assessment from each limited class or division of its members: *Provided*, That nothing in this section shall be held to restrict such fund to less than ten thousand dollars. Such funds, while held in trust, shall be deposited in safe banking institutions, subject to sight drafts for distribution to the beneficiaries aforesaid.

SEC. 10. The provisions of the general laws relating to life insurance companies shall not apply to such beneficiary corporations, associations and societies.

SEC. 11. Nothing contained in this act shall affect the existence of any association or corporation heretofore formed under the provisions of any law in this state for any of the purposes mentioned in section two of this act, [and] any such corporation may, at a meeting called for the purpose, vote to adopt the provisions of this act, and upon so voting and complying with the provisions of this section shall have the powers and privileges and be subject to the duties and obligations of corporations formed under this act. After so voting the corporation may file with the secretary of the state a certificate signed and sworn to by its president, secretary, and a majority of its board of trustees, setting forth a copy of its articles of incorporation and of said vote, and the date of the meeting at which the vote was adopted, and the secretary of state, upon payment of a fee of five dollars, shall cause the same to be recorded, and shall issue a certificate in the following form:

Death fund.

Exempt from operations of insurance laws.

Not retro-active.

Preëxisting societies may adopt.

## STATE OF WASHINGTON.

Certificate to  
contain, what.

Be it known that, whereas, (here the names of the original incorporators shall be inserted) have formally associated themselves with the intention of forming a corporation under the name of (here the name of the incorporation shall be inserted) for the purpose (here the purpose declared in the original articles of incorporation shall be inserted), under the provisions of (here the designation of the statute under the provisions of which organization was effected, shall be inserted), with a capital of (here the amount of capital stock as it stands fixed at the date of the certificate, shall be inserted; or if there is no capital stock this clause shall be omitted), and the provisions of the laws in this state in such case made and provided have been complied with, as appears from a certificate of the proper officers of said corporation, recorded [in] this office; now, therefore, I (here the name of the secretary is to be inserted), secretary of the State of Washington, do hereby certify that said (here the name of the corporation shall be inserted) is legally organized and established as an existing corporation, with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto.

Secretary of  
state to issue  
certificate.

Witness my official signature hereunto subscribed and the seal of [the] State of Washington hereunto affixed, this ..... day of ....., in the year ..... (In these blanks the day, month and year of execution of the certificate shall be inserted.)

This certificate shall be signed, sealed and recorded, and filed in the same manner, and shall have the same effect as the certificate provided in section six.

Agreement,  
amendment to.

SEC. 12. Whenever it is desired to amend in any particular within the scope of this act, the provisions of the articles of agreement of any corporation organized or qualified under this act, such amendment or amendments shall be effected by the filing with the secretary of state of a certificate signed and sworn to by the president, secretary and a majority of the board of trustees, which certificate shall be authorized by a vote of at least two-thirds of the stockholders or members of the corporation at a meeting

called and held for that purpose, in the manner prescribed by the by-laws, and the secretary of state shall, upon payment of a fee of five dollars, cause such certificate to be recorded, and shall issue a certificate in the following form:

## STATE OF WASHINGTON.

Be it known that, whereas, (here the name of the corporation shall be inserted) a corporation heretofore duly organized, has, in accordance with the provisions of the laws of this state in such case made and provided, amended its articles of agreement as follows: (here shall be inserted the nature of the amendment or amendments), as appears from a certificate of the proper officers of said corporation recorded in this office; now, therefore, I (here the name of the secretary is to be inserted), secretary of the State of Washington, do hereby certify that such amendment (or amendments) ha..... been duly adopted as, and now are, a part of the articles of agreement of said corporation. Certificate,  
form of.

Witness my official signature hereunto subscribed and the seal of the State of Washington hereunto affixed, this ..... day of ..... in the year ..... (In these blanks the day, month and year of execution of this certificate shall be inserted.)

This certificate shall be signed, sealed and recorded, and filed in the same manner and shall have the same effect as the certificate provided for in section six.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895

## CHAPTER CLIX.

[H. B. No. 583.]

## DISESTABLISHMENT OF HARBOR LINES.

AN ACT to permit and provide for the disestablishment of harbor lines heretofore established in front of towns.

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

Harbor lines,  
disestablish-  
ment of.

SECTION 1. That the board of state land commissioners shall have, subject to the limitations in this act contained, power to disestablish, by resolution, any harbor line heretofore established at or in front of any town in the State of Washington.

Disestablish-  
ment, method  
of proceeding.

SEC. 2. The power by this act conferred may only be exercised upon the petition of the owners of a majority of the front footage of the upland abutting upon the harbor line sought to be established, and upon the filing with the board of a release to the state by each owner of upland, and each owner or applicant for the purchase of, and each vendee of the tide lands abutting on said harbor line of all claims for damages, or for compensation for injury done by such disestablishment, and, upon the filing with the board of an agreement on the part of each person holding a contract from the state for the purchase of tide lands abutting upon such harbor line, whereby the state shall be released from all further obligation under such contract, and whereby each vendee shall surrender to the state all sums of money theretofore paid to the state on account of such contract.

Disestablish-  
ment, when  
granted.

SEC. 3. If such petition be signed by all abutting upland owners and shall be accompanied by the like petition of a majority of the electors of said town, to be computed according to the number of votes cast in such town at the general election last preceding the filing of such petition, it shall be the duty of the board to forthwith, within thirty days, hear and determine such petition, and if it be determined that such petitions are made in good faith, and that the provisions of this act have been fully complied with, it shall be obligatory upon the board to at once, by resolution, disestablish such harbor line.

SEC. 4. After the adoption of such resolution, the board <sup>Appraisalment.</sup> may, from time to time, provide for the appraisalment or reappraisalment of the tide lands abutting upon such harbor line.

SEC. 5. The powers hereby conferred and duties hereby <sup>Boards, concurrent jurisdiction of.</sup> imposed upon the board of state land commissioners shall be possessed and exercised by any other board or officer who may hereafter succeed to the jurisdiction and powers in respect to tide lands or harbor lines now possessed by the board of state land commissioners, and, in case of such succession, the petitions, releases and agreements herein provided for may be with like effect filed with such successor or successors.

SEC. 6. Nothing in this act contained shall be deemed to apply to or in anywise affect any harbor line heretofore established at or in front of any city.

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLX.

[H. B. No. 145.]

### COLLECTION OF TAXES IN CITIES OF FIRST CLASS.

AN ACT to amend sections 4, 5, 9 and 10 of an act entitled "An act providing for the assessment and collection of taxes of cities of the first class and specifying the duties of certain county officers in regard thereto, and declaring an emergency," approved March 9, 1893.

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

SECTION 1. That section four of said act entitled "An act providing for the assessment and collection of taxes of cities of the first class and specifying the duties of certain county officers in regard thereto, and declaring an emergency," approved March 9, 1893, be and the same is hereby amended to read as follows:

Sec. 4. The county treasurer of each county in which <sup>County treasurer, duties of.</sup> there is or shall be a city of the first class is hereby con-

stituted *ex officio* collector of city taxes of such city, and before entering upon the duties of his office he shall execute in favor of such city and file with the clerk thereof a good and sufficient bond, the penal sum to be fixed by the city council, such bond to be approved by the mayor of such city or other authority thereof by whom the bond of the city treasurer is required to be approved. All special assessments and special taxation for local improvements assessed on property benefited shall be collected by the city treasurer except as otherwise provided by this act.

SEC. 2. That section five of said above mentioned act be and the same is hereby amended to read as follows:

County treasurer to turn over collections weekly.

Sec. 5. All such city taxes collected shall belong to such city, and the county treasurer shall turn over all such taxes so collected to the city treasurer on Monday in each week and take a receipt therefor in duplicate, and at the same time he shall certify to the city comptroller the amounts of taxes so collected and turn over and deliver with such certificate one copy of the receipt of the city treasurer therefor. The county treasurer shall also render to the city comptroller on each Monday between the first day of January and the first day of May a statement of all taxes collected for such city during the preceding week.

County treasurer to report to city comptroller.

SEC. 3. That section nine of said above mentioned act be and the same is hereby amended to read as follows:

Act to supersede conflicting provisions.

Sec. 9. This act shall supersede all conflicting provisions of law or charters of cities of the first class relating to the assessment, equalization and collection of general taxes for municipal purposes: *Provided*, That in counties having cities of the first class the city council thereof shall select a committee of three members of such council to act with the board of county commissioners as a board of equalization, and shall have the powers and perform the duties concerning the equalization of assessments in their respective cities that are given to the county boards of equalization by the general revenue laws of the state. The city council may provide for the compensation of the members of the committee for the time they are actually engaged as members of the board of equalization.

Assessments, equalization of.

SEC. 4. That section ten of said above mentioned act be and the same is hereby amended to read as follows:

Sec. 10. Each city shall pay the county one thousand dollars per annum for clerk hire.

SEC. 5. Whereas, the existing law on the subject of this act is inadequate, an emergency is declared to exist, and this act shall take effect from and after its passage and approval.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

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## CHAPTER CLXI.

[H. B. No. 34.]

### SALARIES OF COUNTY OFFICERS.

AN ACT to amend sections three to thirty-one, both inclusive, of an act entitled "An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries," received by the governor March 26, A. D. 1890.

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

SECTION 1. That section three of an act entitled "An act classifying the counties according to population, enumerating the county officers, fixing the salaries thereof, providing for deputies, collection of fees and payment of salaries," be and the same is hereby amended to read as follows:

#### COUNTIES OF THE FIRST CLASS.

Sec. 3. County auditor, twenty-four hundred dollars; county clerk, twenty-two hundred dollars; county treasurer, twenty-five hundred dollars; county sheriff, twenty-four hundred dollars; county attorney, twenty-two hundred dollars; county superintendent of common schools, two thousand dollars; county commissioners, one thousand dollars per annum and necessary expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, one thousand per annum.

SEC. 2. That section four of said act be amended to read as follows:

COUNTIES OF THE SECOND CLASS.

Sec. 4. County auditor, twenty-four hundred dollars; county clerk, twenty-two hundred dollars; county treasurer, twenty-five hundred dollars; county sheriff, twenty-four hundred dollars; county attorney, twenty-two hundred dollars; county superintendent of common schools, two thousand dollars; county commissioners, one thousand dollars per annum and expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, one thousand dollars per annum.

SEC. 3. That section five of said act be amended to read as follows:

COUNTIES OF THE THIRD CLASS.

Sec. 5. County auditor, nineteen hundred dollars; county clerk, nineteen hundred dollars; county treasurer, two thousand dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, eighteen hundred dollars; county commissioners, \$800 per annum and necessary expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, \$1,000 per annum.

SEC. 4. That section six of said act be amended to read as follows:

COUNTIES OF THE FOURTH CLASS.

Sec. 6. County auditor, nineteen hundred dollars; county clerk, nineteen hundred dollars; county treasurer, two thousand dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, eighteen hundred dollars; county commissioners, \$800 per annum and necessary expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, one thousand dollars per annum.

SEC. 5. That section seven of said act be amended to read as follows:

## COUNTIES OF THE FIFTH CLASS.

Sec. 7. County auditor, nineteen hundred dollars; county clerk, nineteen hundred dollars; county treasurer, two thousand dollars; county sheriff, nineteen hundred dollars; county attorney nineteen hundred dollars; county superintendent of common schools, eighteen hundred dollars; county commissioners, \$800 per annum and necessary expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, one thousand dollars per annum.

SEC. 6. That section eight of said act be amended to read as follows:

## COUNTIES OF THE SIXTH CLASS.

Sec. 8. County auditor, nineteen hundred dollars; county clerk, eighteen hundred dollars; county treasurer, nineteen hundred dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, two thousand dollars; county commissioners, \$800 per annum and necessary expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, \$800 per annum.

SEC. 7. That section nine of said act be amended to read as follows:

## COUNTIES OF THE SEVENTH CLASS.

Sec. 9. County auditor, nineteen hundred dollars; county clerk, eighteen hundred dollars; county treasurer, nineteen hundred dollars; county sheriff, nineteen hundred dollars; county attorney, nineteen hundred dollars; county superintendent of common schools, two thousand dollars; county commissioners, \$800 per annum and necessary expenses; county assessor, fifteen hundred dollars; county surveyor, five dollars per day; county coroner, \$800 per annum.

SEC. 8. That section ten of said act be amended to read as follows:

## COUNTIES OF THE EIGHTH CLASS.

Sec. 10. County auditor, sixteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, eighteen hundred dollars; county sheriff, sixteen hundred

dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, twelve hundred dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 9. That section eleven of said act be amended to read as follows:

COUNTIES OF THE NINTH CLASS.

Sec. 11. County auditor, sixteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, eighteen hundred and fifty dollars; county sheriff, sixteen hundred dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, twelve hundred dollars; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 10. That section twelve of said act be amended to read as follows:

COUNTIES OF THE TENTH CLASS.

Sec. 12. County auditor, sixteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, eighteen hundred dollars; county sheriff, sixteen hundred dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, twelve hundred dollars per annum; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 11. That section thirteen of said act be amended to read as follows:

COUNTIES OF THE ELEVENTH CLASS.

Sec. 13. County auditor, sixteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, eighteen hundred dollars; county sheriff, sixteen hundred dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county

commissioners, four dollars per day; county assessor, twelve hundred dollars per annum; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 12. That section fourteen of said act be amended to read as follows:

COUNTIES OF THE TWELFTH CLASS.

Sec. 14. County auditor, sixteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, eighteen hundred dollars; county sheriff, sixteen hundred dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, twelve hundred dollars per annum; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 13. That section fifteen of said act be amended to read as follows:

COUNTIES OF THE THIRTEENTH CLASS.

Sec. 15. County auditor, sixteen hundred dollars; county clerk, fifteen hundred dollars; county treasurer, eighteen hundred dollars; county sheriff, sixteen hundred dollars; county attorney, sixteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, twelve hundred dollars per annum; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 14. That section sixteen of said act be amended to read as follows:

COUNTIES OF THE FOURTEENTH CLASS.

Sec. 16. County auditor, fifteen hundred dollars; county clerk, fourteen hundred dollars; county treasurer, fifteen hundred dollars; county sheriff, fifteen hundred dollars; county attorney, fourteen hundred dollars; county superintendent of common schools, twelve hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 15. That section seventeen of said act be amended to read as follows:

COUNTIES OF THE FIFTEENTH CLASS.

Sec. 17. County auditor, fourteen hundred and fifty dollars; county clerk, thirteen hundred and fifty dollars; county treasurer, fourteen hundred and fifty dollars; county sheriff, fourteen hundred and fifty dollars, county attorney, thirteen hundred dollars; county superintendent of common schools, eleven hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 16. That section eighteen of said act be amended to read as follows:

COUNTIES OF THE SIXTEENTH CLASS.

Sec. 18. County auditor, fourteen hundred dollars; county clerk, thirteen hundred dollars; county treasurer, fourteen hundred dollars; county sheriff, fourteen hundred dollars; county attorney, twelve hundred dollars; county superintendent of common schools, one thousand dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 17. That section nineteen of said act be amended to read as follows:

COUNTIES OF THE SEVENTEENTH CLASS.

Sec. 19. County auditor, thirteen hundred and fifty dollars; county clerk, eleven hundred dollars; county treasurer, thirteen hundred and fifty dollars; county sheriff, thirteen hundred and fifty dollars; county attorney, nine hundred dollars; county superintendent of common schools, seven hundred and fifty dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 18. That section twenty of said act be amended to read as follows:

## COUNTIES OF THE EIGHTEENTH CLASS.

Sec. 20. County auditor, thirteen hundred and fifty dollars; county clerk, eleven hundred dollars; county treasurer, thirteen hundred and fifty dollars; county sheriff, thirteen hundred and fifty dollars; county attorney, nine hundred dollars; county superintendent of common schools, seven hundred and fifty dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 19. That section twenty-one of said act be amended to read as follows:

## COUNTIES OF THE NINETEENTH CLASS.

Sec. 21. County auditor, fourteen hundred dollars; county clerk, twelve hundred dollars; county treasurer, twelve hundred dollars; county sheriff, twelve hundred dollars; county attorney, eight hundred and fifty dollars; county superintendent of common schools, seven hundred and fifty dollars; county commissioners, four dollars per day; county assessor four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 20. That section twenty-two of said act be amended to read as follows:

## COUNTIES OF THE TWENTIETH CLASS.

Sec. 22. County auditor, fourteen hundred dollars; county clerk, twelve hundred dollars; county treasurer, twelve hundred dollars; county sheriff, thirteen hundred dollars; county attorney, eight hundred and fifty dollars; county superintendent of common schools, seven hundred and fifty dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 21. That section twenty-three of said act be amended to read as follows:

## COUNTIES OF THE TWENTY-FIRST CLASS.

Sec. 23. County auditor, thirteen hundred dollars; county clerk, eleven hundred dollars; county treasurer,

eleven hundred and fifty dollars; county sheriff, twelve hundred dollars; county attorney, six hundred dollars; county superintendent of common schools, seven hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 22. That section twenty-four of said act be amended to read as follows:

COUNTIES OF THE TWENTY-SECOND CLASS.

Sec. 24. County auditor, ten hundred and fifty dollars; county clerk, nine hundred dollars; county treasurer, nine hundred dollars; county sheriff, ten hundred and fifty dollars; county attorney, six hundred dollars; county superintendent of common schools, six hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 23. That section twenty-five of said act be amended to read as follows:

COUNTIES OF THE TWENTY-THIRD CLASS.

Sec. 25. County auditor, one thousand and fifty dollars; county clerk, nine hundred dollars; county treasurer, nine hundred dollars; county sheriff, one thousand and fifty dollars; county attorney, six hundred dollars; county superintendent of common schools, six hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 24. That section twenty-six of said act be amended to read as follows:

COUNTIES OF THE TWENTY-FOURTH CLASS.

Sec. 26. County auditor, nine hundred dollars; county clerk, eight hundred dollars; county treasurer, nine hundred dollars; county sheriff, nine hundred dollars; county attorney, four hundred dollars; county superintendent of common schools, five hundred dollars; county commissioners, four dollars per day; county assessor, four dollars

per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 25. That section twenty-seven of said act be amended to read as follows:

COUNTIES OF THE TWENTY-FIFTH CLASS.

Sec. 27. County auditor, nine hundred dollars; county clerk, eight hundred dollars; county treasurer, nine hundred dollars; county sheriff, nine hundred dollars; county attorney, four hundred dollars; county superintendent of common schools, five hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 26. That section twenty-eight of said act be amended to read as follows:

COUNTIES OF THE TWENTY-SIXTH CLASS.

Sec. 28. County auditor, eight hundred dollars; county clerk, six hundred dollars; county treasurer, \$750 dollars; county sheriff, eight hundred dollars; county attorney, four hundred dollars; county superintendent of common schools, four hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 27. That section twenty-nine of said act be amended to read as follows:

COUNTIES OF THE TWENTY-SEVENTH CLASS.

Sec. 29. County auditor, seven hundred dollars; county clerk, four hundred and fifty dollars; county treasurer, six hundred dollars; county sheriff, six hundred dollars; county attorney, one hundred and fifty dollars; county superintendent of common schools, two hundred and fifty dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 28. That section thirty of said act be amended to read as follows:

## COUNTIES OF THE TWENTY-EIGHTH CLASS.

Sec. 30. County auditor, six hundred dollars; county clerk, four hundred dollars; county treasurer, six hundred dollars; county sheriff, six hundred dollars; county attorney, one hundred and fifty dollars; county superintendent of common schools, two hundred dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 29. That section thirty-one of said act be amended to read as follows:

## COUNTIES OF THE TWENTY-NINTH CLASS.

Sec. 31. County auditor four hundred dollars; county clerk, two hundred and fifty dollars; county treasurer, three hundred dollars; county sheriff, three hundred dollars; county attorney, one hundred fifty dollars; county superintendent of common schools, one hundred and fifty dollars; county commissioners, four dollars per day; county assessor, four dollars per day; county surveyor, five dollars per day; county coroner, such fees as are allowed by law.

SEC. 30. All officers paid a per diem under the provisions of this act shall only be paid for the time actually and necessarily spent in the discharge of their duties. No superintendent of common schools shall receive any compensation for his services other than the salary fixed by this act.

Passed the house March 8, 1895.

Passed the senate March 12, 1895.

Approved March 20, 1895.

## CHAPTER CLXII.

[H. B. No. 621.]

## RELATING TO PUBLIC ROADS.

AN ACT providing for levying and collecting taxes in road districts for road purposes, and limiting the use of the same; providing that persons owning property in this state, outside of incorporated towns and cities, shall be entitled to pay in labor, road taxes levied thereon, and amending sections 2, 5, 7, 9 and 10, and repealing sections 11 and 13 of "An act relating to the construction, repair and improvement of public roads, providing revenue for such purpose; defining the powers and duties of certain officers in relation thereto, and fixing their compensation;" and to repeal an act entitled "An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency," approved March 7, 1890, and declaring an emergency.

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

SECTION 1. That at the time and place of holding the annual election of road supervisors, the electors of any road district in this state may levy by vote for road and bridge purposes, a tax of not less than one mill on the dollar, and not more than ten mills on the dollar, upon all taxable property in said road district. When voting for road tax, as provided in this act, each elector shall write upon his ballot the words "For tax," and shall write thereafter the amount of tax which, in his judgment, should be raised, which amount shall not be more than ten mills on the dollar, or less than one mill on the dollar, on the assessed valuation for previous year of all property within his road district. In canvassing said ballots all amounts so voted shall be added together, and the sum so obtained shall be divided by the number of ballots so voted. The quotient so obtained shall be the amount voted at such election, and shall be the amount to be certified to the board of county commissioners as provided in this act. The judges of such election shall certify the amount of tax so voted to the board of county commissioners of the county in which said road district is situated, in the manner provided for making road district election returns. When road district election returns have been canvassed

Road tax,  
how levied.

by the board of county commissioners, they shall certify road district tax as therein appearing to the county auditor.

Commissioners to levy, when.

SEC. 2. If any road district in this state shall fail to levy a tax by vote, as provided in this act, it shall be the duty of the board of county commissioners of the county in which such road district may be situated, to immediately levy a tax of not less than one mill on the dollar, and not more than six mills on the dollar, upon all taxable property in said road district for road and bridge purposes in said district, and shall certify the tax so levied to the county auditor.

Auditors to place on rolls.

SEC. 3. When taxes shall have been levied upon the road districts of this state, as provided in sections one and two of this act, and the same shall have been certified to the county auditors of this state as therein provided, said county auditors shall extend such taxes upon the tax rolls of their counties against all of the taxable property of the several road districts therein in the same manner in which other taxes are extended.

Taxes, how collected.

SEC. 4. Taxes provided in this act shall be collected in the same manner as other taxes are collected, and when so collected the proceeds thereof shall be placed by the county treasurers of the different counties to the credit of the road district fund of the road district in which the property upon which the tax was levied was situated.

Taxes applied, how and to what purpose.

SEC. 5. The proceeds from all taxes provided by this act for any road district shall be applied, under the direction of the road supervisor of said road district, only to the building and maintaining of public roads and bridges within said road district: *Provided*, That when so decided by a majority vote of all of the electors of said road district, such part of said taxes as may be so decided may be expended in an adjoining road district.

Labor, who to perform.

SEC. 6. Every person owning real estate or personal property in this state, outside of the limits of incorporated towns and cities, shall be entitled to perform labor on the public roads in the road district in which the same may be situated, in payment of all road taxes provided by this act.

SEC. 7. Every person who desires to perform labor on

the public roads in the district in which he owns property subject or liable to property road tax, must, on or before the first day of January, notify the road supervisor in writing that he desires to perform such labor on the public roads, and shall give the road supervisor a particular description of the real property owned by him, which description shall be sufficiently accurate to enable the property to be identified on the tax rolls.

Labor, notice given, when.

SEC. 8. The road supervisor shall annually, between the first day of January and the first day of February, prepare a list of all persons owning real or personal property within his road district who desire to perform labor on the public roads in payment of road property tax, as provided in this act. On or before the first day of February the road supervisor shall send such list to the county treasurer of the county in which his road district is situated.

List prepared, when.

SEC. 9. Upon receipt by the county treasurer of the list provided for by section seven of this act, said county treasurer shall enter thereon: *First*, the tax levied, under sections one and two of this act, upon the personal property of each person named therein; *second*, shall enter opposite the description of each piece and parcel of land thereon the amount of road tax levied against the same under sections one and two of this act.

Treasurer, duties of.

SEC. 10. On or before the first day of March the county treasurer shall return lists completed, as provided in section nine of this act, to road supervisors from whom they were received. The road supervisor shall allow any person whose name appears upon such lists to perform work upon the public roads in his district to an amount equal to the aggregate amount of tax levied against his real and personal property as appearing upon said lists: *Provided*, That such persons appear at the time and place required by the road supervisor to perform such work.

Treasurer to furnish lists to supervisors.

SEC. 11. On the return of such list to the road supervisor by the county treasurer the road supervisor shall give each person named therein at least three days' notice of the time and place when and where he will be required to appear to perform labor on the public roads in the district, and, if necessary, the road supervisor may require any per-

Supervisor to give notice.

son to furnish a team and wagon, plow, scraper or other implement for the use of the roads in such district, and every person who appears and performs labor on the public roads in the district in which he resides or owns property, as herein provided, shall be allowed two dollars per day for his personal services and four dollars per day for his personal services with the services of a team and wagon, plow, scraper or such other implement he has been required to furnish with team for use of the public roads. All persons required to perform labor on the roads under the provisions of this act shall appear at the time and place designated by the road supervisor and shall perform eight hours of faithful and diligent labor in each day, at such labor and in such manner as the road supervisor may direct.

Supervisor  
to issue  
certificate.

SEC. 12. The road supervisor shall give to each person performing labor on the public roads, according to the two preceding sections, a certificate, stating therein the name of the person, the number of days he has been employed and the total amount due him for labor on the public roads, according to the provisions of said sections of this act. The certificate issued by the road supervisor, as herein provided, shall be received by the county treasurer in payment on the property road tax charged on the tax rolls of the county for the previous year against the property of the person to whom it was issued.

Supervisor,  
when elected.

SEC. 13. Section two of "An act relating to the construction, repair and improvement of public roads, providing revenue for such purpose, defining the powers and duties of certain officers in relation thereto, and fixing their compensation; and to repeal an act entitled 'An act to provide for keeping highways in repair, and for the levy and collection of road poll and road property taxes, and declaring an emergency,' approved March 7, 1890, and declaring an emergency," be and the same is hereby amended to read as follows: Sec. 2. There shall be elected in the several counties in this state, at the hour of two o'clock P. M., on the first Saturday in September, in the year eighteen hundred and ninety-five, and on the first Saturday in September annually thereafter, a road supervisor in each road district,

who shall hold office for one year from and after the first Monday in January next succeeding his election, and until his successor is elected and qualified. At least ten days prior to the election herein provided for, the road supervisor of each district shall post and cause to be posted notices of the time and place when and where such election will be held. At such election the road supervisor shall, if present, act as chairman and judge; but if the supervisor is not present, the voters shall elect one of their number, who shall be a taxpayer in the district, as chairman and judge, and they shall also select a clerk of election, who shall act as judge also, shall be a taxpayer in the district. The voters present shall select a third person to act as judge, who shall likewise be a taxpayer in the district. All qualified electors in the district may vote at such election, and the person receiving the highest number of votes at such election shall be declared elected as road supervisor. The clerk of election shall keep a record of the proceedings at such election. The chairman and clerk of such meeting shall, within three days thereafter, certify the result of such election to the board of county commissioners, who shall canvass the returns in the same manner that the returns of any general or special election are canvassed. The ballots cast at such election shall be returned to the county commissioners with the returns of such election, and if the county commissioners have reason to believe that the return of such election has not been properly made and the result correctly returned to them, they may recount the ballots and declare the result of such election. If any road district shall fail to elect a road supervisor as hereinbefore provided, it shall be the duty of the county auditor to report to the board of county commissioners at their next regular December meeting, all districts which have failed to elect road supervisors at the time hereinbefore provided, and the board of county commissioners shall, at such meeting, appoint supervisors to fill all vacancies in such road districts: *Provided*, That any road supervisor who has failed to post or cause to be posted the notice of election for road supervisor as hereinbefore provided, shall not be eligible to appointment by the board of

Electors.

Commissioners to canvass votes.

Auditor, duty of.

Supervisors, when and how appointed.

Bonds.

county commissioners. All road supervisors elected or appointed under the provisions of this act shall give their official bond in such sum as the board of county commissioners may fix, conditioned that they will faithfully perform all the duties required by law or the orders of the county commissioners, and that they will account for all money received by them in their official capacity, and they shall take the usual oath of office. The bond and oath of office required to be filed by road supervisors shall be filed within twenty days after they receive notice of their election or appointment from the county auditor, and when such bond and oath of office is filed and the bond approved by the county auditor as clerk of the board of county commissioners, the county auditor shall furnish to each road supervisor a certificate that such bond and oath of office has been filed and the bond approved, and such certificate shall authorize the person to whom it is issued to perform the duties and exercise the powers of road supervisor for the district in and for which he has been elected or appointed.

General road  
and bridge  
fund.

SEC. 14. Section five of the above entitled act be and is hereby amended to read as follows: Sec. 5. The board of county commissioners shall annually, at the time of making the tax levy for county purposes, levy a tax of not more than three mills on the dollar of all of [the] taxable property in the county for a general road and bridge fund, from which fund they shall order paid such sums as may be found necessary for the construction, repair and improvement of bridges and such roads as all of the inhabitants in the county are interested in, or to assist weak and impoverished districts in keeping their roads in repair.

Road poll  
tax, how  
collected.

SEC. 15. Section seven shall be amended and the same is hereby amended to road as follows: Sec. 7. Between the first day of March and the first day of December, the road supervisors shall demand from each and every person in his road district, liable for road poll tax for the year, the amount due from each person as such road poll tax. If any person liable for the road poll tax herein required to be assessed and collected, refuse to pay the same when demanded by the road supervisor, and such person is in the employ of

any person, firm, corporation or company in such district, the road supervisor shall ascertain from said person, firm, corporation or company whether or not such person refusing to pay such poll tax has earned and there yet remains unpaid a sum of money sufficient to pay said road poll tax, and if he finds that a sufficient sum is due to pay such road poll tax and the necessary costs of suit he shall forthwith file with the nearest justice of the peace a statement setting forth the facts as above, and thereupon the justice shall immediately issue a summons to such person refusing to pay said road poll tax, directing him to appear before such justice as provided by law and show cause why judgment should not be entered against him for such sum. The constable serving the summons upon the person refusing to pay said road poll tax shall at the same time serve the person, firm, corporation or company in whose employ such person may be, with a summons to appear before such justice at the same time as the party summoned as defendant, to answer touching their liability as a garnishee defendant. The justice upon the trial, unless a good defense is shown, shall enter judgment against such person refusing to pay such road poll tax, for the amount thereof and for the costs of such suit, and shall also enter judgment against the garnishee defendant for the amount of such judgment and costs, and if such amount is found to be due to such person from such garnishee defendant, and no exemption shall be allowed such person in such action as provided by law in civil actions for debt.

SEC. 16. That section nine be and the same is hereby amended to read as follows: Sec. 9. The road supervisor shall, annually, between the first day of April and the first day of December, put his roads in his district in as good repair as the money and labor at his disposal will permit. He shall pay in to the county treasurer, within thirty days from the time of its collection all money collected by him, as hereinbefore provided, due from residents of his road district on account of road poll tax, and shall take the receipt of the county treasurer in duplicate therefor. The road supervisor shall give all persons who have not paid their road poll tax in money, at least three days' notice in

Supervisors,  
duty of.

writing or in person, when and where he will be required to appear and to perform labor on the public roads, in the district, in payment of his road poll tax, and every person who shall appear at the hour of eight o'clock A. M. and perform eight hours faithful and diligent labor on the public roads under the direction of the road supervisor, shall be entitled to a credit of two dollars per day for his personal labor, and if required to furnish a team and a wagon, plow, or other implement for use on the public roads, he shall be entitled to a credit of four dollars per day for his labor with such team and wagon, plow or other implement when furnished with team: *Provided*, That when employing persons on the public roads in his district under the provisions of this section the road supervisor shall warn not less than five men to appear on any one day.

Per diem of laborers.

Blank receipts, when and by whom furnished.

SEC. 17. That section ten be and the same is hereby amended to read as follows: Sec. 10. The county auditor shall, on or before the first Monday in April in each year, deliver to each road supervisor road poll tax receipts in blank, and shall charge the road supervisor with four dollars for each road poll tax receipt so delivered to him. All such blank receipts shall be provided with stubs properly printed for the easy keeping of the record of issuance of same. Such blank road poll tax receipts shall be of two kinds or forms, one of which shall be used or given when road poll tax shall have been paid in money; when road poll tax shall have been paid in labor, another kind or form of road poll tax receipt shall be used or given. Each kind of road poll tax receipt shall be printed upon paper of a different color from that upon which the other kind of road poll tax receipt may be printed. Each road poll tax receipt shall state plainly in the printed matter upon its face and upon its stub whether the road poll tax, for which it was given, was paid in money or labor. Such road poll tax receipt shall be numbered, and shall be signed with the official signature of the county auditor, and shall bear his official seal. The county auditor shall give the road supervisor credit for each of said road poll tax re-

ceipts returned to him in blank at the time of his final settlement, as herein provided.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 21, 1895.

## CHAPTER CLXIII.

[H. B. No. 524.]

