

CHAPTER 47.

[H. B. 282.]

CREATING THE COUNTY OF GRAYS HARBOR.

AN ACT to create the county of Grays Harbor, subject to the requirements of the state constitution and statutes in respect to the establishment of new counties, and declaring an emergency.

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

Boundaries.

SECTION 1. All that part of Chehalis county lying and being west and north of the following described line: Commencing at a point where the north and south section line between sections 10 and 11, township 15 north, range 8 west, W. M., intersects the north boundary line of Pacific county, the same being the section corner common to sections 10, 11, 14 and 15, township 15, north, range 8 west, W. M., and running thence northerly on the section line between sections 10 and 11, 2 and 3, in township 15 north, range 8 west, and between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3, in township 16 north, range 8 west, and between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, and 2 and 3, in township 17 north, range 8 west and between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, and 2 and 3, in township 18 north, range 8 west, to the township line between townships 18 and 19 north, to a point which is the section corner common to sections 2 and 3, township 18 north, range 8 west, and sections 34 and 35, township 19 north, range 8 west; thence easterly on the township line between said townships 18 and 19 north, to the southwest corner of Mason county; thence northerly along the westerly boundary line of Mason county to the northerly boundary line of Chehalis county, as now existing, shall be and is hereby created and established as the county of Grays Harbor: *Provided, however,* That the said Grays Harbor county is hereby created as aforesaid subject to the requirements of the constitution of the State of Washington in the respect to the establishment of new counties, and subject to an ascertainment of the fact of such compliance as hereinafter provided, and that

the creation of Grays Harbor county hereby shall not become operative to establish said county until such compliance shall have been so had and the fact of such compliance so ascertained.

SEC. 2. At any time within three months after this act shall take effect any qualified voter living in the portion of Chehalis county embraced within the boundaries of Grays Harbor county, as hereinbefore described, may present to the Governor of the State of Washington a petition addressed to the Governor in substance: That the signers of said petition are a majority of the voters living in the portion of Chehalis county embraced within the boundaries of Grays Harbor county as defined within this act, and praying that in case it should be found that the constitutional provisions relating to the creation of new counties have been fully complied with that the county of Grays Harbor shall be deemed fully established: *Provided*, That said petition shall be accompanied by a good and sufficient bond to the State of Washington, to be approved by the Secretary of the State of Washington, in the sum of one thousand dollars to cover costs of proceedings under this act, in case such county shall not be established.

SEC. 3. The Governor shall forthwith transmit said petition to the superior judge of the next nearest judicial district adjoining the judicial district in which said county of Chehalis is now situate, and the superior judge to whom said petition shall be transmitted shall within thirty days thereafter examine said petition and ascertain whether said petition bears the signature of persons living within the territory of Grays Harbor county and entitled to vote therein in number equal to a majority of the voters voting within said territory at the last preceding general election as nearly as such number of voters can be determined, and a majority in number of the voters voting at the last preceding general election shall be a sufficient requirement as to number to authorize the said judge to find the petition sufficiently signed. If the judge finds the petition sufficiently signed, then the said judge shall ascertain to his satisfaction, upon evidence received in open court, that the striking therefrom of the territory proposed

Census.

to be set over unto Grays Harbor county will not reduce the remaining population of said Chehalis county to a population of less than four thousand and that such territory so proposed to be set over contains a population of two thousand or more: *Provided, however,* That the judge may, in his discretion, appoint an elector or electors; who shall be a freeholder or freeholders residing within the territory of Grays Harbor county, to take special enumeration of the population of the county of Chehalis, or of any part thereof which he may so desire, so that it will show separately the number of population living in such portion thereof within the boundary of said Chehalis county. It shall be the duty of the person or persons so appointed to qualify by filing with such court an oath that he will make such enumeration truly and impartially and thereupon he or they shall take such enumeration and return the same verified by his affidavit that he believes the same to be a true and correct enumeration of such county, or as the case may be, of the portion of such county to which the same relates in such court and to file the same in such court within one month after such enumeration has been completed.

Decree.

SEC. 4. If it shall be shown to the satisfaction of such judge of such superior court that there are two thousand or more inhabitants within the boundaries herein set forth for Grays Harbor county and that there shall remain four thousand or more inhabitants in the remaining portion of Chehalis county, thereupon he shall make a decree setting forth the fact that the provisions of the constitution of the State of Washington have been complied with. Upon the filing of such decree it shall be the duty of the clerk of such court to make and transmit to the board of county commissioners of Chehalis county a certified copy thereof and also a certified copy thereof to the Governor of the state and to the Secretary of State.

