

upon the trial of the criminal charge, if preserved by statement of facts or bill of exceptions, may be read in evidence, or the witnesses testifying upon the former trial may themselves be called. The jurors trying the criminal charge may testify as to the ground of acquittal. If the jury shall find that the defendant committed a crime, that he was acquitted thereof because of insanity, and that he is now insane or mentally irresponsible and an unsafe person to be at large, such person shall be committed to the penitentiary as a criminally insane person and be confined under the provisions of this act; otherwise, he shall be discharged. Either party may appeal to the Supreme Court as in other cases.

Passed the Senate February 1, 1907.

Passed the House February 13, 1907.

Approved by the Governor February 21, 1907.

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## CHAPTER 31.

[S. B. 17.]

### AMENDING THE CODE OF PUBLIC INSTRUCTION.

AN ACT relating to the Public School system of the State of Washington, amending sections 75, 78, 89, 97 and 98 of chapter 118 of the session Laws of 1897, approved March 19, 1897.

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

SECTION 1. That section seventy-five of the Code of Public Instruction of the State of Washington be amended to read as follows: Section 75. Whenever any incorporated city in this state shall have a population of ten thousand or more inhabitants, as shown by any regular or special census, together with any adjacent or contiguous territory that now is or may hereafter be attached to said city for school purposes, it shall constitute one school district and be known by the name of "..... (name of city) school district No. ....," in ..... county, State of Washington, and the board of directors thereof shall constitute a body corporate

Title of  
city district.

and possess all of the usual powers of a corporation for Powers.  
 public purposes, and in that name and style may sue and be sued, purchase, hold and sell such personal and real estate, and enter into such obligations as are authorized by law; and the title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city, shall, upon the organization of a district under the provisions of this act, vest immediately in the new district, and the board of directors by this act provided shall have exclusive control of the same for all purposes herein contemplated: *Provided, however,* That whenever any school district in this state shall regularly employ for a school year of not less than eight months, forty or more teachers, in the various public schools of said district, all under one superintendency, as shown by the certificate of the county superintendent of common schools in and for the county in which said district is situated, said certificate to be made in triplicate, one copy thereof to be filed with the board of directors of said district, one with the Secretary of State of this state and one with the county auditor of the county in which said school district is situated, then and in such case the board of directors of such school district shall constitute a body corporate, as in this section provided, with all the functions, powers and authority hereinbefore and hereinafter conferred by this act.

SEC. 2. That section seventy-eight of said Code of Public Instruction be amended to read as follows: Section 78. The board of directors shall, at a regular meeting, provide not more than two voting places in each ward of the city, and appoint judges and clerks of election, who shall observe and cause to be observed at such election all the election laws of the state applicable thereto not otherwise provided for: *Provided,* That only those persons, male and female, who have complied with the laws governing registration in cities, of the class for which this section provides, shall be permitted to vote, and that no person shall be entitled to vote at said election except in the ward in which he or she resides. In cities of ten thousand or more inhabitants, or a school district regularly employing

Election  
officers.

Registration  
of  
voters.

forty or more teachers in the public schools thereof, books of registration shall be open for the purpose of registration at not more than five convenient places in the district, to be designated by the board of directors, on each day between the hours of nine o'clock a. m. and four o'clock p. m. of each day, except legal holidays, and that they shall be closed, and no names shall be registered therein during the five days preceding any general or special election held in such district: *Provided*, That during the period of ten (10) days immediately preceding the closing of registration books as aforesaid, such books of registration shall not close earlier than seven (7) p. m. of each day. The secretary of the board shall give notice of the closing of the books of registration in his district by a notice published in a newspaper of general circulation, published in his district, at least ten days before the day for first closing of said books: *Provided, however*, That any elector of said district who has duly registered as a voter at any general election in said district shall be allowed to vote at the next succeeding school election held the same year without re-registration: *Provided, further*, That the city clerk or other municipal officer in whose custody the registration books of the general election are kept shall furnish to the secretary of the board, on the morning of the day of any school election, the registration books of said city or a copy thereof, which said registration books shall be returned within two days after said election. Should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter, who, upon taking oath, shall be qualified to fill the vacancy.

Vacancies  
in board of  
directors.

SEC. 3. That section eighty-nine of said Code of Public Instruction be amended to read as follows: Section 89. The board of directors shall have power to fill, by election, any vacancy which may occur in its body, but the election to fill such vacancy shall be valid only until the next regular district election, and the ballots and returns shall be designated as follows: "To fill unexpired term." *It being however provided*, That school districts having a board of three directors, on becoming a body corporate, as in section 75 provided, said directors shall, at the next

regular meeting of the board of directors of said district after the filing of the certificate in said section 75 provided, or as soon thereafter as possible, at a regular meeting of said board of directors, appoint two qualified persons to fill the position of the additional directors required by this act, which appointment shall be valid only until the next regular district election.

SEC. 4. That section ninety-seven of said Code of Public Instruction be amended to read as follows: Section 97. The board of directors shall annually, at a meeting next preceding the annual tax levy for state and county purposes, report to the board of county commissioners an estimate of the amount of funds in addition to estimated receipts from the state tax required for the support of the schools, for the purpose of school sites, the erection and furnishing of school buildings, the payment of interest upon all bonds issued for school purposes, and the creation of a sinking fund for the payment of such indebtedness, if any, and the county commissioners are hereby authorized and required to levy and collect said additional amount the same as other taxes: *Provided*, That for the purpose of the purchase of school sites and the erection of buildings, the board of directors may expend in cities having a population of more than ten thousand and less than fifty thousand, or a school district regularly employing forty or more teachers in the public schools thereof, a sum not exceeding fifty thousand dollars; in cities having a population of not less than fifty thousand, nor more than one hundred thousand, or a school district regularly employing two hundred (200) or more teachers in the public schools thereof, a sum not exceeding one hundred thousand (100,000) dollars; and in cities having a population exceeding one hundred thousand (100,000) or a school district regularly employing four hundred (400) or more teachers in the public schools thereof, a sum not exceeding two hundred thousand (200,000) dollars: *And provided further*, That when any greater expenditure shall be required for said purposes, in any one current school year, the question shall be submitted to a vote of the electors of the district at the time and place the board of directors may ap-

Board shall estimate funds required.

County commissioners shall levy tax.

Limit of expenditure by directors for sites and buildings.

Vote on purchase of sites and buildings.

point. The board of directors shall, previous to such election, designate in one daily paper published in the district, if there be one, if not, then in such weekly papers as may be selected by the board, the place or places where such election shall be held, the locality of the site or sites required and the proposed cost of the buildings to be erected thereon: *Provided*, That the board of directors of any school district of this state may proceed to condemn and appropriate sufficient land for a school house site not to exceed five acres in extent; such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use.

Condemnation of sites.

Limit of tax levy.

SEC. 5. That section ninety-eight of said Code of Public Instruction be amended to read as follows: Section 98. The aggregate tax for school purposes in cities of ten thousand or more inhabitants, or in a school district regularly employing forty or more teachers in the public schools thereof, shall in no one year exceed one per cent of all the taxable property in the district: *Provided*, The board of directors by unanimous vote of all the members thereof, may determine upon a greater tax, not, however, exceeding two per cent, upon all the taxable property of the district.

Passed the Senate February 1st, 1907.

Passed the House February 13th, 1907.

Approved by the Governor, February 21st, 1907.