### GENERAL APPROPRIATIONS.

AN ACT making appropriations for sundry civil expenses of the state government for the fiscal term beginning April 1, 1895, and ending March 31, 1897, and also for salaries and expenses of the fourth legislature, and for deficiency for the agricultural college.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any moneys from the several funds of the state treasury, for the payment of the salaries provided by law for certain officers and employes of the state, and for other purposes hereinafter expressed, for the fiscal term beginning April 1, 1895, and ending March 31, 1897, viz.:

#### OUT OF THE GENERAL FUND.

For salaries [salary] of the governor, at \$4,000 per year.....	\$8,000	Governor and clerks.
For private secretary of governor, at \$1,500 per year.....	3,000	
For stenographer in the governor's office, at \$720 per year..	1,440	
For postage, stationery, etc., at \$750 per year.....	1,500	
Total for governor's office .....	<u>\$13,940</u>	
For lieutenant governor's salary, at \$1,000 per year.....	<u>\$2,000</u>	
For salary of secretary of state, at \$2,500 per year.....	\$5,000	Secretary of state and clerks.
For salary of chief clerk of secretary of state, \$1,500 per year.....	3,000	
For salary of recording clerk, secretary of state, \$1,000 per year .....	2,000	
For salary of bookkeeper, office of secretary of state, \$1,000 per year.....	2,000	
For salary of clerk in insurance department, secretary of state, \$1,500 per year.....	3,000	

	Traveling expenses in insurance department, \$200 per year.....	\$400
	For postage and incidental expenses, secretary of state, \$750 per year.....	1,500
	For distribution of session laws, supreme court reports and journals, \$250 per year.....	500
	For messenger, secretary of state's office, \$500 per year.....	1,000
	Total for secretary of state's office.....	<u>\$18,400</u>
Auditor and clerks.	For salary of state auditor, at \$2,000 per year.....	\$4,000
	For salary of deputy state auditor, \$1,500 per year.....	3,000
	For salary of clerk in office of state auditor, \$1,000 per year.....	2,000
	For bookkeeper in auditor's office, \$1,000 per year.....	2,000
	For stenographer in auditor's office, \$900 per year.....	1,800
	For postage in auditor's office, \$250 per year.....	500
	For telegraph and incidental expenses, state auditor's office, \$250 per year.....	500
	For expressage and expenses in distributing revenue forms, \$350 per year.....	700
	Total for office of state auditor.....	<u>\$14,500</u>
Treasurer and clerks.	For salary of state treasurer, \$2,000 per year.....	\$4,000
	For salary of deputy state treasurer, \$1,500 per year.....	3,000
	For extra clerical help, \$600 per year.....	1,200
	For postage, stationery and incidentals in office of state treasurer, \$500 per year.....	1,000
	Total for state treasurer's office.....	<u>\$9,200</u>
Land commissioner and clerks.	For salary of commissioner of public lands, at \$2,000 per year.....	\$4,000
	For salary of chief clerk, \$1,500 per year.....	3,000
	For bookkeeper, \$1,200 per year.....	2,400
	For engineer, \$1,500 per year.....	3,000
	For postage and incidental expenses, \$400 per year.....	800
	For traveling expenses, state land commissioners, \$750 per year.....	1,500
	For procuring plats and abstracts of entries, etc., from the United States land office and departments, \$250 per year.....	500
	For advertising sale of tide lands, sec. 13, Laws of 1891, relating to such sales, \$250 per year.....	500
	For contingent fund, including clerk hire and witness fees for defending state's title to school and granted lands before the several United States land offices.....	6,000
	Total for the office of public lands and state land commission.....	<u>\$21,700</u>
Superintendent and clerks.	For salary of superintendent of public instruction, \$2,500 per year.....	\$5,000
	For clerk hire, superintendent's office, \$500 per year.....	1,000

For traveling expenses superintendent, \$500 per year.....	\$1,000	
For postage, expressage and telegraphing, \$250 per year..	500	
For incidental expenses, record book and stationery, \$250 per year .....	500	
Total for office superintendent public instruction.....	<u>\$8,000</u>	
For salary of attorney general, at \$2,000 per year.....	\$4,000	Attorney general and clerks.
For salary of assistant attorney general, at \$1,800 per year..	3,600	
For traveling expenses of attorney general, \$750 per year..	1,500	
For stationery, postage and incidentals, \$200 per year .....	400	
For stenographic work, \$500 per year.....	1,000	
Total for the office of attorney general.....	<u>\$10,500</u>	
For expenses of state board of education, at \$1,000 per year..	\$2,000	Board of education.
For salaries of the judges of supreme court, each at \$4,000 per year.....	\$40,000	Supreme court and officers.
Salary of clerk of supreme court, at \$2,000 per year.....	4,000	
Salary of supreme court reporter, \$1,800 per year.....	3,600	
Contingent expenses supreme court, \$3,500 per year.....	7,000	
Total for supreme court.....	<u>\$54,600</u>	
For salary of fish commissioner, at \$2,000 per year.....	\$4,000	Fish com- missioner.
For salary of deputy fish commissioner, at \$750 per year....	1,500	
For traveling and incidental expenses of fish commissioner and deputies, \$1,000 per year.....	2,000	
Total for office of fish commissioner.....	<u>\$7,500</u>	
For salaries of superior court judges, at \$1,500 each per year.....	\$72,000	Superior judges.
For traveling expenses of judges of the superior court in counties where a judge is judge of more than one county, in traveling between the county seats within his juris- diction, to be paid upon the certificate of said judges, at \$500 per year.....	1,000	
Total for salaries and expenses of superior judges....	<u>\$73,000</u>	
For salary of state librarian, at \$1,500 per year.....	\$3,000	Librarian.
For salary of assistant state librarian, \$800 per year.....	1,600	
Postage and incidental expenses, \$250 per year.....	500	
Total salary and expenses, state librarian.....	<u>\$5,100</u>	
For the public printing and binding.....	\$50,000	
For the maintenance of state board of horticulture.....	7,000	
For expenses in transporting insane persons to hospitals for the insane.....	12,000	
For expenses in transporting convicts to the state peni- tentiary .....	18,000	
For transporting juvenile offenders to the state reform school.....	3,500	
For cost bills in convictions for felony before the superior courts, chargeable against the state.....	30,000	

For extradition expenses.....	\$5,000
For rent of state offices from T. I. McKenny, to include janitor service, water and heating, according to the terms of an act approved March 7, 1891, at \$6,600 per year.....	13,200
For lighting state offices, \$1,050 per year.....	2,100
For rewards authorized to be paid by the governor in certain cases .....	2,000
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For salaries of two coal mine inspectors, at \$1,500 per year each.....	\$6,000
For traveling and incidental expenses of coal mine inspectors, \$500 per year.....	1,000
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Total salaries and expenses, coal mine inspectors.....	\$7,000
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For salaries and expenses of the state [ board ] of health, \$2,000 per year.....	\$4,000
For publishing the governor's proclamations.....	1,000
Salaries state land commissioners, \$2,000 per year each.....	8,000
Clerk hire, state land commissioners, \$2,100 per year.....	4,200
For expenses of appraisalment and sale of school and other state lands.....	13,000
For payment of land office fees.....	2,000
For fees of agents in selecting state lands.....	13,000
For the maintenance of the Western Washington hospital for the insane.....	160,000
For the maintenance of the Eastern Washington hospital for the insane.....	100,000
For the maintenance of the state penitentiary.....	135,000
For the revolving fund of the state penitentiary.....	\$50,00
For the maintenance of the state reform school.....	65,000
For the maintenance of the school for defective youth and feeble minded .....	65,763
For the maintenance of the state university.....	90,000
<i>Provided</i> , That of this sum, the sum of \$25,000 shall be returned to the general fund of this state from the proceeds of the first sales or bonding of the University of Washington lands.	
For the maintenance of the Cheney normal school, at \$14,000 per year.....	28,000
For the maintenance of the Ellensburg state normal school, at \$14,000 per year.....	28,000
For maintenance of the agricultural college.....	25,000
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OUT OF THE STATE LIBRARY FUND.	
For the purchase of books and maps for the state library, \$1,000 per year.....	2,000
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OUT OF THE GENERAL FUND.	
For the maintenance of state fair, \$2,500 per year.....	5,000
For the survey of ten or more townships, to be selected by the governor, under the sundry civil act of congress of 1894 .....	20,000

For indexing session laws.....	\$200
For indexing house journal.....	225
For indexing senate journal.....	200
For publishing constitutional amendments.....	1,500
For the purchase of three hundred copies each of volumes 10, 11, 12, 13, 14, 15, Washington reports, or as much thereof as may be necessary.....	4,500
For Olympia water works, 1895 and 1896, water for build- ing and grounds at \$50 per year.....	100
For maintenance of national guard from April 1, 1895, to March 31, 1897, at \$20,000 per year.....	40,000

That there be and hereby is appropriated from the general fund of the state not otherwise appropriated the sum of (\$7,000) seven thousand dollars for the purpose of defraying the expenses of the present legislature.

That there be and is hereby appropriated from the general fund the sum of \$10,000 to be used by the governor in suppressing riots, insurrections or invasions, and for this purpose only.

*Provided*, That no appropriation made by this bill shall be available or drawn from the state treasury until the proper vouchers have been filed showing that the sums to be drawn have been actually used for lawful purposes.

Passed the house March 9, 1895.

Passed the senate March 13, 1895.

Approved March 21, 1895.

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## CHAPTER CLXIV.

[H. B. No. 511.]

### EXPERIMENTS WITH SUGAR BEETS.

AN ACT providing for the further experimentation with sugar beets in the State of Washington, and providing for an appropriation for the same.

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

[SECTION 1.] That in order to demonstrate more clearly and fully the adaptability of our state to the production of sugar from beets, there shall be carried on by the Washington agricultural college, school of science and experiment station, a series of experiments with the sugar beet

directed to this end, embracing principally the following points:

1. Field experiments with special reference to yield per acre and cost of production.
2. Determination of exact meteorological conditions under which beets are produced.
3. Systematic experiments with the sugar beet in the irrigated district of the state.
4. Experiments in the production of home grown seed.
5. Experiments to determine the minimum length of time required for maturing the beet in different parts of the state.

SEC. 2. Fifteen hundred dollars (1,500) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the provisions of this act; said money to be expended under the direction of the board of control of the experiment station.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 22, 1895.

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## CHAPTER CLXV.

[H. B. No. 291.]

### RELATING TO THE ORGANIZATION AND GOVERNMENT OF IRRIGATION DISTRICTS.

AN ACT to amend an act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, and declaring an emergency, the same being sections 1, 2, 4, 10, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 38, 39, 40, 42, 59 and 70, approved March 20th, 1890, and declaring an emergency.

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

SECTION 1. Section one of an act providing for the organization and government of irrigation districts and sale of bonds arising therefrom, and declaring an emergency, and approved March 20th, 1890, shall be amended to read

as follows: Whenever fifty or a majority of holders of title or evidence of title holding land susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for irrigation of the same, they may propose the organization of an irrigation district under the provisions of this chapter; and when so organized, such district shall have the power conferred, or that may hereafter be conferred, by law upon such irrigation district.

SEC. 2. Section two is hereby amended to read as follows: A petition shall first be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof is situated, signed by the required number of holders of title or evidence of title to land in said district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same may be organized under the provisions of this chapter. Petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of county commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Such petition shall be presented at a regular meeting of the said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together with a notice stating the time of meeting at which the same will be presented. When such petition is presented to [the] said board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all; and on the final hearing may make such changes in the proposed boundaries as they may find to be proper; and shall establish and define such boundaries: *Providing*, That said board shall not modify said boundaries so as to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works ap-

Majority to determine.

Petition, signed by whom.

Bonds required.

Petition to be published, how.

Commissioners to establish boundaries.

plicable to the other lands in such proposed district. Nor shall any lands which will not, in the judgment of said board, be benefited by irrigation by said system, or which have a sufficient water supply for irrigation from any source, be included within such district: *Provided*, That any person whose lands are susceptible of irrigation from the same source shall, upon application of the owner to said board, be entitled to have such lands included in such district: *Provided further*, That any district already organized may be re-organized in the same manner as new districts may be organized, and if the same petition shall be allowed to elect three directors at large, as provided in the new districts, said board shall also make an order dividing said district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall be elected from each division: *Provided*, That if a majority of holders of titles or evidence of title to land in said district, evidenced as above provided, petition for the formation of the district, the board of county commissioners may, if so requested in the petition, order that the three directors for such district may be elected by the district at large. Said board of county commissioners shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this chapter, which notice shall describe boundaries so established, and shall designate a name for such proposed district, and said notice shall be published, for at least three weeks prior to such election, in a newspaper published in said county; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words "Irrigation district—Yes," or "Irrigation district—No," or words equivalent thereto; and also the names of persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to vote at any election held under the provisions of this chapter unless he is a qualified elector of said district under the

Districts, reorganization of.

Directors, how elected.

Election, notice given.

Ballots to contain, what.

Electors, qualification of.

election laws of this state, and holds title or evidence of title to land in said district. He shall possess all the qualifications required of electors under this chapter.

SEC. 3. Section four of said act is hereby amended to read as follows: An election shall be held in such district on the first Tuesday in April or May, 1895, and on the first Tuesday in April in each succeeding year thereafter, at which a board of three directors from the district shall be elected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto within ten days after receiving their certificate of election, hereinafter provided. Said officers shall take and subscribe the official oath and file the same in the office of the board of directors, and each member of said board of directors shall execute an official bond for the sum of twenty-five hundred dollars (\$2,500), which said bond shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county clerk thereof and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. The board shall require the secretary to give a bond in the sum of twenty-five hundred dollars, which said bond shall be approved by the judge of the superior court where such organization was effected and shall be recorded in the office of the county clerk.

SEC. 4. Section ten of said act is hereby amended to read as follows: The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show —

*First:* The whole number of votes cast in the district.

*Second:* The names of the persons voted for.

*Third:* The office to fill which each person was voted for.

*Fourth:* The number of votes given in each precinct to each of such persons.

*Fifth:* The number of votes given in each division for the office of director.

The board of directors must declare elected the person

Certificate of election to issue.

having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election signed by him and authenticated with the seal of the board. In case of a vacancy in the office of director the vacancy shall be filled by appointment by the board of county commissioners of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election of said district and until his successor is elected and qualified.

Funds, how provided.

SEC. 5. Section 15 of said act is hereby amended to read as follows: For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and right thereof, and otherwise carrying out the provisions of this chapter, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom, and the board desires [deems] it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised, and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this chapter the question whether or not the bonds of said district in the amount so determined shall be issued.

Notice of election, how given.

Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the

Notice of election to contain, what.

Informality not to invalidate.

election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds—Yes," the board of directors shall immediately cause bonds in that amount to be issued. If a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. And whenever thereafter said board, in its judgment, deems it for the best interests of the district that the question of issuance of bonds for said amount, or any amount, shall be submitted to said electors, it shall so declare said record in its minutes, and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. Said bonds shall be payable in gold coin of the United States, in ten series, as follows, to wit: At the expiration of eleven years, five per cent. of the whole number of bonds; at the expiration of twelve years, six per cent.; at the expiration of thirteen years, seven per cent.; at the expiration of fourteen years, eight per cent.; at the expiration of fifteen years, nine per cent.; at the expiration of sixteen years, ten per cent.; at the expiration of seventeen years, eleven per cent.; at the expiration of eighteen years, thirteen per cent.; at the expiration of nineteen years, fifteen per cent.; at the expiration of twenty years, sixteen per cent., and shall bear interest at the rate of six per cent. per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and secretary. Said bonds shall express upon their face that they were issued by authority of this act, stating its

Question to  
bond, when  
submitted.

Bonds, how  
paid.

Bonds, denom-  
ination of.

Coupons.

Bonds sold,  
secretary  
to keep  
record of.

Assessments,  
when levied.

Reissue of  
bonds, how  
determined.

Bonds, how  
and when sold.

Bonds, notice  
of sale of,  
how given.

title and date of approval, and shall also so state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of the plans of the canals and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments thereof. It shall be lawful for any irrigation districts which have heretofore issued bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board.

SEC. 6. Section 16 of said act is hereby amended to read as follows: The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works, the acquisition of said property and rights, and otherwise to fully carry out the objects and purposes of this chapter: *Provided*, That the board of directors shall have the power to sell the bonds, and accept in payment therefor labor and material necessary for the construction of its proposed canals, if, in their judgment, they deem it best so to do before making any sale. The board shall, at a meeting, by resolution, declare its intention to sell a specified amount of bonds, and the day and hour and place of such sale, and shall cause such resolutions to

be entered in the minutes, and notice of sale to be given by publication thereof at least twenty days in such newspapers as they deem most advantageous. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids: *Provided, however,* That the board shall have the right to sell such bonds, or any of them, at private sale whenever they deem it for the best interest of the district so to do: *Provided further,* That such bonds shall not be sold for less than ninety per cent. of their face value.

SEC. 7. That section 17 of said act is hereby amended to read as follows: Sec. 17. Said bonds and interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this act, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, according to the terms thereof, the holder of said bonds, or any part thereof, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This act shall apply to all bonds heretofore issued, payment for which has not yet been received by

Bonds and interest, how paid.

Bonds, how secured.

Default, penalty for.

the district issuing said bonds, or which may hereafter be issued by districts already formed.

Secretary to  
list property,  
when.

SEC. 8. Section 18 of said act is hereby amended to read as follows: The secretary must, between the first Monday in March and the first Monday in June, in each year, ascertain the value of all real property in such district, from the assessment of said property made by the county assessor and the county board of equalization and the persons who own claims and have possession or control thereof, at its assessed cash value, and he must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district. In such [book] must be specified, in separate columns, under the appropriate headings—

*First:* The name of the person to whom the property is assessed. If the name is not known to the secretary the property shall be assessed to “unknown owners.”

*Second:* Land by township, range, section, or fractional section, and when such land is not a congressional division or subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres.

*Third:* City and town lots, naming the city or town, and the number and block, according to the system of numbering in such city or town.

*Fourth:* The cash value of real estate, other than city or town lots.

*Fifth:* The cash value of city and town lots.

*Sixth:* The total value of all real property assessed.

*Seventh:* The total value of all property after equalization by the board of directors.

*Eighth:* Such other things as the board of directors may require. Any property which may have escaped the payment of any assessment for any year shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

Deputies, and  
compensation  
thereof.

SEC. 9. Section 19 of said act is hereby amended to read as follows: The board of directors must allow the secretary as many deputies, to be appointed by them, as

will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix a compensation of such deputies for the time actually engaged; nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

SEC. 10. Section 20 of such act is hereby amended to read as follows: On or before the first Monday in August, in each year, the secretary must complete his assessment book and deliver it to the board, who must immediately give a notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice, and in the meantime the assessment book must remain in the office of the secretary for the inspection of all persons interested.

Assessment,  
when com-  
pleted.

Assessment,  
equaliza-  
tion of.

SEC. 11. Section 22 of said act is hereby amended to read as follows: The board of directors shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and at the expiration of eleven years after the issuing of bonds by the board must increase said assessment for the ensuing eleven years in the following percentage of the principal of the whole amount of bonds then outstanding, to wit: For the eleventh year, five per cent. of the whole number of bonds; at the expiration of twelve years, six per cent.; at the expiration of thirteen years, seven per cent.; at the expiration of fourteen years, eight per cent.; at the expiration of fifteen years, nine per cent.; at the expiration of sixteen years, ten per cent.; at the expiration of seventeen years, eleven per cent.; at the expiration of eighteen years, thirteen per cent.; at the expiration of nineteen years, fifteen per cent.; at the expiration of twenty years, sixteen per cent. The secretary of the board must compute and enter in a separate column of the assessment book the respective sum in dollars and cents to be paid as an assessment on the property therein enumerated. When collected the assessment shall be paid into

Assessments,  
ratio of  
increase.

Special fund. the county treasury of said county and shall constitute a special fund to be called the "bond fund of irrigation district." In case of neglect or refusal of the board of directors to cause such assessment and levy to be made as in this chapter provided, then the assessment of property made by the county assessor and the county board of equalization shall be adopted, and shall be the basis of assessments for the district; and the board of county commissioners of the county in which the office of the board of directors is situated shall cause an assessment roll for said district to be prepared, and shall make the levy required by this chapter in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by such district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the tax collector and treasurer of the county in which the office of the board of directors is situated must respectively perform such duties, and shall be accountable therefor on their official bonds as in other cases.

Board of directors, delinquency of, and alternative.

Assessment books delivered, and notice published.

SEC. 12. Section 24 of said act is hereby amended to read as follows: On or before the first day of November the secretary must deliver the assessment book to the board of directors of the district, who shall, within twenty days, publish a notice in a newspaper published in each of the counties comprising the district, if there be lands situated in more than one county in such district, that said assessments are due and payable, and will become delinquent at six o'clock P. M. on the 31st day of December next thereafter; and that unless paid prior thereto, five per cent. will be added to the amount thereof, and also the time and place at which payment of assessment may be made. The notice shall also specify a time and place within each election precinct of the district when and where the secretary will attend to receive payments of assessments, and shall be published for fifteen days and \* precinct. The secretary must attend at the time and place specified in the

Omission.

\*The engrossed bill shows the following words to have been omitted by the enrolling clerk: "A printed copy of said notice shall be posted for the same time in some public place in each."—SECRETARY OF STATE.

notice, to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessments in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with a description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent, and thereafter the secretary must collect thereon for the use of the district an addition of five per cent.

Secretary  
to collect  
assessments.

SEC. 13. Section 26 of said act is hereby amended to read as follows: The secretary must collect, in addition to the assessment due on the delinquent list and five per cent. added, fifty cents on each lot, piece or tract of land separately assessed, which must go to the district for preparing the list. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the secretary, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing sale, or the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

Additional  
collections.

Property,  
sale of.

SEC. 14. Section 27 of said act is hereby amended to read as follows: The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the secretary, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the secretary may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including two dollars to the secretary for the duplicate of certificate of sale, is the purchaser. Said secretary shall pay said two dollars into the treasury of said district. If the purchaser does not pay the assessment and costs before ten o'clock A. M. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith

Property  
to be sold  
designated  
by owner.

Property,  
resale of.

for the same on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the secretary of the district, and filed by him in the office of the directors. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the secretary shall make an entry, "Sold to the district," and he will be credited with the amount thereof in his settlement. An irrigation district, as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property. After receiving the amount of assessments and costs, the secretary must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the secretary and one copy delivered to the purchaser, and the other filed in the office of the county clerk of the county in which the land is situated.

SEC. 15. Section 28 of said act is hereby amended to read as follows: The secretary, before delivering any certificate, must in a book enter a description of the land sold corresponding with the description in the certificate, the date of the sale, purchasers' names and amount paid, regularly number the description on the margin of the book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use. On filing the certificate

Secretary  
to issue  
certificate.

Sales, secre-  
tary to keep  
record of.

with such county clerk the lien of the assessments vests in the purchaser and is only divested by the payment to him, or to the secretary for his use, of the purchase money and one per cent. per month from the day of sale until redemption.

SEC. 16. Section 29 of said act is hereby amended to read as follows: A redemption of the property sold may be made by the owner or any party in interest within twelve months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the secretary he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignees. In each report the secretary makes to the board of directors he must name the person[s] entitled to redemption money and the amount due each. On receiving the certificate of sale the county clerk must file it and make an entry in a book similar to that required of the secretary. On the presentation of the receipt of the person named in the certificate, or of the secretary for his use, of the total amount of the redemption money, the clerk must mark the word "redeemed," the date and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale the secretary, or his successor in office, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The secretary shall receive from the purchaser, for the use of the district, two dollars for making such deed.

SEC. 17. Section 30 of said act is hereby amended to read as follows: The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that—

*First:* The property was assessed as required by law.

*Second:* The property was equalized as required by law.

*Third:* That the assessments were levied in accordance with law.

*Fourth:* The assessments were not paid.

*Fifth:* At a proper time and place the property was sold as prescribed by law and by the proper officers.

*Sixth:* The property was not redeemed.

*Seventh:* The person who executed the deed was the proper officer. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessments by the secretary, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free from all incumbrances, except when the land is owned by the United States or this state, in which case it is *prima facie* evidence of the right of possession.

Irregularity  
not to in-  
validate.

Unpaid as-  
sessments,  
evidence of.

SEC. 18. Section 31 is hereby amended to read as follows: The assessment book or delinquent list, or a copy thereof, certified by the secretary, showing unpaid assessments against any person or property, is *prima facie* evidence of the assessment of the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of law in relation to the assessment and levy of such assessment have been complied with.

Secretary to  
settle, when.

SEC. 19. Section 33 of said act is hereby amended to read as follows: On the first Monday in each month the secretary must settle with the board for all moneys collected for assessments and pay the same over to the treasurer of the county; and within six days thereafter he must deliver to and file in the office of the board of directors a statement under oath, showing—

*First:* An account of all his transactions and receipts since his last settlement.

*Second:* That all money collected by him as secretary has been paid to the county treasurer. The secretary shall also file in the office of the board on said first Monday in each month the receipt of the treasurer of the county for the money so paid.

Coupons,  
when paid.

SEC. 20. Section 34 of said act is hereby amended to read as follows: Upon the presentation of the coupons due to the treasurer of said county he shall pay the same from said bond fund belonging to such district and deposited

with such treasurer. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper which said board may deem advisable, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: *Provided*, That no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer of said county, under the direction of the board, in United States gold bearing bonds, or the bonds of the state, which shall be kept in said bond fund, and may be used to redeem said district bonds whenever the holders thereof may desire.

Bonds not  
matured,  
when paid.

Funds in-  
vested, when.

SEC. 21. Section 35 of said act is hereby amended to read as follows: After adopting a plan of said canal or canals, storage reservoirs and works, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties comprising the district: *Provided*, A newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of such work or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that the plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or

Notice to  
contractors,  
how given.

Board may  
construct,  
when.

they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder.

Contractor,  
bond of.

Any persons or person to whom a contract may have been awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent. of the amount of contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and satisfaction of the engineer, and be approved by said board.

Claims, how  
paid.

SEC. 22. Section 36 of said act is hereby amended to read as follows: No claim shall be paid by the county treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned by the secretary: *Provided*, That the board may draw from time to time from the construction fund, and deposit in the county treasury of the county where the office of the board is situated, any sum under or in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same, and place the same to the credit of said district, and he shall be responsible upon his official bond for the safe keeping and disbursement of the same, as in this act provided. He shall pay out the same, or any portion thereof, to the secretary of the district only, and only upon the order of the board, signed by the president and attested by the secretary. The said county treasurer

Treasurer to  
pay to whom.

Treasurer to re-  
port monthly.

shall report in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The secretary shall also report to the board, in writing, on the first Monday in each month, the amount of money in the county treasury belonging to the district, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

Secretary to re-  
port monthly.

SEC. 23. Section 39 of said act is amended to read as follows: The board of directors shall each receive two dollars per day and mileage at the rate of 5 (five) cents per mile in attending the meetings, and actual and necessary expenses paid while engaged in official business under order of the board. The board shall fix the compensation to be paid to the secretary named in this chapter, to be paid out by warrant drawn on the county treasurer out of funds belonging to said district on deposit with the treasurer of said county: *Provided*, That said board shall, upon the petition of at least fifty, or a majority of those having title or evidence of title within such district therefor, submit to the electors, at any general election, a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are declared under this chapter.

Board of directors, salary of.

Secretary, salary of, and how fixed.

Salaries submitted to vote, when.

SEC. 24. Section 41 of said act is hereby amended to read as follows: The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this chapter. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 1798 of this volume of general statutes. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment, yes," or "Assessment, no." If two-thirds or more of the votes cast are "Assessment, yes," the board shall, at the time of the annual levy thereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by deducting fifteen per cent. for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears

Special elections, how called and for what purpose.

Two-thirds vote necessary to pass.

on the assessment roll for the current year, and dividing the sum voted by the remainder of such aggregate assessed value. The assessment so levied shall be computed and entered on the assessment roll by the secretary of the board and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the county treasury for [of] the county to the credit of said district, for the purposes specified in the notice of such special election.

Excess liability void.

SEC. 25. Section 42 of said act is hereby amended to read as follows: The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purposes of irrigation or for any said purposes of this act the board of directors may incur any indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may call [cause] warrants of the district to issue thereof, bearing interest at eight per cent. per annum.

Exceptions.

Redivision of districts, when.

SEC. 26. Section 59 of said act is hereby amended to read as follows: In case of the inclusion of any lands within any district by proceedings under this chapter, the board of directors must, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall thereafter be elected by each division. For the purposes of election the board of directors must establish a convenient number of election precincts in said districts and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

Districts, when divided.

SEC. 27. Section 70 of said act is amended to read as follows: At least thirty days before the next general election of such district the board of directors thereof shall make an order dividing said district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one elec-

tor shall be elected by each division. For the purposes of elections in such district the board of directors must establish a convenient number of election precincts and define the boundaries thereof, which said precincts may be changed from time to time as the board of directors may deem necessary. Whenever the board of directors of any district heretofore formed under this act shall have attempted to incur any indebtedness prior to this amendment going into effect, and when the only ground of the invalidity of such indebtedness is that the board of directors was not authorized to incur such indebtedness so contracted by said board, such indebtedness is hereby declared valid and binding upon said district, and the said directors are authorized to make an assessment of the property in said district as provided by this act as amended and to levy a tax upon said property as other levies are required to be made to pay such debts: *Provided*, Such indebtedness shall not exceed the sum of \$5,000, and all warrants drawn for such indebtedness by said directors shall be *prima facie* valid.

Election precincts, how established.

Prior indebtedness validated.

Exception.

SEC. 28. Said board of directors shall cause a map to be made of the irrigation districts showing each forty acres, subdivision or fraction thereof, and place the same on file in their office.

Map of districts.

SEC. 29. The time for assessing being at hand, an emergency is hereby declared to exist, and this act shall be in force and take effect from and after its passage and approval by the governor.

Passed the house March 11, 1895.

Passed the senate March 14, 1895.

Approved March 22, 1895.

## CHAPTER CLXVI.

[H. B. No. 370.]

## ACCEPTANCE OF THE GRANT OF ARID LANDS, AND AUTHORIZING THE DISPOSAL THEREOF.

AN ACT accepting the terms of the act of congress approved August 18, 1894, providing for the reclamation, settlement and disposition of the one million acres of arid land granted therein, making appropriation therefor, and declaring an emergency.

WHEREAS, The congress of the United States did by an act approved August 18, 1894, provide, among other things, for the ceding and conveying to the State of Washington of one million acres of the arid lands of the public domain in this state, upon certain conditions prescribed in said act:

Now, therefore, in order to enable this state to comply with the provisions of said act and to receive the benefits therein provided for—

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

SECTION 1. That the State of Washington does hereby accept the terms of the act of congress approved August 18, 1894, donating to each of the public land states one million acres of arid land.

SEC. 2. That there be and is hereby created the office of commissioner of arid lands, for the purpose of carrying into effect the provisions of this act for the reclamation and full acquirement of the million acres of arid land donated. The said commissioner shall be appointed by the governor for the term of four years, and he shall receive an annual salary of two thousand dollars. That before entering upon the duties of his office the said commissioner shall take and subscribe an oath to faithfully support the constitution and laws of the State of Washington, and also give a good and sufficient bond, with sureties to be approved by the secretary of state and attorney general, in the penal sum of twenty-five thousand dollars, for the faithful discharge of the duties of his said office, which said oath and approved bond shall be filed and remain in the office of the secretary of state.

Commissioner  
of arid lands,  
how ap-  
pointed.

Salary.

Oath and bond  
required.

SEC. 3. It shall be the duty of the commissioner of arid lands to examine, or cause to be examined, such of the arid lands within this state belonging to the public domain that can, with an expense not incommensurate with their value when reclaimed from their aridity, be irrigated, and shall collect data and information concerning the nature of the soil, location and adaptability to cultivation of such lands, and concerning the streams and water that may be used for irrigating the same, and the precipitation each year in the mountains draining into such streams as can be used in irrigating said lands, for the purpose of predicting the probable flow of water in such streams. He shall make, or cause to be made, careful measurements and estimates of the flow of water in all such streams. He shall prepare maps of such arid lands as can be thus irrigated, and plans showing the proposed modes of irrigation, showing the source and quantity of water proposed to be used, and the size and proposed location of the ditches, canals, flumes, pipe lines or reservoirs to be used for conveying or collecting the water upon the lands proposed to be irrigated, and the elevation thereof above said lands; and shall, as construction proceeds of any dams, ditches, canals, flumes, reservoirs, pumping works, or any other works for the purpose of irrigation under the provisions of this act, examine and see that all such construction work is done in a substantial manner and in accordance with the approved plans thereof. He shall have power to employ an engineer and such other assistants and employés to assist him in the discharge of the duties herein prescribed as may be necessary, and shall verify, as herein provided, all claims and applications of any of such assistants or employés for their compensation for the services performed by them, and he is further empowered to contract for the construction of ditches or canals, the building of dams and reservoirs, the irrigation, reclamation, settlement and sale of said arid lands, and to do and perform any and all things whatsoever necessary to be done in carrying into effect the objects of this act: *Provided*, That no contract or sale made by the said commissioner of arid lands shall be in force and effect until the

Commissioner,  
duties of.

Authorized  
to employ  
assistants.

Empowered to  
let contracts.

Same to be  
approved by  
governor and  
attorney  
general.

same shall be approved by the governor and attorney general. He shall prepare and render to the governor, at the time when other state officers' reports are required to be made, a full and true report of his work regarding all matters and duties devolving upon him by virtue of his office, which report shall contain a detailed and itemized statement of all expenses incurred in and arising out of his official duties and those of his assistants and employes, as well in and about his office as in the field.

Maps to be filed with secretary of the interior.

SEC. 4. As soon as a map or maps of any of such arid lands proposed to be irrigated, with the plans showing the mode of contemplated irrigation thereof, are completed, he shall from time to time file duplicates of such maps and plans with the secretary of the interior of the United States, and shall, on behalf of the state, make application to the said secretary of the interior in accordance with section four of said act of congress, approved August 18, 1894, and shall take all the necessary steps on behalf of the state to secure a contract binding the United States to donate, grant and patent to this state, or its assigns, the said arid land, and to secure to this state all the benefits and advantages accruing to it under the provisions of the said act.

Contractor to give bonds.

SEC. 5. That any contract made by the said commissioner of arid lands for the irrigation, reclamation and settlement thereof, shall be with some person or persons, corporation or corporations, who shall give bonds to the State of Washington in such sum as may be designated by the said commissioner, which shall not be less than fifty per cent. of the contract price, for the faithful performance thereof, and that all bids for said contracts shall be publicly opened and considered by the said commissioner of arid lands; and any person or persons, corporation or corporations, making bids which shall be accepted, shall be required to furnish a sufficient amount of water for the reclamation and irrigation of the lands lying under their canals, not less than one cubic foot of water per second of time to each 160 acres, and in ratio to each subdivision thereof, and the said lands shall be sold with a permanent water right, at a price not less than five dollars per acre, nor to exceed fifty dollars per acre, with an annual main-

tenance fee not to exceed one dollar and fifty cents per acre. The person or persons, corporation or corporations, whose bid shall be accepted, or their successors or assigns, shall own and must maintain all canals, flumes, dams and appurtenances for a term of at least fifteen years from the date of acceptance of the completed works, and thereafter the same shall revert to the land owners having the right to use water therefrom. That the successful bidder shall pay to the state for the privileges enjoyed in reclaiming and selling said lands, the price of seventy-five cents per acre, which sum shall be used to defray the expenses of the state in reclaiming the lands acquired under the acts of congress as aforesaid, and for reimbursing the state for the preliminary outlay in making surveys and selections of land necessary for the segregation of the same from the public domain, as provided for by the act of congress aforesaid.

SEC. 6. All titles to land sold by the said commissioner shall be given by the state, patent to be issued, signed by the governor, attested by the secretary of state, with seal of the state attached, upon proof by the settler that the terms of said act of congress have been fully complied with, said proof to be certified by the commissioner of arid lands, according to the requirements of the regulations of the department of the interior. State to give title.

SEC. 7. All moneys that may be received by the state from the sale and conveyance of such lands shall be kept in a separate fund, to be called the "irrigation fund," by the said treasurer, and shall never be used for any purpose except to reimburse the state for expenses incurred in reclaiming said arid lands, and for the purpose of reclaiming other desert lands in this state. Irrigation fund.

SEC. 8. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of sixteen thousand dollars for the purpose of carrying out the provisions of this act for the ensuing two fiscal years, and that upon the presentation of vouchers certified to by said commissioner of arid lands, the state auditor shall audit the same and draw his warrant for the proper Appropriation.

amount thereof upon the state treasurer, who shall pay the same.

Passed the house March 11, 1895.

Passed the senate March 13, 1895.

Approved March 22, 1895.

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## CHAPTER CLXVII.

[H. B. No. 491.]

### DEFINING THE DUTIES OF STATE VETERINARY SURGEON.

AN ACT providing for the creation of the office of state veterinary surgeon, and defining his duties

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

SECTION 1. There shall be and is hereby created the office of state veterinarian, which office shall be vested in the professor of veterinary science of the agricultural college and experiment station, who shall be chosen in the same manner as other members of the faculty and station staff of said college and station, and shall serve as state veterinarian without compensation in addition to the salary paid by the college and experiment station, except as hereinafter stated, paid by the college and experiment stations.

Qualifications  
of veteri-  
narian.

The veterinary surgeon shall be a graduate of some regular and established veterinary college and shall be skilled in veterinary science. He shall be a member of the state board of health, which membership shall be in addition to that now provided for by law. He shall be under the direction of the president of the state agricultural college and director of the experiment station and school of science, and perform such duties as the board of regents may prescribe. When actually engaged in the discharge of his official duties outside the said college and experiment station he shall receive, in addition to his salary, actual transportation expenses, which shall be presented to the president of the college under oath and covered with written vouchers

before receiving the same. He shall receive as salary such compensation as the regents of the state agricultural college may determine.

Salary fixed by regents.

SEC. 2. He shall have general supervision of all contagious and infectious diseases among domestic animals within or that may be in transit through the state, and he is empowered to establish quarantines against animals thus diseased, or that have been exposed to others thus diseased, whether within or without the state, and may, with the concurrence of the state board of health, make rules and regulations such as he may deem necessary for the preservation against the spread and for the suppression of said disease or diseases, which rules and regulations, after the concurrence of the governor, shall be published and enforced, and in doing said things, or any of them, he shall have power to call on any one or more peace officers, whose duty it shall be to give him all assistance in their power.

Veterinarian, powers and duty of.

SEC. 3. Any person who wilfully hinders, obstructs or resists said veterinary surgeon or his assistants, or any peace officer acting under him or them when engaged in the duties or exercising the powers herein conferred, shall be guilty of a misdemeanor, and punished accordingly.

Penalty for resisting or obstructing.

SEC. 4. Whenever a majority of any board of health, county commissioners, city council, trustees of incorporated towns or township, whether in session or not, shall, in writing or by telegraph, notify the state veterinary of the prevalence of or probable danger from any of said diseases, he shall at once repair to the place designated in said notice and take such action as the exigencies may demand, and he may in case of emergencies appoint substitutes or assistants, with equal power, whose compensation shall be five dollars per day and actual traveling expenses.

To respond to calls, when.

Substitutes, compensation of.

SEC. 5. Whenever in the opinion of the state veterinary surgeon the public demands the destruction of any such stock under the provisions of this act, he shall, unless the owners of such stock consent to such destruction, notify the governor unless in his judgment immediate action is necessary, the governor may appoint one or more competent veterinary surgeons to act in conjunction with state veterinary board, and no stock shall be destroyed except on

Destruction of stock, when.