Proclamation.

SEC. 5. Immediately upon the receipt of said certified copy of the decree of said superior court the Governor shall make proclamation declaring the county of Grays Harbor duly established.

SEC. 6. The county of Grays Harbor shall assume and pay to the county of Chehalis its proportion of the bonded and warrant indebtedness of the county of Chehalis in proportion that the assessed valuation of that part of Grays Harbor county lying within the boundaries of Chehalis county bears to the assessed valuation of the whole of Chehalis county before division. The adjustment of such indebtedness shall be based upon the assessment for the year 1906: *Provided*, That in the accounting between the said counties neither county shall be charged with any debt or liability incurred in the purchase of any county property or the purchase of any county buildings which fall within and are retained by the other county: *And provided further*, That if an accounting shall show a surplus of cash in the treasury of Chehalis county over and above the amount necessary to pay off and discharge the entire bonded and warrant indebtedness of said county, the county of Chehalis shall turn over to the county of Grays Harbor such proportion of such surplus as the assessed value of the taxable property lying within Grays Harbor county bears to the assessed value of all taxable property included within the whole of Chehalis county before division, the assessed value to be taken from the tax rolls of 1906. All lands owned by Chehalis county forfeited or deeded to it for delinquent taxes and situated within the territory comprising Grays Harbor county shall be the property of Grays Harbor county.

Adjustment
of indebted-
ness.

SEC. 7. The county seat of Grays Harbor county is hereby located at the city of Aberdeen and shall remain there until the same shall be removed in accordance with the provisions of law.

Aberdeen
county seat.

SEC. 8. Until otherwise classified said county of Grays Harbor is hereby designated as belonging to the twelfth class.

Twelfth
class.

SEC. 9. W. L. Adams, Waldo W. Hart and E. B. Benn, all being residents within the proposed county of Grays Harbor, shall be the first board of county commissioners of said county of Grays Harbor, and they shall hold office until the second Monday in January, 1909,

Personnel of
commission-
ers.

and until their successors are elected and qualified, and shall meet at the county seat of said Grays Harbor county within thirty days from the date of the Governor's proclamation as hereinbefore provided and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bonds in the manner provided by law; *Provided, however,* That if any of the above named commissioners shall fail to qualify within the specified time, then the Governor shall appoint a *bona fide* resident and qualified elector of Grays Harbor county to fill the vacancy.

Division of
county.

SEC. 10. Such commissioners shall divide their county into precincts, townships and districts as provided for by the laws then existing, making only such changes as are rendered necessary by the altered condition of the boundaries occasioned by the segregation from the original county.

Officers to
retain
positions.

SEC. 11. In all townships, precincts, school and road districts which retain their old boundaries the officers thereof shall retain their respective offices in and for such new county until their respective terms of office expire, or until their successors are elected and qualified, and shall give bonds to Grays Harbor county of the same amount and in the same manner as had previously been given to the original county.

Appoint-
ment of
officers.

SEC. 12. Except as provided in the preceding section such commissioners shall be authorized and required to appoint all the county officers of the county organized under the provisions of this act and of which they are commissioners, and the officers thus appointed shall commence to hold their offices immediately upon their appointment and qualification according to law, and shall hold their office until the 2nd Monday of January, 1909, or until their successors are elected and qualified.

Judicial
district.

SEC. 13. The county of Grays Harbor and the county of Chehalis shall compose one judicial district and shall be entitled to one superior judge of the superior court in and for such judicial district, and the superior court in and for Grays Harbor county shall be held at Aberdeen in the county of Grays Harbor.

SEC. 14. The board of county commissioners at a regular meeting held within one year from the time when they shall qualify as commissioners of the county of Grays Harbor, by order duly entered in the minutes of their proceedings, shall divide Grays Harbor county into three commissioners districts, in the manner provided by law and shall designate the boundaries thereof and at the next general election in said county there shall be elected, three commissioners, one for each of said districts, the commissioner from district No. 1 to be elected for four years and the commissioners from districts No. 2 and 3 for two years.

Commis-
sioner's
districts.

