

SESSION LAWS  
OF THE  
STATE OF WASHINGTON  
FOURTEENTH SESSION

Convened January 11; Adjourned March 11,

1915

Compiled in Chapters, Including Two Acts Passed by the  
People Under the Initiative Provision of the State  
Constitution at the General Election, Held  
on November 3, 1914, Together  
With Marginal Notes

BY  
I. M. HOWELL  
Secretary of State

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## EXPLANATORY.

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The Fourteenth Legislature convened on January 11th, 1915, at 12 o'clock noon (being the second Monday in January), and adjourned *sine die* on March 11th, 1915.

All laws passed by said session, approved by the Governor, together with those which became laws without his approval, take effect ninety days after adjournment, or at 12 o'clock, midnight June 9th, 1915, except relief bills, appropriations and other acts declared to have an emergency. Chapter 127 will be submitted to a vote of the people at the general election held in November, 1916.

I. M. HOWELL,  
*Secretary of State.*



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STATUTES OF WASHINGTON  
1915.

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PASSED BY THE  
FOURTEENTH SESSION  
OF THE  
LEGISLATURE

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CONVENED JANUARY 11, 1915  
ADJOURNED MARCH 11, 1915

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# LAWS OF WASHINGTON

Enacted by the People Under the Initiative  
and Those Passed at the

Fourteenth Regular Session

1915

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## CHAPTER 1.

### PROHIBITING FEES FOR PROCURING EMPLOYMENT.

#### INITIATIVE MEASURE NO. 8.

AN ACT to prohibit the collection of fees for the securing of employment or furnishing information leading thereto and fixing a penalty for violation thereof.

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

SECTION 1. The welfare of the State of Washington depends on the welfare of its workers and demands that they be protected from conditions that result in their being liable to imposition and extortion. Preamble.

The State of Washington therefore exercising herein its police and sovereign power declares that the system of collecting fees from the workers for furnishing them with employment, or with information leading thereto, results frequently in their becoming the victims of imposition and extortion and is therefore detrimental to the welfare of the state.

SEC. 2. It shall be unlawful for any employment agent, his representative, or any other person to demand or receive either directly or indirectly from any person seeking employment, or from any person on his or her behalf, any remuneration or fee whatsoever for furnishing him or her with employment or with information leading thereto. Unlawful to collect fees.

Penalty. SEC. 3. For each and every violation of any of the provisions of this act the penalty shall be a fine or [of] not more than one hundred dollars and imprisonment for not more than thirty days.

Passed by vote of the People at the General Election Nov. 3, 1914.

Proclamation signed by the Governor Dec. 3, 1914.

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## CHAPTER 2.

### RELATING TO INTOXICATING LIQUORS.

#### INITIATIVE MEASURE NO. 3.

AN ACT relating to intoxicating liquors, prohibiting the manufacture, keeping, sale and disposition thereof, except in certain cases, the soliciting and taking of orders therefor, the advertisement thereof and the making of false statements for the purpose of obtaining the same, declaring certain places to be nuisances and providing for their abatement, regulating the keeping, sale and disposition of intoxicating liquors by druggists and pharmacists, the prescription thereof by physicians, the transportation thereof, and providing for the search for and seizure and destruction thereof, prescribing the powers and duties of certain officers, and the forms of procedure and the rules of evidence in cases and proceedings hereunder, and fixing penalties for violations hereof, and the time when this act shall take effect.

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

Construction of act. SECTION 1. This entire act shall be deemed an exercise of the police power of the state, for the protection of the economic welfare, health, peace and morals of the people of the state, and all of its provisions shall be liberally construed for the accomplishment of that purpose.

"Intoxicating liquor" defined. SEC. 2. The phrase "intoxicating liquor," wherever used in this act, shall be held and construed to include whiskey, brandy, gin, rum, wine, ale, beer and any spirituous, vinous, fermented or malt liquor, and every other liquor or liquid containing intoxicating properties, which is capable of being used as a beverage, whether medicated or not, and all liquids, whether proprietary, patented or not,

which contain any alcohol, which are capable of being used as a beverage.

SEC. 3. The word "person," wherever used in this act, shall be held and construed to mean and include natural persons, firms, co-partnerships and corporations, and all associations of natural persons, whether acting by themselves or by a servant, agent or employe.

"Person" defined.

SEC. 4. It shall be unlawful for any person to manufacture, sell, barter, exchange, give away, furnish or otherwise dispose of any intoxicating liquor, or to keep any intoxicating liquor, with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same, except as in this act provided: *Provided, however,* That it shall not be unlawful for a person to give away intoxicating liquor, to be drunk on the premises, to a guest in his private dwelling or apartment, which is not a place of public resort.

Manufacture, sale or gift prohibited.

Exception as to guests.

SEC. 5. It shall be unlawful for any person owning, leasing, renting or occupying any premises, building, vehicle or boat to knowingly permit intoxicating liquor to be manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this act, or to be kept with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same in violation of the provisions of this act thereon or therein; and all premises, buildings, vehicles and boats whereon and wherein intoxicating liquor is manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept with intent to sell, barter, exchange, give away, furnish or otherwise dispose of the same in violation of the provisions of this act are common nuisances, and may be abated as such, and upon conviction of the owner, lessee, tenant or occupant of any premises, buildings, vehicle or boat of a violation of the provisions of this section, the court shall order that such nuisance be abated, and that such premises, building, vehicle or boat be closed until the owner, lessee, tenant or occupant thereof shall

Buildings, etc., used in liquor traffic abated as nuisances.

Bond to  
secure com-  
pliance with  
law.

give bond, with a sufficient surety to be approved by the court making the order, in the penal sum of one thousand dollars, payable to the State of Washington, and conditioned that intoxicating liquor will not thereafter be manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of thereon and therein, or kept thereon or therein, with intent to sell, barter, exchange, give away or otherwise dispose of the same contrary to law, and that he will pay all fines, costs and damages that may be assessed against him for any violation of this act; and in case of the violation of any condition of such bond, the whole amount may be recovered as a penalty, for the use of the county wherein the premises are situated; and in all cases where any person has been convicted before a justice of the peace of a violation of the provisions of this section, and no appeal has been taken from such conviction, an information or complaint may be filed in the superior court of the county in which such conviction was had to abate the nuisance, and in any such action, a certified copy of the records of such justice of the peace, showing such conviction, shall be competent evidence of the existence of such nuisance.

Recovery  
on bond.

Conviction as  
evidence of  
nuisance.

Soliciting  
orders or  
advertising.

SEC. 6. It shall be unlawful for any person to take or solicit orders for the purchase or sale of any intoxicating liquor, either in person or by sign, circular, letter, poster, hand bill, card, price-list, advertisement or otherwise, or to distribute, publish or display any advertisement, sign or notice, naming, representing, describing, or referring to the quality or qualities of any intoxicating liquor, or giving the name or address of any person manufacturing or dealing in intoxicating liquor, or stating where any such liquor may be obtained.

Druggists and  
pharmacists.

Sales for  
medicinal,  
sacramental  
and  
mechanical  
purposes.

SEC. 7. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist from selling intoxicating liquor for medicinal purposes, upon the prescription of a licensed physician, as herein provided, or for sacramental purposes, upon the order of a clergyman, as herein provided, or from selling alcohol for mechanical or

chemical purposes only; but it shall be unlawful for such druggist or pharmacist to permit any such liquor to be drunk upon the premises where sold. Every druggist or pharmacist selling intoxicating liquor or alcohol for the purposes above provided shall keep a true and exact record in a book provided by him for that purpose, in which shall be entered at the time of every sale of intoxicating liquor or alcohol made by him or in or about his place of business the date of the sale, the name of the purchaser, his place of residence, stating the street and house number (if there be such), the kind, quantity and price of such liquor or alcohol and the purpose for which it is sold, and, when the sale is for medicinal or sacramental purposes, the name of the physician issuing the prescription or of the clergyman giving the order therefor, and, when the sale is of alcohol for mechanical or chemical purposes, the purchaser shall be required to sign the record of the sale in the book. Whenever any druggist or pharmacist fills a prescription for intoxicating liquor, he shall cancel the same by writing across the face thereof, in ink, the words: "cancelled," with the date on which it was presented and filled, and shall keep the same on file, separate from other prescriptions, and no such prescription shall be filled again. Such book and all prescriptions for intoxicating liquor filled shall be open to inspection by any prosecuting attorney or city attorney, judge or justice of the peace, sheriff, constable, marshal or other police officer, or member of the city or town council. It shall be unlawful for any druggist or pharmacist to fail or neglect to keep such record, or to destroy or in any way alter any such record or entry therein or any prescription filled, or to permit or procure the same to be destroyed or altered, or to refuse inspection thereof to any person entitled to such inspection, or to fail or neglect to cancel any such prescription, or to refill any prescription or to sell intoxicating liquor for medicinal purposes except on a written prescription of a licensed physician, or for sacramental purposes without an order signed by a clergyman, or to sell any alcohol for mechanical or chemical purposes with-

Record of sales.

Prescriptions to be canceled.

Records open to inspection.

Emergency sales.

Conviction forfeits right of sale.

Second conviction forfeits license as druggist or pharmacist.

Physician's prescriptions.

Second conviction forfeits right to prescribe liquors.

out obtaining the signature of the purchaser: *Provided*, That nothing herein contained shall be construed to prohibit the sale by a druggist or pharmacist of such intoxicating liquor as may be needed by or for a sick person in case of extreme illness where delay may be dangerous to the patient. A druggist or pharmacist who has been convicted of selling intoxicating liquor or of any other act in violation of this section, shall not, within two years thereafter, either personally or by agent, sell intoxicating liquor for any purpose whatsoever; and upon a second conviction of a violation of the provisions of this section, such druggist or pharmacist shall forfeit his right to practice pharmacy, and the justice of the peace or superior judge before whom such druggist or pharmacist is convicted of a second violation of this section shall so adjudge, and shall send a copy of such judgment to the board of pharmacy, who, upon receipt thereof shall forthwith cancel the license of such druggist or pharmacist, and no other license shall be issued by the board of pharmacy to such druggist or pharmacist within two years from the date of such cancellation.

SEC. 8. It shall be unlawful for any licensed physician to issue a prescription for intoxicating liquor except in writing or in any case, unless he has good reason to believe that the person for whom it is issued is actually sick, and that the liquor is required as medicine. Every prescription for intoxicating liquor shall contain the name and address of the physician, the name and quantity of liquor prescribed, the name of the person for whom prescribed, the date on which the prescription is written, and directions for the use of the liquor so prescribed. Upon the conviction a second time of any licensed physician of a violation of the provisions of this section, it shall be unlawful for such physician thereafter to write any prescription for the furnishing, delivery or sale of intoxicating liquor, and it shall be unlawful for any druggist or pharmacist to knowingly fill any such prescription written or signed by any physician who has been convicted the second time of a violation of the provisions of this section.

SEC. 9. The issuance of an internal revenue special tax stamp or receipt by the United States to any person as a retail dealer in intoxicating liquor, shall be *prima facie* evidence of the sale of intoxicating liquor by such person at the place of business of such person where such stamp or receipt is posted if, at the time, the stamp or receipt is in force and effect: *Provided*, That this section shall not apply to druggists. A copy of such stamp or of the records of the United States Internal Revenue office certified to by any United States Internal Revenue officer, deputy or assistant having charge of such records or stamps, which shows that the United States special liquor tax has been paid by any person charged with selling, bartering, exchanging, giving away, furnishing or otherwise disposing of intoxicating liquor in violation of this act, shall be competent and *prima facie* evidence that the person whose name appears on said records or stamp, as shown by said certified copy has paid the special liquor tax for the time stated therein.

Internal revenue stamp tax, receipts, and records as evidence.

SEC. 10. It shall be unlawful for any person to directly or indirectly keep or maintain by himself or by associating with others, or to in any manner aid, assist or abet in keeping or maintaining any club house or other place in which intoxicating liquor is received or kept for the purpose of use, gift, barter or sale or for the purpose of distribution or division among the members of any club or association.

Club houses for distribution among members.

SEC. 11. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all

Searches and seizure.

intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such liquor, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the return shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such intoxicating liquor, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

Return of  
warrant.

Service and  
posting copy  
of warrant.

Hearings.

Burden of  
proof on  
claimant.

SEC. 12. Upon the return of the warrant as provided in the next preceding section, the judge or justice of the peace shall fix a time not less than ten days, and not more than thirty days thereafter, for the hearing of said return when he shall proceed to hear and determine whether or not the articles so seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this act. At such hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest, but upon such hearing the sworn complaint or affidavit upon which the search warrant was issued and the possession of such intoxicating liquor shall constitute *prima facie* evidence of the contraband character of the liquor and articles seized, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed and that the same were not used in the violation of any of the provisions of this act, and were not in any manner kept or

possessed with the intention of violating any of the provisions of this act. If, upon such hearing, the evidence warrants, or if no person shall appear as claimant, the judge or justice of the peace shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: *Provided, however,* That if in the opinion of the justice of the peace or judge, any of such forfeited articles other than intoxicating liquor are of value and adapted to any lawful use, such judge or justice of the peace shall as a part of the order and judgment direct that said articles other than intoxicating liquor shall be sold as upon execution by the officer having them in custody and the proceeds of such sale after payment of all costs in this proceeding shall be paid into the common school fund of the school district in which the same were seized. Action under this section and the forfeiture, destruction or sale of any articles thereunder shall not be a bar to any prosecution under any other provision or provisions of this act.

Judgment  
of forfeiture  
and de-  
struction.

Sale of ar-  
ticles other  
than liquor.

Proceeds to  
common  
school fund.

SEC. 13. In any action or proceeding under this act or under any other law relating to the unlawful disposition or possession of intoxicating liquor, no person shall be excused from testifying in any court or before any grand jury, on the ground that his testimony may incriminate him, but no person shall be prosecuted or punished on account of any transaction or matter or thing concerning which he shall be compelled to testify, nor shall such testimony be used against him in any prosecution for any crime or misdemeanor, under the laws of this state.

Exoneraton  
of witnesses  
criminating  
selves.

SEC. 14. Any citizen or organization within this state may employ an attorney to assist the prosecuting attorney in any action or proceeding under this act, and such attorney shall be recognized by the prosecuting attorney and the court as associate counsel in the case, and no prosecution shall be dismissed over the objection of such associate counsel until the reasons of such prosecuting attorney for such dismissal, together with the objections of such as-

Associate  
counsel for  
prosecuting  
attorney.

sociate counsel, shall have been filed in writing, argued by counsel and fully considered by the court.

Permits for shipment of liquors.

SEC. 15. The county auditor of each county within this state shall procure and keep, as a part of the records of his office, a well bound book of blank applications for permits to ship or transport intoxicating liquor. Any person desiring to ship or transport any intoxicating liquor shall personally appear before the county auditor and shall furnish him the necessary information to fill in a blank application, which application shall contain the name of the applicant, the statement that he is over twenty-one years of age, the person, firm or corporation from whom said shipment is to be made, the place from which said shipment is to be made, and to what point the same is to be made, a statement that the applicant is not the holder of any internal revenue special tax stamp or receipt from the United States Government, authorizing him to sell or to deal in intoxicating liquor, and a statement that he has not theretofore been convicted of any violation of the laws of the state, relating to intoxicating liquor. Such facts shall be incorporated by the county auditor in one of said blank applications, and said application shall be signed by the applicant and sworn to by him before the county auditor or his deputy. Upon the applicant signing said application and taking the necessary oath thereto, the auditor shall issue a permit for the shipment or transportation of intoxicating liquor. Such permit shall be printed upon some shade of red paper, and shall be substantially in the following form:

Applications.

Form of permits.

State of Washington }  
County of..... } ss.  
....., residing at .....,  
is hereby permitted to ship or transport from.....,  
in the state of....., to .....,  
in the county of....., State of Washington,  
intoxicating liquor, to-wit:.....(insert kind  
and quantity, not exceeding in quantity one-half gallon  
of intoxicating liquor other than beer, or twelve quarts of

beer or twenty-four pints of beer.) This permit can only be used for one shipment and will be void after thirty days from the date of issue.

Dated this . . . . . day of . . . . . 19 . . . . .

.....

County Auditor.

This permit shall be attached to and plainly affixed in a conspicuous place to any package or parcel containing intoxicating liquor, transported or shipped within the State of Washington, and when so affixed, shall authorize any railroad company, express company, transportation company, common carrier, or any person, firm or corporation operating any boat, launch or vehicle for the transportation of goods, wares and merchandise within the State of Washington, to transport, ship or carry not to exceed one-half gallon of intoxicating liquor other than beer, or twelve quarts or twenty-four pints of beer. Any person so transporting such intoxicating liquor shall, before the delivery of such package or parcel of intoxicating liquor, cancel said permit and so deface the same that it cannot be used again. It shall be unlawful for any person to ship, carry or transport any intoxicating liquor within the state without having attached thereto or to the package or parcel containing the same, such permit, or to transport or ship under said permit an amount in excess of the amount or quantity hereinbefore limited. Any applicant desiring to have a permit issued to him under the terms hereof shall pay to the county auditor issuing the same the sum of twenty-five cents, which sum shall be accounted for by such auditor, as other fees of his office. This section shall not apply to registered druggists or pharmacists actually engaged in business within the state.

Permits to be affixed to packages.

Cancellation of permits.

Fees.

SEC. 16. It shall be unlawful for any person to take out or have issued to him more than one permit as provided for in the preceding section, in any twenty-day period. This section shall not apply to registered druggists or pharmacists actually in business within the state.

One permit in twenty days.

Application  
for shipment  
by druggists  
and  
pharmacists.

Affidavit.

Filing and  
numbering.

SEC. 17. Any registered druggist or pharmacist actually engaged in business within the state, desiring to transport or ship any intoxicating liquor within this state, shall make and file with the county auditor a statement in writing, under oath, which statement shall contain the name of the said druggist or pharmacist, the name under which he transacts business, or if made by the agent of a corporation or a co-partnership, shall state the name of such corporation or co-partnership, and the official position or connection of the person making said statement with said firm or corporation, the location of the place of business of said persons, firm or corporation; that he, they or it is regularly engaged in business as a druggist or pharmacist, at such point; and that it is necessary from time to time to make shipments of intoxicating liquor, and that such liquor is not to be sold in violation of the laws of the state, but is obtained for use for purposes permitted by this law only; that the applicant for such permit or any of the members of the said partnership, as a partnership, or of the officers, agents or servants in the employ of said corporation and in charge of its business at such location, have not been theretofore convicted of any violation of the laws relating to intoxicating liquor of the State of Washington. It shall be the duty of the county auditor to file said application, when properly sworn to, and give the same a serial number, and thereafter said applicant shall, from time to time, as he, they or it, desire to make shipments of intoxicating liquor for lawful purposes, file with said county auditor a written request for permits, giving the serial number of said application on file. Such requests need not be sworn to, but shall be signed and shall state the place from which such shipment is to be made, and to whom, and the name and quantity of intoxicating liquor to be shipped. Upon receipt of such written request from any druggist or pharmacist, in good standing as hereinafter specified, said county auditor shall issue and deliver to said druggist or pharmacist a permit, in substantially the following form:

PERMIT TO DRUGGIST OR PHARMACIST TO TRANSPORT  
INTOXICATING LIQUOR.

State of Washington }  
County of..... } ss.

....., residing at ....., Form of  
a druggist or pharmacist in good standing, is hereby per- permit.  
mitted to ship or transport from....., in the  
State of Washington, to....., in the County  
of....., State of Washington, intoxicat-  
ing liquor not exceeding in quantity..... (here insert  
kind and quantity to be shipped.) This permit can only  
be used for one shipment and shall be void after thirty days  
from the date of issue.

Dated this.....day of....., 19..

.....  
County Auditor.

Such permit shall be printed upon ordinary white paper,  
and the county auditor shall keep the applications and re-  
quests therefor on file in his office as a part of the records of  
his office, and as each permit is issued, shall endorse on such  
application "permit issued" with the date of issue.