Governor  
authorized  
to receipt  
for moneys.

written order by the state veterinary surgeon. The governor of the state with the state veterinary surgeon may cooperate with the government of the United States for the objects of this act, and the governor is hereby authorized to receive and receipt for any money receivable by this state through provisions of any act of congress which may at any time be in force upon this subject, and to pay the same into the state treasury to be used according to the act of congress and the provisions of this act.

Passed the house March 9, 1895.

Passed the senate March 13, 1895.

Approved March 22, 1895.

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## CHAPTER CLXVIII.

[S. B. No. 259.]

### PROVIDING FOR A STATE WAGON ROAD THROUGH CASCADE MOUNTAINS.

AN ACT to provide for a state wagon road through the Cascade mountains, and making an appropriation therefor. An act to provide for the establishment and construction of a state wagon road through the Cascade mountains, from a point on the Columbia river in Stevens county to a point on the Skagit river in Skagit county, and westerly, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. That there be laid out, established, constructed and maintained for the use of the public, a state wagon road, beginning at a point on the Columbia river, opposite the town of Marcus, Stevens county, thence following the state road, as at present laid out and built, to a point on the east bank of the Methow river, opposite the mouth of the Twisp river, thence over and across the summit of the Cascade mountains, by the most feasible and practicable route, to a point on the west bank of the Skagit river, and connecting with the present county road at or near

Marble Mount, in Skagit county. As soon as the route across the main range shall have been selected the commission shall begin work of construction from the Methow westward and from Marble Mount eastward, and shall carry on the work in such manner that progress from each end shall be equal or as nearly so as possible. And before beginning construction the commission shall decide on a road of such width and grades that it may be constructed from Marble Mount to the Methow without exceeding the amount appropriated.

SEC. 2. That a commission consisting of three members is hereby created, to be appointed by the governor, and to be known as the board of state road commissioners. Road commissioners.

SEC. 3. That the commissioners provided for in section two of this act shall hold office until the road is completed or the appropriation made by this act is exhausted, unless sooner removed. Should a vacancy occur in said commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor. The governor is hereby empowered to remove at any time any member of such commission if, in his judgment, he shall deem it best to do so. Tenure of office. Vacancies.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as a member of said commission. Each of said commissioners shall execute a bond unto the State of Washington in the sum of two thousand five hundred dollars (\$2,500), to be approved by the governor, conditioned for the faithful performance of his duty as a member of the board of state road commissioners, which bond shall be filed with the secretary of state. Oath and bond.

SEC. 5. That the commission shall, as soon as practicable, and with the utmost diligence and economy, examine the route up the Cascade river and over Skagit pass, the route via North Fork of Thunder creek and the route via Slate creek, and after a careful examination of said routes shall select the most feasible route, and shall proceed to lay out, establish and determine the width and location of Routes to be examined.

such road, and shall superintend the opening and construction thereof; and may employ a competent surveyor and other assistance when necessary, and purchase such materials and supplies as may be necessary to carry out the full intent of this act.

Commissioners, powers of.

SEC. 6. Said board of commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners of the several counties and the viewers generally, relating to the control and management of county roads, and shall proceed as nearly as may be practicable, in conformity with the laws provided for the establishment of county roads.

Deeds, how taken.

SEC. 7. That said commissioners are hereby empowered to take deeds of right-of-way in the name of the state, and to cause them to be filed with and recorded by the auditors of the proper counties where said deeds can be obtained without expense to the state other than may be necessary for the drawing and recording of the same; and when deeds of right-of-way cannot be so obtained, said commissioner is hereby empowered to cause, when necessary, the right-of-way for said wagon road to be appropriated and condemned by the state in the same manner as is or may be provided by law for the appropriation and condemnation of real estate for county or public roads.

Condemnation, when.

Appropriation.

SEC. 8. For the purpose of carrying into effect the provisions of this act, for the establishment and construction of said state wagon road, there is hereby appropriated from funds in the state treasury not otherwise appropriated the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

Commissioners, salary of.

SEC. 9. Each member of said board of commissioners shall receive three dollars per day for each and every day employed in the discharge of his work.

Bills, when allowed.

SEC. 10. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties provided for in this act, and present their vouchers to the state auditor who is authorized to audit said bills and if found correct to draw his warrant on the state treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money

in the treasury appropriated for this purpose: *Provided*, That no expenses shall be incurred for the payment of which no appropriation shall have been made.

SEC. 11. All records, papers and documents relating to the establishment of such road, together with a full and complete report of all transactions and proceedings, and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office of each of the several counties within whose boundaries portions of the road extend.

Records filed with state auditor.

SEC. 12. After the completion of such road and when the term of office of such board of commissioners shall have expired, it shall become the duty of the board of county commissioners, respectively, of the counties in which said road extends, to keep such portions of the road that are situated in their respective counties in repair, in like manner as though the same were a county road.

Road subsequent to completion.

SEC. 13. The said board of state road commissioners shall expend the sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, between the point of beginning and the point on the Methow river in Okanogan county opposite the mouth of the Twisp river, and twenty thousand dollars (\$20,000), or so much thereof as may be necessary, between said point on the Methow river and the terminus of said road at Marble Mount in Skagit county. The sum of four thousand dollars for the purpose of laying out, establishing and constructing a wagon road from Blanchard, in Skagit county, to the boundary line between Skagit and Whatcom counties.

Appropriation and how expended.

SEC. 14. All instruments, camp equipage, material, tools, horses and supplies now belonging to the state and accounted for by the last state road commission for the Cascade state road shall be turned over to the commissioners appointed by the governor under this act, and all funds in the treasury belonging to the Cascade state road shall be credited to the road fund created under the provisions of this act, and be subject to the order of said commissioners.

SEC. 15. All previous act or acts to provide for a state

wagon road through the Cascade mountains, and making an appropriation therefor, are hereby repealed.

Passed the senate March 8, 1895.

Passed the house March 13, 1895.

Approved March 22, 1895.

CHAPTER CLXIX.

[S. B. No. 104.]

RELATING TO THE FINANCIAL AFFAIRS OF THE STATE.

AN ACT relating to the fiscal affairs of the State of Washington, and declaring an emergency.

WHEREAS, It is of the utmost importance to the people of the State of Washington that its financial affairs be wisely and economically administered, and that the people be relieved of the heavy burden of interest on indebtedness in the form of warrants, and that the state should adopt a system of meeting all its expenses with cash payments.

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

SECTION 1. There is hereby created a fund in the treasury of the state known as the "loan and interest fund." There is hereby created a board, consisting of the governor, state auditor and state treasurer, known as the state board of finance. The governor shall be the chairman and the state treasurer shall be the secretary of said board. The secretary shall keep a full and complete record of the transactions of said board, which record shall at all times during office hours be open to public inspection.

Board of finance.

Officers of.

Warrants, how funded.

Interest.

SEC. 2. Immediately after this act shall go into effect it shall be the duty of the members of said state board of finance to meet and organize said state board of finance. Said board shall proceed to fund the outstanding warrants on the general, military and tide land funds of the state by the issue of bonds payable solely out of said "loan and interest fund." Said bonds shall bear interest at a rate not to exceed four per cent. per annum and shall run

twenty years, save that five per cent. of said bonds shall be redeemed annually, said interest and redemption payments to be made out of said "loan and interest fund."

Said board shall publish notice of the sale of said bonds in four cities of said state once a week for three consecutive weeks. Said bonds shall be sold after notice as herein-

Bonds, sale of; notice published.

after provided upon sealed bids to the highest bidder, each bidder stating in his bid the amount of bonds which, and the price at which, he offers to purchase, and accompanying his bid with a certified check, payable to said chairman as such, for ten per cent. of the amount of his bid, to be forfeited if his bid is accepted and he refuses to complete the purchase: *Provided*, That said bonds shall not be sold for less than par, and the board shall have the right to reject all bids. Said notice shall state the amount of the bonds to be sold, and the time to run, the rate of interest, when payable, the provisions for redemption, and the place and the day and the hour at which sealed bids shall be opened, and shall request bidders to state the price at which they shall offer to purchase said bonds, or any specified amount thereof. Such bonds shall be issued in such denominations as said board shall determine, and shall contain upon their face the date of issue, the series of issue, the rate of interest, where payable, the time to run and the provision for redemption. Each bond shall be printed, engraved or lithographed on good bond paper, and the bond shall state on its face that it [is] issued in accordance and in strict compliance with this act of the legislature, naming the title and the date of the approval of this act, and a copy of this act shall be printed on the back of each bond. Said bonds and each coupon shall be signed by the chairman of said board and attested by the secretary thereof, and the seal of the state treasurer shall be affixed to each bond, but not to the coupons. Said bonds shall be redeemed in numerical order.

Bidders to deposit certified check.

Notice to contain, what.

Bonds, denomination of.

Bonds to contain, what.

SEC. 3. After said issue of bonds shall have been made and whenever, at the beginning of any month, the treasurer has reason to believe that there will be an excess of expenditures during the ensuing month over the cash that will then be in the treasury to defray the same, he shall

Notes for  
deficit,  
when issued.

forthwith notify the chairman of such fact, who shall promptly call a meeting of the board. The board shall proceed to procure funds to make good the deficit by the issue of notes payable at such time, not later than a year from the time of issue, as the board shall deem best. Said notes shall be in such denominations as shall be fixed by the board, shall bear interest at a rate not to exceed five per cent. per annum, shall be payable solely out of said "loan and interest fund," shall be signed by the chairman and countersigned by the secretary of said board, and shall have the seal of the treasurer affixed. Said notes shall be sold on sealed bids to the highest bidder, each bidder stating in his bid the amount of notes which, and the price at which, he offers to purchase, and accompanying his bid with a certified check, payable to said treasurer of the State of Washington as such, for ten per centum of the amount of his bid, to be forfeited in case said bid is accepted and the bidder refuses to complete the purchase. Notice shall be given of the time and the place of opening bids, like that provided in section two. Said notes shall be sold at not less than par, and the board shall have the right to reject all bills [bids].

Notes, how  
sold.

Loan and  
interest  
fund, how  
apportioned.

SEC. 4. When the state board of equalization equalizes the general state tax for the State of Washington, they shall compute the amount payable out of the "loan and interest fund" during the following fiscal year, and shall apportion the same among the various counties in proportion to the amount of taxable property thereof as equalized by said board of equalization, and the rate of levy shall be ascertained by the several county auditors on the valuation within their respective counties, and all the provisions of the revenue act applicable to the levy for general state purposes shall be applicable to this levy for the "loan and interest fund."

Tax, how  
applied.

SEC. 5. The proceeds of said tax and levy shall be applied to the payment of the interest on the bonds provided by this act, to the redemption of the bonds provided in this act and to the payment of the notes provided by this act. In case such proceeds prove insufficient to meet said payments, the funds requisite to make up the deficiencies shall

be obtained by the issue of notes in conformity with the provisions of section three of this act.

SEC. 6. The secretary shall keep a book called "bond and note registry," in which shall [appear] the numbers, date, amount, rate of interest, name of payee, date and place of payment of each and every note or bond executed, issued or sold pursuant to this act.

SEC. 7. From and after the sale of bonds provided in section two of this act no warrants shall be drawn on the general, military or tide land funds of the state unless there is cash in the treasury to pay the same. No money, no warrants.

SEC. 8. An emergency is declared to exist, and this act shall be in force from and after its passage and approval.

Passed the senate March 9, 1895.

Passed the house March 14, 1895.

Approved March 22, 1895.

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## CHAPTER CLXX.

[S. B. No. 125.]

### AUTHORIZING COUNTIES, CITIES AND TOWNS TO ISSUE BONDS TO FUND OUTSTANDING INDEBTEDNESS.

AN ACT to authorize counties, cities and towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds, and declaring an emergency.

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

SECTION 1. That any county, city or town in the State of Washington which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, whether issued originally within the limitations of the constitution of this state, or of any law thereof, or whether such outstanding indebtedness has been or may hereafter be validated or legalized in the manner prescribed by law, may, by its corporate authorities, provide by ordinance or resolution for the issuance of funding bonds with which to Funding bonds, when and how issued.

take up and cancel such outstanding indebtedness in the manner hereinafter described: *Provided, however,* That nothing in this act shall be so construed as to prevent any such county, city or town from funding its indebtedness as now provided by law.

Bonds, denomination of, and how issued.

SEC. 2. Funding bonds authorized to be issued by this act shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars, and shall be signed by the following corporate authorities: When issued by a county, the chairman of the board of county commissioners, countersigned by the county treasurer and attested by the county auditor, who shall affix his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer and attested by its clerk, who shall affix his official seal. They shall bear interest at a rate not to

Interest.

exceed seven per centum per annum, payable semi-annually, which interest shall be evidenced by proper coupons attached to each bond. Such corporate authorities shall, by ordinance or resolution, provide for the manner of issuing and the form of said bonds, and the time or times when the same shall be made payable; but no bonds issued under this act shall be issued for a longer period than twenty years, and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest may

Bonds, manner of issuing, and form of.

be made payable at any place in the United States designated by the corporate authorities of such county, city or town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness, or may be sold at not less than their par value, and the proceeds used exclusively for the purpose of retiring and canceling such warrants and interest thereon or other indebtedness: *Provided,* That nothing in this act contained shall be deemed to authorize the issuing of any funding bonds which, other

Bonds, where payable.

than that proposed to be funded under the provisions of this act, shall exceed any constitutional limitation of indebtedness, or any indebtedness which might be incurred with the assent of three-fifths of the voters of such county, city or town voting at an election to be held for that purpose.

SEC. 3. Before any bonds shall be issued under the provisions of this act such corporate authorities shall cause a notice of the proposed issuance of such bonds to be given by publication in a daily or weekly newspaper of general circulation published in the county proposing to issue such bonds or in which county such city or town is situated, at least once a week for four consecutive weeks. Such notice shall state for what purpose and the total amount for which it is so proposed to issue bonds, and if to be divided into series, then into how many series the same are to be divided and the amount of and period for which each series is to run, also the hour and day for considering bids for such bonds, and asking bidders to name the price and rate of interest at which they will purchase such bonds, and if such bonds are to be divided into series then to name such price and rate for each series of such bonds, separately; and at the time named in such notice it shall be the duty of the corporate authorities to meet with the treasurer of the county, city or town, proposing to issue such bonds, at his office and with him open said bids, and shall sell said bonds to the person or persons making the most advantageous offer therefor: *Provided, however,* That said bonds shall never be sold or disposed of below par, and such corporate authorities shall have the right to reject any and all bids, and if all said bids shall be rejected, such corporate authorities shall proceed to advertise re-advertise the sale of said bonds in the manner herein provided.

Notice of bond issue published.

Notice to contain, what.

Bids, when and where opened.

SEC. 4. The corporate authorities of any such county, city or town shall provide annually by ordinance or resolution for the levy and extension on the tax rolls of such county, city or town, and for the collection thereof, of a direct annual tax in addition to all other county, city or town taxes to be levied according to law, which shall be sufficient to meet the interest on all of said bonds promptly

Levy, how provided for.

as the same matures, and also sufficient to fully pay each series of bonds as the same matures: *Provided*, That such ordinance or resolution shall not be repealed until the levy therein provided for shall be fully paid, or the bonds both principal and interest shall be paid or canceled.

Treasurer to register bonds issued.

SEC. 5. The treasurer shall keep a register of the bonds issued under the provisions of this act, wherein he shall enter the series of each bond, its number, date of issuance, amount, date of maturity, name and postoffice address of purchaser and date of cancellation.

Corporate authorities defined.

SEC. 6. The words "corporate authorities," used in this act, shall be held to mean the county commissioners, common council or other managing body of any county, city or town.

SEC. 7. Whereas, an emergency exists for the immediate effect of this law: therefore, this act shall take effect immediately.

Passed the senate March 8, 1895.

Passed the house March 14, 1895.

Approved March 22, 1895.

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CHAPTER CLXXI.

[S. B. No. 350.]

APPROPRIATION FOR IMPROVEMENTS AT THE SCHOOL FOR DEFECTIVE YOUTH.

AN ACT providing for certain improvements at the Washington school for defective youth, and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated out of any funds in the state treasury not otherwise provided for the sum of \$3,575 for improvements at the Washington school for defective youth, as follows, to wit:

For enlarging the laundry at the school for feeble minded, the sum of \$150.

For a wood shed building at the school for feeble minded, \$125.

For a ceiling in the fourth story of the building for the deaf and blind, the sum of \$300.

For an electric light plant in the building for feeble minded, the sum of \$1,000.

For improvements in the sewerage system of the Washington school for defective youth, the sum of \$2,000.

SEC. 2. The state auditor is hereby directed to draw his warrant on the state treasurer for the payment of the several amounts found to be due on presentation to him of properly certified vouchers, in accordance with the provisions of section one of this act.

Passed the senate March 11, 1895.

Passed the house March 13, 1895.

Approved March 21, 1895.

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## CHAPTER CLXXII.

[S. B. No. 198.]

### AN APPROPRIATION FOR COMPLETION OF CERTAIN WORK AT STATE UNIVERSITY.

AN ACT making an appropriation to enable the board of regents of the University of Washington to complete certain work began under a former appropriation, which is the balance of said former appropriation, and will lapse into the state treasury on March 31, 1895, unless re-appropriated.

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

SECTION 1. In order to receive [revive] the unexpended balance of the appropriation for the preparation of the new grounds and the erection of buildings for the University of Washington, which balance will revert into the state treasury on March 31, 1895, there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty-nine thousand dollars (\$39,000), or so much thereof as may be necessary to complete the

original appropriation of 1893 of \$150,000, remaining unexpended March 31, 1895, to complete the contracts now entered into by the board of regents of the University of Washington and to carry out the purposes of the original appropriation: *Provided*, That the money hereby appropriated for this purpose shall be subject to the same provisions of the original appropriation, viz., that the money hereby appropriated shall be returned into the state treasury by the board of regents of the University of Washington from the proceeds of the first sales of the old site of the university, consisting of ten acres in the city of Seattle.

Passed the senate March 11, 1895.

Passed the house March 13, 1895.

Approved March 21, 1895.

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## CHAPTER CLXXIII.

[S. B. No. 270.]

### RELATING TO LARCENY OF LIVE STOCK.

AN ACT in relation to larceny of live stock running at large.

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

SECTION 1. In all prosecutions for larceny under section fifty-two (52) of the Penal Code, where the animal alleged to have been stolen was permitted by its owner to run on the range, proof of possession of the animal by the person accused of stealing the same shall be *prima facie* evidence that the accused acquired possession thereof recently, and shall have the effect of throwing on the accused person the burden of explaining such possession.

Passed the senate March 7, 1895.

Passed the house March 13, 1895.

Approved March 21, 1895.

## CHAPTER CLXXIV.

[S. B. No. 156.]

## DEFICIENCY APPROPRIATIONS.

AN ACT making appropriation for sundry deficiencies of the various state institutions for the fiscal term beginning April 1, 1893, and ending March 31, 1895, for certain deficiencies of the previous fiscal term, and for other purposes.

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

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the several funds of the state treasury not otherwise appropriated, for the purposes hereinafter expressed, for the fiscal term beginning April 1, 1893, and ending March 31, 1895, and for deficiencies of the fiscal term immediately preceding, not hitherto provided for, and the state auditor is hereby directed to draw his warrants on the state treasurer for the several amounts found to be due, on presentation to him of properly certified vouchers, to wit:

Unaudited claims, Yakima state fair.....	\$10,199 96
Unaudited claims, Cheney normal school.....	7,800 00
Unaudited claims, national guard.....	44,000 00
Tide land claims, above certificates.....	35,000 00
Unaudited claims, Washington world's fair commission..	17,500 00
Unaudited claims, women's department Washington world's fair commission.....	2,000 00
Balance due Sol Cameron on contract building agricultural college.....	659 00
Deficiency agricultural college, installing electric light plant.....	2,250 00
For fuel.....	1,176 73
Sundry incidental expenses.....	589 89
D. E. Lesh, per diem and expenses as regent of agricultural college.....	275 00
S. E. Dean, 39 days' work, expert services on penitentiary books.....	292 50
Douglas Young, services experting books and accounts state penitentiary, 43 days, and traveling expenses....	430 00
For the relief of Whitman county.....	518 80

SEC. 2. Immediately upon the passage and approval of this act the state auditor shall give notice to those holding the aforesaid claims against the state, by two consecutive

Auditor to  
give notice.

publications in some weekly paper published at the state capital, that these claims will be paid, by the issuance of warrants, upon their presentation at the office of the said state auditor, and the interest upon the said claims will cease within ten days from the publication of the notice as aforesaid.

Interest to  
cease, when.

Tide land  
claims, how  
paid.

SEC. 3. All claims enumerated in this act which have been incurred in connection with the surveys, appraisal and sale of the tide lands of the state shall be paid by warrants drawn upon the tide land fund; all obligations incurred by the national guard shall be paid by warrants drawn upon the military fund; all other debts enumerated in this act shall be paid by warrants drawn upon the general fund: *Provided*, That the claims of the world's fair commissioners and Yakima state fair shall be audited and approved by the attorney general and state auditor before being allowed.

Passed the senate March 5, 1895.

Passed the house March 14, 1895.

Approved March 23, 1895.

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## CHAPTER CLXXV.

[S. B. No. 39.]

### PROVIDING FOR TOWNSHIP ORGANIZATION.

AN ACT to provide for township organizations, and prescribing the duties and fixing the compensation of township officers, and providing for the assessment, levy and collection of town taxes.

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

#### I.—VOTE ON TOWNSHIP ORGANIZATION.

Petition for township organization.

SECTION 1. When at least thirty days before a general election 100 or more qualified electors of any county in this state present a petition in writing, signed by them, to the board of county commissioners of their county, asking that the question of township organization in said county

be submitted to a vote of the people at the next general election, it shall be the duty of said commissioners to submit the question of adopting township organization in said county to the vote of the electors thereof at the first general election held after such petition is presented to said board of commissioners.

County commissioners to examine petition and order vote at election on township organization.

SEC. 2. Upon such petition being filed with the clerk of the board of county commissioners, it shall be the duty of said board to examine said petition, and if they find that it has been signed by the requisite number of electors of said county, said board shall, by an order to be entered on their minutes, direct that the question of adopting township organization shall be submitted to the voters of said county at the next general election; said order shall direct that after the names of the candidates for office to be voted for at the next general election, and after any question directed by the state to be voted on, there shall be printed on the ballots the words "For township organization," and "Against township organization."

Ballots.

SEC. 3. The clerk of the board of county commissioners shall, on preparing the ballots for the general election to be held next after the said petition has been so presented, have the words "For township organization," and "Against township organization" printed on said ballots as above directed. At said election the votes on said question shall be returned by the judges and clerks of election, and shall be canvassed along with the rest of the election returns.

## II.—DIVISION OF COUNTIES INTO TOWNSHIPS.

Division of counties into townships by county commissioners.

SEC. 4. Should the majority of the votes cast on the question of township organization be in favor thereof, it shall be the duty of the board of county commissioners, at their next meeting after such election, or as soon thereafter as practicable, to divide all the surveyed portion of the county, outside of incorporated cities, towns and villages, into organized townships. In making such division the

county commissioners shall see that each organized township has at least twenty-five (25) inhabitants who are legal voters, and they shall pay due regard to the lines of congressional townships, but wherever it shall be most convenient for the inhabitants of two or more congressional townships, or portions thereof adjoining each other, that they should be formed into one organized township, the county commissioners may organize a township out of such adjacent congressional townships or portions thereof, and a congressional township may be divided among two or more organized townships. Thereafter, when any township has been surveyed, it shall either be organized into a township or be attached to another township or townships. When any unsurveyed tract of land in a county has a sufficient number of inhabitants who are legal voters to be organized into a township, the board of county commissioners may organize such tract into a township, or any unsurveyed tract may be annexed to an adjoining township. Said board shall fix and determine the boundaries of each of such townships, and shall name the same; and said board shall make a full report of all their proceedings in relation to laying out said towns, and shall have said report entered in full upon their minutes.

Dividing towns.

SEC. 5. When rivers or lakes or mountains so divide a township as to make it inconvenient to do town business, the said commissioners may dispose of any fraction so formed by annexing the same to an adjoining township in the same county, if it shall seem to them proper, whenever petitioned to do so by not less than two-thirds of the legal voters residing in such fraction, and the fact that such petition is signed by two-thirds of such voters may be proved by the affidavit of any legal voter residing in such fraction and having knowledge of the fact; and any township having two or more villages, each containing two hundred or more inhabitants, may petition the county commissioners for a division. When the county commissioners are so petitioned, they may, if they think the interest of such town will be subserved thereby, proceed to divide such townships in such manner as will best suit the inhabitants

thereof: *Provided, however,* That at least twenty days' notice shall first be given by the county commissioners to the chairman of the board of supervisors of each township affected by the change before action is taken thereon: *Provided further,* That nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached from any tax levied or assessed prior to such division being made: *Provided,* That the part of any town annexed to any other town, and any village or city separated from any town under the provisions of this act shall not be released from or in any way discharged from the payment of any bonded or other indebtedness that may exist against the town from which separation has been made.

Towns to be named.

SEC. 6. Towns thus formed shall be named by the county commissioners in accordance with the expressed wish of a majority of the legal voters resident therein; but if they fail to so designate the name, the county commissioners may select a name.

County auditor to send abstract of report to state auditor.

SEC. 7. Each county auditor shall, within thirty days after such town is organized, transmit by mail to the auditor of state an abstract of such report; giving the bounds of each town, and the name designated; and said county auditor shall record, in a book for that purpose, a full description of each town.

Proceedings when two towns have the same name.

SEC. 8. If the auditor of state, on comparing the abstract of the reports from the several counties, finds that any two or more townships have the same name, he shall transmit to the auditor of the proper county the name of the town to be altered; and the board of commissioners shall, at their next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this chapter shall have the same name; and when such name is adopted, the auditor of the county shall inform the state auditor as before directed.

Boundaries of towns to remain as first established.

SEC. 9. The limits and boundary lines of every organized township shall remain as first established, until otherwise provided by the board of county commissioners under the authority of law.

### III.—TOWN MEETINGS, POWERS OF TOWNS.

Place and time of holding first town meeting.

SEC. 10. At the time of dividing any county into organized townships the county commissioners shall make out notices designating a suitable place for holding the first town meeting in each town, which shall be holden on the first Tuesday in March following the election at which township organization was adopted by vote of the county, and the auditor shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in each township not less than ten days before the day set for such town meeting.

Powers of towns.

SEC. 11. Each town is a body corporate, and has capacity—

*First:* To sue and be sued.

*Second:* To purchase, or receive by gift or otherwise, and hold lands within its own limits and for the use of its inhabitants, subject to the powers of the legislature.

*Third:* To make such contracts, purchase and hold such personal property as may be necessary for the exercise of its corporate or administrative powers.

*Fourth:* To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its own inhabitants.

SEC. 12. No town shall possess or exercise any corporate powers except such as are enumerated in this chapter or are especially given by law or necessary to the exercise of the powers so enumerated or granted.

Proceedings to be in name of town.

SEC. 13. All acts or proceedings by or against a town in its corporate capacity shall be in the name of such town; but every conveyance of land within the limits of such town, made in any manner for the use or benefit of its in-

habitants, has the same effect as if made to the town by name.

By-laws, when to take effect.

SEC. 14. No by-law made by any town shall take effect before the same is published by posting up copies thereof in three of the most public places in the town; and such by-laws duly made and so published are binding upon all persons coming within the limits of the town, as well as upon the inhabitants thereof, and shall remain in force until altered or repealed at some subsequent town meeting.

Who are electors at town meeting.

SEC. 15. Every person possessing the qualifications of an elector in any town is entitled to vote at any town meeting, and is eligible to any town office.

Annual town meetings.

SEC. 16. The citizens of the several towns of this state qualified to vote at town meetings shall annually assemble and hold town meetings in their several towns on the first Tuesday in March, at such place in each town as the electors thereof, at their annual town meetings, from time to time appoint, and notice of the time and place of holding such meeting shall be given by the town clerk by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting. Every town meeting shall be held at the same place as the last preceding town meeting was held, unless the place of meeting be changed by vote of the town meeting or of the board of supervisors: *Provided*, That before any change of place of holding town meetings is made by the board of supervisors, notice of such contemplated change may be given by any member of the town board to the town clerk, who shall, in his regularly printed or written notices as provided herein, incorporate the notice of the change of place at which said town meeting is to be held.

What officers to be elected at town meeting.

SEC. 17. There shall be elected at the annual town meeting in each town, three supervisors (one of whom shall be designated on the ballot as chairman), one town clerk, one treasurer, one assessor, one justice of the peace, one consta-

ble, and one overseer of highways for each road district in said town; but justices of the peace and constables shall be elected only once in two years, except to fill vacancies.

Supervisors to be fence viewers.

SEC. 18. The supervisors elected in every town are, by virtue of their office, fence viewers of such town.

Powers of electors at town meetings.

SEC. 19. The electors of each town have power, at their annual town meeting—

*First:* To determine the number of poundmasters, and the location of pounds.

*Second:* To select such town officers as are required to be chosen.

*Third:* To direct the institution or defense of actions in all controversies where such town is interested.

*Fourth:* To direct such sums to be raised in such town for prosecuting or defending such actions as they may deem necessary.

*Fifth:* To make all rules and regulations for ascertaining the sufficiency of fences in such town, and for impounding animals.

*Sixth:* To determine the time and manner in which cattle, horses, hogs, mules, asses and sheep are permitted to go at large.

*Seventh:* To impose such penalties on persons offending against any rule or regulation established by said town, except such as relate to the keeping and maintaining of fences, as they think proper, not exceeding ten dollars for each offense, unless herein otherwise provided.

*Eighth:* To apply such penalties, when collected, in such manner as they deem most conducive to the interests of the town.

*Ninth:* To vote to raise such sums of money for the repairs and construction of roads and bridges as they deem necessary, and to determine the amount thereof to be assessed by the supervisors as labor tax and the amount thereof to be assessed and collected as other town taxes; also to vote such sums of money for other necessary town charges as they deem expedient: *Provided,* That they may,

at their annual town meeting, direct such an amount of the poll and road tax of the town to be expended on the highways in an adjoining town as they deem conducive to the interests of the town, which labor and tax shall be expended under the direction of the supervisors of the town furnishing the same: *Provided further*, That where more than one entire congressional township is included within an organized town the poll and road tax raised within the limits of each of such congressional townships shall be expended within such congressional township, unless raised to be expended outside of such organized town in an adjoining town.

*Tenth:* To determine whether license shall be granted for the sale of spirituous, malt or intoxicating liquor in said town; and unless a majority of the electors present and voting at the annual town meeting shall vote by ballot in favor of granting license in their town for the year then next ensuing, no such license shall be granted to sell liquor in said town for that year. Before the question of granting license to sell liquor is voted on the notice given by the town clerk of the time and place of holding town meeting shall state that the question of voting for or against license to sell liquor will be voted on at the town meeting, and within one week after the annual town meeting a certificate of such vote in said town in favor of license, signed by the moderator and by the judges and the clerk of the town meeting, shall be filed in the office of the county auditor. Any license to sell intoxicating liquor in any town in this state shall expire ten days after the annual town meeting held next after such license is granted. Every license granted contrary to the provisions of this section shall be void.

Special town meetings.

SEC. 20. Special town meetings may be held for the purpose of transacting any lawful business whenever the supervisors, town clerk and justice of the peace, or any two of them, together with at least twelve other freeholders of the town, file in the office of the town clerk a written statement that a special meeting is necessary for the interest of the town.

## Notice of special town meeting.

SEC. 21. Every town clerk with whom such statement is filed, as required in the preceding section, shall record the same and immediately cause notice to be posted up in five of the most public places in the town, giving at least ten days' notice of such special meeting; and if there is a newspaper published in said town he shall cause a copy of said notice to be published therein at least three days before the time appointed for such meeting.

## Contents of notice.

SEC. 22. Every notice given for a special town meeting shall specify the purpose for which it is to be held, and no other business shall be transacted at such meeting than such as is specified in such notice.

## Town meeting, how organized.

SEC. 23. The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting, or special town meeting, shall be called to order by the town clerk, if there is one present; in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The town clerk last before elected shall be clerk of the meeting, and keep full minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by the meeting. If the town clerk is absent, then such person as is elected for that purpose shall act as clerk of the meeting.

## Business, how transacted.

SEC. 24. At the opening of every town meeting, the moderator shall state the business to be transacted and the order in which it shall be entertained, and no proposition to vote a tax shall be acted on out of the order of business as stated by the moderator; and no proposition to reconsider any vote shall be entertained at any town meeting, unless such proposition to reconsider is made within one hour from the time such vote was passed or the motion for such reconsideration is sustained by a number of

voters equal to a majority of all the names entered upon the poll list at such election up to the time such motion is made; and all questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the moderator shall ascertain and declare the result of the votes on each question.

Challenges, how regulated.

SEC. 25. If any person offering to vote at any election or upon any question arising at such town meeting is challenged as unqualified, the judges of the town meeting shall proceed thereupon in like manner as the judges at the general election are required to proceed, adapting the oath to the circumstances of the town meeting.

Proclamation.

SEC. 26. Before the electors proceed to elect any town officer, proclamation shall be made of the opening of the polls by the moderator, and proclamation shall, in like manner, be made of the adjournment, and the opening and closing of the polls, until the election is ended.

Officers, how elected.

SEC. 27. The supervisors, treasurer, town clerk, assessor, justices of the peace and constables in each township shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen either by yeas or nays or by a division, as the electors determine.

Names voted for to be on one ballot.

SEC. 28. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for and the offices to which such persons are intended to be chosen.

Judge to deposit ballot in box—Poll list to be kept.

SEC. 29. When the election is by ballot, the elector voting shall fold his ballot so that the names voted for cannot be seen, and hand the ballot to one of the judges of election, who shall, without opening the same or permitting the same to be opened or examined, deposit the ballot in the ballot box, and shall announce the name of the elector

in an audible voice. The clerk of the town meeting shall then enter on a poll list to be kept by him the name of the person voting.

Manner of conducting canvass.

SEC. 30. At the close of every election by ballot the judges shall proceed publicly to canvass the votes, which canvass, when commenced, shall continue without adjournment or interruption until the same is completed. The canvass shall be conducted by taking a ballot at a time from the ballot box and counting until the number of ballots is equal to the number of names on the poll list; and if there are any left in the box they shall be immediately destroyed; and the person having the greatest number of votes for any office shall be declared duly elected: *Provided*, That if two or more persons have an equal and the highest number of votes for any office the judges of election shall at once publicly, by lot, determine who of such persons shall be declared elected. If, on opening the ballots, two or more ballots are found to be so folded that it is apparent that the same person voted them, the board shall destroy such votes immediately.

Result of canvass to be read to meeting.

SEC. 31. The canvass being completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting; and such reading shall be deemed notice of the result of the election to every person whose name is entered on the poll list as a voter.

Minutes of town meeting to be filed.

SEC. 32. The minutes of the proceedings of every town meeting, subscribed by the clerk of said meeting and by the judges, shall be filed in the office of the town clerk within two days after such town meeting.

Persons elected to be notified.

SEC. 33. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office whose name is not entered on the poll list as a voter notice of his election.

## IV.—QUALIFICATIONS OF TOWN OFFICERS.

## Officers to take oath.

SEC. 34. Every person elected or appointed to the office of supervisor, town clerk, assessor, treasurer or constable, within two weeks after he is notified of his election or appointment, shall take and subscribe before the town clerk or justice of the peace an oath to support the constitution of the United States and of the State of Washington, and faithfully to discharge the duties of his office (naming the same) to the best of his ability. Such oath shall be administered without fee and certified by the officer before whom it was taken, with the date of taking the same.

## Certificate of oath to be filed.

SEC. 35. The person taking such oath shall immediately, and before entering upon the duties of his office, file the certificate of such oath in the office of the town clerk.

## Effect of not filing oath or bond.

SEC. 36. If any person elected or appointed to any town office, of whom an oath or bond is required, neglects to file the same within the time prescribed by law, such neglect shall be deemed a refusal to serve in such office.

## Overseers and poundmasters to file acceptance of office.

SEC. 37. Every person elected or appointed to the office of overseer of highways or poundmaster, before he enters on the duties of his office, and within two weeks after he is notified of his election or appointment, shall file in the office of the town clerk a notice signifying his acceptance of such office. A neglect to file such notice shall be deemed a refusal to serve.