SEC. 15. For the purpose of representation in the Legislature, until otherwise provided by law, the county of Grays Harbor and the county of Chehalis shall constitute the twenty-first senatorial district and shall be entitled to one Senator, and the County of Grays Harbor shall constitute the thirtieth representative district and shall be entitled to two Representatives, and the county of Chehalis shall constitute the twenty-ninth representative district and shall be entitled to one Representative.

Legislative
districts.

SEC. 16. Until the county of Grays Harbor is organized by the appointment and qualification of its officers the jurisdiction of the present officers of Chehalis county shall remain in full force and effect in those portions of the territory constituting the said county of Grays Harbor lying within Chehalis county.

Jurisdiction
of present
officers.

SEC. 17. Within such time as they shall be transcribed after the Governor's proclamation, as hereinbefore provided, the county auditor of Chehalis county shall certify from the records of said county all records and all papers and documents on file in any wise affecting the title to any estate or property, real or personal, situated within the county of Grays Harbor, and the county commissioners of Grays Harbor county shall provide, at the expense of the county, proper and suitable record books to which such records shall be so transcribed, and shall transcribe said records as hereinafter provided in legible writing and said record books and papers shall be delivered to the auditor of Grays Harbor county and such records and documents

Records.

so transcribed shall be accepted and received as evidence in all courts and places as if the same had been originally recorded or filed in the office of the auditor of Grays Harbor county.

Actions shall be transferred.

SEC. 18. All actions and proceedings which shall be pending in the superior court of Chehalis county at the time of the governor's proclamation hereinbefore referred to, affecting the title or possession of real estate in Grays Harbor county or in which one or all of the parties are residents of Grays Harbor county shall be transferred to the superior court of Grays Harbor county and all further proceedings had therein shall be in Grays Harbor county the same as if originally commenced in that county. All other proceedings, either civil or criminal, now pending in the superior court of Chehalis county shall be prosecuted to termination thereof in the superior court of Chehalis county.

Transfer of pleadings.

SEC. 19. All pleadings, process, documents and files in the office of the county clerk of Chehalis county affecting pending suits and proceedings to be transferred as provided in the preceding section of this act, shall be transferred and all records therein transcribed as hereinafter provided, and certified by the county clerk of Chehalis county and transmitted to the county clerk of Grays Harbor county after such clerk shall have entered upon the duties of said office.

Instruments affecting title to be transcribed.

SEC. 20. All records, papers and documents of record or on file in the office of the county clerk, county auditor and all other officers of Chehalis county in any wise affecting the title or possession of real estate or other property in Grays Harbor county and required to be transcribed and transmitted to the county clerk, county auditor or other officer of Grays Harbor county by such person or persons as may be employed by the county of Grays Harbor for that purpose under the certificates of the county clerk, county auditor and other officers of Chehalis county and said records and documents when so transcribed and transferred shall be received as evidence in all courts and places as if originally recorded or filed, as the case may be, in the county of Grays Harbor.

SEC. 21. All records of Chehalis county required by this act to be transcribed shall be transcribed by a person or persons to be employed by the board of county commissioners of Grays Harbor county as follows, to-wit: Said transcribing shall be done by a person or persons under contract, who shall receive said contract after bids for said work shall have been advertised, and the contract given to the best bidder. All records so transcribed shall be certified by the officer of the respective offices from which such records shall be transcribed, under his signature and the seal of his office, if such office have a seal, in the manner following, to-wit: Each book of transcribed records shall be certified to be a correct transcript of the records of Chehalis county contained therein and each officer so certifying shall finally certify to the completeness of all records so transcribed from his office. All original volumes of the assessment rolls of Chehalis county which include only property in the territory comprising the new county of Grays Harbor shall be transmitted to the county of Grays Harbor.

Who shall transcribe.

SEC. 22. An emergency exists and this act shall take effect immediately. Emergency.

Passed the House February 18th, 1907.

Passed the Senate February 21st, 1907.

Approved by the Governor February 27th, 1907.

CHAPTER 48.

[S. B. 52.]

TAXATION OF PERSONAL PROPERTY.

AN ACT amending an act entitled, "An act to amend section 3, of chapter LXXXIII of the laws of 1897 relating to revenue and taxation," passed the senate and the house June 12, 1901, notwithstanding the veto of the governor, and declaring an emergency.

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

SECTION 1. That section 3 of "Chapter LXXXIII of the Laws of 1897, amended June 12, 1901," is hereby