

Levy of
special tax.

required by law in the old district; *And be it still further provided*, That if any school district has heretofore failed to receive apportionment of State school funds because of a failure to hold school the time required by law, and there are unpaid warrants drawn on the general funds of said district for maintenance of school prior to said failure, a special tax shall be levied on the property of the district, the proceeds of which tax shall be applied to the payment of its indebtedness.

Passed the House February 9, 1905.

Passed the Senate February 27, 1905.

Approved by the Governor March 3, 1905.

CHAPTER 57.

(H. B. No. 164)

AMENDING ACT RELATIVE TO CLEARING OUT AND IMPROVEMENT OF RIVERS AND STREAMS.

AN ACT to amend Section 4 of an act approved March 18, 1895, entitled, "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, and fixing maximum tolls therefor," as amended by Chapter XXXI of the laws of 1897, approved March 4, 1897, entitled "An act to amend Section four of an act approved March 18, 1895, entitled '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, and fixing maximum tolls therefor.'"

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

SECTION 1. That section four of an act approved March 18, 1895, entitled "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, and fixing maximum tolls therefor," as

amended by Chapter XXXI of the Laws of 1897, approved March 4, 1897, entitled, "An act to amend section four of an act approved March 18, 1895, entitled '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, and fixing maximum tolls therefor,'" be amended to read as follows: Section 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 and gates, or otherwise, for the purpose of storing water with which to produce artificial freshets and for the purpose of holding logs and other timber products and in all ways to improve such streams and rivers for the purposes herein mentioned and contemplated. *Provided*, That no such wing dam, sheer boom, dam with gate or otherwise, shall be so constructed, maintained or used as to in any manner obstruct or impede the outlet of such stream: *And provided further*, That if any such wing dam, sheer boom, dam with gate or otherwise shall be so constructed, maintained or used as to interfere with the use for any purpose of the waters of any stream so dam [dammed] or used, or any of its tributaries, or in any manner to injure or damage any lands adjacent to such stream or its tributaries, compensation for such interference with the use of such water and for any such injury or damage shall be first assessed and determined and the appropriation thereof may be made by the exercise of the power of eminent domain in the manner provided in section two of this act: *Provided, however*, That whenever the owners of more than one-half of the land lying alongside 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 such remonstrancers: *Provided*, That such remonstrance shall be filed with said Board within fifteen days from the filing of said plat. Nothing in this act shall be construed to authorize

Corporate powers.

Assessment of damages.

Remonstrance

the taking or damaging of any power plant constructed or being constructed for the creation or utilization of water power.

Passed the House February 1, 1905.

Passed the Senate February 17, 1905.

Approved by the Governor March 3, 1905.

CHAPTER 58.

(H. B. No. 248)

CERTAIN CONTRACTS VOID UNLESS IN WRITING.

AN ACT amending Section 4576 of Ballinger's Annotated Codes and Statutes of Washington (same being Section 5343 of Pierce's Washington Code), relating to contracts and providing that certain contracts shall be void unless in writing.

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

4576 Bal-
linger's Code.
5343 Pierce's
Code.

Amendment.

SECTION I. That section 4576 of Ballinger's Annotated Codes and Statutes of Washington (same being section 5343 of Pierce's Washington Code), relating to contracts and providing that certain contracts shall be void unless in writing, be amended to read as follows: Section 4576. In the following cases, specified in this section, any agreement, contract and promise shall be void, unless such agreement, contract or promise, or some note or memorandum thereof, be in writing, and signed by the party to be charged therewith, or by some person thereunto by him lawfully authorized, that is to say: (1) Every agreement that by its terms is not to be performed in one year from the making thereof; (2) Every special promise to answer for the debt, default, or misdoings of another person; (3) Every agreement, promise or undertaking made upon consideration of marriage, except mutual promises to marry; (4) Every special promise made by an executor or administrator to answer damages out of his own estate; (5) An agreement authorizing or employing an agent or broker to sell or purchase real estate for compensation or a commission.

Passed by the House February 21, 1905.

Passed by the Senate February 28, 1905.

Approved by the Governor March 3, 1905.