## Treasurer to give bond.

SEC. 38. Every person appointed or elected to the office of treasurer, before he enters upon the duties of his office, shall execute and deliver to the supervisors of the town and their successors in office a bond, with one or more sureties, to be approved by the chairman of the board, in double the probable amount of money to be received by him, which amount shall be determined by said board, conditioned for the faithful execution of his duties as such treasurer.

Bond, when approved, to be filed.

SEC. 39. The said chairman shall, within six days thereafter, file such bond, with said approval indorsed thereon, in the office of the county clerk, who shall record the same in a book provided for that purpose.

Constable to take oath and give bond.

SEC. 40. Every person chosen to the office of constable, before he enters upon the duties of his office, and within two weeks after he is notified of his election or appointment, shall take and subscribe the oath of office prescribed by law and execute a bond to the State of Washington in such penal sum as the supervisors direct, with one or more sufficient sureties, to be approved by the chairman of said board or the town clerk, conditioned for the faithful discharge of his duties. The chairman of said board or the town clerk shall, if such bond is approved, indorse his approval thereon and cause such bond to be filed with the town clerk for the benefit of any person aggrieved by acts or omission of said constable; and any person so aggrieved, or the town, may maintain an action on said bond against said constable and sureties.

Justices to take oath and give bond.

SEC. 41. Every person elected or appointed to the office of justice of the peace shall, within two weeks after receiving notice thereof, take and subscribe before any other officer duly authorized to administer oaths, an oath to support the constitution of the United States and of the State of Washington and faithfully and impartially to discharge the duties of his office according to the best of his ability. He shall also execute a bond to the State of Washington, with two or more sufficient sureties, to be approved by the chairman, in the penal sum of not less than five hundred dollars nor more than one thousand dollars, conditioned for the faithful discharge of his official duties. Said chairman shall indorse thereon his approval of the sureties named in such bond, and such justice shall immediately file the same, together with his oath of office, duly certified, with the clerk of the county of the proper county for the benefit of any person aggrieved by the acts of said justice; and any per-

son aggrieved may maintain an action on said bond in his own name against said justice and his sureties.

Effect of neglect to give bond.

SEC. 42. If any person elected or appointed to the office of treasurer or constable does not give such bond and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

Penalty for entering on duties before taking oath.

SEC. 43. If any town officer who is required by law to take the oath of office enters upon the duties of his office before taking such oath, he forfeits to such town the sum of fifty dollars, and the same to go to the county poor fund.

Town officers must not be interested in contracts with towns.

SEC. 44. No town officer shall become a party to or interested, directly or indirectly, in any contract made by the board of which he may be a member; and every contract or payment voted for or made contrary to the provision of this act is void; and any violation of this section hereafter committed shall be a malfeasance in office, which will subject the officer so offending to be removed from office.

Terms of office.

SEC. 45. Town officers, except justices of the peace and constables, hold their offices for one year and until others are elected or appointed in their places and are qualified. The justices of the peace and constables shall hold their offices for two years and until others are chosen and qualified.

#### V.—FILLING VACANCIES IN TOWN OFFICES.

Vacancies in town offices; how filled.

SEC. 46. The board of county commissioners of any county may, for sufficient cause shown to them, accept the resignation of any town officer in any township in their county, and whenever they accept any such resignation, they shall forthwith appoint another elector of the town to the office, and shall give notice thereof in writing to the person so appointed and to the town clerk; or in case of a vacancy in the office of town clerk, to the chairman of the board of supervisors of the town.

## Fail to elect officers.

SEC. 47. Whenever any town fails to elect the proper number of town officers, or when any person elected to a town office fails to qualify, or whenever any vacancy happens in any town office from death, resignation, removal from town or other cause, the town clerk, or in case there is no town clerk, then the chairman or one of the town supervisors shall give notice in writing of such vacancy or vacancies to the board of county commissioners of the county in which such town is situated, and said board, upon such notice being given them, or if they know of any vacancy in any town office in any township in their county, shall forthwith fill the vacancy or vacancies by appointment by warrant, signed by the chairman of the board, and countersigned by the clerk of said board, and shall give notice in writing personally or by mail to the town clerk or the chairman of the board of supervisors, and also to the person so appointed. All persons appointed to office under this act shall qualify as herein provided, and shall hold their offices until the next annual town meeting and until their successors are elected or appointed and qualified in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected to such offices.

## VI.—DUTIES OF TOWN SUPERVISORS.

## Powers and duties of supervisors.

SEC. 48. The supervisors shall have charge of such affairs of the town as are not by law committed to other town officers; and they shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all moneys raised by the town to be disbursed for any other purpose.

## Two supervisors a quorum.

SEC. 49. Any two of the supervisors constitute a quorum for the performance of any duties required by law of the town supervisors, except when otherwise provided.

Town supervisors to be board of health.

SEC. 50. The town supervisors shall constitute a board of health, and within their respective towns shall have and exercise all the powers necessary for the preservation of the public health and for the prevention and suppression of public nuisances.

Supervisors shall bring action on official bonds.

SEC. 51. The supervisors shall, in the name of their town, prosecute, for the benefit of the town, all actions upon bonds given to them or their predecessors in office; and shall also sue for and collect all penalties and forfeitures, in respect to which no other provision is made, incurred by any officer or inhabitant of the town; and they shall have power, in like manner, to prosecute for any trespass committed on any public inclosure or property belonging to the town, and shall pay all moneys collected under this section to the town treasurer.

Supervisors to audit accounts against towns.

SEC. 52. The supervisors constitute a town board for the purpose of auditing all accounts payable by said town; and if from any cause there are not three supervisors present to constitute said board, the chairman, and, in his absence, either of the other supervisors, may notify the justice of the peace of the town as will, together with the supervisors present, make a board of three; and the board so constituted shall have authority to act as the town board.

#### VII.—DUTIES OF THE TOWN CLERK.

Town clerk to be clerk of town board and custodian of books—  
May appoint deputy.

SEC. 53. The town clerk shall be clerk of the town board, and shall keep a true record of all their proceedings in his office. He shall have the custody of the record books and papers of the town, when no other provision is made by law, and he shall duly file and safely keep all certificates of oaths and other papers required by law to be filed in his office. The town board may, in case of necessity, appoint a deputy town clerk. Before any deputy town clerk shall enter upon the duties of his office he shall take and subscribe the oath required by law, which oath

shall be filed in the office of the county clerk. In the month of March, each year, after the annual town meeting, the town clerk of each town shall make to the county auditor a return of all taxes and sums of money voted at said town meeting to be raised, except such taxes as may be assessed by the supervisors as labor tax, designating the separate amounts to be raised for each purpose; and it shall be the duty of the county auditor to levy such amounts on the tax rolls of that year against the assessed property of such town as hereinafter provided.

Proceedings of town meeting to be recorded.

SEC. 54. He shall record, in the book of records of his town, minutes of the proceedings of every town meeting, and he shall enter therein every order or direction, and all rules and regulations of any such town meeting; and shall also file and preserve all accounts audited by the town board, or allowed at a town meeting, and enter a statement thereof in such book of records.

Town clerks may take acknowledgments and oaths.

SEC. 55. The town clerks of the several towns in this state are hereby authorized to administer all oaths, and take all acknowledgments of instruments, authorized or required by this act.

SEC. 56. Every person elected or appointed to the office of town clerk in any of the towns of this state shall, before he enters upon the duties of his office, and within the time prescribed by law for filing his oath of office, execute a bond with two or more sufficient sureties, to be approved by the town supervisors, in such penal sum as the supervisors direct, conditioned for the faithful discharge of his duties. Said bond so approved shall be filed and recorded in the office of the clerk of the superior court, for the benefit of any person aggrieved by the acts or omissions of said town clerk; and any person so aggrieved, or the town, may maintain an action on said bond against said town clerk and sureties.

Name of constable to be sent to clerk of court.

SEC. 57. Every town clerk, immediately after the qualification of any constable elected or appointed in his town,

shall transmit to the clerk of the superior court of the county the name of such constable.

Name of justice to be sent to clerk of court.

SEC. 58. Each town clerk shall, immediately after the election of any justice of the peace in his town, transmit a written notice thereof to the clerk of the superior court of said county, stating therein the name of the person elected, and the term for which he is elected; and if elected to fill a vacancy, he shall state in said notice who was the last incumbent of the office.

Penalty for neglect to return.

SEC. 59. If any town clerk wilfully neglects to make such return, such omission is hereby declared a misdemeanor, and, on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

By-laws to be posted.

SEC. 60. The town clerk shall post in three of the most public places in his town, copies of all by-laws made by such town, and shall make an entry in the town records of the time when, and the place where, such by-laws were posted.

#### VIII.—CLAIMS AGAINST TOWNS.

Claims to be itemized before allowance.

SEC. 61. Before any account, claim or demand against any town of this state, for any property or services for which such town shall be liable, shall be audited or allowed by the board of officers authorized by law to audit and allow the same, the person in whose favor such account, claim or demand shall be, or his agent, shall reduce the same to writing in items, and shall verify the same to the effect that such account, claim or demand is just and true, that the money therein charged was actually paid for the purposes therein stated, that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and of the value therein charged; or, in case such services were official for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law,

and that no part of such account, claim or demand has been paid: *Provided*, That when the books of the town clerk show the official attendance of a town officer, his claim for per diem for that service need not be verified.

Verification of claims.

SEC. 62. The verification required by the preceding section may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim or demand shall be presented to be audited; and every member of any such board is hereby authorized to administer the proper oath in such cases; and every person who shall wilfully or knowingly swear falsely on any such cases, shall be deemed guilty of willful perjury, and be punished accordingly: *Provided*, That in any case any such account, claim or demand shall be made or presented by any administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove the same otherwise to the satisfaction of the board.

Auditing of claims.

SEC. 63. Whenever any account, claim or demand against any town shall have been verified in the manner prescribed in this act, the board of officers to whom the same shall be presented may receive and consider the same, and may allow or disallow the same in whole or in part as to such board or officers shall appear just or lawful, saving to such claimants the right of appeal.

Penalties for allowing claims not verified.

SEC. 64. Any member of such board who shall audit and allow any accounts, claim or demand required by this act to be itemized and verified, without the same having been first duly itemized and verified, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Town board to meet, when.

SEC. 65. The town board shall meet annually on the Tuesday next preceding the annual town meeting to be

held in said town, and at such other times as they deem necessary and expedient, for the purpose of auditing and settling all charges against said town, and they shall state on each account the amount allowed by them; but no allowance shall be made for any account which does not specifically state each item of the same, and the nature thereof; and all unpaid accounts of town officers for services rendered since the last annual meeting of said board shall be presented to the town board at their annual meeting on the Tuesday next preceding the annual town meeting, to be audited as aforesaid.

Shall audit accounts of town officers.

SEC. 66. The said board shall also, at their annual meeting in each year, examine and audit the accounts of the town treasurer for all moneys received and disbursed by him as such officer; and they shall audit the accounts of all other town officers who are authorized by law to receive or disburse any money of the town by virtue of their office.

[Board shall draw up report.]

SEC. 67. Such board shall draw up a report, stating in detail the items of account audited and allowed since the last annual meeting, the nature of each account and the name of the person to whom such account was allowed, the total amount audited and allowed to each township officer in payment for his services since their last annual meeting, including a statement of all the fiscal concerns of the town. As a part thereof said board shall make an estimate of the sum necessary for the current expenses thereof, and other incidental expenses for the ensuing year.

Report to be read at town meeting.

SEC. 68. Such report shall be produced and publicly read by the town clerk at the next ensuing town meeting; and the whole or any portion of such report may be referred, by the order of the meeting, to a committee whose duty it shall be to examine the same and report thereon to such meeting.

Treasurer shall pay audited accounts.

SEC. 69. The amount of any account audited and allowed by the town board, and the amount of any account

voted to be allowed at any town meeting, shall be paid by the town treasurer on the order of said board, signed by the chairman and countersigned by the clerk; and all orders issued to any person by the town board for any sums due from such town shall be received in payment of town taxes of said town.

IX. — DUTIES OF TOWN TREASURER.

Duties of town treasurer.

SEC. 70. The town treasurer shall receive and take charge of all moneys belonging to the town or which are by law required to be paid into the town treasury, and shall pay over and account for the same upon the order of such town, or the officers thereof duly authorized in that behalf, made pursuant to law, and shall perform all such duties as may be required of him by law.

Shall keep true accounts, and deliver books to successor.

SEC. 71. Every town treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided at the expense of the town for that purpose, and exhibit such account, together with his vouchers, to the town board at its annual meeting for adjustment; and he shall deliver all books and property belonging to his office, the balance of all moneys in his hands as such treasurer, to his successor in office, on demand, after such successor has qualified according to law.

Shall draw money from county treasurer — Fees.

SEC. 72. The town treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his town, and on receipt of such moneys shall deliver proper vouchers therefor. Each town treasurer shall be allowed and entitled to retain two per centum of all moneys paid into the town treasury for receiving, safe keeping and paying over the same according to law: *Provided, however,* That the compensation of said treasurer shall in no case exceed the sum of one hundred dollars in any one year.

Shall make annual statement.

SEC. 73. Each town treasurer, within five days preceding the annual town meeting, shall make out a statement in writing of the moneys by him received into the town treasury from the county treasurer, and from all other officers and persons, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each officer or person and the date of receiving the same; also to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment. He shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall be filed by him in the office of the town clerk and shall be by such clerk carefully preserved and recorded in the town book of records.

Violation of four preceding sections—Penalty.

SEC. 74. Every town treasurer who refuses or neglects to comply with the provisions of the four preceding sections shall forfeit not more than two thousand dollars, to be recovered in any court of competent jurisdiction, the amount to be fixed by the jury trying the cause, or by the court if there is no jury impaneled, and may be recovered by civil action in the name of any person who prosecutes the same, with costs of suit; one-half shall go to the person so prosecuting and the remainder to the town of which such delinquent is or has been treasurer.

Unpaid town orders—Record—Interest.

SEC. 75. Each and every town treasurer shall keep a suitable book, to be provided at the expense of the town, in which he shall enter the town orders that he cannot pay for want of funds when presented to him for payment, which orders, when presented, shall be indorsed by such treasurer by putting upon the back of the same the words "Not paid for want of funds," giving the date of such indorsement, signing the same as town treasurer.

Order of payment of town orders.

SEC. 76. All town orders shall be paid in the order of

their issuance out of the first moneys that come into the town treasurer's hands for such purpose.

X.—DUTIES OF TOWN OFFICERS AT ELECTIONS.

Judges and clerks of election—Places of holding elections.

SEC. 77. Each township shall constitute at least one election precinct. The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one of the clerks of election in their respective election precinct, and the judges of election shall appoint an additional clerk of election, who shall be of an opposite political party, if practicable, to the town clerk. The election shall be held in such election precinct at the place where the last preceding town meeting was held, except as herein provided; but if in any town a vote is taken to hold it elsewhere the next ensuing election shall be held at the place designated by such vote. When, in any township having over four hundred electors, the supervisors divide the same into two or more election precincts, they shall designate the boundaries thereof, and thereafter shall be elected, at the annual town meeting of such township, three judges of election and two clerks of election in each precinct, and the place of holding said election in each precinct shall be designated by said town meeting, or, in default of such designation, shall be appointed by the judges of election thereof, in which case they shall make such designation at least twenty days before election, and give notice thereof by posting proper notices in the public places in the township. In case the supervisors divide the township into precincts, as herein provided, and no town meeting is thereafter held prior to the election, then the county commissioners shall, twenty-five days before election, appoint the judges and clerks for that election. No more than two judges and one clerk of election, except where town supervisors and town clerks so act, shall belong to the same political party. No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he sits, nor unless he can read, write and speak the English language understandingly.

SEC. 78. Whenever any town constituting one election precinct is found by the number of votes there cast at any election to contain more than four hundred voters, it shall be the duty of the supervisors of the town to cause such precinct at least six weeks before the next ensuing general or town election, to be divided into two or more districts, each containing as nearly as may be an equal number of voters.

XI.—ASSESSMENT OF PROPERTY.

Duties of township assessor.

SEC. 79. Each township assessor elected or appointed under this act shall take the oath and give a bond similar to the oath and bond now required of county assessors, the amount of said bond to be fixed by the board of supervisors; and each township assessor shall, in his town, have the same duties and rights as are given to county assessors in their respective counties by the laws of this state, and shall be subject to the same penalties as county assessors now are.

County auditor to furnish assessors' books and blanks.

SEC. 80. The county auditor shall annually provide the necessary assessment books and blanks at the expense of the county, for and to correspond with each assessment district. He shall make out in the real property assessment book complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, and, if unknown, so stated opposite each tract or lot, the number of acres and the lots or parts of lots or blocks included in each description of property. The list of real property becoming subject to assessment and taxation every odd numbered year may be appended to the personal property assessment book. There shall be appended to each personal property assessment book a list of all mortgages or other real estate securities held, owned or controlled by the residents of the town or district, showing the names of the owners or agents, alphabetically arranged, and the amount due on each separate instrument. The assessment books and blanks shall be in readiness for delivery to the assessors on the last Saturday of March in each year, and the assessors shall meet on that day at the office of the

county auditor for the purpose of receiving such books and blanks, and for conference with the auditor in reference to the performance of their duties.

Town board of review — Duties.

SEC. 81. The board of supervisors of each town shall meet on the fourth Monday of June at the office of the town clerk for the purpose of reviewing the assessment of property in such town, and they shall immediately proceed to examine, ascertain and see that all taxable property in their town or district has been properly placed upon the list and duly valued by the assessor; and in case any property, real or personal, shall have been omitted by inadvertence or otherwise, it shall be the duty of said board to place the same upon the list, with the true value thereof, and proceed to correct the assessment, so that each tract or lot of real property and each article, parcel or class of personal property shall be entered on the assessment list at the true and full value thereof; but the assessment of the property of any person shall not be raised until such person shall have been duly notified of the intention of the board so to do. And on the application of any person considering himself aggrieved they shall review the assessment and correct the same as shall appear to them just. Any two of said officers are authorized to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented. All complaints and grievances of individuals, residents of the town or district, in reference to the assessment of personal property, shall be heard and decided by the town board: *Provided*, That the complaints of non-residents in reference to the assessment of any property, real or personal, and of others in reference to any assessment made after the meeting of the town board of review, shall be heard and determined by the county board.

Notice of meeting of board of review.

SEC. 82. The assessor shall cause at least ten days' previous notice of the time and place of the meeting of the town board of review by posting notices in at least three public places in his town or district, but the failure to give

such notice or hold such meeting shall not vitiate such assessment, except as to the excess of valuation of tax thereon shown to be unjustly made or levied. It shall be the duty of the assessor to attend the meeting of the town board of review with his assessment books and papers, and note all changes and additions made by the board, and correct his work accordingly, and not later than ten days after the meeting of the board of review said assessor shall return the assessment books of his town, duly verified, along with all the assessment papers in his hands, to the county auditor.

#### XII.—TOWN TAXES AND CHARGES.

Taxes to be levied in specific amounts—When to be certified.

SEC. 83. All taxes shall be levied or voted in specific amounts, and the rates per centum shall be determined from the amount of property, as equalized by the county board of equalization each year, except such general taxes as may be definitely fixed by law. The taxes voted by townships, and not previously returned to the county auditor, and all delinquent poll, road and other taxes to be collected by any town officer, and due and unpaid, shall be certified by the proper authorities to the county auditor on or before the first day of November in each year. There shall be levied annually on each dollar of taxable property in the state (other than such as by law is otherwise taxed), as assessed and entered on the tax lists for the several purposes enumerated, taxes at the rates specified as follows: For township purposes, such sum as may be voted at any legal town meeting, the rate of which shall not exceed, exclusive of such sums as may be voted at the annual town meeting for road and bridge purposes, two mills in any township having a taxable valuation of one hundred thousand dollars or more, and the amount of which shall not exceed one hundred and fifty dollars in any township having a taxable valuation less than one hundred thousand dollars, and the rate of such tax shall not exceed one-half of one per cent. in any township. The rate of tax for road and bridge purposes in any town shall not exceed five mills per dollar: *Provided*, That nothing in this section shall be con-

strued to prevent the township supervisors or corporate authorities of any town from levying any tax which by any special law they may be authorized to levy.

What are town charges.

SEC. 84. The following shall be deemed town charges:

*First:* The compensation of town officers for services rendered their respective towns.

*Second:* Contingent expenses necessarily incurred for the use and benefit of the town.

*Third:* The moneys authorized to be raised by the vote of the town meeting for any town purpose.

*Fourth:* Every sum directed by law to be raised for any town purpose: *Provided,* That no tax for town purposes shall exceed the amount voted to be raised at the annual town meeting, as provided by law.

Money, how levied.

SEC. 85. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town in the manner prescribed in the chapter for raising revenue and other money for state and county purposes and expenses.

Limit of debts and outlays.

SEC. 86. No town has power to contract debts or make expenditures for any one year in a larger sum than the amount of taxes assessed for such year without having been authorized by a majority of the voters of such township; and no town shall assess for township purposes more than ten mills on the dollar of taxable property for any one year.

### XIII.—TOWN BONDS.

Authorized to issue bonds.

SEC. 87. The board of supervisors of the organized townships of this state, or those that may hereafter be organized, are authorized and fully empowered to issue the bonds or orders of their respective towns, with coupons attached, in such amounts and at such periods as they may be directed by two-thirds of all the legal voters present and voting at any legally called town meeting held for that purpose; such bonds or orders to be payable in such

amounts and at such times, not exceeding ten years from date, as two-thirds of the legal voters present and voting at such meeting shall determine, with interest thereon not to exceed 8 per cent. per annum, payable annually; which bonds or orders and coupons shall be signed by the chairman of the board of supervisors and countersigned by the clerk of said town: *Provided*, That nothing herein contained shall be construed to authorize the issuing of said bonds or orders unless the same shall have been first voted for by ballot by two-thirds of all the legal voters present and voting at any annual town meeting, or special town meeting called for that purpose, notices of which, particularly specifying the object for which such meeting was called, have been posted in at least three public places in said town for not less than ten days previous to the calling of the same: *Provided further*, That in no case shall the total indebtedness of any town at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

Conditions as to bonds and their proceeds.

SEC. 88. No bonds or orders issued under authority of this act shall be so issued or negotiated for less than par value, nor shall said bonds or orders, or the proceeds thereof, be used or appropriated for any purpose whatever other than that specified in this act.

Taxes for interest and sinking fund.

SEC. 89. Said board of supervisors and their successors are hereby authorized, and it is hereby made their duty, on or before the first day of September next after the date of said bonds or orders, and in each and every year thereafter, on or before the first day of September, until the payment of said bonds or orders and interest is fully provided for, to levy and in due form to certify to the auditor of the county in which such town is situated, a tax upon the taxable property of said town equal to the amount of principal and interest maturing next after such levy, and, in the discretion of said board of supervisors, such further sum as it shall deem expedient, not exceeding twenty per

cent. of such maturing bonds or orders and interest, which taxes shall be payable in money and shall constitute a fund for the payment of said bonds or orders and the interest thereon.

XIV.—POLL TAX—COLLECTION OF TOWN TAXES.

Poll tax to be a town fund.

SEC. 90. All poll tax collected by any road overseer or other town officer shall be by him paid to the town treasurer and be part of the township funds.

Payment of town taxes.

SEC. 91. All taxes levied for township purposes shall be payable to and shall be collected by the county treasurer of the county in which such township is situated, and such taxes shall be extended on the county tax rolls, in columns to be provided for that purpose and properly headed, and shall be payable and shall become delinquent at the same time as county taxes are; and they shall, on non-payment, be subject to the same penalties and draw the same rate of interest; and the collection of the same shall be enforced at the same time and by the same means as the collection of county taxes: *Provided*, This section shall not apply to any poll tax paid before it becomes delinquent, or to any road tax which by law may be worked out by the person against whom it is assessed before it becomes delinquent; but such taxes when delinquent shall be returned to the town clerk by the officer who is authorized by law to collect the same, on or before the 25th day of October of the year in which they become delinquent, and shall on or before the first day of November be returned by the town clerk to the county auditor, and shall be added to the township tax against the property of the person so taxed—the poll tax and the tax on personal property being added to the personal property tax for the succeeding year, and the tax on real property being added to the real property tax for the succeeding year.

SEC. 92. The county treasurer shall keep an account of the money received for each town, and shall quarterly, after the settlement between the county treasurer and

county auditor, pay over any money due a town to its treasurer upon the warrant of the county auditor.

XV. — FEES OF TOWN OFFICERS.

Fees of town officers.

SEC. 93. The following town officers are entitled to compensation, at the following rates for each day necessarily devoted by them to the service of the town, in the duties of their respective offices: The town assessors shall receive for their services two dollars per day, while engaged in their respective duties as such assessors. The town clerks and supervisors shall receive for their services one dollar per day when attending to business in their town, and one dollar and fifty cents when attending to business out of town; no town supervisor shall receive more than twenty dollars, for compensation, in any one year: *Provided*, That the town clerks shall be paid fees for the following, and not a per diem: For filing any paper required by law to be filed in his office, ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order or any instrument of writing authorized by law, five cents for each one hundred words; for copying any record or instrument on file in his office, and certifying the same, five cents for each one hundred words, to be paid for by the person applying for the same: *Provided further*, That at any town meeting, before the electors commence balloting for officers, they may by resolution reduce or increase the compensation of officers, but no such increase shall exceed one hundred per cent.

Poundmaster — Duties — Fees.

SEC. 94. The poundmaster is allowed the following fees, to wit: For taking into pound and discharging therefrom, any horse, ass or mule, and all neat cattle, ten cents each. For every sheep or lamb, three cents each; and for every hog, large or small, five cents each; and twenty cents each for keeping each head twenty-four hours in pound. And the poundmaster has a lien on all such animals for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals until the same are paid; and if the same are not paid, and said animals re-

moved, within four days after they are so impounded, the said poundmaster shall give notice, by posting the same in three of the most public places in said town, or by personal notice in writing, if the owner is known, that said animals (describing them) are impounded, and that, unless the same are taken away and fees paid within fifteen days after the date of such notice, he will sell the same at public vendue at the place where the town meetings of said town are usually held; and on the day designated in such notice the said poundmaster shall expose the said animals for sale, and sell the same to the highest bidder in cash, for which services he shall receive two per cent. of the purchase money for each animal. Out of the money realized from said sale, the said poundmaster shall deduct all his legal fees and charges, and pay the balance, if any, to the chairman of the town supervisors, at the same time giving to said supervisors an accurate description of the animals sold, and the amount received by him for each animal, and shall take a receipt and duplicate therefor, and file one of them with the town clerk: *Provided*, That the said supervisors shall, at any time within six months, upon sufficient proof from the owner of any animal so sold, pay to said owner the balance due as received from the said poundmaster; but if said money is not claimed within that time, then the sum so received shall be retained for the use of said town.

#### XVI. — POUNDS AND POUNDMASTERS.

Pounds to be under care of poundmasters.

SEC. 95. Whenever the electors of any town determine at their annual meeting to erect one or more pounds therein, the same shall be under the care and direction of such poundmasters as are chosen or appointed for that purpose.

Pounds discontinued.

SEC. 96. The electors of any town may, at an annual meeting, discontinue any pounds therein.

#### XVII. — ACTIONS BY AND AGAINST TOWNS.

Actions between towns; how regulated.

SEC. 97. Whenever any controversy or cause of action exists between towns, or between a town and an individual

or corporation, such proceedings shall be had either at law or equity, for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or decree therein shall have the like effect, as in other actions or proceedings of a similar kind between individuals and corporations.

Actions; in what name brought.

SEC. 98. In all such actions and proceedings the town shall sue and be sued in its name.

Papers in action; how served.

SEC. 99. In legal proceedings against a town by name, all papers shall be served on the chairman of the board of supervisors, and, in case of his absence, on the town clerk; and whenever any action or proceeding is commenced, said chairman shall attend to the defense thereof, and lay before the electors of the town, at the first town meeting, a full statement of such proceedings, for their direction in regard to the defense thereof.

Action before justice of peace.

SEC. 100. No action in favor of any town shall be brought before any justice of the peace residing in such town.

Action to recover penalty for trespass.

SEC. 101. Whenever any action is brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it appears on the trial thereof that the actual amount of injury to such town lands in consequence of such trespass exceeds the sum of twelve dollars and fifty cents, then the amount of actual damage with cost of suit shall be recovered in said action, instead of any penalty for said trespass imposed by the town meeting; and such recovery shall be used as a bar to every other action for the same trespass.

Other actions; how regulated.

SEC. 102. Whenever by decree or decision, in any action or proceeding brought to settle any controversy in relation to town commons or other lands, the common property of a town, or for the partition thereof, the rights of any town are settled and confirmed, the court in which such proceed-

ings are had may partition such lands according to the right of parties.

Judgment against town; how collect.

SEC. 103. When a judgment is recovered against any town, or against any town officers, in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed or stayed on appeal, shall be paid by the town treasurer, upon demand and the delivery to him of the certified copy of the judgment, if there is sufficient money of such town in his hands not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterward stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to such town, levied for the purpose of paying such judgment, next after the rendition of such judgment, execution may be issued on such judgment, but only town property shall be liable thereon.

Tax levied to pay judgment, when.

SEC. 104. If judgment for the recovery of money is rendered against any town, and the judgment is not satisfied, or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said town, a certified copy of the judgment may be presented to said town at said annual meeting. The supervisors of the town shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the tax of said town, and the same certified to the county auditor, and collected as other town taxes are collected.

#### XVIII.—GUIDE POSTS.

Guide posts.

SEC. 105. Every township shall, in the manner provided herein, erect and maintain guide posts on the highways and other ways within the township at such places as are necessary or convenient for the direction of travelers.

Supervisors to make report of guide posts.

SEC. 106. The supervisors shall submit to the electors at every annual meeting a report of all the places at which guide posts are erected and maintained within the town, and of all places at which, in their opinion, they ought to be erected and maintained. For each neglect or refusal to make such report, they shall severally forfeit the sum of ten dollars.

Town to determine places for guide posts; penalty.

SEC. 107. Upon the report of the supervisors, the town shall determine the several places at which guide posts shall be erected and maintained, which shall be recorded in the town records. A town officer who neglects or refuses to determine such places and to cause a record thereof to be made shall forfeit to the road and bridge fund the sum of five dollars for every month during which it [he] neglects or refuses so to do; and in such case, upon any trial for not erecting or maintaining guide posts reported to be necessary or convenient by the supervisors, the town shall be estopped from alleging that such guide posts were not necessary or convenient.

Guide posts; how erected and marked.

SEC. 108. At each of the places determined by the town there shall be a substantial post of not less than eight feet in height, near the upper end of which shall be placed a board, and upon such board shall be plainly and legibly painted or otherwise marked the name of the next town or place, and such other town or place of note as the supervisors think proper, to which each of such roads lead, together with the distance or number of miles to the same; and also the figure of a hand with the forefinger thereof pointed towards the towns or places to which said roads lead: *Provided*, That the inhabitants of any town may, at their annual meeting, agree upon some suitable substitute for such guide posts.

Penalty for not maintaining guide posts.

SEC. 109. Every town officer who neglects or refuses to erect and maintain such guide posts or some suitable substitute therefor shall forfeit annually the sum of five dol-

lars for every guide post which he so neglects or refuses to maintain, which sum may be sued for and collected by any person before any justice of the peace of the proper county, and the moneys so collected shall be paid into the town treasury for the benefit of the roads and bridges of said town.

XIX.—THREE PUBLIC PLACES FOR POSTING NOTICES.

Public places for posting notices.

SEC. 110. At the annual town meeting in each year, the legal voters present at each meeting shall determine and designate three places in the town as public or the most public places of such town, and that all legal notices required to be posted in three public or the most public places of a town shall be posted up at such places at least, and they shall make provision for the erection and maintenance of suitable posts on which to post up notices as aforesaid, in all places so designated in which there is no sufficient natural convenience for that purpose.

XX.—BOOKS AND PAPERS OF OUTGOING OFFICERS.

Books and papers of outgoing officers.

SEC. 111. Whenever the term of any supervisor, town clerk, assessor, justice of the peace, constable, road overseer or other town officer expires and another person is appointed or elected to such office, such successor, immediately after he enters upon the duties of his office, shall demand of his predecessor all books and papers under his control and belonging to such office.

Same in case of vacancy.

SEC. 112. Whenever either of the officers above named resigns, or the office becomes vacant in any way, and another person is elected or appointed in his stead, the person so elected shall make such demand of his predecessors or of any person having charge of such books and papers.

Books to be delivered to successor.

SEC. 113. Every person so going out of office, whenever thereto required pursuant to the foregoing provisions, shall deliver, upon oath, all records, books and papers in his possession or in his control belonging to the office held by

him, which oath may be administered by the officer to whom such delivery is made.

Same in case of death.

SEC. 114. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand, as above provided, of the executors or administrators of such deceased officer, and such executors or administrators shall deliver, upon like oath, all records, books, papers or moneys in their possession or under their control, belonging to the office held by their testator or intestate.

XXI. — MISCELLANEOUS PROVISIONS.

Construction of words used in this act.

SEC. 115. In this act the words town and township are used with the same meaning, and are used to designate a township organized under this act, unless the contrary appears from the context.

Former precincts and road districts abolished, etc.

SEC. 116. In all townships after they become fully organized under this act, the election precinct or precincts, and road district or districts theretofore organized by the county commissioners shall be abolished, and election precincts and road districts shall be established as provided in this act; and there shall be no election for road overseers in the December following the general election at which township organization is voted, but the road overseers then holding office shall continue to hold their offices till the township road overseers have been elected or appointed and qualified. After townships have been organized, justices of the peace and constables shall not be elected at general elections, but at town meetings as herein provided. The assessment of property in any town made last before any township has been organized shall remain and continue in force till the next assessment has been made by the township assessor. The county assessor shall not assess any property within the limits of an organized township, and the assessment of property made by the township assessors shall have the same force and effect, when reviewed by the town board of review, as the assessment of property now made by county assessors, and shall

be acted on and equalized by the county board of equalization as required by law.

SEC. 117. Two hundred copies of this act, and of the act passed by the legislature to provide for building and keeping in repair roads and bridges in organized townships, and to provide for the levy and collection of taxes for the same, shall be printed in pamphlet form, and copies of the same shall be sent by the state printer or auditor to each county auditor in this state for distribution as follows: One copy to each county commissioner and one copy to each of the judges of election in each election precinct for the general election to be held in November, 1896.

Passed the senate February 13, 1895.

Passed the house March 13, 1895.

Approved March 23, 1895.

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## CHAPTER CLXXVI.

[S. B. No. 355.]

### RELATING TO REVENUE.

AN ACT amending sections 3, 5, 6, 45, 48, 55, 59, 60, 61, 62, 65, 66, 68, 69, 72, 73, 77, 78, 79, 80, 88, 89, 95, 96, 98, 121, 130, 135, and repealing sections 81, 82, 83 and 120 of chapter CXXIV of the laws of 1893, relating to revenue, and declaring an emergency.

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

SECTION 1. Section three of chapter 124 of the laws of 1893, is hereby amended to read as follows: Sec. 3. Personal property for the purposes of taxation shall be construed to embrace and include, without specially defining or enumerating it, all goods, chattels, moneys, stocks or estate; all improvements upon lands, the fee of which is still vested in the United States, or in the State of Washington, or in any railroad company or corporation, and all and singular of whatsoever kind, name, nature and description, which the law may define or the courts interpret, declare and hold to be personal property, for the pur-

Personal  
property  
defined.

pose of taxation, and as being subject to the laws, and under the jurisdiction of the courts of this state, whether the same be in any marine craft, as ships and vessels, or in other property holden under the laws and jurisdiction of the courts of this state, be the same at home or abroad; all credits, including accounts, notes, bonds, certificates of deposit, judgments, choses in action and all other debts of whatsoever kind or nature, due or to become due (whether secured or not by mortgage or otherwise): *Provided, however,* That in making up the amount of money or credits other than bank stock, which any person is required to list or have listed or assessed, he will be entitled to deduct from the gross amount thereof all debts in good faith owing by him, but no acknowledgment 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 found to contribute; but no person will be entitled to any deduction on account of any obligation 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: *Provided,* That credits shall be assessed at their true and actual value: *And provided further,* That mortgages and all credits for the purchase of real estate shall not be considered as property for the purposes of this act.