SEC. 18. It shall be unlawful for any express company,  
railroad company or transportation company, or any per-  
son, engaged in the business of transporting goods, wares  
and merchandise, to knowingly transport or convey any in-  
toxicating liquor within this state, without having a permit  
issued by the county auditor for the transportation of such  
intoxicating liquor affixed in a conspicuous place to the  
parcel or package containing the liquor, or to deliver such  
liquor without defacing or cancelling such permit so that  
the same cannot be used again. It shall be unlawful for any  
person to knowingly receive from any railroad company,  
express company, transportation company or any person  
engaged in the business of transporting goods, wares and  
merchandise any intoxicating liquor without said intoxicat-  
ing liquor having a permit issued by the county auditor  
for such shipment attached thereto and properly cancelled.

Transporta-  
tion and  
delivery by  
common  
carriers.

Packages  
must display  
canceled  
permits.

To whom  
permits pro-  
hibited.

SEC. 19. No county auditor shall issue a permit to any person or druggist or pharmacist who has been convicted of the violation of any of the liquor laws of the state, or to any person other than a druggist or a pharmacist, who is the holder of an internal revenue special tax stamp or receipt, issued by the United States Government, permitting or relating to the sale of intoxicating liquor, or to any person not a registered druggist or pharmacist who has, within twenty days immediately preceding, obtained a permit for the shipment of intoxicating liquor.

Packages to  
be labeled.

SEC. 20. It shall be unlawful for any person, to ship, transport or consign any intoxicating liquor, or for any express company, railroad company, transportation company, or any person, engaged in the business of transporting goods, wares and merchandise, to knowingly transport or convey any intoxicating liquor within this state, or for any person to knowingly receive from any express company, railroad company, transportation company or any person engaged in the business of transporting goods, wares and merchandise any intoxicating liquor, unless the package or parcel containing such liquor be clearly and plainly marked in large letters:

“THIS PACKAGE CONTAINS INTOXICATING  
LIQUOR.”

False  
statements.

SEC. 21. It shall be unlawful for any person to make a false statement to a physician, druggist or pharmacist for the purpose of obtaining intoxicating liquor or alcohol, or to the county auditor for the purpose of obtaining a permit for the shipment of intoxicating liquor, or to any railroad, express or transportation company, or any person, engaged in the business of transporting goods, wares and merchandise for the purpose of obtaining the shipment, transportation or delivery of any intoxicating liquor.

Quantity of  
liquor  
allowed.

SEC. 22. It shall be unlawful for any person to have in his possession more than one-half gallon or two quarts of intoxicating liquor other than beer, or more than twelve quarts or twenty-four pints of beer: *Provided, however,*

That this section shall not apply to registered pharmacists or to persons keeping alcohol, to be used for mechanical or chemical purposes only.

SEC. 23. In any prosecution for the violation of any provisions of this act, it shall be competent to prove that any person had in his possession more than two quarts of intoxicating liquor other than beer, or more than twelve quarts of beer, and such possession and the proof thereof, shall be *prima facie* evidence that said liquor was so held and kept for the purposes of unlawful sale or disposition.

Excess quantity *prima facie* unlawful.

SEC. 24. The provisions of this act relating to the shipment or having in possession of intoxicating liquor shall not apply to shipments transported by any common carrier of unbroken packages of intoxicating liquor in continuous transit through this state from a point outside of the state to another point outside of the state.

Unbroken packages in interstate commerce.

SEC. 25. The provisions of this act shall not be construed to prohibit the manufacture of vinegar, sweet cider or unfermented fruit juice for domestic consumption or for sale, nor to prohibit the manufacture and sale of denatured alcohol.

Vinegar, cider, fruit juice and denatured alcohol.

SEC. 26. If any provision or section of this act shall be held void or unconstitutional, all other provisions and all other sections of the act, which are not expressly held to be void or unconstitutional, shall continue in full force and effect.

Partial invalidity of act.

SEC. 27. Every justice of the peace or superior judge shall recognize and act upon any sworn complaint of a violation of this act filed by any citizen of the state in the same manner and to the same extent as though the same were filed by a prosecuting officer.

Citizens may prosecute.

SEC. 28. Within ten days after the date when this act has become operative, every person except registered druggists and pharmacists shall remove or cause to be removed all intoxicating liquor in his possession from the state, and failure so to do shall be *prima facie* evidence that such liquor is kept therein for the purpose of being sold, bart-

Time allowed for removal of liquor from state.

ered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this act: *Provided, however,* That this section shall not apply to alcohol kept for chemical or manufacturing purposes, or to one-half gallon of intoxicating liquor, other than beer, or twelve quarts or twenty-four pints of beer held by an individual: *And, provided, further,* That for said ten-day period of time, it shall not be necessary to obtain any permit or permits for the shipment of any such intoxicating liquor, lawfully held within the state at the date this act goes into effect, to points outside of the state.

Importation  
in excess of  
legal  
quantity.

SEC. 29. It shall be unlawful for any person other than a common carrier to transport, carry or bring into this state any intoxicating liquor in excess of one-half gallon of liquor other than beer, or twelve quarts or twenty-four pints of beer, within any twenty-day period.

Duty of  
attorney  
general.

SEC. 30. It is hereby made the duty of the attorney general to enforce the provisions of this act, and prosecute violations thereof in any county where the prosecuting attorney of such county fails, neglects or refuses to enforce the provisions hereof and said attorney general may assist the prosecuting attorney of any county in any prosecution for the violation of this act.

Penalties in  
cases not  
specified.

SEC. 31. All persons convicted of any violation of this act where the punishment therefor is not herein specifically provided shall be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment.

Penalty for  
second  
conviction.

SEC. 32. Any person convicted the second time of the violation of this act shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and by imprisonment in the county jail for not less than thirty days nor more than six months; and any person convicted the third time of a violation of the provisions of this act shall for such third and each subsequent violation be fined not less than two hundred

Subsequent  
convictions.

fifty dollars, nor more than five hundred dollars, and be confined in the county jail for not less than three months, nor more than one year. Prosecuting attorneys and justices of the peace having knowledge of any previous conviction of any person accused of violating this act shall in preparing complaints, informations or indictments for subsequent offenses, allege such previous conviction therein and a certified transcript from the docket of any justice of the peace or a certified copy of the record under seal of the clerk of any court of record shall be sufficient evidence of any previous conviction or convictions of violations of this act.

Evidence of  
previous  
conviction.

SEC. 33. This act shall take effect and be in full force and effect from and after the first day of January, 1916.

Time of  
taking effect.

Passed by vote of the People at the General Election Nov. 3, 1914.

Proclamation signed by the Governor Dec. 5, 1914.

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### CHAPTER 3.

[S. B. 1.]

#### LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of ninety thousand dollars, or so much thereof as may be necessary, for the expenses of the Fourteenth Legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of ninety thousand dollars (\$90,000.00) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the Fourteenth Legislature of the State of Washington.

Appropriation,  
\$90,000.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Emergency.

Passed the Senate January 11, 1915.

Passed the House January 11, 1915.

Approved by the Governor January 12, 1915.

## CHAPTER 4.

[S. B. 2.]

## LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifteen thousand dollars, or so much thereof as may be necessary, for the printing of the Fourteenth Legislature.

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

Appropriation, \$15,000.

SECTION 1. That there be, and there is hereby, appropriated out of the general fund the sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary to pay for such printing as may be ordered by the Fourteenth Legislature, or either branch thereof.

Emergency.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate January 11, 1915.

Passed the House January 11, 1915.

Approved by the Governor January 12, 1915.

## CHAPTER 5.

[H. B. 59.]

## OFFICIAL CODES OF STATE LAWS.

AN ACT relating to the adoption of official codes and declaring an emergency.

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

Remington & Ballinger's and Pierce's Codes.

SECTION 1. The compilation of the Session Laws of the State of Washington, arranged and compiled by Richard A. Ballinger and Arthur Remington, and known as Remington & Ballinger's Annotated Codes and Statutes of Washington, and supplement thereto, and the compilation of the Session Laws of the State of Washington arranged and compiled by Frank Pierce, and known as Pierce's Washington Code, are hereby respectively adopted as the official compilations of the existing statutes of the state up to and including the year 1913.

SEC. 2. It shall be proper for the legislature in amending or repealing existing statutes, and for the courts in referring to existing or repealed statutes, to refer to or cite Remington & Ballinger's Annotated Codes and Statutes of Washington, containing such law, and in any such references and citations to abbreviate the same to Rem. & Bal. Code, or refer to and cite Pierce's Washington Code containing such law.

Citations  
to codes.

SEC. 3. This act is necessary for the immediate preservation of the public peace and support of the state government and shall take effect immediately.

Emergency.

Passed the House January 27, 1915.

Passed the Senate February 4, 1915.

Approved by the Governor February 8, 1915.

## CHAPTER 6.

[H. B. 54.]

### BOARD OF STATE LAND COMMISSIONERS.

AN ACT relating to the board of state land commissioners, its composition, powers and duties, amending section 6605 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

Amends  
Rem.-Bal.  
§ 6605, by  
changing  
membership  
of board.

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

SECTION 1. That section 6605 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6605. The commissioner of public lands, the secretary of state and the state treasurer shall constitute the board of state land commissioners and shall have all powers and perform all duties with reference to the selection, appraisal and sale or lease of school, granted or other lands, except capitol building lands, the establishment of harbor lines and lease of harbor area which are now or may hereafter be vested in or required of the board of state land commissioners, the board of appraisers or the harbor line commission. And said board of state land

Members,  
powers, and  
duties.

commissioners shall be and serve as the commission and the board of appraisers mentioned in section one of article fifteen and section two of articles sixteen of the state constitution.

Emergency clause declared invalid in State ex rel. Brislawn v. Meath, decided Mar. 16, 1915.

SEC. 2. This act is necessary for the immediate preservation of the public peace and safety and the support of the state government, and shall take effect immediately.

Passed the House February 2, 1915.

Passed the Senate February 10, 1915.

Vetoed by the Governor February 16, 1915.

Passed over Governor's veto February 17, 1915.

## CHAPTER 7.

[H. B. 55.]

### STATE BOARD OF EQUALIZATION.

Amends Rem.-Bal. § 9204, by changing composition, and provisions for meetings and publication.

AN ACT relating to the state board of equalization, its composition, powers and duties, and amending section 9204 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9204 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Members, powers, and duties.

Section 9204. The state auditor, a member of the public service commission of Washington, to be designated by the governor, and the commissioner of public lands shall constitute the state board of equalization. The state auditor shall be the president of the board, and the commissioner of public lands shall be secretary thereof. The board shall remain in session not to exceed twenty (20) days; may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors: *Provided*, That the expense of such board shall not exceed the sum of five hundred dollars (\$500) in any one year.

Meetings.

The said board shall meet annually, on the first Monday in September, at the office of the state auditor, and shall examine and compare the returns of the assessment of the

property in the several counties of the state, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal and uniform, so far as possible, in every part of the state, for the purpose of ascertaining the just amount of tax due from each county for state purposes.

Classification  
and equaliza-  
tion of  
property.

Second. The secretary shall keep a full record of the proceedings of the board, and the same shall be published annually by said commissioner of public lands.

Publication  
of records.

Third. They shall have authority to adopt the rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by said board.

Rules and  
orders.

The said board of equalization shall apportion the amount of tax for state purposes as required by law to be raised in the state among the several counties therein, in proportion to the valuation of the taxable property therein for the year as equalized by the board, and shall also ascertain the gross amounts justly due from each county for military, state bond interest, and state bond sinking fund taxes, at rates and limitations fixed by law. It shall be the duty of the county auditor in each county when he shall have received the report of the state auditor, as provided in section 9205, to determine the rates per cent necessary to raise the taxes required for state purposes as determined by the state board of equalization, and place the same on the tax rolls of the county as provided by law.

Apportion-  
ment of taxes.

Extension on  
county rolls.

Passed the House February 2, 1915.

Passed the Senate February 11, 1915.

Vetoed by the Governor February 16, 1915.

Passed over the Governor's veto February 17, 1915.

CHAPTER 8.

[S. B. 40.]

SALE OF COUNTY PROPERTY.

Amends Rem.-Bal. § 3845, by adding second proviso, and § 3845 1/2.

AN ACT relating to the sale of county property by boards of county commissioners, and amending section 3845 of the second volume of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3845 of the second volume of Remington & Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby amended to read as follows:

Terms of sale.

Section 3845. If the property to be sold be personal or mixed, or both, the sale thereof shall be for cash; in case such property be real, then the sale thereof shall be on such terms as the board may designate: *Provided,*

Materials of destroyed structures.

That any and all deferred payments shall be secured by such good and sufficient means as may to the board seem necessary; but no conveyance of the property so sold shall be made until full payment be made therefor: *Provided,* That in any case where any building, bridge, or other structure belonging to any county in this state shall have been torn down or destroyed, either by accident or by order of the board of county commissioners of such county, said board of county commissioners shall by order entered on their journal, determine the advisability of selling all or any part of the material which was formerly a part of the building, bridge or other structure so destroyed or torn down, or other personal property of any kind whatever, not exceeding two hundred dollars (\$200.00) in value, and if it be determined that such sale is advisable the board may make such sale, either with or without public notice, and in such manner as the board may determine will be most beneficial to the county. The proceeds of such sale shall be paid by the purchaser to the county treasurer who shall issue his receipt therefor to the purchaser, and which receipt shall be evidence of the title of the purchaser.

Notice of sale optional.

SEC. 2. That a new section be, and hereby is added to Remington & Ballinger's Annotated Codes and Statutes of Washington, to be known as section 3845½, as follows:

Adds § 3845½  
to Rem.-Bal.  
Code.

Section 3845½. That any sale of property made in accordance with the terms of the proviso contained in the preceding section between the date of the approval by the governor of this act and the time when this act goes into effect, which is made in all respects in accordance with the terms of this act, shall be, and the same is, hereby approved and confirmed and this section shall be printed in any revision of the Code of the State of Washington.

Validating  
sales of  
materials.

Passed the Senate January 26, 1915.

Passed the House February 11, 1915.

Approved by the Governor February 20, 1915.

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## CHAPTER 9.

[S. B. 55.]

### RE-APPROPRIATION FOR CHENEY NORMAL SCHOOL.

AN ACT re-appropriating a part of funds of the State Normal School at Cheney, Washington, for certain uses of said institution, and declaring an emergency.

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

SECTION 1. The sum of thirty-four thousand (\$34,000) dollars, which was appropriated by the Legislature of 1913, and placed in the salary fund of the Cheney Normal School, is hereby re-appropriated and made available for the purchase of furniture, for running expenses of the institution, and for permanent improvements.

Appropriation, \$34,000.

SEC. 2. This act is necessary for the immediate support of the existing public institutions of the state and shall take effect immediately.

Emergency.

Passed the Senate February 4, 1915.

Passed the House February 10, 1915.

Approved by the Governor February 20, 1915.

CHAPTER 10.

[H. B. 39.]

SALE OF STATE'S REVERSIONARY INTEREST IN OYSTER LANDS.

AN ACT relating to oyster lands of the state, providing for the sale of certain interests therein, and creating a state oyster fund.

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

Purchase of additional rights.

SECTION 1. That any person, firm or corporation now entitled to and in possession of any lands which were acquired under and by virtue of an act of the legislature entitled: "An act relating to the purchase and sale of oyster lands and declaring an emergency," approved March 4, 1895, being chapter 25 of the Laws of 1895, may at his, their or its option, purchase additional rights in said lands by complying with the provisions of this act.

Sale of state's reversionary interest.

SEC. 2. Any such person, firm or corporation, may file with the commissioner of public lands an application to purchase the reversionary right of the State of Washington in said lands, such application to be accompanied with an abstract of title to said lands. The commissioner shall examine such abstract of title, and if he finds such title to be in the applicant, he shall certify such fact, together with a copy of the application, to the state oyster commission, which shall thereupon appraise the value of the reversionary right now held by the state, and certify such appraisement to the commissioner of public lands.

Deed.

Upon the payment to the commissioner of the amount of such appraisement a deed shall be issued from the State of Washington to the applicant in the same manner as deeds of state school and granted lands are issued; such deed to contain a covenant or condition of defeasance to the effect that if said lands be used for any purpose other than the cultivation of oysters then such deed shall be cancelled, and the said lands shall revert to the state.

Defeasance.

Contracts of sale on installment plan.

SEC. 3. In lieu of a deed as provided for in section 2 hereof, a contract may issue to the applicant, by the terms

of which one-fifth of the purchase price may be paid to the commissioner, and the remainder in four equal annual installments, with interest on the deferred payments at the rate of six per cent per annum, and if such applicant shall comply with the terms of said contract and make the payments herein provided for, a deed as herein provided for shall issue to him from the state: *Provided*, That said contract shall contain the covenant or condition of defeasance as is provided in the case of deeds issued under the provisions of this act: *Provided further*, That such contract shall be subject to cancellation by the commissioner of public lands for failure to comply with its provisions: *And provided further*, That whenever an installment shall mature, the applicant may, if he, they or it so elect, pay more than one installment.

Cancellation  
of contract.

SEC. 4. There is hereby created a fund to be known as the "state oyster reserve fund," and all moneys received from the disposal of oysters on the reserves, or any of the products thereof, or for licenses to operate thereon, or for the sale of the rights of the state in the lands herein referred to, shall be paid into said fund, and all expenses incurred on account of said reserves shall be paid from said fund by warrants drawn thereon after appropriation by the legislature of the state.

State oyster  
reserve fund.

Passed the House February 4, 1915.

Passed the Senate February 10, 1915.

Approved by the Governor February 20, 1915.

## CHAPTER 11.

[H. B. 45.]

ELECTION PRECINCTS AND CERTIFICATES  
OF NOMINATION.

Amends  
Rem.-Bal.  
§ 4798, by  
adding  
proviso.

AN ACT relating to elections and amending section 4798 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Preservation  
of certificates  
of nomi-  
nation.

SECTION 1. That section 4798 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Election  
precincts,  
division by  
county com-  
missioners.

Section 4798. The secretary of state and the clerks of boards of county commissioners of the several counties, and of the several municipal corporations, shall cause to be preserved in their respective offices for six months all certificates of nomination filed in their respective offices under the provisions of this act. All such certificates shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed. The board of county commissioners of each county in the state shall, at their first session after the taking effect of this act divide their respective counties into election precincts, and establish the boundaries of the same. Such board of county commissioners shall designate one voting place in each precinct and each precinct shall contain two hundred and fifty electors or less, based on the number of votes cast at the last general election; but no precinct shall contain more than four hundred electors. If at any election hereafter four hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall, at a regular meeting, between general election day and December 31st of the same year, divide such precinct as nearly as possible so that the new precincts formed thereof shall each contain two hundred and fifty electors, as nearly as practicable: *Provided*, That in cities of the first class, the duties herein conferred

Division in  
cities of  
first class.

upon the county commissioners shall be performed by the city council or commissioners of such city and reports of inspectors herein provided for shall be made to such city council or commissioners. In establishing precincts it shall be the duty of the county commissioners and city councils and commissioners to fix the boundaries thereof so that each precinct shall be wholly in one senatorial or representative district, and one county commissioner's district. Boundaries.

Passed the House February 8, 1915.

Passed the Senate February 17, 1915.

Approved by the Governor February 25, 1915.

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## CHAPTER 12.

[H. B. 65.]

### FREE PUBLIC LIBRARIES

AN ACT authorizing incorporated towns to establish and maintain free public libraries and amending sections 6971 and 6974 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6971 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6971. by  
including in-  
corporated  
towns.

Section 6971. By a majority vote at any election, any city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, any city or incorporated town may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted: *Provided*, That due public notice shall have been given of the proposed action.

Establish-  
ment.

Submission  
to vote.

Amends  
Rem.-Bal.  
§ 6974, by  
including  
incorporated  
towns.

Board of  
trustees.

Tenure of  
office.

Vacancies.

SEC. 2. That section 6974 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6974. The management and control of every library shall be vested in a board of five trustees (unless a larger number be decided upon by a vote at the time of establishment or at some subsequent annual election) who shall be elected by the legal voters; except that in cities and incorporated towns they shall be appointed by the mayor, with the consent of the city or town council, from citizens of recognized fitness for such position. No person shall be ineligible as a trustee by reason of sex, and no trustee as such shall ever receive any compensation. The first trustees shall determine by lot whose term of office shall expire each year, and a new trustee shall be elected or appointed annually to serve for five years, except when the board consists of more than five members, each trustee shall serve for a term of years corresponding to the number of regular members on the board in order that one term shall expire each year; all vacancies shall be as soon as possible filled in like manner as the members of the board are regularly chosen, and in an unexpired term for the residue of the term only.

