

general in the name of the State of Washington, upon his being furnished with a sworn statement of facts sufficient to justify such action.

SEC. 2. All penalties so recovered shall be paid into the general fund of the state treasury.

Passed the Senate February 27, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

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## CHAPTER LIX.

[S. B. No. 245.]

### MAY RETRACT LIBELOUS PUBLICATIONS.

AN ACT relating to the law of libel and providing for opportunity of retraction of libels.

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

SECTION 1. Before any action shall be brought for the publication of a libel in any newspaper in this state, the aggrieved party shall at least three days before the filing or serving of the complaint or summons in such suit or action, serve notice on the publisher or publishers of said newspaper at their principal office of publication, specifying the statements in said article which such party alleges to be false and defamatory. If it shall appear on the trial of said action that the article was published in good faith, that its falsity was due to mistake or misapprehension of the facts and that a full and fair retraction of any statement therein alleged to be erroneous, false or defamatory was published in each copy of the next three regular issues of such newspaper, or in case of daily papers within three days after such mistake or misapprehension was so brought to the knowledge of such publisher or publishers in as conspicuous a place and type in such newspaper as was the article complained of as libelous, then the plaintiff

in any such civil action shall recover only actual damages; *Provided, however,* That the provisions of this act shall not apply to the case of any libel against any candidate for a public office in this state unless the retraction of the charge is made editorially in a conspicuous manner at least three days before the election.

SEC. 2. The words "actual damages" in the foregoing section shall be construed to include all damages that the plaintiff may show he has suffered in respect to his property, business, trade, profession or occupation and no other damages whatever.

SEC. 3. No civil action for libel can be maintained against a reporter, editor, publisher, or proprietor of a newspaper for publication therein of a fair and true report of anything occurring at a public place or of any judicial, legislative or other public or official proceeding or of any statement, speech, argument or debate in the course of the same, or of the contents of any pleading in any court without proving actual malice.

Passed the Senate March 8, 1899.

Passed the House March 9, 1899.

Approved March 13, 1899.

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## CHAPTER LX.

[S. B. No. 141.]

### ADVANCING CITIES TO SECOND AND THIRD CLASS.

AN ACT to amend section 16 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27th, 1890, the same being section 508 of Vol. 1 of Hill's Code.

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

SECTION 1. That section sixteen ( 16 ) of an act of the legislature of the State of Washington, entitled "An act