SEC. 2. That section five of chapter 124 be amended to read as follows: Sec. 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say—*First:* All public school houses, state colleges, state university and state normal schools,

Special exemption from taxation.

with the books and furniture therein, and the grounds attached to such buildings necessary for their proper occupancy. *Second:* All lands used exclusively for public burying grounds or cemeteries, all churches built and supported by donations, whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity: *Provided,* That such grounds are used wholly for church purposes. *Third:* All property, whether real or personal, belonging exclusively to any county, municipal corporation, the state or to the United States. *Fourth:* All buildings belonging to counties used for holding courts, for jails, for county offices or county hospitals, with the ground on which such buildings are erected. *Fifth:* All lands, houses or other buildings or property belonging to any county, township, city or town, used exclusively for the accommodation or support of the poor. *Sixth:* All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any town or any fire company organized therein. *Seventh:* All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions above mentioned are supported in whole by public appropriations or by private charity, or are supported in part by charity, and all of the income and profits of such institutions are devoted to charitable purposes, after paying the expenses thereof; and the grounds whereon such libraries, orphanages, institutions, homes and hospitals are built, when used exclusively for the purposes in this subdivision enumerated. That in order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes within the true intent of this act, the state board of health, the county and city authorities of the county and city wherein such institutions are respectively situated may have access to the books of said institutions, and the institution claiming exemption shall provide by its articles of incorporation that the mayor of the city and the chair-

man of the board of county commissioners wherein such institution is located shall be *ex officio* trustees thereof. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that all of the income and receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it and to charitable purposes. He shall also, under oath, make an annual report to the state board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived and the objects to which disbursements have been applied, and shall further furnish [with] the said report full and complete vital statistics for the use and information of the state board of health, who may publish the same in its annual report: *Eighth*: The personal property of each householder and head of a family liable to assessment and taxation under the provisions of this act, of which such individual is the actual and *bona fide* owner, to an amount not exceeding three hundred dollars: *Provided*, That each person shall list all of his personal property for taxation and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of this assessment and assess the remainder.

SEC. 3. Section six of said chapter is hereby amended to read as follows: Sec. 6. All real property in this state subject to taxation shall be listed and assessed biennially, on every odd numbered year, with reference to its value on the first day of April preceding the assessment. All personal property in this state, subject to taxation, shall be listed and assessed every year, with reference to its value on the first day of April preceding the assessment: *Provided*, That fruit trees, except nursery stock, shall not be assessed before four years after being transplanted from the nursery into orchard. No male animal kept solely for breeding purposes shall be assessed for more than three hundred dollars: *Provided further*, That real estate becoming subject to taxation since the last assessment, and improvements upon real estate made since the last assessment, shall be assessed and included in the tax roll in

All personal property listed annually; real property listed biennially.

every even numbered year: *And provided further*, That the destruction or removal of improvements since the last preceding assessment shall be duly noted by the county assessor, and the assessment and tax rolls herein provided made to conform to such changes: *Provided further*, That all real estate subject to taxation shall be listed by the assessor each year in the assessment roll, and in each even numbered year the valuation of each tract for taxation shall be the same as the valuation thereof as equalized by the county board of equalization in the preceding year.

Real property listed in numerical order.

SEC. 4. Section 45 of said chapter is hereby amended to read as follows: Sec. 45. The assessor shall list all real property according to the smallest legal subdivision, as near as practicable, and where land has been platted into lots and blocks, he shall list each lot or fraction thereof separately: *Provided*, That when several lots in any block, or several blocks in any plat of any addition, subdivision or townsite, or several tracts of land shall be owned by any one person, firm, syndicate or corporation, the assessor may group such lots and blocks and tracts so far as practicable. The assessor shall make out in the real property assessment book, in numerical order, complete lists of all lands or lots subject to taxation, showing the names of owners, if to him known, and, if unknown, so stated opposite each tract or lot in pencil memorandum, the number of acres and lots or parts of lots included in each description of property. The assessment books and blanks shall be in readiness for delivery to the assessors on the first Monday of February of each year.

Time within which assessor shall perform duties.

SEC. 5. Section 48 of said chapter is hereby amended to read as follows: Sec. 48. The assessor shall begin the preliminary work for each assessment not later than the first Monday of February of each year in all counties from the first to the sixteenth class, inclusive, and not later than the first day of March in all other counties in the state. He shall also perform the duties of listing and placing valuations on all real property during the months of April, May and June of each odd numbered year, and in the following manner, to wit: He shall actually view and determine as nearly as practicable, the true and fair value

To list names of property owners.

of each tract or lot of real property listed for taxation, and shall enter the value thereof, including the value of all improvements and structures thereon, opposite each description of property. He shall each year make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property, and the assessor shall thereupon determine the value of the property included in such statement, and enter the same in his assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and postoffice address of the party listing the property, and if the party reside in a city the assessor shall give the street and number or other brief description of his residence or place of business.

[Sections 6, 7, 8, 9, 10, 11, 12 and 13 vetoed by the governor.]

SEC. 14. Section 69 of said chapter is hereby amended to read as follows: Sec. 69. The county treasurer shall be the receiver and collector of all taxes extended upon the tax books of the county, whether levied for state, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes made payable by the provisions of this act shall be due and payable to the treasurer as aforesaid, on or before the thirty-first day of May in each year, after which date they shall become delinquent, and thereafter a penalty of two per cent. shall attach upon all such taxes, and interest at the rate of twelve per cent. shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, however,* That if one-half of said taxes be paid on or before said thirty-first day of May, then the time of payment of the remainder thereof shall be extended, and said remainder shall be due and payable on or before the thirtieth day of November following; but if the remaining one-half of said taxes be not paid on or before the thirtieth

County treasurer to be receiver and collector of all taxes.

day of November, then such remaining half shall be delinquent and a penalty of two per cent. shall attach to and be charged upon such taxes, together with interest at the rate of twelve per cent. per annum from the thirty-first day of May preceding until paid.

How collected, and distraint of property.

SEC. 15. Section 72 of said chapter is hereby amended to read as follows: Sec. 72. Immediately after the first day of December the county treasurer shall proceed to collect all delinquent personal property taxes, and if such taxes are not paid on demand he shall distraint sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with the said penalty and interest, together with all accruing costs, and shall immediately proceed to advertise the same by posting written notices thereof in three public places in the county in which such property has been levied upon, stating the time when and the place where such property will be sold; and if the taxes for which said property is distrained, and the costs which accrue thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as will be sufficient to pay such taxes, penalty, interest and costs, and if there be an overplus of money arising from the sale of any personal property, the treasurer shall immediately pay any such overplus to the owner of the property so sold, or to his legal representatives.

In case of failure to collect, to file list with county auditor.

SEC. 16. Section 73 of said chapter is hereby amended to read as follows: Sec. 73. If the county treasurer is unable, for the want of goods or chattels whereupon to levy, to collect by distress or otherwise the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or any executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of March following, a list of such taxes, with an affidavit of himself or of the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chat-

tels wherewith to make such taxes, and was unable to make or collect the same. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected. The county auditor shall then certify to the state auditor the amount of state tax thus found to be delinquent and uncollectible, which amount shall be deducted from the amount to be paid by such county to the state treasurer on account of such taxes.

SEC. 17. Section 77 of said chapter is hereby amended to read as follows: Sec. 77. On the first Mondays of January, April, July and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes, from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which said settlement is made, notify the state auditor of the result of the several quarterly settlements made with the county treasurer as above specified, and the state auditor shall immediately certify to the state treasurer the amount of state funds in the hands of the several county treasurers, as shown by the quarterly reports of the several county auditors, and the state treasurer is hereby authorized to immediately draw a bank draft, payable at sight, on each county treasurer, respectively, for the amount of state funds in his hands or possession. Should any county treasurer fail or refuse to honor such draft or make payment of the amount thereon (except in case of manifest error or other good and sufficient cause), he shall be guilty of nonfeasance in office, and upon conviction thereof shall be punished according to law.

When settlement to be made with county auditor.

SEC. 18. Section 78 of said chapter is hereby amended to read as follows: Sec. 78. On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund.

Treasurer's annual report to auditor.

He shall also report the amount of taxes that remain uncollected and delinquent upon the assessment rolls, which, with his collections and credits on account of errors and double assessments, should balance his roll account as he stands charged. He shall then report the amount of collections on account of interest and penalty since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. He shall also, at the same time, file with the auditor his collection registers, showing all taxes collected by him since the last preceding annual settlement of current and delinquent taxes. The county auditor shall thereupon proceed to compare the stub tax receipts of the treasurer with the treasurer's tax rolls and the collection registers filed in his office, and shall note if the tax rolls are properly marked opposite each tract or tax, with the word "paid," and the number of the treasurer's receipt that he gave in discharge of any tax is properly entered opposite each tract or tax described in such receipt, and if the description, amount, names and numbers and funds agree; the auditor shall also compare such receipts with the treasurer's cash book or collection register, upon which he is required to post them, and if properly credited to the several funds, and also coincides in all respects with the assessment rolls, he shall then test the footings upon the treasurer's collection register to see that no errors have been made or frauds perpetrated. He shall then satisfy himself that the collections of the interest and penalty required to be added after taxes have become delinquent have been collected and properly accounted for, and if so, to charge the treasurer with the same. If the treasurer's receipts in all respects are correct and true, and the collections fully and properly accounted for on the same, the auditor shall enter the credits and debits upon the treasurer's roll accounts and properly balance the same up to date.

Taxes to  
be a lien.

SEC. 19. Section 79 of said chapter is hereby amended to read as follows: Sec. 79. All taxes and levies which may hereafter be lawfully imposed or assessed shall be and

they are hereby declared to be a lien respectively upon the real estate upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this act, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which said real estate may become charged or liable.

SEC. 20. That section 95 of said act [chapter] be amended to read as follows: Sec. 95. The auditor of state shall prescribe the forms of all blanks and books required under the provisions of this act and, except as hereinafter provided, shall have all detail lists, schedules and assessment book to be used in connection with the assessment and collection of the public revenue printed and, when necessary, bound at the expense of the state, and furnished in sufficient size and quantities to the several counties as may be required: *Provided*, That in preparing such assesment books the state auditor shall follow substantially the following form: Auditor shall  
prescribe form.

ASSESSMENT AND TAX ROLL OF REAL PROPERTY IN		Equalized value by state board.....	\$
		Equalized value by county board.....	\$
		No. of school district.....	
		No. of road district.....	
		Rate per mile.....	\$
		Aggregate assessed valuation of railroad track.....	\$
		Aggregate assessed valuation of town or city lots and improvements thereon.....	\$
		Value of improvements on town or city lots.....	\$
		Value of town or city lots.....	\$
		Aggregate assessed valuation of lands and improvements thereon.....	\$
		Value of improvements on lands.....	\$
		Value of lands.....	\$
		No. of acres improved.....	
		No. of acres.....	
DESCRIPTION OF LAND OR TOWN PROPERTY.	No. of range.....		
	No. of township.....		
	No. of section.....		
	No. of block.....		
	No. of lot.....		
	Part of section, donation, mining or other claim; name of city, town, village or addition thereto.		
Name of person, firm, company or corporation assessed as owners.			
No. of line.....			

[ LEFT HAND PAGE ]

PAGE.

COUNTY, STATE OF WASHINGTON, FOR THE YEAR 189—.

No. of line.....		
REMARKS.		
No. of tax receipt.....		
Date of payment.....		
Total amount tax paid on each description of property after date of delinquency.....		\$ C
Twenty per cent. interest.....		\$ C
Five per cent. penalty.....		\$ C
Total amount of taxes delinquent on each description of property.....		\$ C
Total amount of taxes paid on each description of property.....		\$ C
Two per cent. rebate.....		\$ C
Total amount of taxes on each description of property.....		\$ C
City or town tax levy.....		\$ C
Name of city or town..... Mills.		\$ C
SPECIAL TAX LEVIES.	..... Mills.	\$ C C
	..... Mills.	\$ C C
STATE AND COUNTY TAX LEVIES.		\$ C
State general fund..... Mills.		
State military fund..... Mills.		
State interest fund..... Mills.		
TOTAL STATE..... Mills:		
County general fund..... Mills.		
County school fund..... Mills.		
County road and bridge..... Mills.		
County road property..... Mills.		
County..... Mills.		
County..... Mills.		
TOTAL COUNTY..... Mills.		
Total of.....levies, state and county..... Mills.		
\$		

[RIGHT HAND PAGE.]

Counties may provide their own blanks, etc.

*And provided further,* That counties may provide their own assessment books and blanks, the expense of such books and blanks to be paid by the county. The assessment books and blanks shall be in readiness for delivery to the assessor on the first Monday of March in each year.

State auditor to decide all questions concerning interpretation of this act.

The state auditor shall decide all questions that may arise in reference to the true construction or interpretation of this act, or any part thereof, in connection with the advice and opinion of the attorney general of the state, and such decision shall have force and effect until annulled by the judgment or decree of a court of competent jurisdiction.

Treasurer to keep an index.

SEC. 20½. Section 80 of said chapter is hereby amended to read as follows: [Sec. 80.] The county treasurer shall also prepare and keep an index showing all delinquent taxes for such year, and such index shall be so arranged as to provide for the entering thereon of the delinquent taxes of succeeding years. Such index shall be carefully prepared and accurately made, and shall be kept up to date, and such index shall be the official record on which his certificates as to the payment of taxes shall be based.

When lien attaches.

SEC. 21. Section 88 of said chapter is hereby amended to read as follows: Sec. 88. The taxes assessed upon real property shall be a lien thereon from and including the first day of April in the year in which they are levied until the same are paid; but as between a grantor and grantee such lien shall not attach until the first day of January of the succeeding year. The taxes assessed upon personal property shall be a lien upon all of the personal property of the person assessed, and also upon the property so assessed if the possession thereof shall have been transferred, from and after the first day of January next succeeding the date of the levy of such taxes.

False statement.

SEC. 22. Section 89 of said chapter is hereby amended to read as follows: Sec. 89. If the county treasurer has reason to believe, or is informed, that any person has given to the assessor a false statement of his personal property; or that the assessor has not returned the full amount of property required to be listed in his county; or has omitted or made an erroneous return of any property which is by law subject to taxation; or if it shall come to his knowledge

that there is property of a non-resident of his county which is about to be removed from the state, which has not been listed for taxation for the current year, he shall proceed at any time before the final settlement with the county auditor, to correct the return of the assessor and to charge the owner of said property on the tax list with the proper amount of taxes. To enable him to do this he is hereby authorized and empowered to issue compulsory process and to require the attendance of any person whom he may suppose to have a knowledge of the articles, or value of the property, and to examine such person on oath in relation to such statement or return; and the treasurer shall in all such cases notify every such person, before making the entry upon the tax list, that such person may have an opportunity of showing that his statement, or the return of the assessor, is correct; the county treasurer shall in all cases file in his office the statement of facts or evidence upon which he made such corrections.

SEC. 23. Section 96 of said chapter is hereby amended to read as follows: Sec. 96. The county treasurer shall, during the month of April in the third calendar year following the date of delinquency of any taxes on real property, publish an advertisement giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his county, if any such there be, or if there be no such paper printed in his county, then he shall post three notices of such intended application in the most conspicuous places in such county, one of which shall be at the door of the court house at the county seat of such county. Said advertisement shall be published once each week for three successive publications, and the last of such publication shall be at least one week prior to the date fixed in such advertisement for such intended application. Said advertisement shall contain a list of the delinquent lands and lots upon which the taxes remain due and unpaid, the names of the owners, if known, the total amount due thereon, and the year or years for which the same are due. Said treasurer shall therein give notice that on the second Monday of May in such year he will apply to the superior court of his county for judgment against

Notice of application for judgment.

said land and lots, for said taxes, penalties, interest and costs, and for an order to sell said lots and lands for the satisfaction thereof; and shall also give notice that on the first Monday of September following, the lots and lands, for the sale of which an order shall be made, will be exposed to public sale at the front door of the court house in said county, for the amount of taxes, penalties, interest and costs due thereon; and the advertisement, published according to the provisions of this section, shall be deemed to be sufficient notice of the intended application for judgment, and of the sale of the lands and lots under the order of the said court. Where the publisher of any paper that may have been selected by the county treasurer shall be unable or unwilling to publish such advertisement, said treasurer shall select some other newspaper, having due regard to the circulation of such paper, or shall post the notices hereinbefore prescribed: *Provided*, That the price charged by any newspaper for such publication shall not exceed in any case the sum of thirty cents for each description. The clerk of the court shall charge against each delinquent owner the same fees as are charged for similar services in a civil action, and where several tracts belong to one person, firm or corporation, the fee shall be charged against such person, firm or corporation for a single action: *Provided*, That when the tax is not contested, the entire charges against any one owner shall not exceed one dollar.

Clerk's fees.

Compensation.

Applications for judgment and order of sale to be made to superior court.

SEC. 24. Section 98 of said chapter is hereby amended to read as follows: Sec. 98. All applications for judgment and order of sale for taxes and assessments, together with penalties, interest and costs, on delinquent lands and lots, shall be made to the superior court of such county at the time hereinbefore specified, to wit: On the second Monday of May in the third calendar year following the date of the delinquency of such taxes and assessments. If from any cause the superior court shall not be in session on such day the cause shall stand continued, and it shall not be necessary to re-advertise the list or notice required by law to be advertised before judgment and sale, but as soon thereafter as the same can be heard said court shall hear and determine

the matter, and if judgment is rendered the sale shall be made on the first Monday in September following. If from any cause the county treasurer is prevented from advertising and obtaining judgment at said time it shall be held to be legal to obtain judgment at any subsequent time when said court is in session, but if the failure arises from the county treasurer's not complying with any of the requirements of this act, he shall be held on his official bond for the full amount of all taxes and assessments, together with penalties, interest and costs charged against him: *Provided*, That any such failure on the part of the county treasurer shall not be allowed as a valid objection to the collection of any tax or assessment, or to the rendition of judgment against any delinquent lands or lots included in the application of such county treasurer: *And provided further*, That on the application for judgment at such subsequent term it shall not be deemed necessary to set forth or establish the reasons of such failure. Proviso.

SEC. 25. Section 121 of said chapter is hereby amended to read as follows: Sec. 121. Real property sold under the provisions of this act may be redeemed at any time before the expiration of three years from the date of sale, by payment, in legal money of the United States, to the county treasurer of the proper county, the amount for which the same was sold, together with 12 per cent. interest thereon from the date of sale until payment. The person redeeming such property shall also pay the amount of all taxes, assessments, penalties, interest and costs accruing after such sale, with 12 per cent. interest thereon from the day the same were due until paid, unless such subsequent taxes or assessments, penalties, interest or costs has been paid by or on behalf of the person for whose benefit the redemption is made, and not being purchaser at the tax sale, or his assignee. No fee shall be charged for any redemption after the passage of this act. If the real property of any minor heir or insane person be sold for non-payment of taxes or assessments the same may be redeemed at any time after sale and before the expiration of one year after such disability has been removed upon the terms specified in this section on the payment of interest at the rate of 10 per Redemption  
of property  
sold for taxes.

cent. per annum on the amount for which the same was sold, from and after the date of sale, which redemption may be made by themselves or by any person in their behalf. Tenants in common, or joint tenants, shall be allowed to redeem their individual interests in real property sold under the provisions of this act in the same manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making the same to be reimbursed by the person benefited.

County treasurer to execute deed of conveyance.

SEC. 26. Section 130 of said chapter is hereby amended to read as follows: Sec. 130. At any time after the expiration of three years from the date of sale of any real estate for taxes or assessments, penalties, interest and costs, if the same shall not have been redeemed, the county treasurer, on request and on the production of the certificate of purchase, and upon compliance with the three preceding sections, shall execute and deliver under his hand and seal to the purchaser, his heirs or assigns, a deed of conveyance for the real estate described in such certificate.

County treasurer authorized to advertise and sell property for delinquent taxes.

SEC. 27. Section 135 of said chapter is hereby amended to read as follows: Sec. 135. The treasurer shall each year upon receiving the tax roll from the county auditor enter against each tract of land or town lot sold for taxes and remaining unredeemed, and on which tax deed has not issued, and against each tract of land or lot theretofore forfeited to the county for unpaid taxes, in columns for that purpose, the year for which said tracts or lots or portions thereof were sold or unpaid, and the said statement shall be noted on each tax receipt, together with all subsequent taxes paid by holder of tax sale certificate, issued after the date of any tax sale, and the amount thereof shall be collected and paid over in like manner as other taxes. The county treasurer is hereby authorized to advertise and sell said property on which taxes become delinquent, in the manner hereinbefore required by this act as if said property had never been sold or forfeited to the county,

and the county may, by its agent, attend such sale for taxes and buy said lands and acquire the same rights that individuals now have under the law; and acquire, hold, sell and dispose of said title thereto the same as and in the same manner as individuals may do under the laws of this state, in case of sale for taxes. Said sales shall be continued from year to year until the taxes on said property are paid, by sale or otherwise: *Provided*, That any person purchasing property at tax sale which has heretofore been forfeited to the county for unpaid taxes prior to said sale shall, before receiving the certificate of sale of such property, pay or cause to be paid to the county treasurer all unpaid taxes, together with all penalties, interests and costs to date due to said county, and such amount so paid shall constitute a lien on said property, and the purchaser paying such delinquent taxes shall, upon redemption thereof, be entitled to receive the same, and the county treasurer shall, in case of redemption, collect for the benefit of such purchaser the amount so paid by him, with interest at the rate of twelve per cent. per annum. Proviso.

SEC. 28. Sections 81, 82, 83 and 120 of chapter 124 of the laws of 1893 are hereby repealed.

SEC. 29. That, whereas, it is important that this act should effect [affect] the taxes to be paid in the year 1895, on account of the great prevailing financial stringency and the inability of many citizens to pay their taxes in the manner and at the time now provided by law, an emergency is declared to exist, and this act shall take effect from and after its approval by the governor.

Passed the senate March 8, 1895.

Passed the house March 13, 1895.

Approved March 23, 1895, except sections 6, 7, 8, 9, 10, 11, 12 and 13, which were vetoed.

## CHAPTER CLXXVII.

[H. B. No. 580.]

## APPROPRIATIONS FOR HOSPITALS FOR INSANE.

AN ACT appropriating funds for the improvements, repairs and supplies required at the Eastern and Western Washington hospitals for the insane.

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

SECTION 1. That the following sums, or so much thereof as shall be found necessary, are hereby appropriated out of any moneys in the several funds of the state treasury not otherwise appropriated for the purposes hereinafter expressed for the fiscal term beginning April 1, 1895, and extending [ending] March 31, 1897, and that the state auditor is hereby ordered to draw his warrant on the state treasurer for the payment of the several amounts found to be due, on presentation of properly certified vouchers, to wit:

For the Western Washington hospital for insane:

Repairs.....	\$1,500 00
Furniture.....	2,500 00
Purchase of an armature.....	500 00
Library.....	100 00
Total.....	<u>\$4,600 00</u>

For the Eastern Washington hospital:

Vetoed. Improvements of farm and grounds.....	\$2,000 00
Vetoed. Construction of work shop.....	2,500 00
Construction of hose and truck house.....	500 00
Furniture and painting.....	1,150 00
Repairs and oven.....	2,000 00
Library.....	100 00
Total.....	<u>\$8,250 00</u>

Passed the house March 12, 1895.

Passed the senate March 14, 1895.

Approved March 23, 1895, except items noted as vetoed.

## CHAPTER CLXXVIII.

[S. B. No. 361.]

## RELATING TO THE PUBLIC LANDS OF THE STATE.

AN ACT to provide for the selection, survey, management, lease and disposition of the state's granted, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, creating a board of state land commissioners, defining their duties, and authorizing them to act as the commission provided for in article xv of the state constitution, and declaring an emergency.

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

SECTION 1. That for the purpose of this act all lands belonging to and under the control of the state shall be divided into the following classes:

1. Granted lands: (*a*) Common school lands and lieu and indemnity lands therefor. (*b*) University lands and lieu and indemnity lands therefor. (*c*) Other educational land grants. (*d*) Lands granted to the State of Washington for other than educational purposes, and lieu and indemnity lands therefor. (*e*) All other lands, including lands acquired or to be hereafter acquired by grant, deed of sale, or gift, or operation of law.

2. Tide lands: All lands over which the tide ebbs and flows from the line of ordinary high tide to the line of mean low tide, except in front of cities where harbor lines have been established or may hereafter be established, where such tide lands shall be those lying between the line of ordinary high tide and the inner harbor line, and excepting oyster lands.

3. Shore lands: Lands bordering on the shores of navigable lakes and rivers below the line of ordinary high water and not subject to tidal flow.

4. Oyster lands: All natural oyster beds, and lands suitable for the cultivation of oysters.

5. Harbor lines and areas: Such lines and areas as are described in article xv of the constitution of the State of Washington and which have been established according to law. All of which outer harbor lines so established as aforesaid are hereby ratified and confirmed, also all such

harbor lines and areas as may and shall be hereafter established.

6. Arid lands: Except lands granted to the state under the act of congress approved August 18, 1894.

SEC. 2. All lands described in section one are "public lands," and the terms "public lands" and "state lands" shall be defined and deemed to be synonymous whenever either is used in this act.

Land commissioners.

SEC. 3. There is hereby created an executive board to be designated the "board of state land commissioners," which said board shall be composed of the commissioner of public lands, who shall be chairman thereof, and two other members to be appointed by the governor and confirmed by the senate, and such appointed members shall reside at the capital of the state during their term of office and shall hold office for two years, said term to begin with their appointments, and two members shall be appointed every two years thereafter.

Commissioners, oath and bond of.

SEC. 4. That each appointed member of said board shall, before assuming his official duties, take and subscribe an oath to faithfully support the constitution of the United States and the constitution and laws of the State of Washington and faithfully discharge the duties of state land commissioner, and also give a good and sufficient bond, with sureties, to be approved by the secretary of state and attorney general, in the penal sum of ten thousand dollars, for the faithful discharge of the duties of his said office, which said oath and approved bond shall be filed and remain in the office of the secretary of state.

Commissioners, duty and powers of.

SEC. 5. Said board shall have full supervision and control, under the law, of all public lands granted to the State of Washington as defined in section one of this act, and shall have authority to provide for the selection, survey, management, lease and disposition of the state's lands as herein provided, and shall make all necessary rules and regulations for carrying out the provisions of this act not inconsistent with the law.

Commissioners, salary of.

SEC. 6. Each member of the board shall receive a salary of two thousand dollars per annum, and all the members of the board shall be repaid all necessary transportation ex-

penses incurred by them in the discharge of their duties as herein provided, to be paid monthly, as the salaries and expenses of other state officers are paid; and said board is hereby authorized to expend a sum of money not to exceed twenty-one hundred dollars per annum for such clerical work as it may require in the performance of its official duties; such clerks shall be appointed by and work under the supervision of the chairman of the board.

SEC. 7. The word "improvements" used in this act, when referring to school or granted lands, shall be interpreted to mean fencing, diking, draining, ditching, houses, barns, shelters, wells, slashing, clearing, and also breaking that has been done within three years prior to the application for purchase, and all things that would be considered fixtures in law. When referring to tide or shore lands and harbor areas, the word "improvements" shall be interpreted to mean all fills or made ground of a permanent character, and all structures erected or commenced on said lands or actually in use for purposes of trade, business, commerce or residence prior to March 26, 1890, and completed before January 1, 1891: *Provided*, That ordinary capped piles or similar structures or fixtures shall not be considered an improvement.

SEC. 8. The governor is authorized and directed to appoint a resident of the State of Washington to be known as state land cruiser, who shall hold office during the discretion of the governor and be removable at his pleasure, and whose duty it shall be personally to inspect and appraise any lands of the public domain or any granted lands which the board of state land commissioners may order him to inspect and appraise, and who shall report on said lands to said board for the purpose of selection, or of inspection and appraisal, as provided hereinbelow. Said state land cruiser shall also act under the direction of said board as the agent of the state to select lands, or as an assistant in appraising or investigating or prosecuting any trespass on any of the lands of the state. Said state land cruiser shall receive a salary not to exceed \$1,200 per annum and actual transportation, to be paid as provided in this act for the payment of the members of this board.

Cruiser, oath,  
bond and  
duty of.

SEC. 9. The said state land cruiser before entering upon his duties shall enter into a bond unto the State of Washington, in the penal sum of five thousand dollars (\$5,000), conditioned to well and faithfully perform his duties as such, to be approved by the board of state land commissioners, and shall take and subscribe an oath before some officer authorized to administer oaths, according to the laws of the state, in substance as follows: "I, A B, do solemnly swear that I will well and truly perform the duties of agent of the State of Washington in the selection of the lands granted thereto, to the best of my knowledge and ability; and further, that I will not communicate to any person not a member of the board of state land commissioners, any information in relation to location, character and value of the public lands examined by me, or disclose to anyone anything in relation to such public lands except to such board; that I will, when directed, personally and carefully examine each parcel or tract of land to be listed by me, and make an appraisal and value of the same and the timber thereon; that I am not nor will I become interested directly or indirectly in the sale or purchase of said lands, and that I will report every material fact connected with said lands directly to the board of state land commissioners, to enable it to determine the situation, value and character of the timber thereon and the lands selected by me; in investigating, appraising, or in the prosecution of any trespass, I do solemnly swear that I will act according to the best of my knowledge and ability, and will protect the interests of the State of Washington." That upon filing such bond and affidavit the cruiser may be authorized and commissioned by the state land commission to view, select and appraise lands as hereinafter stated.

Cruiser, in-  
structed  
by whom.

SEC. 10. The said board of state land commissioners may instruct the said state land cruiser to view and examine the said lands subject to selection by the smallest legal subdivisions of forty acres each, and shall classify such lands into grazing, farming and timbered lands and estimate the value of each tract so viewed; said state land cruiser shall also in timbered lands estimate the amount and value of the standing timber thereon and the value of the land after the tim-

ber is removed; he shall make a report thereof to the board of state land commissioners as amply and expeditiously as possible on blank lists to be furnished by said board for that purpose; that said report shall be made under oath, to the effect that the cruiser has personally examined the tracts mentioned in each forty acres thereof, that said report and appraisement is made from such personal examination and is to the best of affiant's knowledge and belief true and correct, and that the lands are not occupied by any *bona fide* settler.

SEC. 11. Upon receipt of such report or reports the board of state land commissioners shall arrange and classify the lands so selected into several lists for filing in the general United States district land offices of the United States in this state, and shall classify the lands and apportion them to the several specific grants under said act of congress referred to, so that there may be lands of nearly as equal value as possible apportioned to the several grants. Said list shall be made in triplicate, one for filing in said local land offices, one for transmission by it to the secretary of the interior and one to be filed with the commissioner of public lands. Said lists shall be numbered consecutively under each grant and shall state the grant for which the same is made. The commissioner of public lands shall file said lists so arranged, classified and duly certified under the rules and regulations of the secretary of the interior, in the several United States district land offices throughout the state having jurisdiction thereof: *Provided*, That if it be found, upon the filing of said lists, that any of the lands described therein have been filed upon or applied for the board of state land commissioners is authorized to eliminate therefrom such lands: *And provided further*, The board of state land commissioners may decline to list any lands reported by the cruiser which may not by them be deemed desirable.

SEC. 12. If any state land cruiser knowingly or wilfully shall make a false oath concerning the appraisement on said lands, or knowingly or wilfully divulge anything, or give any information in regard to such land other than to such commission, he shall forthwith be removed from

office and be deemed guilty of perjury and subject to the penalties thereof, and it shall be and is hereby made the duty of the board of state land commissioners to prosecute him therefor.

Cruiser to act by direction of commissioners.

SEC. 13. Said state land cruiser shall, immediately upon his appointment, under the direction of the board of state land commissioners, inspect such unsurveyed lands or townships as the board may designate, with a view to determining whether it is desirable to have them reserved for the selection of land to complete the grant of public lands to the state. He shall report the result of his inspection without delay, showing approximately the number of acres arable, the amount, quality, character and value of timber, the nearest practicable route for removing the same, the number of settlers in the township and the value of the improvements. Upon the recommendation of the board the governor shall, if he concurs, cause an application to be filed with the surveyor general for the survey of such township or townships, and shall cause due notice thereof to be published in accordance with the act of congress providing for the reservation and survey of such townships and under such rules and regulations as may be made by the secretary of the interior.

Surveys, when had, conditions, etc.

Surveys, cost of, how paid.

SEC. 14. Whenever the United States surveyor general shall have made an estimate of the cost of survey, and it shall appear, under the decision and rulings of the department of the interior, that there is no federal government appropriation for the survey of any township applied for by the state, the governor is authorized and empowered to execute a voucher to the state auditor for the amount of such estimate, and the state auditor is authorized and directed, upon the filing of such voucher, to issue a warrant on the general fund for the amount of the same, and the state treasurer shall pay said warrant out of the moneys appropriated for said purpose. Upon the receipt of such warrant the governor shall deposit the same to the credit of the United States, in accordance with such rules and regulations as may be prescribed by the department of the interior.

SEC. 15. That the board of state land commissioners is

hereby authorized to contract for any and all necessary surveys of the lands described in section one, now owned by the state, or the title to which may hereafter vest in the state pursuant to appropriation first made by law, when surveys are necessary to divide any lands in smaller tracts than government subdivisions, or otherwise. All contracts for such surveys shall be let to the lowest responsible bidder, he being a competent surveyor; and the surveyor receiving such contract shall furnish a good and sufficient bond for the faithful execution of his duties in double the amount of such contract, such bond to be approved by the said board before such contract shall become binding upon the state. Surveys made under the provisions of this act shall be paid for only when the same shall have been examined and approved by the state board, and all field notes and plats of such surveys shall be filed and preserved in the office of the commissioner of public lands. All such surveys shall be made under such regulations as shall be prescribed by the said board of state land commissioners.

Surveys,  
how made.

SEC. 16. That the said board of state land commissioners is hereby authorized, empowered and directed to appraise, sell or lease any of the lands of the state described in section one: *Provided*, That the manner of appraisal and sale or lease shall be as specified in this act.

Public lands,  
sale of.

SEC. 17. That any person or company may make written application to the board of state land commissioners for the appraisal and sale of any of the granted lands of this state subject to sale, and said board shall cause to be prepared blank applications containing such instructions as will inform and aid intending purchasers in making applications for the appraisal and sale of any lands. Each application must be accompanied with a certificate of deposit or certified check upon any bank of this state, made payable to the state treasurer, and equal in amount to ten cents per acre for the land described in such application: *Provided*, That in no case shall such deposit be less than ten dollars. In case the lands described in such application are sold at the time they are offered for sale, in accordance with such application, the amount of such deposit shall be returned to such applicant. If such lands be not

Application  
to purchase,  
how made.

sold through fault of said applicant at such sale, such deposit shall be forfeited to the state, and shall be so declared by the said board, and the state treasurer shall thereupon place the said forfeited money to the credit of the general fund.

Appraisalment,  
when made.

SEC. 18. That when, in the judgment of the board of state land commissioners, a sufficient number of applications have been received for the appraisalment and sale of any of the lands of the state, the said board shall cause any of said lands so applied for to be personally inspected and appraised as to its character, its topography, agricultural, timber, coal, mineral, stone or rock quarry, or grazing; its distance from any city, town, railroad, river, irrigation ditch or other waterways, and its location and character for irrigation purposes when irrigation is required, and fully report the same to the said board, together with the inspectors' and appraisers' judgment as to its present and prospective value; which said report shall be considered, and thereupon a price per acre fixed for each quarter section and subdivision thereof, or lot or block, which shall not be less than ten dollars per acre. That the inspection and appraisal of the land as provided in this act may be made by one of the said board, but when it is deemed advisable and for the best interest of the state, the said board may employ not to exceed two competent and trustworthy citizens, freeholders of the state familiar with such work, to personally inspect and appraise the lands applied for as aforesaid, and report the same to the board, and if said land is timbered, the timber thereon to be reported as to quality, quantity and value: *Provided*, That whenever an application to purchase lands of the state be less than a section is made, the board of state land commissioners may order the inspection and appraisal of the entire section of which a part only is applied for, and the land shall be sold at the appraised value, unless by reason of irrigation, improvements or other circumstances its value shall have enhanced subsequent to appraisal, when it shall be re-appraised. That the compensation of such inspectors and appraisers shall not exceed \$4 per day for the time actually employed, and necessary expenses, which shall be sub-

Appraisalment, by  
whom made.

Inspectors,  
compensation of.

mitted to the said board in an itemized and verified account, to be approved by the board. That when deemed necessary by the board an assistant inspector may be employed, who may be paid not to exceed \$3 per day and necessary expenses, submitted as aforesaid.