Passed the House February 9, 1915.

Passed the Senate February 17, 1915.

Approved by the Governor February 25, 1915.

## CHAPTER 13.

[H. B. 66.]

ACCEPTANCE BY CITIES OF GRANTS OF TERRITORY  
BY UNITED STATES.

AN ACT relating to cities other than the first class, conferring thereon the power to accept gifts, grants and leases of property from the national government lying outside of their corporate limits and to annex the same, and validating certain attempts so to do heretofore made, and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever there shall have heretofore been or shall hereafter be tendered or offered to any incorporated city other than cities of the first class, by gift, grant or lease, from the government of the United States the right to occupy, control, improve, use or sublease for commercial, manufacturing or industrial purposes, any lands, waters or other territory lying adjacent to but outside the corporate limits of such city, the legislative authorities of such city if they shall deem it necessary or expedient or for the best interests of such city, may and they are hereby authorized to, by ordinance, accept such tender or offer and assume and exercise, on behalf of such city, the right to occupy, control, improve, use and sublease such territory and comply with all the conditions of said gift, grant or lease, and annex said territory, and such intervening or adjacent shore or tide lands as may be convenient or necessary for the use thereof, and to include the same within the corporate limits of such city: *Provided*, This act shall not apply to any territory or property more than four miles from the corporate limits existing before such annexation.

Authority to  
accept grants  
from United  
States.

Annexation  
of granted  
territory.

SEC. 2. Whenever any city shall have annexed or shall hereafter annex any such territory as in the preceding section provided, the territory so annexed shall become and be a part of the ward or wards of such city adjacent thereto or shall become and be a separate ward of such city as may

Division into  
wards.

Municipal  
jurisdiction.

be provided in the ordinance annexing the same, and such city shall thereafter have and may exercise over and within such annexed territory the same jurisdiction and authority that it had within its former corporate limits at the time of such annexation or which may be thereafter conferred upon it by law, and may cause such annexed territory, lands and waters to be surveyed, subdivided and platted into lots, blocks and tracts, and lay out and reserve for public use and improve streets, roads, alleys, slips and other public places, and grant and sublease any such lot, block or tract for commercial, manufacturing or industrial purposes, and reserve, receive and collect rents therefor and expend the same in making and maintaining public improvements within such annexed territory, and in case any surplus thereof remains at the end of any fiscal year, may deposit the same in the current expense or general fund of such city and expend the same for any municipal purpose.

Control and  
management  
of annexed  
territory.

Validation  
of prior  
acceptances.

SEC. 3. All ordinances heretofore passed by the legislative authority of any such incorporated city for the purpose of accepting any gift, grant or lease of or annexing any territory as hereinabove provided are hereby validated.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House February 5, 1915.

Passed the Senate February 17, 1915.

Approved by the Governor February 25, 1915.

## CHAPTER 14.

[S. B. 34.]

## DISSOLUTION OF DIKING AND DRAINAGE DISTRICTS.

AN ACT relating to the dissolution of drainage districts and diking districts and amending section 4180 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Amends  
Rem.-Bal.  
§ 4180, by  
including  
diking  
districts.

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

SECTION 1. That section 4180 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 4180. Any drainage district or diking district in the State of Washington may be dissolved by order of the superior court of the county wherein the same is organized, upon a hearing had upon a verified petition praying for such dissolution, signed by not less than two-thirds of the adult land owners of such district, who own in the aggregate not less than three-fourths in area of the land contained in said district, when it shall be determined by the court, that not less than four weeks' notice of such hearing has been given by posting notices in five of the most public places of the district sought to be dissolved, and by the insertion in a weekly newspaper of such county for four successive weeks next prior to such hearing, and the costs of dissolution have been advanced and that it is for the best interest of the land owners in said district that the same be dissolved: *Provided*, The ditches, drains, dikes and other improvements of dissolved districts, shall be and remain for the common use of the land owners in said district so dissolved.

Petition.

Notice.

Use of im-  
provements  
by land-  
owners.

Passed the Senate January 29, 1915.

Passed the House February 17, 1915.

Approved by the Governor February 25, 1915.

CHAPTER 15.

[S. B. 98.]

TRANSFERS OF STATE FUNDS.

AN ACT relating to temporary loans and transfers of money in state funds and declaring that this act shall take effect immediately.

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

Loans from one fund to another.

SECTION 1. Whenever there shall be in any fund or funds in the state treasury insufficient moneys to meet the current expenditures properly payable from such funds, and there shall be in any other fund or funds, moneys in excess of the amount required to meet the current expenditures therefrom, the state treasurer may, with the consent of the state board of finance, make temporary loans from the funds having excess moneys to those having insufficient moneys, of such sum or sums as may be necessary to meet the demands upon such funds: *Provided*, That this act shall not authorize the loan of any moneys from the permanent school fund, nor from any of the funds of the permanent irreducible educational, charitable, penal or reformatory institutions of the state, nor to exceed 75% of the taxes levied and uncollected.

Funds excepted.

SEC. 2. In the event any such loan is made, the state treasurer shall charge the fund receiving such temporary loan with the loan and with interest thereon at the depositary interest rate as fixed by the state board of finance, and shall repay such loan to the funds from which the same is borrowed, at such times and in such amounts as there shall be moneys in the borrowing funds not required to meet the current expenditures payable therefrom, sufficient to repay the same or a part thereof, and shall credit the loaning fund with their deposit interest, as required by law, the same as if no such loans had been made. And the state treasurer is hereby specifically directed and authorized to transfer from the borrowing funds to the credit of the deposit interest fund for the credit of the loaning funds

Charging and crediting interest on inter-fund loans.

such amounts of unearned deposit interest, at the then prevailing depositary interest rate, occasioned by the withdrawal of the state funds from deposit because of the loans herein provided for. And it shall be the duty of the state treasurer to forthwith notify the state auditor in writing of any such transfer or transfers of deposit interest.

Notice to  
state auditor.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and shall take effect immediately.

Emergency.

Passed the Senate January 27, 1915.

Passed the House February 17, 1915.

Approved by the Governor February 25, 1915.

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## CHAPTER 16.

[H. B. 119.]

### REGISTRATION OF VOTERS.

AN ACT relating to the registration of voters in the State of Washington, providing the manner, method, time, and forms thereof, providing for the striking of names from registration rolls and amending sections 4757, 4762, 4763, 4765, 4766, 4767, 4768, 4771 and 4772 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and providing penalties for its violation.

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

SECTION 1. The word "precinct" as used in this act, shall, unless the same be inconsistent with the context, be construed to mean a subdivision for voting or polling purposes, within or without the limits of an incorporated city, or town, and whether established by the county commissioners, or by the city council or legislative body of such cities as are entitled under the law to fix the boundaries of voting or polling districts.

"Precinct"  
defined.

Amends  
Rem.-Bal.  
§ 4757.

SEC. 2. That section 4757 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Quadrennial  
registration  
in every vot-  
ing precinct.

Section 4757. There shall be in 1916, and quadrennially thereafter, to continue for four years, except as herein-after provided, in each precinct of the state, a new and complete registration of the legal voters therein. Such registration shall begin on the first Monday of January of such year, and the registration books shall be open for the registration of voters at all times except during the twenty days immediately preceding any general state or county, or general municipal election, and during the ten days immediately preceding any primary election of any nature, or any special municipal election.

Amends  
Rem.-Bal.  
§ 4762.

SEC. 3. That section 4762 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Opening  
poll books  
in cities and  
towns.

Section 4762. It shall be the duty of the controller or clerk of any incorporated city or town to procure and open for the registration of voters, duplicate poll books on the first Monday of January 1916, for each precinct of such city or town; and on the first Monday of January of each quadrennial year thereafter to procure and open like books of registration for each of said precincts; and it shall be the duty of the board of county commissioners of each county, on the first Monday of January 1916, and quadrennially thereafter, in like manner to procure and open duplicate poll books for the registration of voters in each precinct of such county outside of incorporated cities and towns, and to designate a legal voter in each of said precincts, to be the registration officer in such precinct, whose duties shall be the same as those devolving upon the city or town clerk of incorporated cities or towns under the provision of this act.

Outside in-  
corporated  
cities and  
towns.

Amends  
Rem.-Bal.  
§ 4763.

SEC. 4. That section 4763 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Poll books,  
where to  
be kept.

Section 4763: Such poll books shall at all times, except as herein otherwise provided, be kept in the office of such

city or town clerk or precinct registration officer of such city, town or precinct; and the city or town clerk, and the person designated by the board of county commissioners as herein provided, shall be the registration officer of such city, town or precinct, and it shall be his duty to register all legal voters of such city, town or precinct on such poll books, as hereinafter provided: *Provided*, That in all cities of the first class, the city council may, by ordinance or resolution, direct that in all or certain of the precincts of such city, designated in such ordinance or resolution, the poll books of such precincts shall be kept open in such precincts for the registration of voters thereof, at and during such time as shall be designated in such ordinance or resolution, and shall in the month of December, 1915, and quadrennially thereafter, by ordinance or resolution, designate a place in all or certain of the precincts of such city where said poll books shall be kept open in said precincts for the registration of voters thereof during the week beginning on the first Monday in January following. It shall be the duty of the city clerk, in cities of the first class, to designate by the notice required by section 4765 the time and place where the registration poll books for each precinct so designated by ordinance or resolution will be open in such precinct for the registration of voters of such precincts, and the city clerk shall provide for the precinct book in charge of an officer of registration to be kept at the place and kept open for the registration of voters qualified to register, between the hours of 9 a. m. and 9:30 p. m. on the days designated in said published notice.

Registration  
in precincts  
of cities of  
first class.

SEC. 5. That section 4765 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4765.

Section 4765. It shall be the duty of the city or town clerk of each incorporated city or town and of the county auditor of each county, beginning the first week in January 1916, and quadrennially thereafter, to cause to be published in a newspaper of general circulation in such city, town or county for two successive weeks, a notice that the

Notice of  
opening  
registration.

By city or  
town clerk.

legal voters of said city, town or county can register at the office of the said city or town clerk, or at the residence of the registration officers of the precincts of said county outside of incorporated cities and towns; and if in a city of the first class, in each precinct, at a place which has been designated by the city council, during the time designated in such notice. *Provided*, That the notices to be given by the county auditor shall refer only to precincts outside of incorporated cities or towns and shall in addition give the name of the registration officer of each precinct outside of such incorporated cities or towns, together with his place of residence, as near as may be.

By county  
auditor.

SEC. 6. That section 4766 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4766, by  
including  
county  
auditor.

Section 4766. The registration books in this chapter provided for, shall be open at all times during the quadrennium, for the registration of voters, except they shall be closed against original registrations in all general state, county or municipal elections, twenty days preceding any such election to be held in said city, town or precinct; and excepting that they shall be closed in like manner for the ten days immediately preceding any primaries, and all special city, town or precinct elections: *Provided*, That the said books shall be open except on a day of any election, for transfers from one precinct within an incorporated city or town to another, within such city or town, as hereinafter provided. The city or town clerk, or the county auditor when the election concerns precincts outside of incorporated cities or towns, shall give notice of the closing of said books, by notice to be published at least ten days prior thereto, in a newspaper of general circulation in such city, town or county, and by posting written or printed notices in three of the most public places in such city, town or county, at least ten days preceding the day of such closing, and such notice of publication shall have at least two insertions in such newspaper; in all special city, town or

Poll books,  
when open.

When closed.

Notice of  
closing.

precinct elections such notice shall be given by the posting aforesaid only at least five days before such closing.

SEC. 7. That section 4767 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4767.

Section 4767. The registration books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads, as follows: date of registration; voted; names; ages; occupation; place of residence; place of birth; time of residence in the state, county, ward and precinct; if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization; column headed "signature" for a signature of voter at time of registering, and another and similar column immediately following headed "identification" for the signature of the voter in case he be challenged when he offers to vote, and a column for "remarks." If the voter registering is of foreign birth, he shall at the time of registering be questioned by the registration officer, and shall produce satisfactory evidence to the registration officer that he was at the time of the adoption of the constitution of the State of Washington, a qualified elector of this state, or that he is a naturalized citizen of the United States, or if a woman of foreign birth that she has married a citizen of the United States. Under the head of place and residence shall be noted the number of lot and block, or number and street where the applicant resides, or some other definite description sufficient to locate and establish the residence with reasonable certainty; and the voter so registered as provided in this act shall sign his name in each of the duplicate poll books on the registry opposite the entry above required, in the column headed "signature," unless he is a qualified elector at the time of the taking effect of this act, and shall not be capable of writing his name, or in the case of physical infirmity he be unable to write his name, in either of which cases he shall on the left hand margin of said

Arrangement  
of poll books.

Examina-  
tion of  
foreign-born  
voters.

Signatures of  
applicant.

column make his mark or cross and such other mark as is usual in indicating his signature, and some person who personally knows said voter, and who is personally known to the registration officer and who is capable of writing his name, shall sign in said column immediately opposite said mark, as an identifying witness thereto.

SEC. 8. That section 4768 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 4768.

Section 4768. No person shall be registered unless he appears in person, before the city or town clerk, or officer of registration at the place where the registration books are kept during office hours, and apply to be registered, and give his name, age, occupation, number and place of residence, place of birth, time of residence in the state, and county, and ward, and precinct, and furnish satisfactory evidence to said registration officer that he is capable of reading and speaking the English language so as to comprehend the meaning of ordinary English prose, unless he is incapacitated through physical infirmities, in which case he shall furnish satisfactory evidence that he was before such infirmity capable of reading and speaking the English language, unless such person so offering was a qualified elector at the time of the taking effect of this act, in which case the provisions with reference to reading and speaking the English language shall not apply; and shall furnish to said officer all the facts required by this act to be stated, and in addition thereto shall make and subscribe to the following oath or affirmation;

Application for registration.

State of Washington, }  
County of ..... } ss.

I, ....., do solemnly swear (or affirm) that I am a person over twenty (20) years eleven (11) months and ten (10) days of age, that I am a native born or naturalized citizen of the United States, or was a legal elector of the territory of Washington at the time of the adoption of the constitution of the State of Washington; that I have been an actual, permanent resident of the State

Affidavit.

of Washington for eleven (11) months and ten (10) days last past, of the county of . . . . . for seventy (70) days last past and of the . . . . . precinct ten (10) days last past; that I have not lost any civil rights by being convicted of an infamous crime; that I was either a qualified elector on the 1st day of July, 1901, or that I can read or speak the English language; that I have read, or heard read, the statements preceding my name herein, as set down by the officer of registration, know the contents thereof, and believe the same to be true.

Subscribed and sworn to before me this . . . . . day of . . . . . 19 . . . . .

(Official character.)

The said affidavit shall be bound in book form and preserved with the other records of the city, town or precinct.

And every registration officer when required so to do by a writ of mandate of a court of competent jurisdiction, shall register the voter as directed by said writ.

Writ to compel registration.

SEC. 9. That section 4771 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 4771.

Section 4771. The registration books of any city or incorporated town shall be open at all times, except on primary and election days of whatever nature, for the transfer of registration. If any qualified voter residing within the corporate limits of any city or town, having duly registered in a precinct thereof, shall, during the quadrennium for which he has been registered, change his residence from the said precinct to another precinct in the same city or town, he shall apply to the city or town clerk to have said removal noted on said registration books. The clerk or officer of registration shall register said person in the precinct to which he has removed, and run a red-ink line across his name in the precinct book of his former residence, and likewise note the transfer in the column for "remarks" in

Change of residence, how noted.

said poll book. In all other cases of removal from one precinct to another, during the quadrennium the elector shall register in the precinct to which he has removed and such registration shall be deemed an original registration, and in all cases of registration during any quadrennium the registration officer shall inquire whether the voter has previously registered in any other precinct in the state during the quadrennium, and shall ascertain the name or number of the precinct, and the city, town and county, and shall forthwith notify the registration officer of such precinct of the new registration, and upon receiving such notice the registration officer of the precinct of former registration shall cancel the same on the books in his office.

SEC. 10. It shall be the duty of the county clerk of each county, to certify to the auditor thereof, on the first day of October of each year, the name and address of each person convicted in the courts of said county the preceding year of an infamous crime, and whose conviction is not on appeal or reversed. It shall further be the duty of the officers of any county, city, town or precinct, charged with the registry of deaths, to certify on October first of each year to the county auditor, the deaths occurring within the year, of all persons over twenty-one years of age, giving their respective names and addresses. The county auditor shall thereupon and before October fifteenth, certify to each city or town clerk, or precinct officer of registration, the names and addresses of the several persons whose names have been certified as above, residing within his respective city, town or precinct, and such officer shall thereupon strike said name or names from the registration books as in other cases of cancellation, giving a brief reason therefor in the column for "remarks."

SEC. 11. If any registered voter shall fail to vote at any general state, county or municipal election, held in the precinct in which he is registered, during any quadrennium, his registration shall become void, and his name shall be stricken from the registration books by the registration officer, by running two red-ink lines through the name, and

Convictions  
of infamous  
crimes  
certified.

Deaths of  
voters  
certified.

Striking  
name for  
failure to  
vote.

by noting the fact and reason in the column for "remarks." Before said voter shall again be allowed to vote, he shall re-register in his proper precinct, as required in cases of original registration.

Re-regis-  
tration  
necessary.

SEC. 12. It shall be the duty of the county auditor, in all general elections, and of the city or town clerk in all general municipal elections, to prepare and furnish to the inspector of elections in each precinct, duplicate books, suitably arranged for alphabetical classification, in which the board of election of said precinct shall enter the names, ages, occupations, and addresses of those registered voters who did not vote at such election. The inspector, judges and clerk shall sign the following statement attached to said books:

Listing  
non-voters.

We, and each of us do declare upon honor, that the foregoing list is a full, true, accurate, and complete list of the electors registered in . . . . . precinct who did not vote at the . . . . . election held in said precinct on the . . . . . day of . . . . ., 19...

.....  
Inspector.  
.....  
Judge.  
.....  
Judge.  
.....  
Clerk.

The said duplicate books shall be delivered to the county auditor, or the city or town clerk, as the case may be, along with the other election returns. The county auditor shall within fifteen days after such election, deliver to the registration officer of each precinct, one of the said duplicate books of unvoted electors for his precinct, retaining the other during the quadrennium. The officer of registration shall thereupon strike the said names from the registration books, noting the reason therefor in the column for "remarks," and retaining the said duplicate unvoted list during the quadrennium. In the case of general or municipal

Return of  
non-voting  
list.

elections, the city or town clerk shall strike the names in the same manner.

Amends  
Rem.-Bal.  
§ 4772.

SEC. 13. That section 4772 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Delivery of  
duplicate  
registration  
for use at  
polls.

Section 4772. It shall be the duty of the clerk, or officer of registration, immediately upon the close of registration books preceding any election to be held in said city, town or precinct, to certify to the authenticity of said duplicate registration books; and, in time for the opening of polls, as provided by law, to have one of said duplicate registration books at each of the polling places, and deliver the same to the inspector or one of the judges of said election, and take his receipt therefor: *Provided*, That in case of any general state or county election, the county auditor may in his discretion, require the delivery of the said registration books to himself, to be by said auditor delivered to the officers of election. The other of said duplicate books shall remain in the custody of said clerk, or officer of registration. The fees and expenses of the registration officer of precincts lying without the corporate limits of a city or town, for the delivery of the registration books to election officers or the county auditor as in this section provided, shall be fixed and paid as election expenses by the county commissioners, but mileage in no case shall exceed ten cents per mile for each mile necessarily traveled.

Expenses of  
registration  
outside cities  
and towns.

SEC. 14. The fees of the registration officers of precincts outside of the corporate limits of any city or town, in addition to those hereinbefore provided for, shall be as follows:

Fees of  
registration  
officers.

- (a) For each person registered five cents per name.
- (b) For each cancellation, five cents per name.
- (c) For checking any recall, initiative or referendum petition, and certifying to the same, five cents per name.
- (d) For certifying to any state officer the names of the electors registered, or voted, as may be required by law, five cents per name.

Said fees shall be paid by warrant drawn upon the county treasurer by order of the county commissioners upon proper vouchers being presented therefor.