SEC. 19. That the said inspectors and appraisers provided for in this act, who shall be known as "state land appraisers," before entering upon their duties shall execute a bond to the State of Washington, with sufficient surety, in the sum of \$5,000, conditioned to well and faithfully perform their duties as such, to be approved by the board of state land commissioners, and shall take and subscribe an oath before some officer authorized to administer oaths according to the laws of the state, as follows: "I, A B, do solemnly swear that I will well and truly perform the duties of agent of the State of Washington in inspecting and appraising lands belonging to said state to the best of my knowledge and ability; that I will personally and carefully examine each parcel and tract of land to be listed by me and make an inspection and appraisal and valuation of the same and the timber thereon; that I am not, nor will I become, interested directly or indirectly in the sale or purchase of said lands, and that I will report every material fact connected with said land directly to the state board of land commissioners to enable it to determine the situation, value and character of the timber thereon and the lands inspected by me."

Appraisers,  
oath and  
bond of.

SEC. 20. That no lands granted to the state by the United States shall be sold otherwise than at public auction to the highest bidder, the value thereof having been before any such sale appraised by said board of state land commissioners, as hereinbefore provided, and no sale shall be valid unless the sum bid be equal to or more than the appraised value of the land. In estimating the value of lands, as herein provided, the value of the improvements thereon shall be excluded.

Lands, how  
sold.

SEC. 21. That at the time of making the inspection and appraisal provided for in this act, the commissioner or appraiser shall note as to the land inspected every valuable growth of timber, or valuable deposit of coal, stone or

Inspectors to  
report, what.

minerals, which might be advantageously sold separate and apart from the land; and shall, with such expert assistance as they shall find necessary appraise the value of such coal, stone or mineral, and report the same to the board of state land commissioners in the report provided to be made by said section 18, and as soon as such timber shall have been inspected and reported upon to said board by the inspector, as hereinafter provided, the said board shall have power to determine that such coal, stone or mineral or timber, or any part thereof, or any such tracts or tract shall be for sale, and the like further proceedings by said board shall be had for the appraisal of the value and for the sale of such stone, or mineral or timber, as is provided in the case of appraisal or sale of the land.

Appraisement,  
certificate  
of, and by  
whom made.

SEC. 22. That immediately upon the appraisement and inspection provided for in this act being made of land in any county of the state, the commissioner of public lands shall prepare a certificate of such appraisement showing in detail the facts reported in such appraisement, and he shall file one copy of the same in his office and shall certify one copy and forward it to the auditor of the county in which said land is situated, and the said county auditor shall post it in a conspicuous place in his office; and the said commissioner of public lands shall notify the applicant of the appraisement and of the notice to the auditor, and that said board will allow the applicant 20 days in which to show wherein such appraisement is defective, excessive or unjust, which protest, if any be made and filed, shall be considered by the said board, and notice of their action shall be sent to the applicant.

County  
auditor  
to post.

Commission-  
ers to appraise,  
when.

SEC. 23. That in every appraisement of land granted to this state the board of state land commissioners shall be and serve as the board of appraisers mentioned in section 2 of article XVI of the state constitution, and in every appraisement under this act the said board shall appraise all improvements placed upon any land of the state and found on such land at the time of the appraisement; and shall also appraise all damages and waste done to the said land by the cutting and removal of timber, or the removal of stone or other materials by the person or persons claiming

such improvements, or by his consent, and the damage to the land or materials thereon by reason of the use and occupancy of said lands, shall be considered in the appraisal, and the balance, after deducting such damages and waste appraised as aforesaid, shall be determined as the value of the improvements upon the land so appraised; and every such appraisal shall be recorded in the proceedings of the said board of state land commissioners: *Provided*, That this section shall not be considered to affect the right of the state to the value of such land: *Provided further*, That if the purchaser of such land from the state be not the owner of the improvements he shall deposit with the state treasurer, through the board of state land commissioners, within thirty days after the sale, the appraised value of such improvements; and if it be found by the said board that the owner of said improvements was not holding adversely to the state or improving said land, or that said improvements were placed on said land in good faith by a lessee from the state or territory, and that said lessee had in all respects complied with the terms of his lease and his leasehold interest not forfeit or subject to a forfeiture, then the board of state land commissioners shall direct the state treasurer to pay, and he shall pay, to the owner of said improvements such sum so deposited; but if it be found by said board of state land commissioners that the said improvements owned or made on said land by parties holding or claiming the land adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the state treasurer to pay over, and he shall pay over, such sum so deposited into the permanent school fund. In case the purchaser shall not deposit the appraised value of the improvements in the manner described above the sale may be disapproved by the board of state land commissioners: *Provided further*, That if the said improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser the sum so deposited shall be returned in the manner described above to the purchaser: *Provided further*, That in determining the value and nature of such

Purchasers,  
conditions  
imposed.

improvements the board is hereby authorized to compel by subpoenas the attendance, swear and examine witnesses as to the cost and value of such improvements and the damage and waste as well.

Unsold lands  
at first sale,  
how dis-  
posed of.

SEC. 24. That if any land offered for sale pursuant to the order of the board of state land commissioners be not bid off at the sale held thereunder, the same may again be advertised for sale as provided in this act whenever, in the opinion of the board, it shall be expedient to do so; and such land shall be again advertised for sale, as provided in said act, whenever any person shall apply to said board, in writing, to have such land sold, and shall agree to bid the appraised price therefor, and shall deposit with the state treasurer, at the time of making said application, a sufficient sum of money to pay the cost of advertising for such sale.

Sales, terms of.

SEC. 25. That all state lands, excepting coal lands and such lands as shall be in whole or in part within the limits of any incorporated city and appraised at not more than \$100 per acre, or within two miles of such limits, shall be sold on the following terms: One-tenth to be paid on the day of sale; one-tenth annually thereafter on the first day of March in each year until the purchase price is paid: *Provided*, That any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent. per annum. The first installment of interest shall become due and payable on the first day of March next after the date of sale, and thereafter all interest shall become due and payable annually on the first day of March. All remittances for payment of either principal or interest must be forwarded to the commissioner of public lands and be made payable to the state treasurer. That coal lands, not within the limits of incorporated cities and towns, or within two miles thereof, shall be sold only in tracts of not less than one hundred and sixty acres, unless such land in a body is of less area, and only on the following terms: One-tenth cash, on the day of sale, and the balance of the purchase price within five days thereafter. Tracts of common school or granted land, in whole or in part within the limits, or within two miles of

School or  
granted lands,  
terms of  
sale of.

the limits, of any incorporated city, shall be sold on the following terms: One-tenth cash, at the time of sale; one-tenth on the first day of March following said sale; one-tenth annually thereafter on the first day of March until the whole purchase price shall have been paid. All deferred payments shall draw interest at the rate of six per cent. per annum, the first installment of interest to be paid on the first day of March following the date of sale, and the balance annually on the first day of March. That all coal, timber, stone or minerals, if sold separately from the land, shall be sold for cash to the highest bidder, in lots not exceeding one hundred and sixty acres for timber, and not exceeding ten acres for stone or minerals: *Provided*, That the board shall determine if land is chiefly valuable for coal, stone, timber or mineral, and if they so find they may, in their discretion, sell the timber separately from the land: *Provided further*, That no timber, stone or mineral shall be sold for less than \$10 per acre.

SEC. 26. That all purchasers of the timber, stone or minerals on state lands shall have power to enter upon said lands and remove such timber, stone or minerals therefrom, and shall complete such removal within a period of five years or less from the date of purchase, at the discretion of the board of state land commissioners, and if not removed within the time fixed by said board, then all timber, stone [or] minerals sold under the provisions of this act and not so removed shall revert to the grant of lands to which they belong, and may be again sold in like manner as provided for the original sale: *Provided*, That the timber, stone or minerals upon state land lying in or adjacent to any incorporated city, when sold, shall be removed within three years, or such less time as the board of state land commissioners shall fix, from the date of such purchase.

Timber and mineral lands, buyers of.

SEC. 27. Whenever application to purchase fallen timber, natural hay or gravel upon public lands is made, the board of state land commissioners may sell such fallen timber, natural hay or gravel under such rules and regulations as the board may prescribe.

Fallen timber, hay and gravel, when disposed of.

SEC. 28. That whenever the board of state land commis-

Sales, auditors notified in advance. sioners shall have decided to sell any tract or tracts of granted lands it shall, through the chairman, notify the auditor of the county in which said lands are situated of that fact, specifying which of said lands are for sale, and order the sale thereof, and thereupon the said county auditor shall, under the direction of the said board, forth-

Sales, notice of, how given. with fix the date of sale and give notice thereof by advertisement published once a week for five weeks next before the time he shall name in said notice, in at least one newspaper of general circulation published in said county, which notices shall specify the place, time and terms of sale, describing with particularity each parcel of land to be sold, and the appraiser's value thereof, and by conspicuously posting such notice in the office of the county auditor of the county wherein such lands are situated. Proof of publication shall be made by affidavit of the publisher, or person in charge of the said paper, and by the affidavit of the person posting such notice as aforesaid, which shall be at once sent to and filed in the office of the commissioner of public lands, and the said board is hereby authorized to expend any sum of money not exceeding fifteen dollars in advertising such sale, as the said board shall determine to be for the best interest of the state. Such sales shall take

Advertising, cost of. place on the day advertised, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, in front of the court house, or of a building in which the superior court is held, in counties in which there is no court house, and shall be at public auction, to the highest bidder, and on the terms specified in the notice hereinbefore prescribed, and no land shall be sold for less than its appraised value; and that no more than two adjournments of such sale shall be had, nor any adjournment for more than one week. Such sale shall be conducted, under the direction of the board of state land commissioners, by the county auditor of the county in which the lands sold are situate, and such auditor shall at once deliver to the purchaser, under his hand and seal, a memorandum of his purchase, containing a description of the land purchased, the price bid and the terms of sale, upon the delivery to such auditor by the purchaser of a certified check upon some

Sales, when to occur.

Sales, conducted by whom.

bank for an amount equal to one tenth of the price of the land by him purchased, payable to the order of the treasurer of the State of Washington, and such auditor shall at once send to the commissioners such certified check and a copy of the memorandum delivered to the purchaser: *Provided, however,* That the powers and duties hereinbefore conferred or imposed upon county auditors may, any or all of them, be performed by any member of the board of state land commissioners when it is convenient and is deemed advisable by said board; but the commissioners performing such or any of such duties shall not be entitled to make any charges or incur any expense in performing such duties other than in this act hereinbefore provided.

SEC. 29. That the member of the said board of state land commissioners, or the county auditor conducting the sale, shall, upon making sale of any school land, or stone, mineral or timber thereon, report such sale to the said board of state land commissioners as provided in this act, together with other information touching the same as the said board shall have prescribed, and within thirty days from the date of the reception of such report, if no affidavit showing that the interests of the state in such sale were injuriously affected by fraud or collusion shall have been filed with said board, and if it shall appear from such report that the sale was fairly conducted and that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the said board shall be satisfied that the land sold would not, upon being readvertised and sold, sell for at least twenty-five per cent. more than the price at which it shall have been sold, and that the payment required by law to be made at the time of making sale has been made, the said board shall confirm the sale, and thereupon the chairman of the said board shall issue to the purchaser a contract of sale, as in this act hereinafter provided. That when the entire purchase price of any land shall have been fully paid, such fact shall be certified by the chairman of the said board to the governor, whereupon he shall cause a patent to be issued to the purchaser. Patents shall be signed by the governor and attested by the secretary of

Sales, report of,  
to whom made.

Patent, when  
and by whom  
issued.

state, with the seal of the state attached thereto, and need not be acknowledged, and shall be entitled to be recorded in the office of the county auditor of any county in which any land therein described is situated. That if it does not appear to the said board from the report of sale that the sale was fairly conducted, and the purchaser was the highest bidder, and that his bid was not less than the appraised value, and that the proper payment has been made; or if, within said thirty days, an affidavit showing that the interests of the state in such sale were injuriously affected by fraud or collusion shall have been filed with the said board; or if the said board shall, within said time, be advised that the land sold would, upon being readvertised and again sold, sell for a price twenty-five per cent. in excess of the price for which it shall have been sold, it shall be the duty of the said board to immediately inquire into and determine the facts in a summary manner, and thereupon confirm or vacate the said sale according as it may find the sale to have been fair and regular in all said particulars or otherwise: *Provided*, That any sale so vacated or set aside shall be so vacated or set aside within sixty days from the date of such sale; and if it vacate the sale, it may in its discretion order a resale of said land. That the said resale shall take place in pursuance of like advertisement, as in the case of the original sale. That whenever a sale shall be vacated by the said board, it shall return the said certified check, and also furnish a certificate of such vacation, signed by the chairman thereof, to the purchaser.

Fraud or collusion.

Time of payment extended, when.

SEC. 30. The time for making the payments provided for in this act, except in cases where this act prescribes cash payment, may be extended for three years or less by the board of state land commissioners, on a satisfactory showing being made to said board, but no extension shall be granted for the payment of principal unless the interest on the whole sum due and unpaid be first paid, and not more than one extension shall ever be made affecting the same contract. The purchaser of land under the provisions of this act, except in cases where this act prescribes cash payment, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf

Contracts, by whom prepared and to contain, what.

of the state, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payment of principal and interest when due, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on a failure to make the payments prescribed by this act, when due, and for six months thereafter, that he will, on demand of said board or other authorized officer of the state, surrender the said premises, and upon such failure for six months, all rights of the purchaser under the said contract may, at the election of said board of state land commissioners, acting for the state, and without notice to said purchaser, be declared to be forfeited, and when so declared forfeited the state shall be released from all obligation to convey the land. When the payments provided for in this act for land, stone, minerals or timber shall have been made in full, the commissioner of public lands shall procure the proper deed of conveyance to be made to the purchaser, but in no case shall final deed of conveyance be issued until after all of the purchaser's money has been paid. The contract provided for by this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands. All contracts provided for in this section shall be signed by the purchaser and also by the commissioner of public lands on the part of the state. All school land contracts, delinquent in payment two years from the time of first payment and which have not been extended by law, shall be declared forfeited, but the purchaser may be reinstated by the board of state land commissioners upon payment of all principal and interest due to date of declaration of forfeiture: *Provided*, That the purchaser shall pay within thirty days from receipt of notice of forfeiture, which shall be made by registered mail.

Contracts in duplicate and by whom signed.

SEC. 31. The commissioner of public lands shall notify the purchaser of the land in each instance when payment on his contract is over due, and that he is liable to forfeiture if payment is not made within six months from the time the same became due, unless the time be extended by the board on a satisfactory showing.

Commissioner to notify purchasers of over due payments.

School lands,  
lease of, and by  
whom made.

SEC. 32. The said board of state land commissioners shall have power to lease the common school lands of the state for a term not exceeding five years. That all applications therefor shall be made in writing to the said board, and shall be accompanied with a certificate of deposit or certified check on some bank in this state, each made payable to the order of the state treasurer, equal in amount to the first year's rent of such land in accordance with such bid. All applications to rent such land shall be addressed to "board of state land commissioners," and plainly marked thereon "bid for the lease of school lands." Such lands shall be leased to the highest bidder: *Provided*, That the said board shall have the right to reject any and all bids when the interest of the state appears to justify it. That the commissioner of public lands shall issue all leases of such land and shall return to the bidders all deposits received therefrom, with rejected applications, and shall deliver to the state treasurer all deposits received, with approved applications for lease of such lands. That no lease shall be so drawn as to interfere with the sale of lands ordered by the board of state land commissioners to be sold. That in issuing leases the character of the land shall be specified, whether agricultural, pastoral or "scab;" and in no case shall agricultural land be leased for less than fifty cents per acre; in making application for lease, the applicant shall make affidavit as to whether the land is agricultural, pastoral or "scab." The board of state land commissioners, in its discretion, may employ the state land cruiser or one of the state land appraisers to determine the character of the land applied for.

School lands,  
abstract of, to  
contain, what,  
and by whom  
prepared.

SEC. 33. County auditors shall cause to be prepared, upon request of the board of state land commissioners, and shall file with the board, a complete abstract of school land leases of all lands leased within their counties from January 1, 1888, to March 15, 1893, giving name of lessee, amount per acre, terms of payment, amounts paid, to whom paid.

Inspection.

SEC. 34. The board of state land commissioners may order an inspection of land applied for to lease, in the manner provided for inspecting other lands, either by a member of the board, by the state land cruiser, or by a state land appraiser.

SEC. 35. No lease of school lands shall be made except Leases, terms of. for terms commencing the first days of the months of January, April, July and October of any year, and all leases hereafter made shall be executed to run from one of said dates: *Provided*, That leases now existing which expire at dates other than those mentioned may be continued by the board on application of the lessee on the same terms until the next day of leasing as herein provided.

SEC. 36. All applications for leasing school land must Applications to lease, when filed. be filed with the board at least thirty days prior to the several dates mentioned, except in case where bids for lease are submitted in accordance with notice issued by the board, when the same will be received up to the stated times of leasing. Any application received within thirty days of any stated time of leasing, except as provided, will not be considered by the board until the next stated period for leasing.

SEC. 37. On the first days of December, March, June Applications for lease, lists to be furnished to auditors. and September in each year the secretary of the board shall prepare a list of the lands for which applications for lease have been filed and awaiting action by the board, making separate the lists for the respective counties wherein the several tracts lie, and shall transmit said list to the several county auditors with the request that the same be immediately posted in their office for the period of twenty days. Said list shall be a notice to all persons that the board have under consideration the leasing of the school lands, describing them, and that any person may submit bids on the lease of said lands up to the time stated in said notice. Any person may up to the time stated in said notice submit to the board his bid for the leasing of any of the lands stated in the notice so posted. Said bids must be accompanied by a certified check or certificate of deposit, payable to the state treasurer, equal in amount to the first year's rent of such land in accordance with such bid.

SEC. 38. On the first regular meeting in the month of Leases, when made. February, May, August and November of each year, the board shall proceed to let said lands so applied for to the highest bidder and upon terms fixed by the board in their notice.

Leases, by  
whom issued.

SEC. 39. All leases shall be issued by the commissioner of public lands upon such terms as may be prescribed by the board, and it shall return to bidders all deposits on rejected applications. No lease shall be assignable except upon authorization of the board indorsed thereon and designating the assignee.

Delinquen-  
cies.

SEC. 40. That on the first of each and every month the commissioner of public lands shall cause notice to be served on lessees of public lands who may become delinquent on annual payment within sixty days, and therefore subject to forfeiture, and the board shall forthwith, if no response be had, declare a forfeiture of the lease and eject the lessee therefrom.

Improve-  
ments, when  
removed.

SEC. 41. That improvements made upon granted land by lessees from the state in cases in which the lessee yields his lease to the state prior to any application to purchase the land so leased, such as are capable of removal without damage to the land may be removed by the original lessee, or at his option may remain subject to payment in accordance with this law by any purchaser who shall apply to purchase the land within a period of three years from the expiration of said lease.

Public lands,  
abstract of.

SEC. 42. That the commissioner of public lands shall cause full and correct abstracts to be made and kept in the office of the commissioner of public lands of all the lands owned or that shall be owned by the state, which abstracts shall be in suitable and well bound books. Such abstracts shall show in proper columns and pages the section or part of section, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements and the value of damages, and the total value, the several values of stone, minerals and timber thereon, the date of sale, date of lease, name of purchaser, name of lessee, price per acre, amount of lease per acre, amount of cash paid, amount unpaid and when due, amount of annual interest, and such other columns as may be necessary to show a full and complete abstract of the conditions and circumstances of each tract or parcel of land from the time title was acquired by the state until final payment by the

purchasers, and the issuance of a deed by the state for the land.

SEC. 43. That the board of state land commissioners be and hereby is authorized and directed to cause publication of notices of application to the interior department for certification that state school land or other granted land is non-mineral in character, in accordance with the rules of the general land office, and the sum of \$2,000 is hereby appropriated out of any fund not otherwise appropriated, and the state auditor is hereby authorized to issue and the state treasurer is directed to pay warrants for the purpose above stated.

Notices to interior department, when given.

SEC. 44. That whenever there shall be in the state school fund applicable to investment the sum of \$5,000 or more, the board of state land commissioners may invest the same in national, state, municipal or county bonds at par, of the United States, this state or of the counties or school districts bearing not less than five per cent. interest per annum, or in warrants drawn upon the State of Washington. Upon such investment being made, the bonds purchased shall be deposited with the state treasurer, and thereupon the duties and powers of the board of state land commissioners, or to such funds or securities, shall cease.

School fund, when and how invested.

SEC. 45. That any person, corporation or association engaged in the business of logging, shall have a right-of-way over public lands when necessary, for the purpose of hauling or removing timber from other lands, but permission shall be first obtained in writing from the board of state land commissioners: *Provided*, That all timber on said right-of-way shall be appraised, and before permission is granted, shall be paid [for] in cash by the person, corporation or association desiring the right-of-way.

Right-of-way over lands, when granted.

SEC. 46. Rights-of-way may be granted by the board of state land commissioners over public lands to any county or city desiring to construct a public road across the same: *Provided*, That a duly attested and sworn copy of the official plat, made by the official county or city surveyor or engineer, shall first be filed with the board together with a petition from the county or city officials setting forth the reason for the same, and the aforesaid plat, when approved

by said board of state land commissioners, shall be and form the official plat of said road, and the said plat shall show the amount of land taken up by the proposed road, and shall show the remainder of land in each portion of each legal subdivision bisected by said proposed road, and said plat shall be retained in the office of the commissioner of public lands: *Provided further*, That all timber on said right-of-way shall be appraised and paid for in cash by the said county or city.

Appraisements  
annulled,  
when.

SEC. 47. All appraisements of granted lands heretofore made under existing laws, where sales have not yet been made, are hereby annulled, and all such lands shall be appraised and sold or leased, as herein provided: *Provided*, That lease of granted lands may be made upon the basis of values heretofore fixed by county commissioners in said appraisements.

Funds not  
transferable.

SEC. 48. All funds arising from the sale of lands granted to the State of Washington for any purpose shall be held intact for the purpose for which they were granted. Lands, when selected and assigned to said grant, shall not be transferred to any other grant, nor shall the moneys derived from said lands be applied to any other purpose than for that of the grant to which they have been assigned.

Granted lands,  
sale of, when.

SEC. 49. The board of state land commissioners may, from time to time, as they may deem best, direct the sale of said granted lands, at public auction, at the court house, at the county seat of the county in which the lands offered for sale lie. Not more than ten thousand acres shall be disposed of at any one sale, and each subdivision or lot consisting of one hundred and sixty acres, or approximating thereto, shall be separately offered for sale.

Sales, notice  
of, to be pub-  
lished, how.

SEC. 50. Notice of every sale at public auction shall be given by publication thereof in the official newspaper of the county where the land lies, once a week for five successive weeks, the first publication not to be made more than forty-five days before the date of such sale; said notice to describe the several tracts of land proposed to be sold, and to state the appraised value thereof. Any such sale may be further advertised by a similar notice similarly pub-

lished in some newspaper in Spokane, Tacoma, Seattle or Olympia.

SEC. 51. If any person shall cut down, destroy or injure any tree standing or growing upon any of the lands of the State of Washington, before patent shall have been issued by the state therefor, as herein provided, or shall take or remove from any such lands any timber or wood, or shall dig, quarry, take or remove any mineral, excepting precious metals, earth or stone, from such lands, or otherwise injure or damage said lands, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine [of] not less than fifty nor more than one thousand dollars, or both: *Provided*, That nothing in this act shall be so construed so as to prevent any purchaser who shall purchase said lands for purposes of a home from cutting such timber as may be necessary for domestic use, or to clear land for actual cultivation: *Provided further*, That the state shall not be required to prove title to the lands in question, and the fact that said lands have been selected by the state or that it is a portion of section 16 or 36 in any township shall be accepted as *prima facie* evidence of the state's title: *And provided further*, That the terms of this section shall not apply to any purchaser of standing or fallen timber, stone, mineral, natural hay or gravel, or grantee of a right-of-way who shall have complied with all the provisions of this act relating to such purchasers or grantees.

Prohibitions,  
and penalties  
for violations.

SEC. 52. The tide lands of the state of Washington, which are not reserved from sale by the constitution and laws of the state, shall be divided into three classes:

Tide lands,  
classifica-  
tion of.

1. Tide lands of the first class, which shall comprise all tide lands within or in front of the limits of any incorporated city or town, or within two miles thereof on either side, including submerged lands lying between the line of mean low tide and the inner harbor line, wherever harbor lines have been established or shall be established.

First class.

2. All other tide lands having valuable improvements thereon in actual use for commerce, trade or business on and prior to March 26, 1890, not including oyster lands.

Second class.

Third class.

3. All tide lands in the state not included in the above classes. And said lands shall be sold and disposed of in the manner provided by this act.

Tide lands, commissioners to survey and plat.

SEC. 53. It shall be the duty of the board of state land commissioners to survey, plat, examine and appraise the tide lands of the first class not heretofore surveyed, platted and appraised: *Provided*, That where local boards of tide land appraisers are now engaged upon the survey and appraisal of tide lands of the first class, such local boards shall complete their work forthwith in accordance with the act approved March 26, 1890: *And provided*, Said work shall be completed by May 1, 1895, at which time the terms of office of all members of the boards of tide land appraisers shall expire. Such local boards shall have the same power to locate streets, thoroughfares and alleys as provided in the next succeeding section as the board of state land commissioners have thereunder. Appeals may be taken from any appraisals, final orders or other actions of said local boards to the board of state land commissioners. Such appeals may be taken by the city attorney or by the same persons as specified in section fifty-seven of this act, permitting appeals to be taken from the board of state land commissioners to superior courts. The manner of taking such appeals shall be the same as that provided in said section, as nearly as practicable. The governor shall have power to fill any vacancies occurring in said local boards: *Provided*, That in any actions now pending against any local board of tide land appraisers, the board of state land commissioners shall be substituted as defendants and shall defend such actions.

Exceptions.

Tide lands of the first class, how surveyed and platted.

SEC. 54. In surveying tide lands of the first class the said board of state land commissioners shall have power to, and it shall be their duty to, lay out streets and alleys, which shall thereby be dedicated to the public use, subject to the control of cities, with due regard to the convenience of commerce and navigation: *Provided further*, That all alleys, streets, avenues, boulevards and other public thoroughfares heretofore located and platted on tide lands of the first class by boards of tide land appraisers, are hereby validated as public highways and dedicated to the use of

the public for the purposes for which they were intended; and no improver, upland owner or other person shall have the right to buy the whole or any part of any such alley, street, avenue, boulevard or other thoroughfare. And in appraising said lands said board shall appraise each lot, tract or piece of land separately, and shall enter in a well bound book a description of the lot, tract or piece of land, its full appraised value, its area and the rate per acre at which it is appraised; and if said lot is covered in whole or in part by improvements in actual use for commerce, trade or business, on or prior to March 26, 1890, the said board shall designate the owner of said improvements, of what they consist, the area of land covered by them, the portion of each lot, tract or piece of land and the appraised value of the land covered thereby with and exclusive of the improvements.

SEC. 55. Said board shall prepare plats showing all shore and tide lands surveyed and appraised by them in the respective counties, on which shall be marked the location of all such lands, extending the lines of United States survey over the same, and shall prepare and keep in a well bound book a record of their proceedings, including a list of said shore and tide lands and their appraisal of the same, which plat and book shall be in duplicate.

SEC. 56. When said board shall have discharged their duties as aforesaid, they shall deposit one copy of the plat and record as aforesaid with the county auditor in the respective counties, who shall file and safely keep the same in his office, and they shall deliver one copy of the plat and record to the commissioner of public lands.

SEC. 57. The board of state land commissioners shall, before delivering said plat and record to the commissioner of public lands, cause a notice to be inserted for a period of four consecutive weeks in a newspaper of general circulation in the county wherein the lands are situated, that said plat and record describing it is complete and subject to inspection at the office of the board, and will be filed on a certain day to be named in said notice. Any person claiming a preference right of purchase of any of said lands, and who feels aggrieved at the appraisement fixed

by the board upon said land or any part thereof, may, within sixty days after the filing of said plats and records by said board (which shall be done on the day fixed in said notice), appeal from said appraisement to the superior court of the county in which said tide lands are situated. Said appeal shall be taken in the manner prescribed in section 1630 of Hill's Annotated Statutes and Codes of Washington providing for appeals from justice courts. The prosecuting attorney of any county or city attorney wherein such lands are situated shall, at the request of the governor or of ten freeholders of the county wherein such lands are situated, appeal, on behalf of the state, from any appraisement as hereinbefore provided, which appeal shall be taken in the manner provided above. Notice of such appeal shall be served upon the state land commissioners, whose duty it shall be to immediately notify all interested. The party other than the state or city appealing shall execute a bond to the opposite party with sufficient surety to be approved by the state land commissioner, in the sum of two hundred dollars conditioned for the payment of the costs on appeal.

Abutting owners, rights of.

SEC. 58. The owner or owners of lands abutting or fronting upon the lands of the first class shall have the right for sixty (60) days following the filing of the final appraisal of the tide lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide lands in front of the lands so owned: *Provided*, That if valuable improvements made and in actual use prior to March 26, 1890, for commerce, trade, residence or business have been made upon said tide lands by any person, association or corporation, the owner or owners of such improvements shall have the exclusive right to apply for the purchase of the land so improved for the period aforesaid.

SEC. 59. When the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by,

through or under such purchaser, to the extent of the tract or rights so conveyed.

SEC. 60. In case the persons mentioned in sections 58 and 59 of this act do not, within the time limited, exercise the right to purchase herein given, then said lands shall be open to the public for sale as herein provided. The board of state land commissioners may sell the surveyed and platted tide lands remaining unsold at public auction upon the following terms and conditions, to wit: They shall advertise once a week for three successive weeks in some newspaper of general circulation published in the county in which said lands are situated, a notice that they will on a day named, not less than thirty days after the first publication of said notice, sell at public auction at the county seat of the county the said lands. Said notice shall contain a description of each lot, tract or piece or parcel of land to be sold, together with the number thereof on the plat of such tide lands, and the terms of sale. Each subdivision of said land as surveyed and platted shall be sold separately to the highest and best bidder. Each purchaser shall be required to deposit with his bid a sum of money or certified check on some bank in this state equal in amount to the first payment to be made on said land, according to his bid; and, if no protest be filed or fraud or collusion be shown, the sale shall be confirmed by the board, and they shall thereupon certify the fact of sale to the commissioner of public lands, who shall issue a contract of sale to the successful bidder: *Provided*, That no bid shall be accepted which does not equal or exceed the appraised value of the land bid for: *And provided further*, That the said board of state land commissioners shall have the right to reject any or all bids when there has been fraud or collusion by or among the bidders.

SEC. 61. Any person, association or corporation having a preference right and who shall desire to purchase under this act, tide lands of the first class, may file with the commissioner of public lands an application to purchase any of the tide lands herein described within the sixty days aforesaid, which application shall contain a description of the land applied for. If, at the expiration of sixty days

Highest bidder to purchase, when.

Preferred rights, how exercised.

from and after the filing of final appraisal with the commissioner of public lands, there being no conflicting application filed, the applicant shall be deemed to have the right of purchase. If, at the expiration of said sixty days, two or more applications shall have been filed for any tract, conflicting with each other, the board of state land commissioners shall forthwith order a hearing to determine the rights of the parties applying for said tract. They shall require each applicant, within a time stated, to submit under oath a full statement of the facts whereby he claims a preference right of purchase, and such statement shall be the only pleading required, and will be deemed denied by all the other applicants. In case any applicant shall fail within the time limited to file such statement, he shall, unless good excuse be shown therefor, be deemed to have waived his right of purchase of the tract under his application. At the hearing, which may be upon oral or written testimony, the board shall determine who has the first right of purchase to the whole or any portion of the lot or tract involved, and such award shall be certified to the commissioner of public lands, who shall, unless an appeal be taken to the superior court as provided in section 57, proceed to sell and dispose of said lands in accordance therewith.

Reappraisal,  
conditions.

SEC. 62. Any person having valuable improvements upon any of the tide lands of the State of Washington, and which tide lands were appraised prior to the first day of July, 1894, by the local boards of tide land appraisers, may apply for the purchase and reappraisal of said lands by the board of state land commissioners: *Provided*, That if the owner of such improvements, at any time prior to the first day of January, 1896, files a verified application with the board to purchase said lands, fixing therein a minimum price per acre or lot, as included in the application, and asks for a reappraisal of said lands, and stating therein that such lands have been appraised at more than their actual value, said application to be supported by the affidavit of two disinterested freeholders of the county in which said lands are situated, stating that in their opinion said lands are appraised at more than their actual value,

thereupon the board shall consider said application, and if in the opinion of the board a reappraisalment of said lands should be made, it shall proceed to take testimony of the value of such lands and fix the value thereof, which shall be final, except in case of appeals provided for in this act.

SEC. 63. Whenever it shall appear to the satisfaction of the board that the local boards of tide land appraisers have failed to plat or appraise any of the lands, whether submerged or otherwise, lying between the inner harbor line and the line of ordinary high tide, the board of state land commissioners shall proceed to survey, plat and appraise said land in the manner herein provided for the original survey and appraisalment of the tide lands of the first class, such survey to conform as nearly as possible to the existing surveys as shown by the maps and plats on file in the office of said board, and any person having purchased the lots abutting shall have the same preference rights to purchase as are now given to owners of abutting upland and improvers: *Provided*, That this section shall not be construed so as to prevent any person from applying for the purchase of all lots abutting each other lying between the inner harbor line and the line of ordinary high tide.

Commissioners to complete work of local boards.

SEC. 64. All surveys, appraisements, maps and plats heretofore made and filed with the state board of land commissioners or the commissioner of public lands by the local boards of tide land appraisers in the several counties of the state where such boards have been created and which may hereafter be done or filed by such local boards in completing the work now being done under the provisions of the laws of the state creating said local boards, and defining their duties, are hereby expressly confirmed, subject only to review as in this act provided.

Confirmation of work heretofore done.

SEC. 65. Tide lands of the second class shall be disposed of as follows: Where valuable improvements in actual use prior to March 26, 1890, for commerce, trade or business, have been made upon said tide lands by any person, association or corporation, the owner or owners shall have until the first day of January, 1896, the exclusive right to purchase said tide lands, and the prior right to purchase

Second class lands, how disposed of.

other and adjoining land sufficient for the reasonable use and enjoyment of said improvements.

Second class lands, minimum price of.

SEC. 66. Tide lands of the second class shall be sold at the uniform rate of five dollars per acre, unless it shall appear to the board of state land commissioners, by the affidavit of three freeholders of the county wherein such lands lie, that any [such] lands have a value largely in excess of said amount, then the board of state land commissioners shall appraise said lands, and shall certify said appraisement to the commissioner of public lands with a full statement of the reason for such appraisement, and the said commissioner of public lands shall not dispose of said lands at less than the appraised value.

Applications to purchase, how made.

SEC. 67. Any person duly qualified desiring and entitled under this act to purchase tide lands of the second class may, on or before January 1, 1896, file with the commissioner of public lands an application for such lands, in writing. Such application shall be under oath, and it shall specifically describe the land by metes and bounds; the amount, area and value of the improvements on the land on March 26, 1890; the purposes of commerce, trade or business for which it was used; and separately the amount of such additional land necessary for the convenient use and enjoyment of such improvements.

Applicant to survey.

SEC. 68. Said applicant, at his own expense, shall survey and cause to be filed with his said application a plat of the survey of the land applied for, showing in detail the amount, extent and character of the present improvements and the additional land applied for. Such survey shall be connected with, and the plat shall show two or more connections with the United States surveys of the land. The applicant shall also file the field notes of survey of said land. The commissioner of public lands shall examine and test said plat and field notes of survey and if incorrect or indefinite he shall cause the same to be corrected, or may reject the same and cause a new survey to be made.

Applications to purchase.

SEC. 69. The commissioner of public lands, after the receipt of an application and correct plat and survey of any tide lands of the second class, shall cause to be published, at the expense of the applicant, in some newspaper of gen-

eral circulation in the county for the period of five weeks a notice of the application, which notice shall set forth a description of the land applied for, the name and address of the applicant, and allowing any person to show cause why the application should not be allowed. If at the expiration of said publication no adverse application or protest be filed the applicant may produce his proofs to the commissioner of public lands, and if entitled shall be allowed to purchase. If an adverse application shall have been filed the commissioner of public lands shall certify all papers to the board of state land commissioners, who shall order a hearing and award the right of purchase as provided for lands of the first class in like contingencies.

SEC. 70. All tide lands of the third class adjacent to the shores of the Pacific ocean, or any bay, harbor, sound or inlet, shall be sold at not less than five dollars per lineal chain of the meander line of the United States government survey bounding the inner or shore limit of said lands: *Provided*, If it shall, from any cause, appear to the board of state land commissioners at any time before sale that any lands, because of the location, or adaptability to special use, have a special value, the board shall immediately appraise said lands and certify such appraisal to the commissioner of public lands, and said lands so appraised shall not be sold at less than such appraised value: *And provided further*, That in all cases where any such tide lands have heretofore been surveyed under authority of any previous act of the legislature, such tide lands may be so sold and purchased: *And provided*, That any tide lands not forming a portion of or lying adjacent to the shore shall be sold to the first applicant at the rate of five dollars per acre, after survey made by him at his own expense, and subject to the same conditions and limitations as provided for sale of tide lands of the second class.

Third class  
lands, mini-  
mum price of.

SEC. 71. The owner or owners of lands abutting or bounded by the shores of the Pacific ocean, or any bay, harbor, sound or inlet, shall have until the first day of March, 1896, the right to purchase all or any part of the tide land of the third class fronting on the lands so owned, at the price stated herein for such lands: *Provided*, That

Abutting own-  
ers, prior  
right of.

when the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser, any portion of the tide lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or rights so conveyed. Any person desiring to purchase such lands shall file his application therefor, and deposit one-tenth of the purchase price of said lands with the commissioner of public lands, who shall thereupon cause to be published, at the expense of the applicant, in a newspaper of general circulation in the county wherein the lands lie, for a period of five weeks, a notice of said application, which notice shall set forth the name of the applicant and address, and a description of the tide lands applied for, and shall allow any person opportunity to appear and protest against the application or file an application for said land or any portion thereof.

Tide lands,  
when leased.

SEC. 72. From and after the first day of March, 1896, any tide lands of the State of Washington for which applications for purchase have not been theretofore filed and are pending, may be leased by the board of state land commissioners for any period not less than one nor more than twenty years. When an application is made to lease tide lands, the applicant shall file with the board of state land commissioners an application in writing, describing the lands, and if the application be for second or third class tide lands, his application shall be accompanied by a map or plat describing the lands with reasonable certainty. The board, if the application be deemed sufficient, and in its judgment the interests of the state be subserved by leasing said lands, shall approve the application with a statement of what the reasonable rental value of said lands should be, which, in no case, if the lands have been appraised, shall be less than five per cent. of the appraised value. And the commissioner of public lands shall thereupon, if the lands are subject to lease as hereinbefore provided, execute a lease thereof in accordance with such form as may be prescribed by the board.

SEC. 73. Shore lands shall be disposed of as follows: If Shore lands, how disposed of. said lands be within or in front of the corporate limits of any incorporated city or town or within two miles on either side, the board of state land commissioners shall, when they deem it necessary and advantageous to the interests of the state, survey, plat and appraise said shore lands, and shall divide the same into lots and blocks, with such intervening streets and alleys as may be necessary and convenient for the uses of commerce, trade or business. The board shall appraise each lot separately, and such appraisement shall be the price at which said shore lands shall be sold.

SEC. 74. Any person the owner of the abutting upland Abutting owners, prior right of. shall have the preference right for sixty days following the filing of the plat and appraisement with the commissioner of public lands, to purchase the lot or block of land in front of the upland so owned by him: *Provided*, That if valuable improvements were, prior to March 26, 1890, in actual use for commerce, trade or business, made on any lands, the owner or owners of such improvements shall have, for the period aforesaid, the exclusive right of purchase during the period aforesaid of the lands so improved, and sufficient additional ground for the reasonable use of said improvements.

SEC. 75. The board of state land commissioners shall cause a map and record of their survey and appraisement to be made in duplicate, and shall file one copy thereof with the county auditor and one copy with the commissioner of public lands. Surveys, maps and appraisement, record of.

SEC. 76. After the filing of the appraisement and plat of disposal of shore land within the limits of, or within two miles on either side of, an incorporated city or town, shall follow and be like the method of procedure as in tide lands of the first class. Procedure same as tide lands of the first class.

SEC. 77. Shore lands not within the limits of an incorporated city or town, nor within two miles thereof on either side, shall be disposed of only upon an application therefor being filed as herein provided. Any person the owner of the upland bordering on said shore lands shall have the right to purchase the shore lands in front of the premises Shore lands remote from cities.

so owned by him upon filing an application with the commissioner of public lands, and at his own expense shall survey and file a plat of said survey and field notes of survey with his application. The commissioner of public lands shall examine said field notes and plat and if the same are correct shall cause a notice of said application to be published for thirty days, at the expense of the applicant, in some newspaper of general circulation in the county, and if no protest or adverse filing be made the commissioner of public lands shall sell and dispose of said lands in the same manner and subject to the same limitations as in tide lands of the second class.

Shore lands,  
appraise-  
ment of.

SEC. 78. No shore lands shall be sold unless the same shall have first been duly appraised, and when an application and plat have been filed with the commissioner of public lands as in the last preceding section provided for shore lands therein described, the board of state land commissioners upon that fact being certified to them shall examine, appraise and fix the value of the lands so applied for, and the value so fixed shall be the price at which such lands shall be sold.

Prior right, ex-  
piration of.

SEC. 79. The preference right of purchase for shore lands, not within the limits of an incorporated city or town, or within two miles thereof on either side, shall expire on the first day of March, 1896: *Provided*, That if any lands be thereafter reclaimed from the beds of any lake, river or water course, the owner of such upland shall have sixty days from the time of the completion of such reclamation in which to purchase said lands so reclaimed: *Provided further*, That when the abutting upland owner has attempted to convey by deed to a *bona fide* purchaser any portion of the shore lands in front of such upland, or littoral rights therein, the right of purchase herein given to such upland owner shall inure to such purchaser to the extent of the tract or rights conveyed.

Public lands,  
liability for  
occupancy of.

SEC. 80. Any person who shall after March 1, 1896, occupy, use or enjoy any of the tide or shore lands of the state, unless he have an application to purchase the same pending, shall be liable to the State of Washington for the reasonable rental value of the lands and premises so occu-

pied, used and enjoyed: *Provided*, That any incorporated city may erect a public wharf, and when the same is maintained wholly for the use of the public no rental shall be charged said city, and it shall be the duty of the board of state land commissioners to recover said amount and eject said persons from said lands.

SEC. 81. All tide lands, except as herein expressly provided, shall be sold upon the terms provided for the sale of granted lands, and within twenty days after the expiration of the sixty days limited in which to file application for the purchase of tide lands the applicant shall pay to the commissioner of public lands one-tenth of the purchase price thereof, and thereupon the purchaser shall enter into a contract with the state as provided in section thirty of this act: *Provided*, That where an appeal is taken, the purchaser shall in all cases have twenty days from the day on which the final judgment of the superior court is certified to and filed with the commissioner of public lands in which to make said payment and enter into said contract: *And provided further*, That in case different persons make application to purchase a lot, tract or piece of tide land within sixty days and no appeal is taken from the determination of the board as to which person has the first right of purchase, then the findings of the board shall be final, and the successful applicant shall have thirty days from the time when served with notice of such finding, which notice shall be served by mailing a registered letter addressed to the party at his address, which shall be stated in the application to purchase.

SEC. 82. Any person who is an applicant to purchase any tide lands may appeal from any finding or decision of the board of state land commissioners as to the prior right to purchase such tide lands or any part thereof, which appeal shall be to the superior court of the county in which such tide lands are situate. Such appeal shall be taken by the party desiring to appeal serving upon the party in whose favor said decision and determination is made, and also upon all other parties who have appeared in the contest before said board, or upon their attorneys, a notice in

writing that he appeals from said decision and determination to the said superior court, which said notice of appeal must be served as aforesaid, and together with the proof or admission of service indorsed thereon or attached thereto, must be filed with the said board of state land commissioners within thirty days from and after said decision and determination is filed in writing or entered in the records of said board of state land commissioners. At the time of filing such notice of appeal, or within five days thereafter, the party appealing shall also file with said board a bond in the penal sum of two hundred dollars, payable to the adverse party, executed by the appellant and two or more sureties, who shall justify as bail upon arrest; which bond shall be conditioned that the party appealing shall pay all costs that may be awarded against him on the appeal or on the dismissal thereof, and shall be approved by the secretary of said board. Within ten days after said notice of appeal and proof of service has been filed with said board as aforesaid, said board shall prepare and certify under the hand of its secretary and the seal of such board, a true copy of all the pleadings and papers and record entries connected with said contest, except the evidence used in said contest before said board, to the clerk of the superior court of the county to which said appeal has been taken. The hearing and trial of said appeal in said court shall take place *de novo* before the court without a jury, upon the pleadings so certified. The court or judge, for cause deemed satisfactory, may order the pleadings to be amended. The cause shall be tried and determined and judgment rendered in the same manner as if such cause had been commenced before said court, in accordance with the rules of law and evidence governing the trials of causes in said court so far as the same are applicable. Should judgment be rendered against the party so appealing, the costs on appeal shall be taxed against him, and the sureties on the appeal bond shall be included in the judgment, and execution may issue from said superior court for the collection thereof. Any party feeling himself aggrieved by the judgment of said court, may appeal therefrom to the supreme court of the state in the same

Appellant  
to file bond.

Contest proceedings certified to superior courts.

Costs.

Appeals.

manner and within the same time as is now or may hereafter be provided by law for appealing from judgments in actions at law to such supreme court. Unless an appeal be taken within the time aforesaid from the judgment of said superior court, the clerk of said court shall certify under his hand and seal of such court, a true copy of such judgment to the commissioners of public lands, which judgment shall thereupon have the same force and effect as if rendered by said board.

SEC. 83. The board of state land commissioners shall exercise such supervisory control over the oyster lands as may be given it by the laws of the state. Oyster lands.

SEC. 83½. When tide land of the third class is separated from the upland by navigable waters, and thereby no person or persons have a preference right to purchase the same, then any person or persons may make application at any time to purchase such third class tide lands in the manner and upon the terms in this act provided for the sale of tide lands of the second class.

SEC. 84. The board of state land commissioners shall have the power to lease the right to build and maintain wharves, docks and other structures upon or within any harbor line area abutting upon tide lands which have been sold, or which may hereafter be sold or leased as provided in this act, for a term not exceeding thirty years, upon such covenants and conditions as the board shall prescribe. Right to build docks, when granted.

The said board, in any and all such leases, shall reserve to the State of Washington the right to regulate, either under rules of the board or legislative enactment, or by both methods, the rates of wharfage, dockage and other tolls to be imposed by the lessee upon commerce for any of the purposes for which said leased area may be used, and the right as above mentioned to prevent extortion, discrimination and exclusive privileges. Commissioners to regulate tolls.

Said board shall require a bond with sufficient surety, to be approved by the board, in such sum as may be prescribed by the board, conditioned for the faithful performance by the lessee of all the terms and conditions of the lease under such rules and regulations as the board may prescribe. Bond required of lessees.

The said board shall have power at any time to summon sureties upon any

bond and to examine into the sufficiency of the bond, and if found by the board to be insufficient the board shall require the lessee to file a new and sufficient bond within thirty days after receiving notice from the board, under penalty of immediate forfeiture of the lease. The board shall have power to annul or cancel any lease upon a breach of its conditions by the lessee. The state hereby reserves the right to cancel any and all leases upon payment to the lessee of the value of his improvements made on any leased area: *Provided*, That this section shall not be held to apply to the cancellation of leases by the board for fraud or breach of any covenants of the lease or failure to file and keep a good and sufficient bond with said board; but in all such cases the improvements, if any, shall become the property of the state. Any lessee desiring to erect any wharf, dock or other structure upon any such leased area shall prepare and file with the said board plans and specifications of such proposed improvement and showing its proposed location on the leased area, and no such wharf, dock or structure shall be constructed until such plans, specifications and location shall be approved by said board. There shall not be any artificial filling in of such area or any deposit of rock, earth, ballast, refuse, garbage or other matter within such area, except as may be provided by law, or upon approval in writing by said board. If the person, association or corporation having the preference right to lease any of the harbor line areas does not exercise such right within such time as may be prescribed by the board and under its rules and regulations, then the said board may, in its discretion, provide for the leasing of such harbor area to the highest and best bidder: *Provided*, That the board may reject any and all bids, when in its judgment the sum bid is too low. The rent derived from such leases shall be paid into the state treasury under such regulations as the state board may prescribe, and shall constitute a fund to be used as the legislature shall direct: *Provided*, That after the expiration of one year, if the parties who have leased any of said areas do not commence to build wharves, docks or make such other improvements

Right to cancel, when.

Lessees to submit plans.

Restrictions.

Rent, disposition of.

as provided in this act, the board may cancel the lease and release the same under the provisions of this act.

SEC. 85. In leasing harbor line areas the owner or lessee of the tide lands abutting the portion of the harbor area sought to be leased, shall have a preference right to lease said areas under the conditions prescribed in the next preceding section.

Lessees, prior right of.

SEC. 86. The said board of state land commissioners are hereby authorized to establish harbor lines under the provisions of article xv of the constitution of the state, where the same have not already been established, and the said board shall have all necessary authority to carry into effect the powers herein granted.

Harbor lines, commissioners to establish, when.

SEC. 87. Whenever it appears that the inner line of any harbor area heretofore located has been so established as to overlap or fall inside the government meander line, or for any other good cause, said board are empowered to relocate and re-establish said inner line and any tide lands lying between such inner line so erroneously established and outside of said meander line, and said inner line so re-established and re-located may be sold as other tide lands of like class in accordance with the provisions of this act.

Relocation of lines, when made.

SEC. 88. That whenever there does not exist in this state any other commission or person authorized by law to carry into effect the act of congress approved August 18, 1894, relative to arid irrigable lands, the board of state land commissioners shall have and exercise all powers necessary for securing to the state the grant of land referred to in said act of congress, and the necessary expenses of said board or any of its members, whether for traveling expenses or for materials, or for clerical, expert or other assistance, shall be audited by the state auditor, on vouchers properly authenticated by the board, and shall be paid by the state treasurer out of any moneys in the state treasury not otherwise appropriated, not to exceed \$2,000.

Arid lands, commissioners to control, when.

SEC. 89. The state board of land commissioners shall, from the date of the assumption of its official duties, possess and exercise over all the lands and areas of the state all the authority, power and functions and perform the duties which the present board of state land commissioners

Commissioners, general powers of.

now possess, and is hereby constituted its successor, and all the provisions of law applicable to said board not inconsistent with the provisions of this act are hereby made applicable to the board created by this act; and said board is made the successor of the boards of local tide land appraisers and shall succeed to all their duties, and all provisions of law applicable to them and not inconsistent with this act are hereby made applicable to said board of state land commissioners: *Provided*, That this act shall not apply to or affect the right and duty of said local boards to complete such work upon tide lands of the first class as they be now actually engaged upon, which they shall complete forthwith, and upon filing their maps and plats with said board, they shall deliver to the state all books, records, abstracts, maps, plats, papers, accounts, implements, furniture and all other state property under their control, respectively: *Provided further*, That the office of the board of state land commissioners shall be in the office of the commissioner of public lands and one of the clerks in said office shall be the secretary of the board, and all books, records, plats, papers and other documents shall be kept in said office.

Commissioners, office of, where located.

Commissioners to expend certain moneys, when.

SEC. 90. Said board of state land commissioners shall have full power and authority to expend the moneys appropriated under an act entitled "An act relating to the improvement of harbors and waterways of the State of Washington," approved March 10, 1891; and all powers vested by the act last mentioned in the harbor line commission therein mentioned, are hereby transferred to and devolved upon said board of state land commissioners hereby created, and said board is hereby authorized to draw warrants upon the state treasurer against the harbor improvement fund of the proper city for the amounts of all expenditures made by them in the improvement of harbors in pursuance of said act last mentioned, or of any law in force for the time being, and are hereby vested with all powers and authority necessary to carry into effect the full intent and purpose of said act, and of all provisions of law relative to the improvement or leasing of harbor areas; and the necessary and actual expenses of the said board or

any of its members, in discharge of such duties, whether for traveling expenses or for materials, or for clerical, expert or other assistance, shall be audited by the state auditor on properly authenticated vouchers, and paid by the state treasurer on the warrant of the said auditor out of said harbor improvement fund.

SEC. 91. When any state lands are sold by the board upon which improvements have been made of a character which give a preference right to purchase under this act, if the said party having the preference right to purchase any of the state lands by reason of any such improvements does not become the purchaser, then the purchaser of any such state lands shall pay to the owner of any such improvements, the fair and reasonable value thereof, in addition to the amount paid to the state for any lands purchased, and any such purchaser shall not be entitled to the possession of any such land upon which such improvements have been made until he has paid the owner thereof for the improvements. If the owner of the improvements and the purchaser cannot agree upon the price to be paid for such improvements, the board of state land commissioners shall determine the value thereof, under its rules and regulations.

Purchasers to pay for improvements.

SEC. 92. The said board is hereby empowered to accept, in the name of the State of Washington, by deed of sale or gift, or by operation of law, any or all lands of whatsoever nature, and said lands shall be inspected, appraised, managed, leased or sold in the same manner as is prescribed herein for granted lands, and the proceeds of the lease or sale of all such lands shall be converted into the general school fund in the manner prescribed by law, or shall be applied to such specific purpose as may be prescribed by any grantor or testator. This section shall apply especially to all lands that are or may be escheated to the state.

Commissioners to accept lands transferred to the state.

SEC. 93. In all hearings pertaining to the public lands of the State of Washington, or any part thereof, as provided by this act, the board of state land commissioners shall, in their discretion, have power to issue subpoenas and compel thereby the attendance of witnesses at such time and place as may be fixed by the board, to be stated

Commissioners to issue subpoenas and compel attendance.

in the subpœna, and to conduct the examination thereof. Said subpœnas may be served by the sheriff of any county, or by any other officer authorized by law to serve process, or by any person over the age of twenty-one years, competent to be a witness, but who is not a party to the matter in which said subpœna is issued. Each witness subpœnaed by the board as witness on behalf of the state shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund. And any person duly served with a subpœna, as herein provided, and who shall fail to obey the same, without legal excuse, such failure to obey shall be considered a contempt, and the board shall certify the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof said witness shall suffer the same penalties as are now provided in like cases in the courts of this state, as prescribed in section 1655 of the second volume of Hill's Annotated Statutes and Codes of the State of Washington: *And it is further provided,* That the certificate of the board shall be considered by the court as *prima facie* evidence of the guilt of the party charged with contempt.

Witness fees.

Plats and field notes to be filed with commissioner of public lands.

SEC. 94. All maps, plats and field notes of surveys required to be made by this act shall, after approval by the state board, be deposited and filed in the office of the commissioner of public lands, and all maps, plats and field notes now filed with the board of state land commissioners shall be by them deposited with the commissioner of public lands, who shall keep a careful and complete record and index of all maps and plats in his possession in a well bound book, which shall at all times be accessible to the public, and the said commissioner of public lands shall at any time, upon the order of the board of state land commissioners, submit to them an abstract of or report upon any such records in his department without fee or other charge.

Commissioners to assume functions of cruisers and appraisers, when.

SEC. 95. The duties herein prescribed to be performed by the state land cruiser, the state land appraisers, or the county auditors, may, in the discretion of the board, be

performed by any member or members of the board under order of the board, and the state land cruiser may by [ be ] ordered by the board to do the work of the public land appraisers, who may, also, be ordered to assist the state land cruiser.

SEC. 96. That all notices, orders, contracts, certificates, Seal. rules and regulations, and other documents or papers made and issued by or on behalf of the board of state land commissioners, or the commissioner of public lands, shall be authenticated by a seal whereon shall be the vignette of Washington, with the words "seal of the commissioner of public lands, State of Washington."

SEC. 97. That the commissioner of public lands, for services performed by him as such, may charge and collect the following fees: (1) For a copy of any document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, fifty cents. (3) for each contract of sale or grant issued, if for one quarter section or less, one dollar; (4) for each copy of the plat of township, or any portion thereof, two dollars. All transcripts under the hand and seal of the said commissioner and otherwise duly authenticated, shall be received in evidence in any court of this state. Commissioner's fees.

SEC. 98. That the commissioner of public lands shall Fee book. keep a fee book, in which must be entered all fees received by him, with the date paid and the name of the person paying the same, and the nature of the services rendered for which the fee is charged, which book must be verified quarterly by his affidavit entered therein; and all fees so collected by him shall be paid into the state treasury quarterly, and the receipt of such treasurer taken, to be retained in the office of said commissioner of public lands as a voucher.

SEC. 99. That said board be and it is hereby directed Trespasses. and empowered to investigate all trespasses on and damage to state lands and prosecute the same under the law; that said board shall also appear before the United States land offices in all cases involving the validity of the selections of any of the state's granted or school lands, and shall be authorized and empowered to summon witnesses and pay

necessary witness fees and clerical hire in such contested cases.

Attorney  
general,  
duty of.

SEC. 100. In all cases of contest or appeal arising under the provisions of this act and to which the state may be a party, it shall be the duty of the attorney general to appear for and represent the interests of the state when directed so to do by the board.

Liability for  
removing  
timber from  
public lands.

SEC. 101. Any person, firm, corporation or association cutting or removing, or causing to be cut or removed, any timber growing or being upon any state, school or granted lands, or manufacturing the same into logs, bolts, shingles, lumber or other articles for domestic use or commerce, shall be liable to the State of Washington in treble the value of the timber or other articles so cut or removed, to be recovered in a civil action; and, moreover, shall forfeit all interest in and to the article into which said timber is manufactured.

Commission-  
ers, right  
to review.

SEC. 102. That the board of state land commissioners shall have the right to review and to reconsider any of its official acts relating to lands of the state until such time as a lease or contract for purchase of any of said lands shall have been made, executed and signed by the commissioner of public lands or by the board itself.

Vested rights  
confirmed,  
when.

SEC. 103. This act shall not be construed to affect any vested right in any of the public lands as herein defined of any person, firm or corporation, acquired under existing laws, or any preference right of purchase, but the same are hereby confirmed, subject only to such rules and regulations for the government of said rights as may be hereafter defined by the board of state land commissioners.

Publications.

SEC. 104. All notices directed to be published as in this act provided shall be published in such newspaper or newspapers within the state as the board of land commissioners may direct.

"Person"  
defined.

SEC. 105. The word "person" as used in this act shall be construed to mean and include person, firm, association or corporation.

Repealed.

SEC. 106. An act entitled "An act for appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890, an act entitled

“An act to provide for the selection of lands granted to the State of Washington under act of congress approved February 22, 1889, for the purpose of the erection of public buildings and a penitentiary, the use and support of agricultural and scientific normal schools and charitable, penal and reformatory institutions, also providing for selection of lands granted to the State of Washington under sections 1947, 2275 and 2276 of the revised statutes of the United States,” approved March 10, 1891, and an act entitled “An act to provide for the creation of a state board of land commissioners, for the management and disposition of the public lands of the state, making an appropriation therefor, and declaring an emergency,” approved March 15, 1893, are hereby repealed, except as provided in this act; saving, however, and preserving all rights which have been acquired and all powers and privileges which have been conferred upon any person or educational institution by any act of the legislature.

SEC. 107. Whereas, under existing laws the state is sustaining great and irreparable loss in the appraisement, sale and disposition of its lands, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage.

Passed the senate March 13, 1895.

Passed the house March 13, 1895.

Approved March 26, 1895.

## CHAPTER CLXXIX.

[S. B. No. 289.]

## AMENDING ACT OF 1890, RELATING TO SALE OF TIDE LANDS.

AN ACT to amend sections 6 and 7 of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890, and declaring an emergency.

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

SECTION 1. That section six of an act entitled "An act for the appraising and disposing of the tide and shore lands belonging to the State of Washington," approved March 26, 1890, be and the same is hereby amended to read as follows: Sec. 6. Said board or any other board or commission upon which the duties of this board may devolve by operation of law or otherwise, in whole or in part, shall prepare plats showing all shore and tide lands surveyed and appraised by them in their respective counties, on which shall be marked the location of all such lands, extending the lines of the United States survey over the same. Said board, or substitute therefor, in preparing plats of tide lands of the first class shall, after the establishment of harbor lines, lay out thereon such streets, avenues, boulevards and thoroughfares as in their judgment may be conducive to the public interests. Within ten days after this act goes into effect, the said board, or substitute therefor, shall begin, and shall complete as rapidly as possible, a plat or plats of said streets, avenues, boulevards, and thoroughfares, showing thereon the location, width and name of each of said public ways; said plat or plats shall be so prepared that the location on the ground of the said highways and thoroughfares as laid out and platted may be ascertained and determined from the data contained in said plat or plats. Upon the completion of said plat or plats, the same shall be submitted to the city council of the city in front of which such lands lie, whereupon, within thirty days, the said city council shall examine the same and determine whether said plat or plats are fair and satis-

Board, general  
duty of.

Streets.

City council.

factory to such city; if the said system of streets upon said plat or plats is found to be satisfactorily laid out, the said plat or plats shall be approved by ordinance as provided by charter of such city, but if the same are not found satisfactory and are not approved, the objections of the said city shall be stated thereto in writing, signed by the mayor, and return[ed] with said plat or plats to said board. If, during said thirty days, said city and board cannot agree, the said plat or plats and the written objections thereto shall be transmitted to the governor of this state, whereupon the governor shall examine into the difference between said city and board, and determine the matter fairly; but his decision upon such difference shall be final, and from which there shall be no further appeal. If no objections are made to any plat or plats, or upon the settlement of same when made by the governor, it shall be the duty of the said board or substitute therefor to complete said maps in accordance with the approved plats at once, and without any change therein. The tide and shore lands embraced within the limit of the streets and alleys, avenues, boulevards and thoroughfare heretofore platted, or that may be so hereafter platted by any such board or boards, shall be forever reserved from sale, and no part of the same shall be included in or affected by the preference purchase rights conferred by this act, and no such preference right or rights shall be allowed to or exercised by any applicant claiming a preference right of purchasing tide lands of the first class until after said board shall have filed according to law its plat or plats of any tide and shore lands. It is further hereby provided that the portion of such tide and shore lands embraced within the limits of any highways and thoroughfares laid out and designated on such plat or plats that may have been heretofore or that may be hereafter filed by any such board, shall, from the time of the filing of such plat or plats, be deemed to be and shall be forever dedicated to the public use as such public thoroughfares and highways: *Provided*, That such platting of such highways shall leave the preference rights of purchase conferred by law unrestricted, except as regards the portion of such tide lands embraced within the limits of such high-

Ordinance.

Rejection.

Governor  
to adjust  
and approve.All streets  
reserved.

ways and thoroughfares. Said board shall prepare and keep in a well bound book a record of their proceedings, including a list of said shore and tide lands, and their appraisal of the same.

Condemnation for streets, when made.

SEC. 2. That section seven of said act be amended to read as follows: Sec. 7. If it shall be found necessary to include any improvement made on any such tide land in aid of trade or commerce, in laying out any such street, the same shall be taken in accordance with the laws of this state relating to the condemnation of private property for public use, but this shall not prevent the location of such streets and the filing of such plats prior to condemnation, but it shall not be held to authorize the city to take possession of such improvement until paid for in condemnation proceedings. When said board shall have discharged their duties as aforesaid they shall deposit one copy of the plat and record as aforesaid with the county auditor in their respective counties, who shall file and safely keep the same in his office and they shall deliver one copy of the plat and record to the commissioner of public lands: *Provided*, That as soon as the tide and shore lands lying within or in front of the corporate limits of any incorporated city or town, and within two miles thereof on either side, shall have been surveyed, appraised and platted by the board of appraisers of the county in which such lands are situated, such board of appraisers shall file as above provided the plats and records relating to such tide and shore lands.

Condemnation proceedings, when taken.

SEC. 3. If any city shall not institute condemnation proceedings as provided for in this act within one year after the said board has completed its duties as herein provided, then the said city, if it desires to take possession of any improvement as aforesaid upon which any street is located, or if it desires to appropriate tide lands upon which there are any such improvements, shall not be entitled to appropriate such tide lands as aforesaid or any part thereof except it shall, in condemnation proceedings, pay for all improvements which may, after the expiration of one year, be placed thereon in aid of trade or commerce, as well as those already existing thereon.

SEC. 4. Whereas, existing laws do not adequately provide for the platting of tide lands, an emergency is hereby declared to exist, and this bill shall take effect thirty days from and after its passage and approval.

Passed the senate March 9, 1895.

Passed the house March 13, 1895.

Approved March 26, 1895.

## CHAPTER CLXXX.

[H. B. No. 393.]

### APPROPRIATION FOR THE UNIVERSITY.

AN ACT making an appropriation for the erection of certain necessary buildings and for carrying out certain necessary work for the University of Washington, and providing for reimbursing the state by the sale of certain university lands.

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

SECTION 1. For the erection of a power house, the completion of the heating, ventilating and water plant, the furnishing of the new main building and gymnasium now under construction, the erection of a residence for the president, the preparation of the new grounds and for other necessary improvements for the university of Washington, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of fifty thousand dollars (\$50,000).

SEC. 2. The money hereby appropriated shall be returned to the state treasury for [from] the proceeds of the first sales of any lands belonging to the University of Washington.

Passed the house March 11, 1895.

Passed the senate March 13, 1895.

Approved March 26, 1895.

## CHAPTER CLXXXI.

[S. B. No. 155.]

## DEFICIENCY APPROPRIATIONS.

AN ACT making appropriation for sundry deficiencies of the various state institutions for the fiscal term beginning April 1, 1893, and ending March 31, 1895; for certain deficiencies for the previous fiscal term, and for other purposes.

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

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the several funds of the state treasury not otherwise appropriated, for the purposes hereinafter expressed, for the fiscal term beginning April 1, 1893, and ending March 31, 1895; and for deficiencies of the fiscal term immediately preceding not hitherto provided for, and the state auditor is hereby directed to draw his warrants on the state treasurer for the several amounts found to be due on presentation to him of properly certified vouchers, to wit:

## EMERGENCY FUND APPROPRIATIONS AND INTEREST TO APRIL 1, 1895.

<i>Fund No.</i>	<i>For what appropriated.</i>	<i>Amount appropriated.</i>	<i>Interest.</i>
1.	Incidental expenses board of state land commissioners.....	\$1,405 15	\$150 00
2.	Attorney general—For the payment of clerk's fees and court costs in U. S. circuit, district and supreme courts in cases wherein the state is interested.....	1,000 00	75 00
3.	Commissioner public lands—Payment of expenses of W. H. Calkins incurred in appearing before secretary of interior on behalf of the state.....	300 00	40 00
4.	Commissioner public lands—Payment of Geo. Driver for services rendered in examining certain school lands.....	86 25	10 00
5.	Commissioner public lands—To defray the expenses incurred in contest of school land in sec. 16, tp. 19 north of range 7 east.....	170 35	25 00
6.	Board of state land commissioners—Witness fees in U. S. land office at Vancouver.....	15 00	1 75
7.	State board of equalization—For the payment of necessary clerical assistance....	200 00	25 00

<i>Fund No.</i>	<i>For what appropriated.</i>	<i>Amount appropriated.</i>	<i>Interest.</i>
10.	Washington world's fair commission — Payment of salaries for month of August, 1893.....	\$1,000 00	\$75 00
11.	Same as last above — For the payment of account of the News Publishing Co. for 20,000 copies state history.....	1,700 00	200 00
12.	Same — Defraying expenses and payment of salaries of officers and employes.....	5,000 00	550 00
13.	Board of state land commissioners — For establishing harbor lines where necessary throughout the state.....	15,000 00	1,350 00
14.	Washington world's fair commission — For salary and expenses of W. L. Davidson for months of August, September and October, 1893.....	310 40	32 25
15.	Same as last above — Payment of salary of J. S. Forrest for the months of September and October, 1893.....	200 00	21 00
16.	Washington world's fair commission — Payment of salary and expenses of J. M. Blaine.....	280 90	28 00
17.	State auditor — Extra clerical assistance,	1,454 85	100 00
18.	Board of state land commissioners — Payment of C. B. Bagley in preparing abstracts of university lands.....	500 00	35 00
19.	State fish commissioner — Traveling and incidental expenses of commissioner and deputies.....	500 00	35 00
20.	Washington world's fair commission — For payment of salary and expenses of Mrs. Julia C. Slaughter.....	154 00	15 00
21.	Same as last above — Payment of expenses of Mrs. Julia C. Slaughter.....	25 25	2 50
22.	State fair commission — For completing stalls and race track.....	1,500 00	110 00
23.	Issued in lieu of appropriation No. 8, which was made for the purpose of paying incidental expenses of the Washington world's fair commission.....	280 00	(No int.)
24.	Same as No. 23.....	280 00	(No int.)
25.	Ellensburg normal school — For school furniture, etc.....	5,000 00	200 00
26.	Board of state land commissioners — Payment of salary of secretary.....	1,194 85	50 00
27.	Secretary of state — For cost of publishing notice of proposed constitutional amendment.....	550 00	15 00
28.	National guard — Incidental expenses connected with last annual encampment....	523 22	27 00

<i>Fund No.</i>	<i>For what appropriated.</i>	<i>Amount appropriated.</i>	<i>Interest.</i>
29.	State fair commission—For building a fence around the grounds.....	\$2,000 00	\$80 00
30.	Adjutant general—For the payment of salaries of adjutant general and assistants.....	3,145 00	125 00
31.	State board of equalization—For clerical assistance for 1894.....	45 00	1 50
32.	Board of state land commissioners—For expenses incurred in establishing harbor lines in front of the cities of Seattle, Tacoma and Hoquiam.....	1,018 18	40 00
33.	Adjutant general—Payment of temporary stenographer.....	40 00	1 50
34.	National guard—Payment of audited claims.....	1,848 48	60 00
35.	Board of state land commissioners—To defray expenses in case of J. and O. McBride vs. State of Washington, involving title of sec. 16, tp. 20 north, R. 3 east.....	7,536 00	(No int.)
36.	National guard—Hotel expenses incurred by court of inquiry.....	74 95	2 50
37.	Payment of W. H. Calkins—Appearing before secretary of interior.....	1,000 00	(No int.)
	Total appropriations.....	\$55,337 88	\$3,483 00
	Total interest.....	3,483 00	
	Total.....	\$58,820 88	

In appropriation No. 35, if the certificate is not paid by February 1, 1896, it is to bear interest at 8 per cent.

CERTIFICATES ISSUED UNDER ACT APPROVED MARCH 27, 1890.

	<i>Principal.</i>	<i>Interest.</i>
Reporter of supreme court.....	\$2,000 00	\$100 00
Appraising timber on school lands.....	30 00	1 75
Tide land appraisers.....	6,910 22	1,076 08
Cheney normal school.....	16,957 30	965 30
Salaries of judges <i>pro tempore</i> .....	800 00	60 00
Extradition expenses.....	467 40	50 00
Transportation of juvenile offenders to reform school.....	91 35	14 55
County cost bills.....	17,051 20	2,368 97
University certificates.....	7,492 86	2,051 83
University warrants.....	12,872 69	4,175 00
Publishing notices of proposed constitutional amendments.....	620 00	1 20
Clerical assistance, board of land commissioners.....	925 00	80 00

SEC. 2. Immediately upon the passage and the approval of the act the state auditor shall give notice to those holding the aforesaid claims against the state by two consecutive publications in some weekly paper published at the state capital, that these claims will be paid by the issuance of warrants, upon their presentation at the office of the said state auditor, and that interest upon the said claims will cease within ten days from publication of the notice as aforesaid.

SEC. 3. All claims enumerated in this act which have been incurred in connection with the surveys, appraisal and sale of tide lands shall be paid by warrants drawn upon the tide land fund; all obligations herein enumerated which have been incurred by the national guard of the state shall be paid by warrants drawn upon the military fund; all other debts herein enumerated in this act shall be paid by warrants drawn upon the general fund of the state.

Passed the senate February 26, 1895.

Passed the house March 14, 1895.

Approved March 26, 1895.

## MEMORIALS AND RESOLUTIONS.

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### SENATE JOINT RESOLUTION No. 1.

WHEREAS, The present method of electing a United States senator is expensive and unsatisfactory, and we believe the will of the people can best be ascertained by a direct vote of the people: therefore, be it

*Resolved*, That the senate, the house of representatives concurring, do by memorial respectfully and earnestly urge the congress of the United States to make provisions for submitting a constitutional amendment providing for the election of United States senators by the direct vote of the people; and be it further

*Resolved*, That the president of the United States, the president of the senate and the speaker of the house of representatives be each sent one official copy of these resolutions; and be it further

*Resolved*, That one copy of these resolutions be sent to each of our senators and representatives in congress, and they be requested to use their influence to secure the object herein set forth.