SEC. 15. Every officer who shall wilfully violate or fail to comply with the provisions of this act, and every person who shall wilfully violate any of the provisions of this act shall be guilty of a felony. Penalty.

Passed the House February 11, 1915.

Passed the Senate February 19, 1915.

Approved by the Governor February 25, 1915.

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## CHAPTER 17.

[H. B. 76.]

### DIVERSION OF REVENUES IN CITIES OF FIRST CLASS.

AN ACT relating to cities of the first class and prohibiting therein the diversion of revenues secured for special purposes to other funds or uses, and declaring an emergency.

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

SECTION 1. That whenever any city of the first class shall levy and collect moneys by sale of bonds or otherwise for any local improvement by special assessment therefor, the same shall be carried in a special fund to be used for said purpose, and no part thereof shall be transferred or diverted to any other fund or use: *Provided, however,* That any funds remaining, after the payment of the whole cost and expense of such improvement in excess of the total sum required to defray all the expenditures by the city on account thereof, shall be refunded on demand to the amount of such overpayment. Local im-  
provement  
funds.

SEC. 2. That whenever the issuance or sale of bonds or other obligations of any city of the first class shall have been authorized by vote of the people, as provided by any existing charter or laws, for any special improvement or purpose, the proceeds of the sale of such bonds including premiums if any shall be carried in a special fund to be devoted to the purpose for which such bonds were authorized, Diversion  
prohibited.  
  
Refund of  
excess.  
  
Proceeds of  
bonds for  
special im-  
provements.

and no portion of such bonds shall be transferred or diverted to any other fund or purpose: *Provided*, That nothing in this act shall be held to prevent the transfer to the interest and redemption fund of any balance remaining in the treasury after the completion of such improvement or purpose so authorized: *And provided, further*, That nothing in this act shall prevent the city council from disposing of such bonds, or any portion thereof, in such amounts and at such times as it shall direct, but no such bonds shall be sold for less than par.

Diversion prohibited.

Mode of sale.

Liability for violation of act.

SEC. 3. Any ordinance, resolution, order or other action of any city council, board or officer, and every city warrant or other instrument in writing made in violation of any of the provisions of this act shall be void, and every officer, agent or employee of any such city, or member of the city council, or other board thereof, and every private person or corporation who shall knowingly commit any violation of this act, or knowingly aid in such violation, shall be liable to the city concerned for all moneys so transferred, diverted or paid out, which liability shall also attach to and be enforceable against the official bond (if any) of any such officer, agent, employee, member of city council or board.

Emergency.

SEC. 4. This act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Passed the House February 10, 1915.

Passed the Senate February 19, 1915.

Approved by the Governor February 26, 1915.

## CHAPTER 18.

[S. B. 108.]

REVOCATION OR REFUSAL OF INSURANCE  
AGENT'S LICENSE.

AN ACT relating to insurance and amending section 6059-45 of Remington & Ballinger's Annotated Codes and Statutes of Washington by adding thereto a section known as 45-A providing for appeals from decisions of the insurance commissioner and providing certain penalties.

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

SECTION 1. That section 6059-45 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended by adding thereto a section known as section 45-A to read as follows:

Amends  
Rem.-Bal.  
§ 6059-45.  
by adding  
§ 45-A.

Section 45-A. Whenever the commissioner shall determine to revoke any agent's license heretofore issued, or shall refuse to renew any agent's license on the proper application therefor, or shall refuse to issue any agent's license upon an original application therefor, in carrying out the requirements of chapter 49, Session Laws of 1911, he shall notify the holder or applicant for such license of his intention and shall set a time not less than fifteen days from the date of such notice and shall designate the time and place where the holder or applicant for such license may be heard in his own behalf. The commissioner shall preside at such hearing and may subpoena, compel the attendance, examine, and swear witnesses with like effect as if examined and sworn by a clerk of the superior court. If the commissioner shall decide after such hearing that the license under question shall be revoked, or if he shall determine to withhold the renewal of any such license, or if he shall refuse to issue any license under an original application, he shall enter an order to that effect, setting forth his reasons in writing and shall file a copy thereof in his office and mail a copy to the party holding said license, or to the party applying for the issuance of a license, at the address given in the application. Such order shall not be operative for a period of ten days and if the agent,

Revocation  
or refusal  
of licenses.

Hearings by  
insurance  
commissioner.

Appeal to  
superior  
court.

Bond on  
appeal  
supersedes  
order.

Review by  
supreme  
court.

Discretion  
of court to  
impose fine  
or cancel  
license.

or applicant for a license, shall feel aggrieved by the decision of the commissioner revoking or withholding the license, he may appeal to the superior court of Thurston county by giving notice of such appeal to the commissioner and filing a bond with the clerk of the superior court of Thurston county in the sum of five hundred dollars to be approved by the judge of said court conditioned to pay all costs that may be awarded against such applicant in the event of an adverse decision, said bond and notice to be filed within ten days from the date of the commissioner's decision and the filing of such notice and bond shall supersede the order of the commissioner until the final determination of such appeal. Upon the giving of such notice of appeal and the filing of said bond the commissioner shall certify the reasons given by him for the revocation or withholding of such license to the said superior court, whereupon the judge of said court shall proceed to a hearing and determine the law and the facts, and after such hearing may direct the continuance or issuance of a license, if satisfied that the provisions of this code have not been violated or are not in danger of being violated, or said court may, in its discretion, sustain the decision of the commissioner. Such appeals shall have precedence and shall be determined by the said superior court with the least possible delay. An appeal shall lie to the supreme court from the decision of the superior court.

Upon the hearing of an appeal from the order of the commissioner revoking a license, and if a violation of the law is determined, the court may, in its discretion, if it believes an absolute revocation too severe a penalty for the offense of which the holder of the license is found guilty, impose a fine of from ten dollars to five hundred dollars; the payment of the fine by the holder of the license, within ten days from the finding of the court, shall continue said license in full force and effect, otherwise the license shall be automatically canceled.

Passed the Senate January 27, 1915.

Passed the House February 17, 1915.

Approved by the Governor February 27, 1915.

## CHAPTER 19.

[S. B. 153.]

## NATIONAL GUARD SOCIAL ORGANIZATIONS.

AN ACT relating to social organizations in the National Guard of Washington and amending section 7238, Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7238 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 7238, by provision for unincorporated companies.

Section 7238. The officers, or the officers and enlisted men of any regiment, battalion or company of the National Guard of Washington are hereby authorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real and personal, as such military organizations may possess or acquire. Such incorporation shall not engage in business and shall not be required to pay any filing or license fees to the state.

Incorporation authorized.

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 shall continue for the period limited in its articles of incorporation for the benefit of such corporation.

Effect of disbandment.

Upon the dissolution or disbandment of any regiment, battalion or company which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any regimental, battalion or company funds or property, the title to such regimental, battalion or company funds or property shall immediately vest in the State of Washington, and the adjutant general shall take possession thereof and dispose of the same to the best interests of the National Guard. Enlistment in the National Guard shall constitute assent to the provisions of this section.

Dissolution of unincorporated body.

Title to property vests in state.

Passed the Senate February 4, 1915.

Passed the House February 17, 1915.

Approved by the Governor February 27, 1915.

## CHAPTER 20.

[H. B. 183.]

CONSTRUCTION OF BRIDGES OVER TIDE AND  
SHORE LANDS.

AN ACT relating to the construction of bridges and trestles and amending section 7868 of Rem. & Bal. Code and declaring that this act shall take effect immediately.

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

Amends  
Rem.-Bal.  
§ 7868.

SECTION 1. That section 7868 of Rem. & Bal. Code be amended to read as follows:

Authorizing  
bridges and  
trestles over  
waterways  
and tide  
lands.

Section 7868. Counties, cities, towns and other municipalities shall have, and are hereby given the right to construct bridges and trestles across waterways heretofore or hereafter laid out under the authority of the State of Washington, and over and across any tide or shore lands of the state and harbor areas adjacent thereto over which the projected line or lines of any highway will run: *Provided*, Such bridges or trestles are constructed in good faith for the purpose of being made a part of the constructed line of such highway.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public safety and support of the existing public institutions of the state and shall take effect immediately.

Passed the House February 17, 1915.

Passed the Senate February 23, 1915.

Approved by the Governor February 27, 1915.

## CHAPTER 21.

[H. B. 155.]

CONSTRUCTION AND MAINTENANCE OF PERMANENT  
HIGHWAYS.

AN ACT appropriating the sum of four million dollars (\$4,000,000) from the permanent highway fund to complete contracts and construction work now in force on permanent highways and for the purpose of making payments on new contracts on permanent highways and for the maintenance of permanent highways, and declaring that this act shall take effect immediately.

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

SECTION 1. That the sum of four million dollars (\$4,000,000), or as much thereof as may be necessary, be, and the same is, hereby appropriated from the permanent highway fund for completing work already under contract and construction on permanent highways, the completion of such work having been unavoidably delayed, and for the purposes of new contracts on and the maintenance of permanent highways.

Appropriation,  
\$4,000,000.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Emergency.

Passed the House February 19, 1915.

Passed the Senate February 25, 1915.

Approved by the Governor February 27, 1915.

## CHAPTER 22.

[H. B. 43.]

## FRANCHISES AND TOLLS ON INTERSTATE BRIDGES.

AN ACT relating to interstate bridges and providing for the granting of franchises thereon and the collection and expenditure of tolls therefor.

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

SECTION 1. That whenever any bridge has been or may hereafter be constructed over any navigable river, stream or body of water which constitutes or forms the boundary

line of this state, or any county therein, jointly with any state or county of an adjoining state, the county commissioners of the county of this state which has joined in the construction or has the control over any such interstate bridge with any adjoining county or state, shall have the power and authority to act concurrently and jointly with any such adjoining county or state which has joined in the construction or which under the laws of such adjoining state has the control and operation of the same, and which has power under the laws of such adjoining state to act in conjunction with the county commissioners of any county in this state, to grant franchises to any company or corporation for the laying of rails on such interstate bridge and for the operation of electric, street and suburban railways and all other public utilities except steam railroads, and for laying thereon and suspending therefrom pipes for the carrying of water, gas and other substances and wires and cables for the conducting of electricity for telegraph, telephone, lighting, heating, power and other purposes; *Provided*, That no franchise except such as contain adequate common user provisions shall be granted or given any person, firm or corporation for any use or purpose, but such interstate bridge shall be for common use for all municipalities, public service corporations, or individuals upon such terms as may be prescribed.

Grant of franchises for public utilities.

Common user.

Limit of franchises.

SEC. 2. That all franchises granted by the county commissioners under the provisions of section 1 of this act shall be granted for such term as the commissioners acting concurrently with the authorities in such adjoining county or state may determine, but in no event shall any franchise be granted for a longer period than twenty-five years.

SEC. 3. That whenever any interstate bridge has been constructed, or may hereafter be constructed, between any county in this state and an adjoining county or state over waters forming the boundary line of this state, the county commissioners of such county in this state which has joined in the construction of such bridge or has control over the same shall have the power, acting in conjunction and con-

currently with the authorities having control of such interstate bridge under the laws of any adjoining county or state to charge and fix tolls for the transit over any such interstate bridge for all cars, street-cars, wagons, for the laying or suspending of pipes from said bridge for the carrying of water, gas or other substances, wires and cables for the conducting of electricity for telegraph, telephone, lighting, heating, power and other purposes, carriages, automobiles, trucks, vehicles, animals, foot-passengers or other passengers, and for any and all other purposes for which such interstate bridge may be used for both public and private purposes, and such tolls so fixed shall be reasonable and just and shall be apportioned between the county of this state and such adjoining county or state on the basis of the amount contributed towards the construction of such bridge between the county of this state and such adjoining county or state.

Tolls.

SEC. 4. That franchises granted in section 2 of this act can only be granted at a joint meeting of the commissioners of the county of this state where such interstate bridge is located and the public authorities having such matters in charge in such adjoining county or state, and before any franchise can be granted over such interstate bridge for any purpose public notice thereof must be given for at least once a week for four consecutive weeks in a newspaper of general circulation in the county to be designated by the public authorities having the matter in charge, in which such interstate bridge is located, giving the time and place when such application for such franchise will be heard and containing a notice that application has been made for the granting of the franchise for the purposes desired and that the same will be heard at the time and place stated.

Mode of granting franchises.

SEC. 5. That the tolls provided for in section 3 of this act shall be fixed at a joint meeting of the county commissioners of the county in which such interstate bridge may be located and the public authorities of any county or state having the authority to join in the fixing of tolls,

Regulation of tolls.

and such tolls shall be reasonable and just, and the rates thus fixed shall continue for the period of one year unless otherwise changed, but such joint board shall have power to either lower or raise any such tolls, or tolls on any particular class herein mentioned, at any joint meeting of such board.

Collection  
and disposal  
of tolls.

SEC. 6. The county commissioners of any county in this state in which any such interstate bridge may be located shall provide for the collection of such tolls, and the board shall have power to do whatever is necessary to arrange for the collection of such tolls, but all tolls collected from any interstate bridge in this state shall be paid over monthly to the county auditor and by him transmitted to the county treasurer, and the person collecting the same shall make the same affidavit in relation to the collection of such tolls as is now required to be made by county officers in relation to fees collected by them.

Interstate  
bridge fund.

SEC. 7. The monies collected shall be kept by the county treasurer in a separate fund and shall be known as the interstate bridge fund and shall be used for the purpose of paying for the operating expenses of any such interstate bridge, and in case any such county is required to pay interest on any bonded indebtedness then to be applied upon the payment of such interest, and the remainder shall be applied toward a sinking fund to redeem any bonded indebtedness that may have been created for the construction of such bridge; or if there be no such indebtedness, then the remainder shall go into the road and bridge fund of the county: *Provided*, That the monies collected from such tolls can only be expended upon warrants drawn by order of the county commissioners.

Highway  
board to  
control  
interstate  
bridges  
purchased.

SEC. 8. The foregoing provisions of this act shall not apply to bridges located upon state highways and not originally constructed by any public authorities but acquired by the state or local subdivisions thereof by purchase jointly with adjoining states or local subdivisions thereof. Such interstate bridges upon state highways so acquired by purchase shall be controlled, operated and

maintained by the state highway board jointly with the public authorities within any adjoining state having the control of any portion of such bridges. The income from, and expenses of operation and maintenance of, such structures shall be apportioned between the joint owners according to such arrangements as have been or may be made by the state highway board. Franchises for the use of such bridges by electric railways and other utilities shall be granted by the public service commission acting in agreement with the public authorities having control of the portion of such structures outside this state. Such franchise shall contain adequate common user provisions and shall not be exclusive and no franchise shall be granted for a longer period than twenty-five years.

Franchises  
by public  
service  
commission.

Passed the House February 19, 1915.

Passed the Senate February 24, 1915.

Approved by the Governor March 1, 1915.

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## CHAPTER 23.

[H. B. 48.]

### PURCHASE OF INTERSTATE BRIDGE ACROSS SNAKE RIVER.

AN ACT for the purchase of the interest of Asotin county in the interstate bridge across the Snake river between Clarkston, Washington, and Lewiston, Idaho, and appropriating the sum of thirty-five thousand dollars from the public highway fund.

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

SECTION 1. That the state highway commissioner is hereby authorized on behalf of the State of Washington to purchase from Asotin county the interest of said county in the interstate bridge across the Snake River between Clarkston, Washington, and Lewiston, Idaho.

Purchase  
authorized.

SEC. 2. That the board of county commissioners of Asotin county is hereby authorized on behalf of said county to sell the interest thereof in said bridge to the State of Washington and to direct the county treasurer to execute

Authority  
for sale.

and the county auditor to attest a conveyance of said bridge as aforesaid.

**PAYMENT.** SEC. 3. That payment for the interest of said county in said bridge may be made by the payment and cancellation of bonds in the principal sum of thirty thousand dollars out of the forty thousand dollar, twenty year, five per cent. bond issue of Asotin county, issued December 1, 1913, for the purchase of a portion of said bridge in which said bonds permanent school funds are now invested.

**APPROPRIATION, \$35,000.** SEC. 4. There is hereby appropriated out of the public highway fund the sum of thirty-five thousand dollars, or so much thereof as may be necessary to pay the principal and interest of said bonds as herein provided. After the delivering to the state of an abstract of title to the portion of said bridge within the State of Washington and of the conveyance of the interest of said Asotin county in said bridge, such bridge bonds in the principal sum of fifteen thousand dollars, together with interest thereon to date of payment, shall be paid out of the first moneys in said public highway fund thereafter available therefor, and the remaining bonds in the sum of fifteen thousand dollars, together with interest thereon to date of payment, to be paid out of the first moneys in said public highway fund available therefor in the year 1916, but none of the payments herein provided for shall be authorized unless the title to said portion of said bridge shall be approved by the attorney general, nor unless the conveyance from said Asotin county to the state be delivered on or before October 1, 1915, in a form approved by the attorney general.

Title to be approved by attorney general.

Passed the House February 5, 1915.

Passed the Senate February 24, 1915.

Approved by the Governor March 1, 1915.

## CHAPTER 24.

[H. B. 81.]

## ESTABLISHMENT OF WATER DISTRICTS.

AN ACT relating to the establishment of water districts, amending sections 2 and 3 of chapter 161 of the Laws of 1913, declaring this act necessary for the immediate preservation of the public health, and providing that it shall take effect immediately.

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

SECTION 1. That section 2 of chapter 161 of the Laws of 1913 be amended to read as follows:

Amends  
Laws 1913,  
p. 533, § 2,  
by adding  
proviso.

“Section 2. At any general election, or at any special election which may be called for that purpose, the board of county commissioners of any county in this state shall on petition of at least twenty-five per cent of the qualified electors residing within the district described in said petition, submit to the voters residing within said district the proposition of creating a water district which shall be co-extensive with the territory described in said petition, and the board of county commissioners shall submit such proposition at a special election to be called therefor when such petition so requests. *Provided*, That if a protest signed by twenty-five per cent of the qualified electors of any incorporated city or town included within the boundaries of the proposed district, showing that such city or town has sufficient water supply, shall be filed with the county auditor at any time within thirty days from the date of filing such petition for the formation of the district, and if after a hearing on said petition, at which all interested parties may have an opportunity to be heard, the commissioners shall find such city or town has an adequate water supply and does not desire to be included in the district petitioned for, such city or town shall be excluded from said proposed district.”

Creation of  
water  
districts.

Submission  
to vote.

Protest of  
cities and  
towns.

SEC. 2. That section 3 of chapter 161 of the Laws of 1913 be amended to read as follows:

Amends  
Laws 1913,  
p. 533, § 3.

“Sec. 3. The petition presented to the board of county commissioners shall set forth the territorial extent of

Petition to be  
checked.

Protest to  
be checked.

the proposed water district, particularly describing the same, and shall be filed with the county auditor who shall within sixty days examine the signatures thereto and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in possession of the officers of any incorporated city or town in such proposed district. If any protest signed by twenty-five per cent of the qualified electors of any city or town shall be filed with the county auditor within thirty days after the filing of the petition for the formation of the district, the auditor shall likewise examine the signatures thereof and certify the sufficiency or insufficiency thereof to the board of county commissioners with the petition. No person having signed such petition or such protest shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same together with his certificate of sufficiency attached thereto, to the board of county commissioners and likewise if said protest shall be found to contain a sufficient number of signatures, shall transmit the same together with his certificate of sufficiency to said board, and the board of county commissioners shall at their first meeting thereafter if such petition so requires, by resolution call a special election to be held not less than sixty days from the date of such certificate and shall cause to be published a notice of such election at least once a week for four consecutive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall state the hours during which such polls will be open, the boundaries of the proposed water districts exclusive of the territory excluded by reason of such protest or protests if any, and the object of such election and said notice shall also be posted for ten days in ten public places in such proposed water district. The same notice shall be given if such proposition be submitted at a general election; *Provided*, In submitting said proposition to the voters

Withdrawal  
of names.

Calling  
special  
election.

Notice.

Ballots.

for their approval or rejection, said proposition shall be expressed on the ballots in the following terms:

“ Water district. Yes.”

“ Water district. No.”

giving in each instance the name to such district as may be decided on by the board of county commissioners.

There shall be not less than one polling place in each ward in each incorporated city or town, and one polling place in each precinct outside such cities or towns. Polling places.

In case any petition shall have been filed with the county auditor of any county prior to the taking effect of this act and no election shall have been called thereon, no election shall be called until the expiration of sixty days from the time of taking effect of this act, and in case within thirty days from the taking effect of this act a protest signed by the requisite number of qualified electors of any city or town shall be filed with the county auditor, the same shall be examined and if found sufficient shall be certified to the board of county commissioners, and such cities or towns shall be excluded from the proposed district.” Stay of pending proceedings.

SEC. 3. This act is necessary for the immediate preservation of the public health and shall take effect immediately. Emergency.

Passed the House February 11, 1915.

Passed the Senate February 24, 1915.

Approved by the Governor March 1, 1915.

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## CHAPTER 25.

[H. B. 130.]

### AUTHORITY TO DAM MILL OR McALLISTER CREEK.

AN ACT authorizing the construction of a dam for diking and drainage purposes across Mill or McAllister creek in Thurston county, providing for a hearing thereon and for compensation to persons injured thereby.

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

SECTION 1. A dam to prevent the overflow of lands above the same by tides and to permit the drainage of such lands is hereby authorized to be constructed across Mill or Dam authorized.

McAllister creek in Thurston county at some point on the said stream where it flows through the northwest quarter of the James McAllister donation claim in said county.

Application  
by majority  
owners of  
land.

SEC. 2. The authority herein given may be exercised by the persons who own the lands bordering upon and along said stream above the location of said dam or by any number of them representing a majority of the foot frontage of property along said stream upon application therefor to the commissioner of public lands and approved by him as hereinafter provided.

Hearing.

SEC. 3. Whenever any one or more of the property owners as named in Sec. 2 shall apply to the commissioner of public lands for the right to construct a dam on Mill or McAllister creek as herein authorized and show that he or they are the owners of lands bordering upon or along said Mill or McAllister creek above the location of said dam, and that the owners of a majority of the front footage along said stream join in said petition or waive any objections thereto, the said commissioner shall fix a time for the hearing of such application and shall post notices thereof, or cause notices to be posted, in at least three places on and along the property affected thereby. If after such hearing he shall satisfy himself that the owners of a majority of the land bordering upon and along the said stream desire such dam or waive any objections thereto, he shall cause the applicants for such right to file a good and sufficient bond in amount to be fixed by him to compensate any person or persons who may claim to be injured by said dam, and upon the filing of such bond he shall grant the applicants the right to construct such dam.

Notice.

Bond of  
applicants.

SEC. 4. The dam herein authorized shall be built in a good and substantial manner to be approved by the commissioner of public lands, and it shall also amply provide gates or fishways for the passage of fish through the same in a manner to be approved by the state fish commissioner. Applicant or applicants for the right to construct such dam shall also be responsible for the safe upkeep and repair of the same.

Approval of  
public land  
and fish com-  
missioners.

SEC. 5. If any person owning lands or having an interest therein bordering on or along said stream shall feel aggrieved or his property damaged by the construction or the proposed construction of such dam, he shall file his claim with the commissioner of public lands not later than six months after the construction of such dam. Upon the filing of such claim the commissioner of public lands shall immediately cause an action to be brought in the superior court of Thurston county to ascertain the amount of such damage, and when so ascertained together with the costs in connection with such suit shall be a liability against the applicant or applicants to whom was granted the right to build such dam, and such claim may be enforced against the bond so filed with the said commissioner of public lands.

Claims for damages.

Enforcement against bond.

Passed the House February 19, 1915.

Passed the Senate February 24, 1915.

Approved by the Governor March 1, 1915.

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## CHAPTER 26.

[H. B. 133.]

### INTERSTATE FERRIES.

AN ACT relating to ferries in adjoining states and the power of counties to contribute to the construction and maintenance thereof.

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

SECTION 1. That whenever the board of county commissioners of any county shall determine that the construction or maintenance of a ferry in a state adjoining such county or connecting such county with such adjoining state is of necessity or convenience to the citizens of such county, the board shall have power to enter into a contract for the construction or maintenance of such ferry, or to make such contribution as may be deemed advisable toward the construction or maintenance thereof.

Counties authorized to construct or maintain.

Passed the House February 16, 1915.

Passed the Senate February 24, 1915.

Approved by the Governor March 1, 1915.

## CHAPTER 27.

[H. B. 134.]

## PUBLICATION AND DISTRIBUTION OF SESSION LAWS.

AN ACT relating to the printing, binding, publication and distribution of the laws of the state, amending sections 6944 and 8618 of Remington & Ballinger's Annotated Codes and Statutes of Washington and declaring that this act shall take effect immediately.

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

SECTION 1. That section 6944 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6944. When all of the acts of any session and initiative measures enacted by the people since the next preceding session have been published in temporary form, the attorney general shall make the proper headings, side annotations and index of such acts or laws and shall after such work has been completed, have published and bound in good buckram at least twenty-five hundred copies of such acts and laws with such headings, annotations and indexes and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper including a certificate of such referendum measures as may have been enacted by the people since the next preceding session. When published as above provided the secretary of state shall deliver the same to the person authorized by law to have the custody and distribution thereof, who shall distribute the same as provided by law, the surplus copies to be sold at ten per cent above the cost thereof; and in determining such cost no account shall be made of the material and press work of the advance sheets or temporary publication of the session laws and acts.

SEC. 2. That section 8618 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6944.

Titles,  
annotations  
and index.

Referendum  
measures  
included.

Distribution  
and sale.

Amends  
Rem.-Bal.  
§ 8618, by  
including  
initiative and  
referendum  
measures.

Section 8618. The public printer shall print and bind the session laws and initiative and referendum measures enacted by the people, the journals of the two houses of the legislature, all bills, resolutions, documents and other printing and binding of either the Senate or House, as the same may be ordered by the legislature; and all forms, blanks, record books and printing and binding of every description required by all state officers, boards, commissions and institutions and the supreme court and officers thereof, as the same may be ordered on requisition, from time to time by the proper authorities: *Provided*, This act shall not apply to the printing of the supreme court reports.

Duty of  
public  
printer.

SEC. 3. This act is necessary for the immediate support of the existing public institutions of the state and shall take effect immediately.

Emergency

Passed the House February 19, 1915.

Passed the Senate February 25, 1915.

Approved by the Governor March 2, 1915.

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## CHAPTER 28.

[S. H. B. 56.]

### BONDS OF CONTRACTORS ON PUBLIC WORKS.

AN ACT relating to contractors and bonds upon public work and amending sections 1159 and 1161 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 1159 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 1159, by  
adding  
proviso.

Section 1159. Whenever any board, council, commission, trustees or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county

Public  
contracts.

or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics and subcontractors and materialmen, and all persons who shall supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, except in cases of cities and towns, in which cases such bond shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor; *Provided, however,* That the provisions of this act shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work.

Conditions of bond.

Place of filing bond.

Claims against subcontractors.

Loans or advances not protected.

Amends Rem.-Bal. § 1161, by providing for attorney fees.

Amount of bond.

SEC. 2. That section 1161 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 1161. The bond mentioned in section 1159 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the State of Washington, except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run; *Provided,* The same shall not be for a less amount than twenty-five per cent. (25%) of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the State of Washington, and all such persons men-

tioned in said section 1159 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements; *Provided*, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty (30) days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

Rights of action.

Necessity of filing claim.

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice of claim.

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of .....dollars (here insert the amount) against the bond taken from..... (here insert the name of the principal and surety or sureties upon such bond) for the work of ..... (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed).....

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items here-

Attorney's fees.

Act available  
to cities  
and towns.

inbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable; *Provided, however,* That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned; *Provided further,* That any city may avail itself of the provisions of this act, notwithstanding any charter provisions in conflict herewith; *And provided further,* That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public safety and support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 8, 1915.

Passed the Senate February 24, 1915.

Sections one and two approved March 2, 1915.

Section three vetoed March 2, 1915.

Section three passed over Governor's veto March 3, 1915.

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## CHAPTER 29.

[H. B. 132.]

### RE-LOCATION OF SUNSET HIGHWAY.

AN ACT to locate the Sunset Highway between Snoqualmie Pass and Wenatchee and directing the state highway commissioner to survey and definitely locate the same.

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

Amends  
Laws 1913,  
p. 221, § 2b.

SECTION 1. That that portion of the Sunset Highway, established by chapter 65 of the Laws of 1913, lying between Snoqualmie Pass and Wenatchee be located as follows: From Snoqualmie Pass, southeasterly by the most

feasible route by way of Easton and Cle Elum to Ellensburg; thence by the most feasible route to the Columbia river near Vantage; thence by the most feasible route to Wenatchee, and the state highway commissioner is hereby authorized and directed to make such surveys and examinations as may be necessary to determine the most feasible route for said highway from Snoqualmie Pass by way of Easton, Cle Elum, Ellensburg to Wenatchee and to definitely locate said highway.

Sunset Highway between Snoqualmie Pass and Wenatchee.

Passed the House February 16, 1915.

Passed the Senate February 25, 1915.

Approved by the Governor March 4, 1915.

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## CHAPTER 30.

[H. B. 108.]

### PROTECTION AND PRESERVATION OF PUBLIC STREETS, ROADS AND HIGHWAYS.

AN ACT providing for the protection and preservation of public streets, roads and highways and prescribing penalties for violations thereof.

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

SECTION 1. It shall be unlawful for any person to drive, propel, draw, move, convey or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported, over, upon, along or across any public street, road or highway, without the corporate limits of any city of the first class, any vehicle or object which, with or without its load, shall be of such weight, or which shall have any wheel or tire so made, constructed, formed or shaped, or so equipped with spikes, cleats, lugs or other attachments or projections, as to destroy or permanently injure such street, road or highway or the surface, foundation or other part thereof, and it shall be unlawful for any person to drive, propel, draw, move, convey or transport, or cause to be driven, propelled, drawn, moved, conveyed or transported, over,

Prohibiting heavy loads and spiked or cleated wheels.

upon, along or across any public street, without the corporate limits of cities of the first class, road or highway, any automobile, auto truck or motor propelled vehicle which with or without its load shall weigh more than twenty-four thousand pounds. All road supervisors, county and municipal officers and their deputies are hereby vested with the powers and duties of sheriffs in preventing violations of this act and in making arrests therefor.

Motor trucks  
exceeding  
24,000  
pounds.

Police powers  
of local  
officers.

Penalty.

SEC. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Disposition  
of fines.

SEC. 3. All fines collected under the provisions of this act shall be paid into the "general road and bridge fund" of the county where the misdemeanor is committed.

Passed the House February 19, 1915.

Passed the Senate February 25, 1915.

Approved by the Governor March 4, 1915.

## CHAPTER 31.

[H. B. 170.]

## FISHERIES CODE.

AN ACT establishing a fish code for the preservation, protection and perpetuation of salmon and other food fishes; regulating the taking of salmon and other food and shell fish, licensing appliances therefor; providing for license fees and charges; providing for the acquisition and holding fishing locations, licensing dealers, cannery and packers of salmon and other varieties of food and shell fish; providing for the construction, maintenance and operation of fish hatcheries and nurseries; and providing for and regulating private hatcheries; creating a fish commission; providing for a fish commissioner, a superintendent of hatcheries and inspectors; fixing their compensation, defining their duties; providing for the propagation, protection and disposition of oyster beds in the State of Washington; regulating the entire food and shell fish industry of the state; providing for a compact between the states of Oregon and Washington, relative to waters under concurrent jurisdiction of said states, and providing for ratification thereof by Congress in compliance with section 10 of article 1 of the constitution of the United States; repealing certain sections of Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing all acts and parts of acts in conflict with this act; fixing penalties for the violation of this act and declaring an emergency.

This act  
repeals  
Rem.-Bal.  
§§ 5150-5275,  
excepting  
§§ 5241-5244,  
5264.

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

SECTION 1. *Short Title.*

This act shall be known as the "Fisheries Code of Wash-  
ington." Title.

SEC. 2. *Fish Commission.*

The governor, state treasurer, and commissioner shall constitute a board to be known as the state fish commission of which the governor shall be chairman and the state fish commissioner secretary.

State Fish  
Commission.

SEC. 3. *Duties of Commission.*

It shall be the duty of said commission:

To establish and maintain such state fish hatcheries and cultural stations as in its judgment may be necessary for the propagation, protection and preservation of fish and shell fish.

Duties.

Fish  
hatcheries.

Oyster reserves.

To cause the commissioner to examine all oyster reserves and to do or cause to be done such things as may be deemed advisable to conserve, protect and develop said reserves.

Clam and mussel reserves.

To examine the clam and mussel beds located on lands belonging to the state, and with the approval of the state board of land commissioners to withdraw such lands from sale and lease and make reserves thereof.

Shrimp, clam and mussel beds.

To take such steps as are advisable for the conservation, protection and development of such reserves; also to do those things that may be necessary for the protection and development of the shrimp, clam and mussel beds on state lands.

Expenses.

The members of such board shall receive no compensation as such board, but shall be allowed actual traveling expenses.

SEC. 4. *State Fish Commissioner.*

Fish commissioner, appointment and term of office.

There shall be appointed by the governor, by and with the advice and consent of the Senate, an officer to be known as the state fish commissioner and who shall be *ex-officio* state game warden, who shall hold office for four years from and after the first day in April following his appointment, and until his successor is appointed and qualified.

Salary and expenses.

He shall receive a yearly salary of three thousand dollars (\$3,000.00), and actual expenses of travel, two-thirds of which salary shall be paid from the fisheries fund and one-third from the state game fund.

"Commissioner" defined.

The term "commissioner" when used in this act shall mean the state fish commissioner.

SEC. 5. *Bond of Commissioner.*

Bond.

The commissioner shall give a bond to the state, with a surety company authorized to do business in this state as surety, in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of his duties.

SEC. 6. *Duties of Commissioner.*

Powers and duties of commissioner.

The commissioner shall devote his time to the duties of his office and shall enforce the laws for the propagation, protection and preservation of food, shell, game and com-

mercial fishes. He shall purchase, construct, charter and operate the boats necessary to properly patrol the waters of the state in the enforcement of the laws. He shall have charge and control of and operate and maintain the fish hatcheries now or that may hereafter be owned by the state. He shall select and purchase suitable lands for hatchery purposes and build hatcheries thereon when so directed by the fish commission. He shall make an annual typewritten and a biennial printed report on the first day of December of each year to the governor, containing a detailed statement of his actions under this act, of the operation and results of the laws pertaining to the fish industry, the methods of taking the fish, the number of fish hatched and where distributed, the amount of expense incurred by his department, and full and complete statistics of the fishing business and suggestions as to needed legislation. He shall designate which are the food, shell, game and commercial varieties, when such designations are not specifically made by the laws of this state.

Reports.

*SEC. 7. Power to Inspect.*

The commissioner shall have power to inspect all canneries, boats, nets, wheels, traps and all other appliances, and all property used in catching, packing, curing, preparing or storing food or shell fish, or in the fish industry, and may enter on any property at any time for any such purpose.

Inspection of canneries and appliances.

*SEC. 8. Authority to Arrest.*

The commissioner and those authorized by him shall have authority to arrest, without writ, order or process, any person in the act of violating any of the provisions of this act, and they are hereby made peace officers for such purpose. If any person knowingly or wilfully resists or opposes such officer in the discharge of his said duties, he shall be guilty of a gross misdemeanor.

Powers as peace officer.

Penalty for resisting.

*SEC. 9. Commissioner May Administer Oaths.*

The commissioner may administer oaths in any matter connected with the duties of his office, and may require

Administration of oaths.

any report, statement or application made or submitted to him to be made under oath.

SEC. 10. *Commission May Prohibit Fishing.*

Power to prohibit fishing.

The commission may prohibit fishing for both food and game fish in any river or stream, or any part thereof, should they consider it necessary for the protection of the food and game fishes mentioned in this act. When the commission shall desire to close any river or stream to fishing they shall publish in a weekly newspaper in such county or counties through which such stream or river flows for not less than two successive issues a notice stating that from a certain date, which shall not be less than fifteen days from the date of said notice, to a date also to be fixed in said notice, said stream or river, or the portion thereof therein described, shall be closed to fishing. It shall be unlawful to take any of the food and game fishes mentioned in this act, by any means whatever, from any stream or river during the closed period defined in such notice, except the Columbia river where the same forms a state boundary.

Notice of closing waters.

SEC. 11. *To Designate Mouths of Rivers.*

Designation of river mouths.

The commissioner shall designate the mouths of rivers by driving piles or establishing monuments. In the designation of the mouths of the rivers of this state the commissioner shall be guided by the shore head lands on either side of the river and his designation shall be final. He shall designate by the erection of monuments and signs the fishing limits of rivers, and when the mouth of a river has been so designated the commissioner shall cause a plat of the same, showing its location, to be filed in his office for public inspection, and shall also furnish the auditor of the county in which the mouth of said river or stream is located with a copy of said plat, which the auditor shall keep on file for public inspection.

SEC. 12. *Commissioner to Employ Assistants.*

The commissioner may employ the following assistants to serve under his direction and during his pleasure:

(1) A general superintendent of hatcheries, who shall receive a yearly salary of eighteen hundred dollars (\$1,800.00). Hatchery superintendent.

(2) One fishery inspector, who shall be designated as deputy fish commissioner, at a salary of eighteen hundred dollars (\$1,800.00) yearly, and other necessary inspectors who shall receive a compensation of not to exceed four dollars (\$4.00) per day for each day actually employed. Fishery inspector.

(3) The necessary employes for the conduct of the commissioner's office; for the operation of the department's patrol boats; for the maintenance and operation of the hatcheries, fish cultural and experimental stations; the patrolmen necessary for the protection of the state oyster, clam and shrimp reserves; and the employes necessary, in the judgment of the commissioner, to conduct the business of the fisheries department. Employees.

(4) The employes of the commissioner shall be reimbursed their necessary traveling expenses, and the salaries and compensation of all employes not specifically designated shall be fixed by the commissioner. Compensation of employes.

*SEC. 13. Bonds of Employes of Commissioner.*

Each employe, if required by the commissioner, shall give a bond to the state with a surety company authorized to do business in this state as surety in the sum of two thousand dollars (\$2,000.00) conditioned for the faithful performance of his duties, subject to the approval of the commissioner, the cost of bond to be paid by the state. Bonds of employes.

*SEC. 14. Duties of Inspectors.*

Each inspector shall perform the duties to which he may be assigned by the commissioner, and shall have the power to perform each and every act and thing permitted, provided or directed to be done by law by the commissioner in the enforcement of the laws relating to the duties of his office. Inspectors' powers and duties.

*SEC. 15. Terms defined.*

Wherever the word "salmon" occurs in this act it shall be construed to include and apply to the sockeye, silver, chinook, steelhead, chum and humpback salmon, and the "Salmon" defined.

so-called salmon trout and each and every species of the genus *oncorhynchus* commonly known as salmon.

SEC. 16. *Definitions.*

"Person or persons" defined.

The term "person or persons" when used in this act shall be taken to include partnerships, associations and corporations. The term "seine" in this act is intended to cover all forms of nets known as seines, purse seines or purse nets, trawls, beam trawls, stow nets, drag nets, smelt drag bag nets, bag nets, draw nets, reef nets, and dredge nets.

"Seine" defined.

SEC. 17. *Puget Sound Defined.*

"Puget Sound" defined.

Wherever the term "Puget Sound" occurs in this act it shall be construed to include all tide waters of the Strait of Juan de Fuca, the tide waters of Georgia Strait, the tide waters of Washington Sound, the tide waters of Puget Sound, and all other tide waters emptying into the same, and all the bays, inlets and estuaries thereof.

SEC. 18. *Districts Defined.*

Districts defined.

For all purposes necessary for the administration of this act, the several portions of the state shall be divided into four districts, as follows:

(1) The Puget Sound district, which shall consist of Puget Sound, as by this act defined, and its tributaries.

"Puget Sound."

(2) The Columbia river district, which shall consist of all the waters of the Columbia river and its tributaries within the confines of this state.

"Columbia river."

(3) The Grays Harbor district, which shall consist of all the waters of Grays Harbor and its tributaries, and the Pacific Ocean within three miles of the shore line north of the south entrance of Grays Harbor and south of Cape Flattery, and all the rivers and streams emptying therein.

"Grays Harbor."