Passed the senate January 29, 1895.

Passed the house February 19, 1895.

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### SENATE CONCURRENT RESOLUTION No. 1.

*Resolved by the Senate (if the House concurs)*: That a joint committee of three senators and five representatives be appointed to inquire and report as to the preparation and publication of the Legislative Manual by the state.

Adopted by the senate January 14, 1895.

Adopted by the house January 22, 1895.

## SENATE CONCURRENT RESOLUTION No. 6.

*Resolved by the Senate, the House concurring:* That a joint committee consisting of two members of the senate fisheries committee and three members of the house fisheries committee be appointed for the purpose of conferring with a like joint committee appointed by the legislature of the State of Oregon, to devise and report to this legislature such bills as may be deemed necessary to the interests of the fishing business on the Columbia river and its tributaries, and that the secretary of the senate and the clerk of the house are instructed to report to the legislature of the State of Oregon the appointment of this committee, and that the committee of the Oregon legislature be invited to visit this city for the purpose of holding said meeting.

Adopted by the senate January 21, 1895.

Adopted by the house January 24, 1895.

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## SENATE CONCURRENT RESOLUTION No. 11.

*Resolved by the Senate, the House concurring:* That a committee of three on the part of the senate and four on the part of the house be and is hereby appointed to visit, inspect and report upon the conditions and general management of the Ellensburgh normal school and the Cheney normal school.

Passed the senate February 7, 1895.

Passed the house February 8, 1895.

## SENATE CONCURRENT RESOLUTION No. 12.

WHEREAS, There is now pending in the senate of the United States, house bill No. 119, providing for the protection of the forest reserves of the United States; and

WHEREAS, The protection of said forest reserves is a matter of very serious importance: now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring:* That the legislature of the State of Washington hereby approves said bill, and desires that the senators from this state exert their influence to secure its early enactment, and that a copy of this resolution be sent to the senators of the State of Washington.

Adopted by the senate February 13, 1895.

Adopted by the house February 14, 1895.

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## SENATE CONCURRENT RESOLUTION No. 16.

*Be it resolved by the Senate of the Legislature of the State of Washington, the House concurring:* That our members in congress be requested to use all honorable means to place the government work on the ship railway at The Dalles, on the Columbia river, under contract at the earliest possible date; and that the secretary of state be instructed to transmit a copy of this resolution to each of said members.

Passed the senate February 23, 1895.

Passed the house March 7, 1895.

## SENATE CONCURRENT RESOLUTION No. 17.

WHEREAS, The senate joint resolution which passed this body and was amended by the house and has passed the senate as amended, was drawn prior to the passage of the law approved February 20, 1895; and

WHEREAS, Said law is definite and explicit in its provisions as to the duties and powers of committees of the character contemplated by said law: therefore, be it

*Resolved*, That the committee be further instructed to report without delay, and that it is hereby empowered to send for persons and papers, enforce process, examine books, papers and public documents of whatever kind or character; to do all and everything necessary and authorized by the provisions of the act under which the committee is raised; to ascertain what proportion of the work now performed by the said board of land commissioners is simply clerical in its nature and report the amount and character of work which requires the services of such or a similar commission.

Also, to ascertain and report what amount of the work is duplicated, if any.

Also, to ascertain and report to the legislature what legislation, if any, is necessary under the present law, approved March 15, 1893, in relation to the granted lands of the state and in relation to the manner of disposing of tide lands.

Also, as to whether or not the said state board of land commissioners should be abolished, and if all the duties pertaining to the granted lands should not be performed by the officer recognized and provided for by the constitution and elected by the people for that purpose.

Also, inquire and report how much of a saving would or could be made by requiring the commissioner of public lands to perform all the duties now performed by the state board of land commissioners and not impair the public service.

Also, ascertain and report how much money has been

received by the state and covered into the treasury from the sale of granted lands, and from the sale of other lands, from the creation of the state board of land commissioners to the present time, and what has been the cost to the state by reason of the existence of the state board of land commissioners, including printing.

Also, what has been the expense of the office of the commissioner of public lands covering the same period of time, and report whether there is a deficit or a balance in favor of the sale of these lands over and above the expense incurred by the officers of said commission since the act of March 15, 1893, went into effect.

Also, to report items of expense, including secretary, clerks, stenographers, draftsmen, messengers, furniture, rent, etc.; in short, all expenses incurred by the state board of land commissioners since the act went into effect.

Also, report, in writing, all facts relating to the above with tabulated statements.

It is hereby ordered that the commissioner of public lands and the state board of land commissioners be and are hereby directed to ascertain the above facts, giving said committee free access to all records, papers and documents of whatsoever nature or character belonging to the respective offices. The committee are further directed to report whether or not any additional legislation is necessary, and if so, report by bill as well as furnish all the information above recited, in writing, in addition to the necessary tables of expenses of the state board of land commissioners and the commissioner of public lands.

Adopted by the senate February 26, 1895.

Adopted by the house February 27, 1895.

## HOUSE CONCURRENT RESOLUTION No. 1.

WHEREAS, The state's heritage of granted, tide and other lands is of priceless value to the commonwealth; and

WHEREAS, The faithful, economical and wise administration of these lands is of the utmost importance to the state; and

WHEREAS, It appears from the report of the board of state land commissioners, and from other sources, that there is good reason for a thorough examination of and investigation into the present methods of conducting the state's land business: therefore, be it

*Resolved by the House of Representatives of the State of Washington, the Senate concurring:* That a committee of seven be appointed, to consist of four members of the house and three from the senate, which shall at once proceed to examine into and report upon the methods of transacting business, and the operations of the respective officers of the board of state land commissioners, the commissioner of public lands, and the several county boards of tide land appraisers, and it shall be the special duty of said committee to report to this legislature as to whether the methods of conducting business in each of the several offices referred to, be the best obtainable or not; whether the services of the officers of the state employed in the several offices referred to has been efficient and satisfactory or not; and as to whether or not any or all of the several offices referred to should be consolidated, abolished or continued; and the said committee shall have authority to send for persons and papers, and to administer oaths.

Passed the house January 15, 1895.

Passed the senate February 14, 1895.

## HOUSE CONCURRENT RESOLUTION No. 10.

WHEREAS, There prevails throughout the country great financial distress:

*Resolved by the House, the Senate concurring:* That our senators in congress be instructed and our representatives requested to favor the immediate passage by that body of a national bankrupt law, without the involuntary clause.

Passed the house February 19, 1895.

Passed the senate February 25, 1895.

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## HOUSE CONCURRENT RESOLUTION No. 23.

CONCURRENT resolution relative to the traveling expenses of the joint committees of the house and senate.

*Resolved,* That in auditing the expenses incurred by the several joint committees appointed by the house and senate for the investigation of the respective subjects committed to them, no mileage be allowed to any member or members of such committee or committees except for such railroad fares or other traveling expenses as shall have been actually incurred and paid out by such member or members.

Adopted by the house February 1, 1895.

Adopted by the senate February 1, 1895.

## HOUSE CONCURRENT RESOLUTION No. 24.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your memorialists, the legislature of the State of Washington, most respectfully represent: that,

WHEREAS, The constantly increasing interests and commerce of the United States in the Pacific ocean, in which commerce the State of Washington is directly and very largely interested, demand the maintaining of an efficient navy by the United States; and

WHEREAS, The building of the Nicaragua canal in the near future will further augment the necessity for such efficient navy; and

WHEREAS, The efficiency of a navy depends even more upon the ability and experience of its officers than on the perfection of its material: now, therefore, be it

*Resolved by your Memorialists, the Legislature of the State of Washington:* That we endorse house bill No. 8476, 53d congress, third session, being a bill to reorganize and increase the efficiency of the navy and marine corps of the United States, as being the result of mature consideration of the matter by a joint commission appointed from the naval committees of the senate and house of representatives, and as being a practicable way of accomplishing the result sought for, viz., promoting the efficiency of the navy; and

*Resolved,* That the secretary of state is hereby directed to furnish certified copies of this memorial to each senator and representative in congress from the State of Washington, and also to the chairmen of the naval committees of the senate and house of representatives of the United States congress.

Passed the house March 1, 1895.

Passed the senate March 9, 1895.

## HOUSE CONCURRENT RESOLUTION No. 25.

*Resolved by the House, the Senate concurring:* That three (3) members of the house committee on agricultural college and school of science, to be named by the speaker of the house, and two (2) members of the senate, to be named by the president of the senate, be and are hereby authorized to visit the agricultural college and school of science, and that at the proper time they be granted leave of absence for that purpose.

Passed by the house February 7, 1895.

Passed by the senate February 8, 1895.

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## HOUSE CONCURRENT RESOLUTION No. 26.

*Be it resolved by the House, the Senate concurring:* That a committee of three be appointed by the speaker of the house, and two by the president of the senate, to visit and investigate the condition of the hospitals for the insane, established at Medical Lake and at Steilacoom, and that the committee be appointed at an early date; and that said committee make report of the condition of said hospitals at as early a date as possible.

Adopted by the house February 8, 1895.

Adopted by the senate February 12, 1895.

## HOUSE CONCURRENT RESOLUTION No. 29.

WHEREAS, It is conceded in the treaty between the United States and Russia under which the Territory of Alaska (formerly Russian America) was purchased by the former from the latter, which said treaty was ratified by the United States senate and proclaimed by President Johnson in the year 1867, that the United States government is entitled to a strip of territory ten marine leagues in width parallel with the coast from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, thereby including within the limits and possession of the United States in said territory, all the harbors, bays and inlets between the said fifty-sixth degree of north latitude and the said one hundred and forty-first degree of west longitude; and

WHEREAS, Within the said Territory of Alaska are extensive gold mines and placer gold fields which are attracting thousands of American laborers; also mountains of marble, lime and iron, extensive coal fields, together with valuable deposits of copper, nickel and platinum; and

WHEREAS, England with her usual cupidity and avarice, and pursuant to her time honored custom of attempting at all hazards to gain control of all new developing sources of wealth in whatsoever country situated, and to appropriate to her own benefit present and prospective commerce of the seas, whether rightfully or otherwise, has asserted claim to the harbors, bays and inlets through which the greater portion of the commerce and trade of and with the said Territory of Alaska must be carried on and which of right, as aforesaid, belong to the United States; and

WHEREAS, The United States will be robbed and despoiled of the trade and commerce of a veritable empire, and suffer an appreciable diminution of the wealth with which nature has endowed said territory if the policy and

claims of Great Britain, as aforesaid, shall prevail: therefore, be it

*Resolved by the House of Representatives of the State of Washington, the Senate concurring:* That our members in congress be requested and our senators instructed to use all honorable means, and in the proper manner, to put forth their best endeavor that the rightful claim of the United States relative to said harbors, bays and inlets be scrupulously maintained, and that an unequivocal policy on the part of the United States government in relation thereto be fully carried out; and further

*Resolved,* That a copy hereof be transmitted to each of the members of congress and senators from the State of Washington, and to the president of the United States.

Passed the house March 5, 1895.

Passed the senate March 9, 1895.

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#### HOUSE CONCURRENT RESOLUTION No. 30.

WHEREAS, The business and proceedings of the third and fourth sessions of the legislature of the State of Washington have been very greatly accelerated by the untiring devotion to duty and distinguished ability of Mr. Harry W. Carroll, reading clerk of the house of representatives: be it, therefore,

*Resolved by the House, the Senate concurring:* That Mr. Harry W. Carroll be tendered the unqualified and cordial indorsement of the legislature of the State of Washington as being eminently worthy and well qualified to subserve the duties incumbent upon reader in the United States senate, and commended to the favorable consideration of our state's representatives in congress and the senate of the United States for such preferment at such time as occasion or requirement may render appropriate and acceptable.

Passed the house March 6, 1895.

Passed the senate March 7, 1895.

## HOUSE CONCURRENT RESOLUTION No. 31.

*Resolved by the House, the Senate concurring:* That five hundred copies each of the senate and house journals of the present session be printed and bound for distribution as follows, to wit: One copy of each to the librarian of congress; one copy of each to each member of the present legislature and the elective state officers; one copy of each to the librarian of each state, territory and the District of Columbia; one copy of each to the president, secretary, assistant secretary and sergeant-at-arms of the senate; one copy of each to the chief clerk, assistant clerk, reading clerk, journal clerk and sergeant-at-arms of the house; one copy of each to each county auditor for the use of his county. The remaining copies to the state librarian for future distribution, who is hereby empowered to sell them to citizens of the state, not to exceed one copy to any person, at a price not to exceed the cost of the same: *Provided*, That the fund received from the sale of such copies shall be turned into the general fund of the state treasury.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

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HOUSE CONCURRENT RESOLUTION No. 32.

*Resolved by the House, the Senate concurring:* That the secretary of state is hereby directed to cause to be printed two thousand copies of the session laws of 1895, to be distributed as provided by law, the remaining copies to be turned over to the state auditor to be sold at a price not in excess of ten per cent. above the cost price thereof.

Passed the house March 13, 1895.

Passed the senate March 14, 1895.

## HOUSE JOINT RESOLUTION No. 3.

*Resolved by the Senate and House of Representatives of the Legislature of the State of Washington:* That the 112 copies of Barton's Legislative Manual now in the hands of the secretary of state, the same being state property, be furnished to the members of the senate and house, one to each member.

Passed the house January 22, 1895.

Passed the senate January 23, 1895.

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## HOUSE JOINT RESOLUTION No. 9.

*Be it resolved by the House, the Senate concurring:* That a committee of five (5), three (3) of which shall be from the house and two (2) from the senate, shall be appointed by the speaker of the house and the president of the senate to visit the state reform school at Chehalis and the school for defective youth at Vancouver and report the condition of said schools to the end that this legislature may the better act with intelligence in regard to the appropriations necessary for the maintenance of said institutions.

Passed the house February 5, 1895.

Passed the senate February 7, 1895.

## HOUSE JOINT RESOLUTION No. 15.

*Resolved by the House of Representatives, the Senate concurring:* That the state auditor compile and have printed in pamphlet form the revenue laws of the state immediately after senate bill No. 355 becomes a law, and that the said auditor furnish at once 10 copies to each county in the state for the use of the different officers.

Passed the house March 14, 1895.

Passed the senate March 14, 1895.

## HOUSE MEMORIAL No. 3.

MEMORIALIZING congress to amend the naturalization laws.

*Be it resolved by the House of Representatives of the State of Washington, the Senate concurring therein:* That our senators and representatives in congress be requested to use all honorable means to secure such amendments to the naturalization laws as will repeal the act authorizing the naturalization of minors without having previously declared their intention of becoming citizens and also by providing that no alien shall be naturalized or permitted to vote at any election who is unable to speak and read the English language, and who has not resided continuously in the United States for a period of seven years from the date of his declaration of becoming a citizen; and be it further

*Resolved,* That a certified copy of this resolution be transmitted by the secretary of state to each of our senators and representatives in congress.

Passed the house February 4, 1895.

Passed the senate February 12, 1895.

## HOUSE MEMORIAL No. 4.

*To the Honorable the Senate of the United States and the House of Representatives in Congress:*

Your memorialists, the legislature of the State of Washington, now in regular session assembled, learn with profound satisfaction and delight of the passage by the senate of the United States, on the 25th of January, 1895, of the Nicaragua canal bill, now pending before the United States congress.

Firmly believing in the feasibility of the Nicaragua canal scheme as an American measure of universal and naval importance to the entire United States and federal government, and particularly to the Pacific coast states, including the State of Washington, your memorialists therefore most heartily and earnestly endorse this measure and urge upon the members of the national house of representatives the prompt concurrence in the action of the United States senate upon the passage of this measure; and be it

*Resolved,* That a copy of this memorial be forthwith sent to each of our representatives in congress and to the speaker of the house of representatives.

Passed the house January 26, 1895.

Passed the senate January 29, 1895.

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HOUSE MEMORIAL No. 6.

*To the Senate and House of Representatives of the United States:*

Your memorialists, the senate and house of representatives of the State of Washington, would respectfully represent that—

WHEREAS, The Skagit is the largest river emptying into

Puget Sound, and drains one of the most important sections of the State of Washington; and

WHEREAS, Said river is blocked by jams of timber carried down by floods, which, besides impeding navigation, causes it, in times of high water, to back up and overflow the surrounding country—the richest and most fertile section in the State of Washington—causing widespread desolation and ruin; and

WHEREAS, Besides said jams, there are also several sand bars near the mouth of said river which are a serious hindrance to commerce and navigation, and also, in time of flood, tend to cause the waters to back up and overflow the adjacent land; and

WHEREAS, The farmers of that extensive region known as the Skagit valley have been to great expense in building dikes and levees, and have found that they cannot in that manner protect their lands from overflow until said jams and bars are removed; and

WHEREAS, The inundation of the Skagit valley in the year 1894, which resulted in a loss of at least half a million dollars to the inhabitants thereof, was, in great measure, caused by said jams and sand bars; and

WHEREAS, Said jams are each year increasing in size, thereby threatening impending ruin to a large tract of country, and pointing out the necessity of speedy action to avert the same; and

WHEREAS, The removal of said jams and bars would be of great benefit to the public at large:

Therefore, your memorialists, the legislature of the State of Washington, do most earnestly petition your honorable bodies to include in the next river and harbor bill, an appropriation for the purpose of removing said jams, and making the necessary surveys, plans and estimates of the cost of removing said sand bars and deepening the channel where necessary; and your memorialists will ever pray.

Passed the house January 28, 1895.

Passed the senate February 6, 1895.

## HOUSE MEMORIAL No. 7.

*To the Senate and House of Representatives of the United States, in Congress assembled:*

WHEREAS, In our opinion the great stringency of money prevailing throughout this country for the past two years is due to the fact that the circulating medium of exchange, known as money, is greatly below the amount required by our people for the transaction of the business of the country; and

WHEREAS, Believing that the coinage of silver would remedy the existing evil we, your memorialists, earnestly memorialize your honorable bodies to at once enact a law providing for the free and unlimited coinage of American silver, the products of the mines of the United States, at the ratio of sixteen to one; and your memorialists will ever pray.

Passed the house January 30, 1895.

Passed the senate February 27, 1895.

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HOUSE MEMORIAL No. 8.

MEMORIALIZING congress to restrict immigration for the period of ten years.

*Be it resolved by the House of Representatives of the State of Washington, the Senate concurring therein:* That our senators and representatives in congress be requested to use all honorable means to secure the passage of an act by the congress of the United States of America as will prohibit immigration from any foreign country for the period of ten years; and be it further

*Resolved,* That a certified copy of this resolution be transmitted by the secretary of state to each of our senators and representatives in congress.

Passed the house February 19, 1895.

Passed the senate February 27, 1895.

## HOUSE MEMORIAL No. 11.

A MEMORIAL for the recognition of the survivors of Captains Robert Gray and John Kendrick, masters of the *Columbia*, of Washington, and the merchant proprietors, in securing territorial rights on the northwest coast of America to the United States.

*To the Senate and House of Representatives of the United States of America, in Congress Assembled:*

Your memorialists, the senate and house of representatives of the State of Washington, in legislature assembled, respectfully represent:

That in the year 1737, a voyage of discovery and mercantile adventure was planned by Joseph Barrel, Samuel Brown, Charles Bulfinch, John Durby, Crowell Hatch and John M. Pintard, an association of merchants of the city of Boston, Massachusetts, who fitted out and dispatched from Boston, Massachusetts, to the northwest coast of America, the ship *Columbia*, of over two hundred tons burden, commanded by Captain John Kendrick, and the sloop *Washington*, of ninety tons, Captain Robert Gray. That voyage, contemporaneous with the adoption of the federal constitution, was the first undertaken by citizens of the United States to Northwest America, and so important was the expedition regarded, that medals were struck commemorative of its projectors and the agencies employed. On the one side of such medal were the *Washington* and *Columbia*—the gallant little vessels of discovery and pioneers to secure American supremacy in these regions; on the other side were perpetuated the names of the merchant proprietors who projected the grand scheme of securing for their country the North Pacific regions, and utilizing and developing the wealth of the hitherto unknown northwest.

That the purposes of that memorable voyage are thoroughly foreshadowed in the instructions to Captain John Kendrick, to whom the command of the expedition was entrusted:

“That the most inviolate harmony of friendship may be cultivated between you and the natives; that no advantage

may be taken of them, but that you endeavor, by honest conduct, to impress upon their minds a friendship for Americans. If you make any post of improvement of land upon the coast, be sure you purchase the soil of the natives; and it would not be amiss if you purchase some advantageous tract of land in the name of the owners; if you should, let the instrument of conveyance bear every authentic mark the circumstances will admit of."

That the projectors of said expedition had broader and more patriotic objects in view than mere mercantile adventure. In the proposals inviting coopération of Boston merchants is found this language: "It must appear obvious how very favorable such trade would be to the United States of America, as well as individuals, for, in case of success, a very valuable property would be brought into the country from a trifling advance, and in a short time establish a trade superior to any the country enjoys at present, and the idea may with propriety be extended to an establishment in that country at least equal to what the Hudson's Bay Company is to Great Britain."

That in those same proposals is disclosed that a voyage of discovery has been designed: "But in case the fur trade does not answer at Nootka, then proceed along the coast to the northward, examining the same in the most attentive manner for bays, rivers or harbors suitable for trade between Nootka and Prince William's Sound in latitude 60° 19' north, longitude 213° 7' east; as between those two places the coast was not explored by Captain Cook or any former navigator."

That those two vessels sailed from Boston on the first of October, 1787, and arrived in Nootka Sound in the month of September, 1788; that both continued on the coast until the 3d of July, 1789, upon which date Captain Gray was transferred to the Columbia, and that ship sailed on her way to Boston *via* China, which voyage he accomplished in safety. He was the first navigator to carry the flag of the new nation, the United States of America, around the world.

That previous to the sailing of the Columbia for Boston, Captain Gray, in the sloop Washington, had re-discovered

the straits of Juan de Fuca, and explored it to its full extent prior to any English or Spanish vessel having navigated its waters. That after the departure of the Columbia, Captain Kendrick, in the sloop Washington, remained, and in the winter of 1789 he erected Fort Washington at Mawinna, on Nootka Sound. That in the following summer he explored the full extent of the strait of Juan de Fuca, passed north through the gulf of Georgia, coming out on the Pacific ocean north of Vancouver's island, demonstrating that Nootka was upon an island and not upon the continent; in other words, that the land now known as Vancouver's island was an island.

That in the summer of 1791 Captain John Kendrick, for his owners, purchased of the native chiefs extensive tracts of land between the 47th and 51st degrees, north latitude, aggregating in amount 2896 square miles, the conveyances of which are executed by the native chiefs in the presence of thirteen witnesses, copies of which conveyances are upon the files of the honorable house of representatives, appended to house document No. 43, 26th congress, first session. Reference thereto will more fully appear. That the said Kendrick, by the consent of said native chiefs and for the benefit of and in accordance with the instructions of the owners, took formal possession of said tracts.

That said Kendrick left the coast the 29th day of September, 1791, lost his life in an accidental discharge of a salute, and his vessel, with her cargo of furs, was lost on the coast of China.

That Captain Robert Gray, in the ship Columbia, sailed from Boston for northwest America, on his second voyage, on the 27th of September, 1790, and cruised on the northwest coast until September, 1791, when he returned to Clioquet, Nootka Sound, for winter quarters. While at the village of Clickselocutsee, twelve miles from the ocean, he built a fort, called by him Fort Defiance, which he mounted with four cannon, and, having supplied it with ammunition, placed it under the command of Mr. Haswell. He then and there built a schooner of forty tons burden, called the Adventure. In March, 1792, he sailed southward on a voyage of exploration. On the 7th of May,

1792, he discovered and entered a harbor south of Cape Flattery, to which he gave the name of Bulfinch's Harbor, in honor of one of the owners, which is now known as Gray's Harbor.

On the 11th of May he entered a large river and on the 14th sailed up the same fourteen miles, landed upon its north bank, raised the United States flag, took possession of it in the name of that nation and remained until the morning of May 21st. The river he named Columbia, after the name of his ship; the north land and its entrance he nominated Cape Hancock; to the south side he gave the name of Point Adams. That upon those discoveries, explorations, purchases and the taking of possession, the claim of title by discovery to the territory watered by the great river, Columbia, recognized by Spain and the early British navigators, the United States based its territorial claim in that protracted diplomatic struggle with Great Britain, terminating with the treaty of June 15, 1846. From those acts and facts the United States acquired, mainly, its title to the region west of the Rocky mountains between the 42° and 54° 40' north latitude, and successfully maintained its rights to the territory south of the forty-ninth parallel.

That neither the projector nor the gallant navigators who performed those services by which has been secured to the United States such vast territorial rights ever received any real profits or benefits nor any enjoyment of the landed interests by them lawfully purchased.

That several of the legal representatives of these patriots are now residents of the State of Washington; that others of their descendants are dispersed through the states.

That applications for recognition of these services and remunerations have been heretofore made, but the petitioners were deferred consideration till the disputed claims between the two contending nations had been adjusted, and since then their demands have been postponed.

That it is not now possible for the government of the United States to assist in securing to them their claims for the lands purchased by and conveyed to Captain Kendrick for the projectors of that enterprise, nor to make any adequate contiguous grant of land as a recompense to the

valuable contribution supporting territorial claim to what now constitutes several growing, wealthy states of the union.

Your memorialists cannot too earnestly ask a just recognition of those services.

Passed the house February 19, 1895.

Passed the senate February 20, 1895.

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### HOUSE MEMORIAL No. 12.

RELATING to the foreclosure of the mortgage bonds on the Union and Central Pacific railway system.

*To the Honorable Senate and House of Representatives of the United States:*

Your memorialists do respectfully petition your honorable body, the congress of the United States, that no extension of time be granted for the payment of the Pacific railroad debt, and that upon the maturity of the obligations referred to immediate proceedings be taken for the foreclosure of the mortgage securing the same, and disposition be made of said properties in such manner as shall best subserve the public interests; and

Your memorialists further petition that such resolutions be passed by your honorable body as will enable and direct the proper officers of the government to proceed against any person, persons, firm or corporation to recover any and all sums that may have been unlawfully or unjustly diverted from their proper channel in connection with the management of these roads into the possession of such person, persons, firm or corporation; and your memorialists shall ever pray.

Passed the house February 19, 1895.

Passed the senate February 27, 1895.

## HOUSE MEMORIAL No. 13.

MEMORIALIZING congress to reject house of representatives bill No. 8504, entitled "A bill to improve the public surveys, and for other purposes."

WHEREAS, A bill has been introduced in the national house of representatives to consolidate the coast geodetic, geological and public land surveys under one head, thereby centralizing all the surveys in Washington city, and abolishing the present system of surveys of the public land by contract under the supervision of the various surveyors general, and doing said public land surveys by paid employés detailed from Washington city; and

WHEREAS, The passage of said bill would very materially retard the settlement of the public domain, and increase the expense in the execution of the surveys of the public lands; and

WHEREAS, Such an act would work a great injustice to the settlers on unsurveyed lands, taking the management of said surveys from the surveyor general, who resides in the state and knows the wants of the settlers better than could be known by a scientific bureau so far removed from the field of operations as Washington city; and

WHEREAS, The State of Washington is entitled to consideration in this matter in view of the fact that its payments for public lands are equal to those of any other state in the union: therefore, be it

*Resolved by the House of Representatives of the State of Washington, the Senate concurring therein,* That our senators be instructed, and our representatives in congress be requested, to use all honorable means to defeat the passage of said bill; and be it further

*Resolved,* That a certified copy be transmitted by the secretary of state to each of our senators and representatives in congress.

Passed the house February 12, 1895.

Passed the senate February 13, 1895.

## HOUSE MEMORIAL No. 18.

WHEREAS, An accurate survey of the sounds and estuaries of the State of Washington will greatly promote the interests of this state and encourage the oyster industry; and

WHEREAS, A knowledge of the various bodies of water, their temperatures and specific gravities, the strength and velocity of the currents, the nature of the bottom and other physical characteristics are necessary to show the areas fit and unfit for the culture of oysters: therefore, be it

*Resolved by the House of Representatives, the Senate concurring:* That the governor is hereby requested to ask the federal government to assist the state by making the proposed survey, as was done by the federal government for Maryland, Virginia, North Carolina, South Carolina, Georgia and other states, and to detail one or more officers of the United States navy to make a physical examination of the waters of the State of Washington, and prepare a chart, showing in detail the areas suitable and unsuitable for the culture of oysters, as well as the natural oyster beds; be it

*Resolved further,* That our representatives in the federal congress be and are hereby requested to take steps in cooperation with the governor to secure the federal aid for which petition is hereby respectfully made.

Passed the house February 18, 1895.

Passed the senate February 27, 1895.

## HOUSE MEMORIAL No. 21.

*To the Honorable the Senate and House of Representatives  
of the United States, in Congress assembled:*

Your memorialists, the house of representatives and senate of the State of Washington, in legislative session assembled, most respectfully represent:

WHEREAS, It has been ascertained by careful inspection, that the Okanogan river from its confluence with the Columbia river, near Bridgeport, in Douglas county, State of Washington, to the state line, a distance of about seventy-five miles, can with moderate expense be rendered navigable for boats of about three feet draft; and

WHEREAS, The country tributary to the said river is one of vast mineral and agricultural resources, and is now without steam transportation facilities; and

WHEREAS, The cost of freighting by wagon renders all traffic and trade expensive; and

WHEREAS, By rendering the Okanogan river navigable, a continuous waterway will be made over the Columbia and Okanogan rivers, from Wenatchee, on the Great Northern railway, to the northern boundary of the State of Washington, a distance of about one hundred and sixty miles, thereby making possible a much cheaper mode of transporting the machinery, tools and supplies necessary for the development of the said mineral and agricultural resources into, and the product of the mines, farm and orchard out of, the country tributary to the said Okanogan river than is now had: therefore, be it

*Resolved,* That we, your memorialists, would respectfully urge that immediate action be taken, and that a sufficient amount be included in the next river and harbor appropriation bill for the purpose of making the improvements necessary to open the said river, and that a copy of this memorial be sent to each of our senators and representatives in congress, and to the president of the senate

and speaker of the house; and thus will your memorialists ever pray.

Passed the house March 9, 1895.

Passed the senate March 12, 1895.

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### HOUSE MEMORIAL No. 22.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:*

Your memorialists, the legislature of the State of Washington, most respectfully represent that—

WHEREAS, The interchange of the cheaper produce of the farms and products of the mines of Eastern Washington with the cheaper product of the mills and fisheries of Western Washington are almost entirely prohibited by the necessarily great expense of transporting the same over the mountains; and

WHEREAS, A system of canals connecting Puget Sound with the Columbia river, thereby avoiding the coastwise route, would bring the expense of transportation so low that the markets of both sections of the state would be within the reach of all and prove a blessing to the whole country:

Therefore, we respectfully ask and solicit that your honorable bodies will order a survey of a route for a canal from some point on Puget Sound *via* the waters of the Chehalis river, Gray's Harbor and Willapa Harbor to the Columbia river, together with an estimate of the cost thereof, and will appropriate a sum of money sufficient for such survey and estimate; and your memorialists will ever pray.

Passed the house March 4, 1895.

Passed the senate March 9, 1895.

## HOUSE MEMORIAL No. 23.

*To the Senate and House of Representatives of the United States:*

We, your memorialists, the legislature of the State of Washington, respectfully represent as follows:

WHEREAS, The city of Olympia, the capital of the State of Washington, is a growing maritime port advantageously situated on the waters of Puget Sound; and

WHEREAS, The general government has recognized the advantages of the harbor of said city to trade and commerce on the Pacific coast, and has heretofore appropriated the sum of \$75,000 for deepening and widening the channel of said harbor, with the result that to-day it is one of the safest, most accessible, land locked harbors in the United States; and

WHEREAS, The said city of Olympia, at its own expense, has thrown a bulkhead across said harbor from shore to shore for the purpose, eventually, of forming a fresh water harbor of about three and one-half miles frontage, to the south of said bulkhead; and

WHEREAS, By the expenditure of a comparatively small sum of money locks can be constructed, thereby excluding the salt water from the area south of said bulkhead, and securing an entirely fresh water supply from the Des Chutes river: therefore, be it

*Resolved by the Legislature of the State of Washington:* That the State of Washington respectfully asks the congress of the United States to appropriate the sum of \$150,000, or so much thereof as may be necessary, for the purpose of constructing locks in the harbor of said city of Olympia; and be it further

*Resolved,* That the secretary of state is hereby directed to furnish a certified copy of this memorial to each of our senators and representatives in congress, the secretary of war and the United States engineer officer of this department, and that our delegation in congress be especially re-

quested to exert their influence to obtain the said appropriation; and your memorialists will, in duty bound, ever pray.

Passed the house March 7, 1895.

Passed the senate March 12, 1895.

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#### ERRATA.

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In chapter 20, page 26, date of approval should read "March 1, 1895."

In chapter 54, page 97, date of approval should read "March 13, 1895."

In chapter 68, page 122, the last line of title of the act should read "March 7, 1891."

In chapter 89, page 177, date of approval should read "March 19, 1895."

On page 430, the 28th line, instead of "\$50,00" should read "\$50,000."

## AUTHENTICATION.

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STATE OF WASHINGTON,  
OFFICE OF THE SECRETARY OF STATE, }  
OLYMPIA, April 3, 1895. }

I, J. H. Price, secretary of state of the State of Washington, and custodian of the seal of said state, do hereby certify that the laws, memorials and resolutions hereinbefore published are true and correct copies of the originals on file in my office, with the exception of corrections of certain obvious errors in orthography and use of words, which corrections have in each case been indicated by brackets, thus [ ], as provided by law.

In witness whereof, I have hereunto set my hand and affixed the seal of the State of Washington, the day and year aforesaid.

[SEAL.]

J. H. PRICE,  
*Secretary of State.*

## LIST OF ACTS

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WASHINGTON, WHICH CONVENEED JANUARY 14, 1895, AND  
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2.....	An act to grant to and prescribe powers of counties relative to public works undertaken or proposed by the State of Washington, or the United States, and declaring an emergency.—Approved February 12, 1895.....	3
3.....	An act declaring the anniversary of the birth of Abraham Lincoln a legal holiday.—Approved February 12, 1895.....	6
4.....	An act to establish and maintain state fish hatcheries, making an appropriation therefor, and declaring an emergency.—Approved February 13, 1895.....	6
5.....	An act to amend sections 45 and 90 of an act entitled "An act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890.—Approved February 13, 1895.....	8
6.....	An act providing for the taking of testimony in certain legislative proceedings, and declaring an emergency.—Approved February 20, 1895.....	9
7.....	An act for the relief of John Brady, and amending an act of January 19th, 1864, entitled "An act supplementary to an act entitled 'An act to enable the superintendent of common schools of Chehalis county to sell and convey certain school lands to John Brady,' passed January 16th, 1863," and declaring an emergency.—Approved February 21, 1895.....	13
8.....	An act making an appropriation for a deficiency of the state agricultural college and school of science of Pullman, Washington, for the fiscal term beginning April 1, 1891, and ending March 31, 1893.—Approved February 26, 1895.....	14
9.....	An act for the appropriation of money to defray the expense of public printing.—Approved February 26, 1895.....	15
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12.....	An act granting to school districts the right to purchase school house sites of school lands belonging to the State of Washington of not less than one acre and not more than five acres, and granting to school districts the preference right to purchase such sites, and declaring an emergency.—Approved February 26, 1895.....	17
13.....	An act providing a method for making changes in any adopted plan, system or extension for supplying water to cities of the first class, and providing for an emergency.—Approved March 1, 1895 .....	18
14.....	An act relating to nuisances, amending section 2893 of volume 1 of Hill's Annotated Statutes and Codes of Washington.—Approved March 2, 1895.....	19
15.....	An act relating to nuisances, amending section 118 of the Penal Code contained in Hill's Annotated Statutes and Codes of Washington.—Approved March 2, 1895 .....	21
16.....	An act making a second appropriation for the expenses of the fourth regular session of the legislature of the State of Washington.—Approved March 2, 1895.....	22
17.....	An act defining the duties of sheriffs, constables and coroners upon the expiration of their term of office, and prescribing the duties of their successors, and validating the acts of such officers and their successors.—Approved March 2, 1895.....	22
18.....	An act relating to dredging for oysters, and providing a penalty for the violation thereof.—Approved March 1, 1895.....	24
19.....	An act validating certain articles of incorporation, and validating the corporations formed or attempted to be formed by virtue of said articles of incorporation, and validating the acts of said corporations.—Approved March 2, 1895.....	24
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