(4) The Willapa Harbor district, which shall consist of the waters of Willapa Harbor and its tributaries, the Pacific Ocean within three miles of the shore line between the south entrance of Grays Harbor and North Head, and all the rivers and streams emptying therein.

"Willapa Harbor."

SEC. 19. *Fishing—Where Permitted.*

Appliances permitted.

The use of pound nets, traps, traps fished at both ends of lead, fish wheels and other fixed appliances, purse nets,

drag seines and other seines for catching salmon, and the use of set nets and gill nets is hereby authorized in all the waters of this state, except as prohibited by this act.

SEC. 20. *Fishing—Where Prohibited—Puget Sound.*

It shall be unlawful to construct, own, operate or maintain any pound net, trap, fish wheel, or other fixed appliance for the purpose of catching salmon or other food fishes within any river or stream flowing into Puget Sound, or within Puget Sound within a distance of three miles of the mouth of any river, measured by the most direct water course, or within the part of Puget Sound known as Deception Pass or within one-half mile of the western entrance thereof, or within any salt water at a greater depth than sixty-five feet at low tide.

Prohibited fishing.

Puget Sound and tributary streams.

It shall be unlawful to use any purse net, purse seine, drag seine or other like seine or net within two miles of the mouth of any such river, measured by the most direct water course, or within any such river.

It shall be unlawful, except with hook and line, to take any of the food fishes mentioned in this act in the Skagit river above the Great Northern Railway bridge across the same at Mount Vernon, and in the Snohomish river above the Snohomish wagon bridge, or above the wagon bridge at Riverton in the Duwamish river, and in all other rivers and streams flowing into Puget Sound.

Skagit, Snohomish and Duwamish rivers.

SEC. 21. *Chambers Creek.*

It shall be unlawful at any time to take any fish with any appliance whatsoever, except with hook and line, in Chambers creek, in the county of Pierce, and within fifteen hundred feet of the Northern Pacific Railway bridge located across the mouth of said creek.

Chambers creek.

SEC. 22. *Waters of Thurston and Mason Counties and Oyster Beds.*

It shall be unlawful at any time to take any fish with any fishing appliance whatsoever, except with hook and line and smelt drag bag nets, within the limits of Eld Inlet, Budd Inlet, Henderson Inlet and Totten Inlet situated in Thurston and Mason counties: *Provided*, Within that part

Eld, Budd, Henderson and Totten Inlets.

of Budd Inlet lying in township eighteen (18), north of range two (2) west, Willamette Meridian, and sections thirty-three (33), thirty-four (34) and thirty-five (35) of township nineteen (19), north of range two (2) west of the Willamette Meridian, or over any oyster beds of the state no fishing appliance whatsoever shall be used except hook and line: *Provided further*, That if any salmon shall be caught by an appliance other than hook and line within said waters the same shall be immediately liberated and turned alive into the water.

SEC. 23. *Willapa Harbor.*

Willapa  
Harbor  
tributaries.

It shall be unlawful to take or fish for salmon, except with hook and line, in any of the following tributaries of Willapa Harbor above tide water in said rivers, viz.:

North river, Willapa river, south fork of Willapa river, Nasel river, Palix river, Nema river, Bear river, Cedar river, and Smith creek, and for the purposes of this act the head of tide water shall be:

On North river, where the north boundary line of section 23, of township 15 north, range 10 west of the Willamette Meridian crosses said river.

On Willapa river where Louderback's slough empties into the said Willapa river in the eastern portion of section 20, township 14 north, range 8 west of Willamette Meridian.

On the south fork of the Willapa river, the draw bridge of the Northern Pacific Railway Company, being the center of lots 8 and 11 of section 24, township 14 north, range 9 west of the Willamette Meridian.

On the Nasel river, at the gap in the main log boom.

On Cedar river, the mouth of said river, or the line between townships 14 and 15 north, ranges 10 and 11 west of the Willamette Meridian.

On Palix river, where the south line of section 22, township 15 north, range 10 west of the Willamette Meridian crosses said river.

On North Nema river, at the school house on lot 3 of section 22, township 12 north, range 10 west of the Willamette Meridian.

On South Nema river, at what is known as Carruther's Landing, being on the east and west half section line extending through section 27, township 12 north, range 10 west of the Willamette Meridian.

On Bear river, at Masny's Landing, or the half section line extending east and west through sections 7 and 8 of township 10 north, range 10 west of the Willamette Meridian.

On Smith creek, at the mouth thereof, being where lots 1 and 2 of section 35, township 15 north, of range 10 west of the Willamette Meridian abut upon the entrance of Willapa Harbor.

SEC. 24. *Grays Harbor.*

It shall be unlawful to take or fish for salmon, except with hook and line, in the following tributaries of Grays Harbor: Tributaries  
of Grays  
Harbor.

In Chehalis river, above point one-half mile below the mouth of Wynooche river, and one-half mile above the mouth of the Humptulips river, and one-half mile above the mouth of the Elk river, and one-half mile above the mouth of Johns river,

From and after the passage of this act it shall be unlawful to erect any fish trap, pound net or fish wheel in any of the streams emptying into Grays Harbor, Willapa Harbor, or any of the streams of these districts, as by this act defined: *Provided, however,* The right to erect fish traps, pound nets or fish wheels on locations existing in said district in 1914 is hereby recognized.

SEC. 25. *Columbia River.*

It shall be unlawful to take or fish for salmon, except with hook and line, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Big White Salmon river, Wenatchee river, Methow river, Little Spokane river, Colville river, and Yakima river, and in the Columbia river, within one mile below the mouths of the above named rivers. No fish trap shall be located on or within three miles below the mouth of Lewis river, but fishing with gill nets is permitted in the Columbia river to a point within Columbia  
river and  
tributaries.

one mile below the mouth of said rivers and a quarter of a mile out from where the same empties into the Columbia river.

SEC. 26. *Set Net Not Fixed Appliance.*

Set nets.

A set net is not a fixed appliance within the meaning of this act, but it shall be unlawful to erect or maintain any set net within the limits of the end and lateral passage ways prescribed in this act for fixed appliances.

SEC. 27. *Trap, Pound Net and Set Net Location—How Acquired.*

Locations,  
procedure  
to acquire.

Any person, firm or corporation occupying or desiring to occupy any fishing location where it may be lawful to construct a pound net, trap or set net in the waters of the state, shall cause such location to be accurately surveyed by a competent civil engineer, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause a location map to be made of such location from the actual survey thereof, which shall contain a plat and description of said fishing location sufficient for its ascertainment and identification on the premises. It shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held and containing the postoffice address of the claimant. Such map, with the certificate thereon, shall be filed in the office of the county auditor of the county in which such fishing location is situated, and a duplicate copy thereof in the office of the commissioner. From and after the date of filing in the office of the county auditor, such map shall constitute full and complete notice that such location is owned, held, occupied and claimed by the person, firm or corporation designated thereon as the claimant. It shall be the duty of the county auditor and the commissioner in whose offices any such map may be offered for filing to receive and keep the same on file. They shall also keep an index to all such maps, showing the hour and date of filing, names of the claimants and serial number of the

maps, in the order filed, all of which shall be endorsed on the maps when filed. No informality or omission on the part of such public officers shall impair or prejudice the right of any claimant of such fishing location.

From and after filing such map the claimant of the location thereon shown, his heirs, administrators, successors and assigns shall have the exclusive right to hold, occupy and fish such location, to renew the license therefor, and to mortgage, sell and transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Rights of locators.

It shall not be necessary to file any map or plat of any location heretofore made under existing laws in any case where any map has heretofore been filed: *Provided*, That all pound net, fish trap, set net or other fishing locations heretofore made by locators or owners thereof in accordance with existing laws shall be unaffected and unimpaired by any of the provisions of this section; and any location legal when established shall continue valid under the provisions of this act and the locators or owners of such previously established locations shall continue to occupy, own, hold and enjoy the same, and may mortgage, sell, transfer and lease the same, with the right to renew their licenses therefor in the same manner and with the same legal effect as though said locations had been established under the provisions of this act. Any person, firm or corporation being the owner, holder or occupant of any trap or pound net location in the Columbia river, Grays Harbor, or Willapa Harbor, shall, within 90 days after this act takes effect, file with the auditor of the county in which their said locations are situated, a location map as hereinbefore provided in this section, and a copy of the same in the office of the commissioner.

Previous locations unimpaired.

Maps to be filed of locations in Columbia river, Grays and Willapa harbors.

From and after filing such map the claimant of the location thereon shown, his heirs, administrators, successors and assigns shall have the exclusive right to hold, occupy and fish such location, to renew the license therefor, and to mortgage, sell, lease and transfer the same during the time

that he or they in other respects shall comply with the law pertaining thereto.

**SEC. 28. *Drag Seine Locations—How Acquired.***

Drag seine  
locations.

Locations for drag seines may be made by driving a substantial stake or erecting a permanent monument at each end of the location claimed, and posting thereon the number of the license under which the same is operated. No drag seine location the title to which is in the state shall occupy a greater length of the shore line than twice the length of the seine covered by the license therefor.

**SEC. 29. *Set Net Locations—How Acquired.***

Set net  
locations.

Locations for set nets may be made by erecting a permanent monument near, or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such net is operated. There shall be a lateral passageway of at least three hundred feet and an end passageway of thirty feet between all set nets. It shall be unlawful in the use and operation of a set net to create any artificial eddy or erect any structure or obstruction for such purpose.

**SEC. 30. *Failure to Renew License.***

Abandonment  
of location.

The failure to renew the license or to have made lawful application therefor for any fish trap, pound net, fish wheel or other fixed appliance in any of the waters of this state on the first day of April of any year shall constitute abandonment of the location.

**SEC. 31. *Fixed Appliances—Columbia River, Willapa Harbor and Grays Harbor—How Constructed.***

Fixed ap-  
pliances in  
Columbia  
river, Willapa  
and Grays  
Harbors.

No lead of any pound net, trap, fish wheel, or other fixed appliance used for catching salmon in the Columbia river and its tributaries, Willapa Harbor and its tributaries, and Grays Harbor and its tributaries shall exceed eight hundred feet in length, and there shall be an end passage-way of at least thirty feet and a lateral passageway of at least nine hundred feet between all such pound nets, traps, fish wheels, or other fixed appliances. The lead of any pound net or trap may be extended to high water

mark only on the tide lands owned by the state, providing such extension does not exceed the length provided in this act. Should the locator or owner neglect to construct his appliances for two consecutive fishing seasons covered by this license, said location shall be deemed abandoned.

**SEC. 32. *Fixed Appliances in Puget Sound—How Constructed.***

No lead of any pound net or fish trap in Puget Sound shall exceed twenty-five hundred feet in length, and there shall be an end passageway of at least six hundred feet and a lateral passageway of at least twenty-four hundred feet between all pound nets, traps and other fixed appliances. The lead of any pound net or trap may be extended to high water mark on the tidelands owned by the state, or on other tidelands with the consent of the owners thereof: *Provided*, Such extension shall not exceed the length of the lead provided in this act. Should the locator or owner of any pound net or fish trap location fail to construct a fishing appliance thereon for four consecutive years, his location shall be deemed abandoned, even though he shall have complied in other respects with the laws pertaining thereto.

Fixed  
appliances in  
Puget Sound.

**SEC. 33. *Passageways—How Determined.***

For the purpose of determining end passageways, base lines shall be drawn at right angles with the general course of locations first originally established and intersecting the ends thereof, and the end passageways shall be measured at right angles from such base lines: *Provided, however*, This section shall not affect any location lawfully existing under previous statutes, and any and all such fishing appliances may be maintained upon such existing locations as though this act had not been passed, or they may be changed to conform to the provisions hereof as to end passageways at the option of the location owner and holder thereof.

Passageways.

Existing  
rights  
protected.

**SEC. 34. *Set Nets, Puget Sound—How Constructed.***

It shall be unlawful to fish for salmon in Puget Sound with any set net of greater length than five hundred feet, or in the form of a pound net, or with pots or hearts con-

Set nets in  
Puget Sound.

nected therewith, or that is used or held in any other way than in a substantially straight line.

SEC. 35. *Length of Appliances in Rivers Limited.*

Appliances  
in rivers.

No fishing appliance or device of any kind whatsoever, either by lead or any part thereof, shall occupy more than one-third the width of the waters of any stream or river.

SEC. 36. *Nets—Size Mesh.*

Size of  
meshes.

It shall be unlawful to use any pound net, trap, fish wheel or other fixed appliance for catching salmon or other food fish with meshes under three inches, stretch measure. It shall be unlawful to operate in any of the waters of Puget Sound any purse seine, drag seine or other like seine or net of a greater length than five hundred feet with meshes less than two and one-half inches stretch measure, during the year 1915, and after January first, 1916, with meshes less than three inches stretch measure. It shall also be unlawful to operate in any of the said waters any gill net of a greater length than five hundred feet with meshes less than five inches stretch measure.

Size of nets  
and meshes  
in Puget  
Sound.

It shall be unlawful to use any gill net more than 1,200 feet in length or more than thirty-six meshes deep in Willapa Harbor or any of its tributaries.

Gill nets in  
Willapa  
Harbor.

SEC. 37. *Closed Season for Smelt and Herring.*

Smelt and  
herring.

It shall be unlawful to catch or fish for smelt or herring with any purse, drag or like seine of less than 1¼-inch mesh, stretch measure between 8 p. m. and 6 a. m. of any day.

Closed  
season.

It shall be unlawful to catch or fish for smelt or herring in the waters of Puget Sound with any appliance between 4 o'clock p. m. Friday and 4 o'clock a. m. Sunday of each week.

SEC. 38. *Herring Spawning Grounds.*

Puget Sound  
spawning  
grounds for  
herring.

The commissioner shall immediately after this act takes effect proceed to definitely locate and chart at least 5 of the most productive of the herring spawning grounds in the waters of Puget Sound and its tributaries in the state of Washington and particularly at Hadlock, Holmes Harbor, Deception Pass, Jackson Cove, Hales Pass, and

Birch Bay Point, and shall mark the boundary of not fewer than 5 of the most productive of such spawning grounds to be designated by the commissioner by driving at least one pile or erecting at least one monument at either side at right angles with the shore of such spawning grounds, and thereafter it shall be unlawful to take herring in, over or upon the spawning grounds thus marked during the spawning season of such fish upon such grounds, such spawning season to be ascertained by the commissioner and to be promulgated by the commissioner and notice thereof shall be given by posting a copy of such rule printed on cloth upon the pile or monument marking the boundaries of such spawning grounds.

Marking boundaries.

SEC. 39. *Closed Season for Shrimp.*

It shall be unlawful for any person to take shrimp between the first day of January and the last day of March of any year, both dates inclusive, by any means whatsoever in the waters of Puget Sound or its tributaries.

Shrimp closed season.

SEC. 40. *Appliances Used Unlawfully May Be Confiscated.*

Any fishing appliance or part thereof found in the waters of this state wherein the same are prohibited, the same being placed therein for the purpose of illegal fishing is hereby declared a public nuisance and shall be subject to abatement as a public nuisance, and it shall be the duty of the commissioner to enforce the provisions of this section; and any and all appliances used in violation of any of the provisions of this act, viz.: boats, traps, nets, fish wheels or other appliances, shall be subject to execution for the payment of any fines imposed on the owner thereof. Such appliance may be seized by the commissioner and may be forfeited to the state, and the superior courts of the state of Washington shall have exclusive jurisdiction of all such cases.

Illegal appliances public nuisances.

Confiscation.

SEC. 41. *Fishing Without License Prohibited.*

It shall be unlawful to catch, take or fish for food fish with any appliance or by any means whatsoever except with hook and line commonly called angling or trolling

Necessity of license.

unless license so to do has first been obtained from the commissioner.

Prima facie evidence of prohibited fishing.

The presence in any of the waters of this state of any craft of any nature whatever equipped with any of the appliances required to be licensed by the laws of this state for the taking of fish, or of any fishing appliance for which licenses are required shall be *prima facie* evidence that the owners thereof are engaged in fishing.

Penalty.

Any person who shall engage in fishing with any appliance whatsoever without having first obtained a license or made lawful application therefor shall be deemed guilty of a misdemeanor and the commissioner is hereby authorized to seize said appliance and the same shall be confiscated to the state.

#### SEC. 42. *Indians Fishing on Reservations.*

Rights of Indians on reservations.

Nothing in this act shall prevent any Indian from taking fish at any time without a license for the consumption of himself or family with a drag seine not more than three hundred feet in length or with a set net, in any of the salt waters bordering any Indian reservation and within one-half mile thereof, or with a set net extending not more than one-third across the waters of any river or stream flowing through or bordering on any such reservation and within five miles of the boundaries thereof. *Provided, however,* That this section shall not apply to the Nooksack river.

Nooksack river excepted.

#### SEC. 43. *Licenses—To Whom Not Issued.*

Who are not entitled to licenses.

No license for taking or catching salmon or other food or shell fish required by this act shall be issued to any person who is not a citizen of the United States of the age of eighteen years or over, unless such person has declared his intention to become a citizen, and is and has been an actual resident of the state for one year immediately preceding the application for such license. Nor shall any license be issued to a corporation unless it is authorized to do business in this state. Nothing herein contained shall be construed to prevent the issuance of licenses to Indians, providing such applicants possess the qualifications of residence hereinbefore required, nor prevent the renewal of

licenses for fixed appliances by persons now holding the same.

SEC. 44. *Fact of Citizenship and Residence—How Determined.*

When required by the commissioner any person desiring to fish for any food fish in any of the waters of this state, may go before a county clerk of any county of this state or the commissioner, and furnish satisfactory proof of his citizenship, or of the fact that he has declared his intention to become such, and file his own affidavit and the affidavit of two or more persons to the effect that he now is and for a year prior thereto has been an actual bona fide resident of this state, and thereupon such clerk or commissioner shall issue to him a certificate briefly reciting those facts, and thereafter in any prosecution against such person for a violation of the provisions of this act such certificate or a duly authenticated copy of the records in the office of the clerk or commissioner relative thereto shall be *prima facie* evidence of his citizenship and residence as in this act required. But in all prosecutions under this act the burden of proof shall be upon the defendant to establish the fact of his citizenship and residence. But nothing herein contained shall delay the issuance to any applicant of a license for a fish trap, fish wheel or pound net, which are required by the provisions of this act to be issued on the first day of April of each year.

Determina-  
tion of  
citizenship  
and residence.

Burden of  
proof in  
prosecutions.

Issuance of  
licenses not  
to be delayed.

SEC. 45. *Certificates—No Fee for Issuing—Registry.*

For taking the affidavits and issuing the certificates herein provided for, no fee shall be charged. The clerk or commissioner shall keep in his office a record of all certificates issued pursuant to this act.

Certificates,  
registry and  
fees.

SEC. 46. *Licenses—How Transferred.*

Any license may be assigned or transferred to any person or corporation entitled to hold a license under the provisions of this act, and notice shall be given of such transfer or assignment within thirty days from the date thereof to the commissioner, who shall endorse the date of such notice on the license. If such notice be not given the license

Transfer  
of licenses.

Notice of  
assignment.

shall be void. And any assignee of a license for operating any such appliance who shall fail within thirty days to give notice to the commissioner of the assignment of such license is guilty of a misdemeanor.

Penalty for failure.

SEC. 47. *Blank Licenses—How Provided.*

Blank licenses.

The commissioner shall prepare in blank and consecutively number all licenses required under the provisions of this act, all of which shall expire at the close of the thirty-first day of March following their issuance, and shall be renewed annually thereafter upon application and payment of license fees required by this act.

Renewal.

SEC. 48. *Fisheries Fund.*

Fisheries fund.

All license fees and fines collected under the provisions of this act unless otherwise provided herein, shall be paid into the state treasury and placed in a fund to be known as the fisheries fund, which shall not be used for any purpose other than for the propagation, protection and perpetuation of food and shell fishes and the administration and enforcement of the laws relating thereto. All unexpended balances thereof shall continue in such fund unless otherwise disposed of by the legislature. The commissioner is directed to expend such funds, as nearly as may be, in the localities from which they are collected.

License fees and fines payable to.

Expenditure of fund.

SEC. 49. *Remittances to State Treasurer.*

Deposit of collections.

All moneys collected by the commissioner shall be deposited in a bank, to be designated by the state fish commission, which bank shall give a surety bond to the state of Washington in a sum designated by the fish commission, said bond to contain such conditions and provisions as may be required by it.

Remittance to state treasurer.

The commissioner shall make daily remittances to the state treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. A duplicate of this statement shall be sent to the state auditor.

Audit of expenses.

SEC. 50. *Expenses.*

All expenses incurred under the provisions of this chapter shall be audited by the state auditor, upon bills being

presented, properly certified by the fish commissioner, and the said auditor shall from time to time, draw warrants upon the state treasurer for the amount.

SEC. 51. *Licenses—How Issued, Fees therefor.*

Licenses herein required shall be issued to any qualified person or corporation by the commissioner upon application therefor and the payment of the license fees herein required:

For each pound net or fish trap license for taking salmon at both ends on Puget Sound, one hundred dollars; License fees.  
Salmon.

For each pound net or fish trap license on Puget Sound for the taking of salmon fifty dollars;

For each first class pound net or fish trap license for the taking of salmon on the Columbia river twenty-five dollars;

For each second class pound net or trap license on the Columbia river fifteen dollars.

A first class trap is hereby defined to be a trap on the Columbia river that during the preceding season caught fish of the value of one thousand dollars or more, and a second class trap a trap on the Columbia river that caught during the preceding season fish of the value less than one thousand dollars; Fish traps  
defined.

For each pound net or fish trap license for taking salmon in Willapa Harbor and Grays Harbor fifteen dollars;

For each brush weir license for the taking of smelt and herring twenty-five dollars; Smelt and  
herring.

For each stationary fish wheel license for the taking of salmon thirty-five dollars; Salmon.

For each scow fish wheel license for the taking of salmon twenty-five dollars;

For each purse seine license twenty-five dollars; no purse seine shall be of greater length than 1,800 lineal feet measured on cork line when wet;

For each gill net license for the taking of salmon on Puget Sound of a length not to exceed six hundred feet, five dollars; and for each additional lineal foot in length, one

cent; no gill net shall be operated on Puget Sound of a greater length than three thousand feet;

For each gill net license for the taking of salmon on the Columbia river, Grays Harbor and Willapa Harbor seven and fifty one-hundredths dollars;

For each reef net five dollars;

For each drag seine license three cents per lineal foot;

For each set net license for the taking of salmon three and seventy-five one-hundredths dollars.

Smelt or  
herring.

Any person may use a jigger in the taking of smelt or herring for the use of himself and family without any license therefor.

For each bag net license for the taking of smelt or herring one dollar;

For each smelt drag bag net on Puget Sound one dollar;

For each license for beam trawl ten dollars;

For each license for set lines having more than one hundred hooks, one dollar.

Districts to  
be specified  
in license.

The license issued by the commissioner for the appliances hereinbefore mentioned shall specify the district wherein the license is to be used and no license for one district shall be used in another.

For each license to take crabs one dollar;

Crabs, clams  
and mussels.

For each license to take clams and mussels one dollar;

Oysters for  
seeding.

For each license to take oysters from the state reserves for seed purposes under regulations to be promulgated annually by the state fish commission, five dollars;

Trout from  
private  
hatcheries.

For each person, firm or corporation engaged in the business of buying and selling, packing and preserving or otherwise dealing in trout or other food fish obtained from private hatcheries of this state, two and fifty-one-hundredths dollars:

For each private trout hatchery twenty-five dollars;

Fish dealers.

For each retail fish dealer a license of one dollar;

For each wholesale dealer in fish and for each person engaged in freezing, salting, smoking, kippering, preserving in ice or otherwise, a license of ten dollars;

For each fish broker not operating as a packer or canner a license of fifty dollars; Fish brokers.

For each person using scows, boats or other water craft in buying, handling or transporting food fish except persons, firms and corporations operating canneries, packing or curing establishments that pay an annual license fee to the state of Washington where the fish are disposed of for canning, curing, preserving or selling within the state of Washington, a license of one dollar; Persons using boats.

For each person, firm or corporation using scows, boats or other water craft in the buying of fish on the Columbia river for each scow, boat or other water craft a license fee of fifty dollars; this requirement shall not apply to scows, boats, or other water craft used in buying fish for and transporting fish to canneries and packing plants that pay an annual license fee to the state of Washington or Oregon, of not less than one hundred dollars. Water craft on Columbia river.

Every person, firm or corporation engaged in canning salmon, shell or other food fish shall procure a license from the commissioner before commencing the season's packing and shall on or before the 15th day of November of each year pay to the commissioner as an annual license fee for all salmon, shell or other food fish packed by him subsequent to the 31st day of March of each year and prior to November 15th of each year, and on the 31st day of March of each year shall pay to the commissioner for all salmon, shell or other food fish packed by him subsequent to November 15th and prior to the 31st day of March of each year two cents per case for each case of steel-head, blue-back, Quinault, or sockeye salmon, and one cent for each case of other varieties of salmon, except that he shall pay for each case of Chinook salmon packed on the Columbia river prior to the 26th day of August of each year four cents per case, and for each case of Chinook salmon packed on the Columbia river after the 26th day of August of each year two cents per case, for each case of clams, clam nectar, crabs, shad, shrimp and other food and shell fish one cent per case. Canneries.

"Case of fish"  
defined.

For the purpose of this act a case of fish is defined to consist of forty-eight one-pound cans, bottles, or their equivalent in weight. The owner or licensee of any cannery before beginning the operation of the same in any year and at the time of making application for his license shall execute a good and sufficient bond to the commissioner in such sum as he may require conditioned that he will pay or cause to be paid to the commissioner the license fees or charges for salmon, shad, crab, clam and other food and shell fish packed by him at the time and in accordance with the requirements of the foregoing section, such bond to contain such other provisions as may be required by the commissioner.

Bond of  
canneryman.

Tonnage tax.

Each person, firm or corporation buying, selling or otherwise dealing in salmon and other food fish at wholesale caught in the state of Washington, shall pay to the commissioner on or before the 15th day of November of each year one dollar (\$1.00) per gross ton for each ton or fraction thereof so bought, handled, preserved or cured during the preceding calendar year: *Provided*, That no person, firm or corporation engaged in the canning business shall be required to pay such tax upon any fish caught or bought and canned by them, and no person, firm or corporation shall be required to pay such tax upon any fish caught and sold by him. Nor shall such tax or charge be paid upon any fish ultimately canned, nor shall more than one tonnage tax be collected upon any particular quantity of fish.

Buyer's  
permit.

Every person engaged in buying fish except for canning purposes shall obtain a permit from the commissioner for each representative of such buyer. And each person, firm or corporation so buying, selling or otherwise dealing in salmon and other food and shell fish at wholesale, or freezing, salting, smoking, kippering, preserving in ice, curing, mild curing, or otherwise shall, before beginning operations in any year first obtain a license from the commissioner and at the time of the application for such license shall execute a good and sufficient bond in such sum as may be

Dealer's  
license.

required and subject to the approval of the commissioner, conditioned that on or before the 10th day of the following month they will pay, or cause to be paid to the commissioner the said license fee or charge for all salmon and other food and shell fish handled during the preceding month.

Bond by  
dealer.

For the purpose of ascertaining the amount of the license fee required in each instance the commissioner shall determine the class and character of each appliance.

All gill net licenses issued by the state of Oregon shall be valid in the concurrent waters of the Columbia river in this state. The commissioner when issuing licenses for the Columbia river district shall furnish to the fisheries department of Oregon the name of all licensees and the number of their licenses.

Oregon  
licenses.

Every person, firm or corporation operating in the Puget Sound, Willapa Harbor or Grays Harbor districts any of the fishing appliances hereinbefore mentioned (except gill nets, set nets and drag seines) and every person, firm or corporation operating in the Columbia river district any of such fishing appliances (except gill nets and set nets), which by the terms of this act are required to be licensed shall in addition to the license fees by this act provided pay to the state for the food and shell fish taken from the waters thereof, as follows:

Royalty  
payable by  
licensees.

For each one thousand or fraction thereof of Chinook salmon caught in the Columbia river prior to the 26th day of August of each year at the rate of five dollars per thousand and for Chinook salmon caught in the Columbia river after the 26th and for tye, king, black mouth or spring salmon at the rate of three dollars per thousand. For each one thousand or fraction thereof of Chinook, tye, king, black mouth or spring salmon in Willapa Harbor, Grays Harbor and Puget Sound at the rate of three dollars per thousand.

Salmon.

For each 1,000 or fraction thereof of steelhead salmon at the rate of \$3.00 per thousand.

For each 1,000 or fraction thereof of sockeye or blue back salmon, at the rate of \$1.50 per thousand.

For each 1,000 or fraction thereof of silverside or Cohoe salmon, chum or fall salmon, at the rate of \$1.00 per thousand. For each one thousand or fraction thereof of humpback or pink salmon at the rate of fifty-one-hundredths dollars (\$.50) per thousand.

For each 100 pounds or fraction thereof of smelt, herring or shad, 3 cents.

Smelt, herring, shad.

For each 100 pounds or fraction thereof of shrimp, 15 cents.

Shrimp.

For each sturgeon, 7½ cents.

Sturgeon.

For each gross of crabs, 10 cents.

Crabs.

For each ton of clams, gross weight in shells, 75 cents.

Clams.

**SEC. 52. Reports to Commissioner.**

Every owner of any fishing appliance which by the terms of this act is required to be licensed shall report to the commissioner under oath on blanks to be furnished by the commissioner, upon request, on the first day of March, July, and November of each year for the four months preceding the date on which the report is made, stating the number of salmon, specie stated separately, the number of crabs, sturgeon, pounds of smelt, herring, shrimps, clams and shad and other food fish caught during the preceding four months period together with the name of the persons, firm or corporation to whom such fish were sold with the number or quantity delivered to each purchaser, and shall at the same time remit the license charges and the additional fees as by this act provided; and every person, firm or corporation engaged in preserving, salting, smoking, kippering, mild-curing, curing, freezing, preserving in ice or otherwise, and in buying, selling or otherwise dealing in food and shell fish caught within the waters of this state as wholesalers or retailers either as principal, agent or employee shall on the same dates and for the same period make reports to the commissioner stating the quantity in pounds of all fish preserved or cured and all purchases and sales made during the preceding period for which the report is made, the varieties stated separately, together with the name of the person, persons, firms or corporations from

Reports and payments by licensees.

whom purchased and the place from which the fish were taken and the appliance with which the same were taken and at the same time shall remit to the commissioner the license charges and additional charges as provided by this act, and any person, firm or corporation who shall fail to make the reports in this paragraph provided and at the same time make payments of the amounts of money due the state shall be guilty of a gross misdemeanor and 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 more than six months or by both such fine and imprisonment and the amounts owing by any such persons for license charges and additional charges shall become and constitute a first lien on the fishing appliances of any such person and also a lien on the real and personal property of the person owing such sum or sums, from and after a notice of such lien on behalf of the state shall have been filed in the office of the county auditor in which the person owing such amount or amounts shall reside; the notice of lien to be filed by the commissioner shall be sufficient if it shall state the amount for which the lien is claimed and the person owing the same.

Penalty for failure.

Lien for charges.

**SEC. 53. License Number and Lights to Be Displayed.**

Each fixed appliance for taking food fish shall have displayed thereon in a conspicuous place in black figures not less than six inches in length, painted on a white ground, the license number under which the same is operated.

Display of license number.

Each gill net, and set net used for the purpose of taking food fish shall have branded on the corks at each end of such net, in figures not less than one-half inch in length, the license number under which the same is operated.

Each boat or vessel used to operate any seine or net for food fish shall have displayed upon the bow thereof in black figures, not less than six inches in length, painted on a white ground, the license number under which such seine or net is operated, preceded by a capital "W". Each pound net or trap on the Columbia river, Grays Harbor

Lights.

and Willapa Harbor shall between sunset and sunrise conspicuously display a bright light.

SEC. 54. *Closed Season—Puget Sound.*

Closed  
season for  
salmon.

Puget Sound  
and  
tributaries.

It shall be unlawful to take or fish for salmon except with hook and line in Puget Sound and in any of the rivers and streams emptying into it between the hours of four o'clock p. m. on Friday and four o'clock a. m. Sunday of each week of the months of July and August of each year, except with gill and set nets as herein provided. It shall be unlawful to take or fish for salmon with gill or set nets in any of said waters between the hours of six o'clock a. m. Saturday and six o'clock p. m. Sunday of each week of July and August of each year. It shall be unlawful to take or fish for salmon except with hook and line in any of the waters of Puget Sound or any river or any stream flowing into the same north of a line extending from Brace Point in King county to Point Southworth in Kitsap county and north of a line extending from Foul Weather Bluff in Kitsap county to Tala Point in Jefferson county, from November tenth to December tenth both dates inclusive in each year; and it shall be unlawful to take or fish for salmon in the tributary thereof known as Hood Canal and in any river or stream flowing into the same south of the lines above described between the twentieth day of November in each year and the first day of January of the year following, both dates inclusive; and it shall be unlawful to take or fish for salmon except with hook and line in Carr's Inlet or any of the waters southerly and westerly thereof or in any of the rivers or streams emptying into such waters, and for the purposes of this act such waters are bounded as follows: Beginning at Gordon Point in Pierce county and running thence northwesterly to Hyde Point on McNeil's Island, thence northeasterly to Gibson Point on Fox Island, thence northwesterly along the south shore of Fox Island to Green Point in Pierce county, between the 10th day of November of each year and the 15th day of April of the year following, both dates inclusive; and it shall be unlawful to take or fish for salmon in any of the

waters between the waters bounded and described in the preceding clause and a line beginning at Brace Point in King county and running thence westerly to Point Southworth in Kitsap county or in any of the rivers or streams emptying into such waters between the first day of January and the first day of February, both dates inclusive. And it shall be unlawful to take or fish for salmon, except with hook and line in any of the said described waters or in any of the waters of Puget Sound or in any of the rivers or streams flowing into such waters between the 1st day of March and the 15th day of April, both dates inclusive, of each year. The commissioner shall designate by the erection of monuments and signs all of the above mentioned boundary points.

In the event that the Dominion of Canada or the Province of British Columbia shall enact and enforce laws prohibiting the taking of sockeye salmon above the Westminster bridge at all times and in Georgia straits and all the waters of the Fraser river and its tributaries between the twenty-fifth day of August and the fifteenth day of September of each year, then it shall be unlawful to take or fish for sockeye salmon in any of the waters of Puget Sound between the twenty-fifth day of August and the fifteenth day of September, both dates inclusive, of each year, and any sockeye salmon taken between the last named dates in the waters of Puget Sound shall be liberated, and nothing in this paragraph of this section shall be construed to prevent any person, firm or corporation from operating its fishing appliances for the catching of other varieties of salmon between the last named dates.

Contingent  
Canadian  
regulations.

If the Province of British Columbia or the Dominion of Canada shall prohibit and prevent the taking of salmon in Georgia straits and the Fraser river during a forty-eight hour weekly period in each even numbered year, beginning at six o'clock p. m. Friday and ending not earlier than six o'clock p. m. Sunday, then and in that event, it shall be unlawful to take or fish for sockeye salmon by any means whatever, except with hook and line, in any of the waters

of that portion of Puget Sound last described, between the hours of eight o'clock p. m. Thursday and eight o'clock p. m. Saturday of each week in each even numbered year. In the event that this proviso becomes effective and during the years while in effect, it shall supersede and render in-operative the thirty-six hour closed period in this section first provided as to and in the waters above described.

If it shall be adjudicated that the foregoing proviso be unconstitutional and invalid for any reason, such adjudication of invalidity of such proviso or any part of this act shall not affect the validity of the act as a whole or any part thereof.

SEC. 55. *Certain Nets Prohibited — Skagit River — Puget Sound.*

Nets and seines prohibited.

Skagit river.

It shall be unlawful to use any gill net, seine or other net, the meshes of which are less than eight and one-half inches, stretched measure, in the Skagit river between July first and September first, both dates inclusive, of each year.

Puget Sound.

It shall be unlawful to use any drag seine, purse seine, gill net, set net or other like seine or net, the meshes of which are less than three inches, stretched measure, in Puget Sound, for any purpose whatsoever, during the months of May, June and July.

SEC. 56. *Closed Season, Columbia River.*

Closed season.

Salmon and sturgeon in Columbia river.

It shall be unlawful to take or fish for salmon or sturgeon in the Columbia river, its tributaries and in any of the waters or sloughs thereof, west of the north and south line between sections 14 and 15, township 2 north, range 15 east of the Willamette meridian and within three miles outside the mouth of the Columbia river, by any means whatever, between twelve o'clock noon on the first day of March and twelve o'clock noon on the first day of May, and between twelve o'clock noon on the twenty-fifth day of August, and twelve o'clock noon on the tenth day of September, and between six o'clock p. m. on Saturday of each week and six o'clock p. m. of the Sunday following, from the first day of May to the twenty-fifth day of August, both dates inclusive, of each year.

It shall be unlawful to take or fish for salmon or sturgeon in the Columbia river and any of its tributaries above the north and south line between sections 14 and 15, township 2 north, range 15 east of the Willamette meridian, by any means whatever between twelve o'clock noon on the fifteenth day of March and twelve o'clock noon on the first day of June, and between twelve o'clock noon on the twenty-fifth day of August and twelve o'clock noon on the tenth day of September.

It shall be unlawful to take or fish for salmon in the Snake river and any of its tributaries by any means whatever in any year between twelve o'clock noon on the first day of April and twelve o'clock noon on the first day of June and between twelve o'clock noon on the first day of August and twelve o'clock noon on the fifth day of September of each year.

Salmon.

Snake river.

*SEC. 57. Closed Season for Grays Harbor and Willapa Harbor.*

It shall be unlawful to take or fish for salmon in Grays Harbor or Willapa Harbor or in any of the rivers or streams flowing into the same between the 15th day of March and the 15th day of April and between the first day of December and the first day of January, all dates inclusive, in each year.

Grays and  
Willapa  
Harbors.

*SEC. 58. Right to Take Fish for Sale Limited to Citizens.*

It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States or has declared his intention to become such and is and has been for twelve months immediately prior to the time he engages in such business an actual resident of this state or an adjoining state, but this section shall not apply to Indians.

Fishing by  
aliens  
prohibited.

*SEC. 59. Closed Season, Strait of Juan de Fuca.*

It shall be unlawful to take or fish for salmon between the first day of June and the first day of July, both dates

Strait of  
Juan de Fuca.

inclusive, by any means whatsoever in the waters of the Pacific ocean within a distance of three miles of the west shore of Clallam county and west of a line drawn from Tatoosh light in Clallam county to Carmanah light on Vancouver island, constituting the headlands marking the entrance to the Strait of Juan de Fuca and it shall be unlawful for any person to bring into the State of Washington any salmon caught west of Clallam county and the line above described between the dates mentioned in this section: *Provided, however,* That this section shall be inoperative unless the Dominion of Canada or the Province of British Columbia shall by law, rule, order or regulation adopt provisions concerning the water herein described similar in intent and purpose to those contained in this section in which event the provisions contained herein shall continue to be and remain in full force and effect.

Proviso as  
to British  
Columbia.

SEC. 60. *Sturgeon—Protection of Sturgeon—Closed Season.*

Hereafter it shall be unlawful for any person to take, capture or kill in any of the waters of the Columbia river or its tributaries any sturgeon between 12 o'clock meridian, the first day of March and 12 o'clock meridian on the first day of May, and between 12 o'clock meridian on the 25th day of August and 12 o'clock meridian on the tenth day of September and six o'clock p. m. on Saturday of each week and six o'clock p. m. on the Sunday following, from the first day of May to the 25th day of August, both dates inclusive.

Closed.  
season.

Sturgeon.

SEC. 61. *Protection of Young Sturgeon—Penalty.*

It shall be unlawful at any time to take or kill young sturgeon under four feet in length, or fish for the same by any device or appliance whatever in the waters of the Columbia river or tributaries thereof, and any person or persons fishing with gill nets, fish wheels, or other fishing apparatus whatever in the waters of the Columbia river or tributaries thereof, who on lifting, drawing, taking up or removing any of said nets, or other fishing apparatus, shall find young sturgeon under four feet in length en-

Taking young  
sturgeon  
prohibited.

tangled or caught therein, shall immediately with care and the least possible injury to the fish, disentangle and let loose the same and transmit the fish to the water without violence. Any person or persons violating any of the provisions of this section, or having in their possession young sturgeon under four feet in length, either for consumption or sale, or who is known to wilfully destroy the same for so offending, shall be guilty of a misdemeanor. Penalty.

**SEC. 62. *Chinese Lines Prohibited—Penalty.***

It shall be unlawful to cast, extend, set, use or continue or assist in casting, extending or using any Chinese sturgeon lines, or lines of a similar character, in the waters of this state. The commissioner or any of his deputies is authorized to seize and destroy any such lines found in said waters, and they are hereby authorized to arrest forthwith any person or persons detected in setting or using any Chinese sturgeon lines of similar character, in the waters of this state. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Chinese lines.

**SEC. 63. *Traps, How Closed—Penalty.***

Throughout the weekly closed season prescribed in this act, each pound net or fish trap shall be closed by an apron placed across the outer entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the water, and shall be securely connected to the piles on either side of the heart of such trap or pound net, fastened by rings not more than two feet apart on taut wires stretched from the top to the bottom of the piles. And such apron or the appliances by which it is raised and lowered shall be provided with such signals or flags visible at a distance of at least one-half mile from the trap which shall disclose that the trap is closed, which signal or flag shall be of the form and character as may be prescribed by the commissioner under regulations to be issued by him. Mode of closing traps.

For the purpose of enforcing this regulation, the owner or operator of the fish trap or pound net shall constantly Watchman charged with duty.

maintain, during the weekly closed season, a watchman, whose duty, among other things, it shall be to cause such pound net or trap to be closed as above provided. Any owner or operator of a pound net or fish trap, or any watchman violating any of the provisions of this section, either by failing to do any act or thing required, or by doing any act or thing prohibited by this section, shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than two hundred and fifty dollars, nor more than two thousand dollars.

Penalty for violation of act.

SEC. 64. *Taking Fish from Lawful Owner.*

It shall be unlawful to take from any building, scow, livebox, trap, wheel, seine, or net, any caught or impounded fish with the intent of depriving the owner of said fish and any person so doing shall be guilty of a gross misdemeanor.

Larceny of fish.

Penalty.

SEC. 65. *Unlawful Purchase of Fish.*

It shall be unlawful for any person, firm or corporation to purchase any food fishes of any variety unlawfully taken from waters of this state during any of the closed seasons prescribed in this act, and any person who purchases any such fish during such periods shall be guilty of a misdemeanor.

Purchase during closed season.

Penalty.

SEC. 66. *Taking or Sale of Young Salmon or Salmon Trout Prohibited.*

Any person who by any means, except with hook and line, shall catch or take any salmon or salmon trout of any variety, less than fifteen inches in length, and who shall not immediately return the same alive to the water, or who shall buy or sell or offer for sale or have in his possession any such fish, shall be guilty of a misdemeanor.

Taking or sale of young salmon or salmon trout.

Penalty.

SEC. 67. *Possession Unlawful—Fish Illegally Caught.*

It shall be unlawful to buy, sell or have in possession any of the food fishes mentioned in this act caught or taken in any of the waters of this state wherein it is unlawful to catch or take the same.

Possession of fish unlawfully caught.

SEC. 68. *Salmon Canned Within Sixty Hours.*

It shall be unlawful to can or preserve for food any salmon that has been removed from the water for a longer

Canning salmon.

period than sixty hours, unless such fish have been kept artificially chilled.

**SEC. 69. *Taking Fish Except for Food or Bait Prohibited.***

It shall be unlawful to take or fish for, or have in possession, any food fish of any kind, character or description, unless the same are to be used for food or bait.

Fish for food or bait.

**SEC. 70. *Unlawful to Destroy Food Fish.***

It shall be unlawful for any person, firm or corporation wantonly to waste or destroy salmon or other food fishes taken or caught on any of the waters of the State of Washington, and no person engaged in the canning, preserving or curing of food fish shall purchase or engage a greater quantity of fish than he is able to can, preserve or cure within sixty hours after the same are taken from the water, unless such fish have been kept artificially chilled.

Wasting or destroying food fishes.

**SEC. 71. *Taking Salmon Below Dam or Fish Rack Prohibited.***

It shall be unlawful to catch, kill or in any manner destroy any salmon on or within one mile below any rack, dam or other obstruction erected across any river or stream.

Catching salmon below dams.

**SEC. 72. *Spearing, Shooting Fish Prohibited.***

It shall be unlawful to shoot, gaff, snag or snare any food fish in any of the waters of the state.

Shooting or spearing fish.

**SEC. 73. *Taking Salmon for Propagation—By Whom.***

Nothing in this act shall be construed to prevent the commissioner or the proper officers of the United States, or any person with the consent and under the direction of the commissioner from taking salmon for propagation in any manner at any time.

Salmon for propagation.

**SEC. 74. *May Remove Fish Below Hatcheries.***

The commissioner may take or remove or cause to be taken or removed in any manner, at any time, any fish of any kind, character or description within one mile below any hatchery or rearing pond.

Removal of fish below hatcheries.

*SEC. 75. Dolly Varden Trout May Be Taken.*

Bull or Dolly  
Varden trout.

It shall be lawful to take, kill, capture or destroy at any time, in any lawful manner, or to possess or market, the *Salvelinus malma*, commonly known as the Dolly Varden or bull trout.

*SEC. 76. Fish Not to Be Planted Without Consent of Commissioner.*

Consent for  
planting fish.

It shall be unlawful to liberate, release, implant, or place any fish of any kind or description in any stream, river, pond, lake, or other waters of the state, either fresh or salt, without first obtaining the written consent of the commissioner.

*SEC. 77. Canals and Ditches to Be Screened.*

Intakes of  
canals and  
water pipes  
to be  
screened.

Every ditch, channel, canal or water pipe used for conducting water from any lake, river or stream where any state fish hatchery is located, for irrigation, manufacturing, domestic or other purpose, shall be provided at its entrance or intake with a fish guard so fixed as to prevent the passage of fish into such ditch, channel or water pipe and subject to the approval of the commissioner, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal or water pipe. Every owner, manager, agent, or person in charge of such ditch, channel, canal or water pipe who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Penalty.

Each day  
separate  
offense.

Each day the end of ditch, channel, canal or water pipe is not equipped with this covering as provided, shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal or water pipe such person shall fail to do so the commissioner is hereby authorized to take possession of same in the name of the State of Washington and to close same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal or water pipe and upon the real or personal property of person or persons, firm or corporation owning same.

Authority  
to close  
intakes.

Notice of such lien shall be filed and recorded in the office of the county recorder in the county in which such action is taken.

Lien for expense.

SEC. 78. *Dams to Be Provided With Fishways.*

Every dam or other obstruction across or in any stream shall be provided with a durable and efficient fishway, which shall be maintained in a practical and effective condition in such place, form and capacity as the commissioner may approve, for which plans and specifications shall be furnished by the commissioner upon application to him, and which shall be kept open, unobstructed and supplied with a sufficient quantity of water to freely admit the passage of fish through the same. Every owner, manager, agent or person in charge of such dam or obstruction who shall fail to comply with the provisions of this section shall be guilty of a misdemeanor.

Fishways in dams.

Penalty for failure.

If any person, firm or corporation shall fail to construct and maintain such fish ladder or fishway or to remove such dam or obstruction in a manner satisfactory to the commissioner, then within thirty days after written notice thereof shall have been served upon the owner, his agent or the person in charge thereof, the commissioner may construct a suitable fish ladder or fishway, or remove such dam or obstruction, and the actual cost in case of construction of fishway thereof shall constitute a lien upon the dam and upon all the personal property of the person or persons, firm or corporation owning the same.

Construction by commissioner.

Liens.

Notice of such lien shall be filed and recorded in the office of the county auditor of the county in which such dam or obstruction is situated. Such lien may be foreclosed in any action brought in the name of the State of Washington.

Record and foreclosure.

If any person or corporation shall fail to make any such fishway or remove such dam or obstruction in a manner satisfactory to the commissioner, then within thirty days after written notice thereof shall have been served on the owner, his agent or the person in charge, such dam or obstruction shall thereby become a public nuisance and

Dam as public nuisance.

Height of  
dams.

the commissioner may take possession of same in his own name or in the name of the State of Washington and destroy same and no liability shall attach for such destruction. No dam or obstruction shall be erected in any stream in this state to a height that in the judgment of the commissioner shall make a fish ladder of fishway there-over impracticable.

SEC. 79. *Dams to Be Provided With Hatchery.*

In the event that any person desires to construct a dam in any of the streams of this state to a height that will make a fish ladder or fishway thereover impracticable, in the opinion of the commissioner, then such person may make an application to the commissioner for a permit to construct such dam, and the commissioner is hereby authorized to grant such permit in his discretion, upon the condition that the person so applying for such permit shall convey to the State of Washington a site of the size and dimensions satisfactory to the commissioner, at such place as may be selected by the commissioner, and erect thereon a hatchery and hatchery residence, according to plans and specifications to be furnished by the commissioner, and enter into an agreement with the commissioner, secured by a good and sufficient bond, to furnish all water and lights, without expense, to operate said proposed hatchery; and no permit for the construction of any such dam shall be given by the commissioner until the person applying for such permit shall have actually conveyed said land to the state and erected said hatchery and hatchery residence in accordance with the said plans and specifications. The provisions of this section shall not apply to cases where dams have been heretofore constructed in streams to a height where the construction of a fish ladder is impracticable, provided an agreement has been entered into and executed, with reference to the construction and maintenance of such dam between the commissioner and the owners thereof.

SEC. 80. *Use of Explosives Prohibited.*

Explosives.

It shall be unlawful to use or discharge, in any of the waters of this state, any explosive substances of any kind,

character or description for the purpose of catching, killing or destroying fish.

SEC. 81. It shall be unlawful to cast or pass or to suffer or permit to be cast or passed into any waters of this state either fresh or salt, within such distance from any incorporated city or town, any dead fish, heads or offal or other waste from any fish cannery, as the commissioner of public health may determine.

Casting  
waste and  
dead fish  
in waters.

SEC. 82. *Polluting Waters Prohibited.*

It shall be unlawful to cast or pass, or to suffer or permit to be cast or passed into any waters of this state, either fresh or salt, any sawdust, planer shavings, wood pulp or other waste, lime, gas, coculus indicus, chemical substances or any refuse or waste material substance or matter at any time whatsoever deleterious to fish or shell fish.

Pollution  
of waters.  
See post,  
ch. 58, § 1.

SEC. 83. *Attorney General to Prosecute—When.*

If any person violates any of the provisions of this act, and the prosecuting attorney of the county wherein such violation occurs shall, after information has been given him by the commissioner, refuse or neglects within five days thereafter to file an information against such alleged violator, it shall be the duty of the attorney general, and he is hereby given the authority when requested by the commissioner to file an information direct in the superior court of said county and in the place and stead of said prosecuting attorney to prosecute the case.

Neglect of  
prosecuting  
attorney.

Attorney  
general to  
prosecute.

SEC. 84. *Attorney General—May Assist Commissioner.*

The commissioner shall have authority to apply to the attorney general for his official opinion upon any question touching the construction and interpretation of the statutes, and the duties of the commissioner under the statutes for the protection of fish and shell fish, wherein he shall need legal advice; and the attorney general shall furnish from his office such official legal assistance as he may deem necessary in the conduct of any suit brought

Duty of  
attorney  
general.

by the commissioner, in pursuance of the provisions of this act.

SEC. 85. *Venue.*

Actions,  
where  
brought.

If any person shall fail to make any report or return to the commissioner, action against him shall lie in the superior court of the county in which he resides.

PRIVATE FISH HATCHERIES.

SEC. 86. *Riparian Proprietor May Establish Private Hatchery.*

Private  
hatcheries.

Any riparian proprietor may establish a private fish hatchery for the cultivation of food fishes, and for such purpose and use may, within the limits of his own premises, inclose the waters of any river or stream or lake in this state, subject to the conditions and regulations hereinafter provided, and any person lawfully conducting any such private fish hatchery and engaged in the artificial propagation, culture and maintenance of fishes may take them in his own enclosed waters wherein the same are so cultivated and maintained at any time and for any purpose.

Rights of  
riparian  
owners.

SEC. 87. *Private Hatchery—Passageway for Migratory Fish—Passageway for Boats, Etc.—Exceptions.*

Passageway  
for fish, boats  
and logs.

Any person, firm or corporation establishing a private fish hatchery and inclosing the waters of a river or stream, as provided in the preceding section, shall provide and furnish a suitable passageway along said hatchery for migratory fishes naturally frequenting such waters, above and below such hatchery, and shall so place and construct said inclosure as to allow the passage of boats, saw logs, shingle bolts, cordwood, fencing posts or rails, without unreasonable delay, when such inclosure is upon a river or a stream navigable and generally used for the navigation of boats, or for the floating down of logs, fencing posts, or rails: *Provided*, That if the person, firm or corporation inclosing the water of a river or stream, as herein provided, is the sole riparian proprietor thereof from such inclosure to and including the source of such river or stream, such person, firm or corporation shall be ex-

Exception  
as sole  
riparian  
owner.

cepted from the operation of this section, and shall not be required to furnish any passageway for fish or boats, logs, fencing or other material.

SEC. 88. *Private Hatchery Defined.*

Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act.

"Private hatchery" defined.

SEC. 89. *Sale of Fish From Private Hatchery Prohibited Unless Location, Etc., Be Approved, and Same Licensed.*

No fish spawn, fry or fish from private fish hatchery shall be sold under the terms of this act, unless the location and plan of such hatchery, including the character and size of a fishway and passage be approved by the commissioner, and the same duly licensed as a private fish hatchery.

Necessity of approval and license.

SEC. 90. *When Fish May Be Sold.*

The product of such fish hatchery, fish spawn, fry and fish may be sold at any time of the year by such hatchery or their vendees after having first complied with the terms of this act and the regulations of the commissioner thereto.

Sale of fish and spawn.

SEC. 91. *License Fee Twenty-Five Dollars.*

Each private fish hatchery, before it shall be entitled to the benefits of this chapter, shall pay an annual license fee of twenty-five dollars to the commissioner.

License fee.

SEC. 92. *Report to Commission.*

It shall be the duty of the superintendent or person in charge of any private fish hatchery to make a quarterly report beginning April 1, to the commissioner of the amount of spawn, fry and number of fish sold, and the name and address of the party receiving the same. It shall be the duty of each person, firm or corporation affected by the provisions of the following section to render

Reports of sales.

Reports of  
dealers.

to the commissioner a quarterly report giving a detailed statement showing the amount of spawn, fry and number of fish received from any private hatchery, and giving the name and post office address of the superintendent or manager of the same.

SEC. 93. *License Fee for Business of Buying, Packing, Selling, Etc.*

Dealer's  
license fee.

Every person, firm or corporation, buying and selling, packing and preserving or otherwise dealing in trout or other food fish obtained from private hatcheries in this state, shall procure a license for such business from the commissioner of the state, and shall pay an annual license fee of two dollars and fifty cents.

SEC. 94. *Unlawful to Take Fish Without Permission of Proprietor of Private Hatchery.*

Permission  
for taking  
fish.

No person shall take fish in any manner from the inclosed portion of any river, stream, pond or other water in which a private fish hatchery is located, or in which fish are artificially propagated, cultivated and maintained under the provisions of this chapter, without permission of the owner or proprietor of such hatchery.

SEC. 95. *Tags or Brands on Fish Sold.*

Tags on  
fish sold.

The commissioner shall have authority to require tags, branding or other device attached to all fish sold for private hatcheries, and shall designate such tags or devices.

SEC. 96. *Destruction of Seals and Sea Lions.*

Authorizing  
destruction  
of seals and  
sea lions.

The commissioner shall have the power and it shall be his duty to cause his employees to kill and destroy seals and sea lions in the waters of the State of Washington and he shall have the authority to expend such monies as may from time to time be appropriated by the legislature for such purposes and he shall keep an accurate record of the number of seals and sea lions that are so destroyed. Any person killing or causing to be killed within the waters of the Columbia river district any common seal or any sea lion, shall be entitled to receive a bounty of one dollar from the moneys appropriated for such purposes by the legislature of Oregon or the legislature of Washing-

Bounties.

ton, for each seal or sea lion so killed. All monies appropriated for such purpose by the legislature of this state shall be paid out under the supervision of the state fish commission upon vouchers approved by the commissioner, and the state fish commission shall adopt rules and regulations providing for the proof of such killing and the surrender and destruction of the scalp of such seal or sea lion. The state fish commissioner may, in his discretion, enter into an agreement with the duly authorized authorities of the State of Oregon for the joint expenditure of appropriations made by the legislatures of the states of Washington and Oregon under such regulations as may be prescribed in such agreement.

Joint agree-  
ment with  
Oregon.

SEC. 97. *Certificates for Scientific Purposes.*

Certificates shall be granted by the commissioner and ex-officio game warden to any properly accredited person of legal age permitting the holder thereof to collect birds, their nests and eggs or any of the game, food or shell fish of this state for strictly scientific purposes only. In order to obtain such certificate the applicant must present to the commissioner and ex-officio game warden a written statement from two well known scientific men, certifying to the good character and fitness of such applicant and must pay to the commissioner and ex-officio game warden \$1.00 for the issuance of the certificate and must file with him a properly executed bond in the sum of \$1000.00. On proof that the holder of such certificate has killed or taken the nest or eggs of any bird, or has taken any food, shell or game fish for other than scientific purposes, this bond shall be forfeited to the state and the certificate shall become void and the holder shall be held subject for each offense to a fine not less than \$10.00 and not more than \$500.00.

Certificates  
to scientific  
collectors.

Fees.

Bond.

Penalty for  
unlawful  
acts.

SEC. 98. *United States Officers May Take Fish for Propagation.*

Nothing in this act shall be construed so as to prevent the taking of salmon or other food fishes by the com-

Taking for  
propagation  
by U. S.  
officers.

missioner or proper officers of the United States for propagation purposes.

CLAMS AND MUSSELS

SEC. 99. *Closed Season, Pacific Ocean Beach.*

Clams and  
mussels.

Closed  
season for  
ocean beach,  
Grays and  
Willapa  
Harbors.

It shall be unlawful for any person or persons whomsoever to take or dig clams from the sands of the beach of the Pacific Ocean in this state, or from the beaches of Grays Harbor or Willapa Harbor, or to have in their possession, if the same have been taken for the purpose of canning or for sale, between the first day of June and the thirty-first day of August of each year.

*Provided*, That nothing in this section shall prevent the taking of these clams for consumption of the taker or his family, or guests at all times without a license.

SEC. 100. *Closed Season, Puget Sound.*

Puget Sound.

It shall be unlawful for any person to take or dig clams or mussels from any of the tide lands abutting on Puget Sound or from the waters of Puget Sound below the line of low tide, or have them in their possession, if the same have been taken for the purpose of canning or selling, between the first day of April and the first day of September of each year: *Provided*, That nothing in this section shall prevent the taking of these clams for consumption of the taker or his family, or guests at all times without a license.

SEC. 101. *Taking or Fishing for Crabs.*

Crabs.

It shall be unlawful for any person, firm or corporation to take or have in their possession for the purpose of selling or canning any female or any male crab measuring less than six and one-half inches across its back or to take or fish from any of the waters of the state or have in its possession after the same has been taken, for the purpose of selling or canning any crab, during the months of July, August and September of each year: *Provided*, That any such person who has a crab in his possession caught during the month of June may retain the same in his possession lawfully until the fifth day of July thereafter: *Provided*, That nothing in this section shall prevent the taking of

Closed  
season.

crabs for the consumption of the taker or his family or guests, at all times without a license, and it shall be unlawful for any person, firm or corporation to take or catch any crabs with beam-trawl or drag seine.

It shall be unlawful for any person, firm or corporation to take, capture or remove from any of the waters of the State of Washington any crab by the use of a spear or other sharp instrument whereby the shell of any said crab is broken or penetrated.

Spearing prohibited.

OYSTERS.

SEC. 102. *Oysters, Duties of Commission.*

On or before the tenth day of April of each year, the state fish commission shall designate which of the oyster reserves of the state shall be opened for the taking of oysters therefrom during the ensuing calendar year.

Oysters.

Designation of open reserves.

It shall be the duty of the state fish commission to:

Annually fix the price which shall be charged per sack of one hundred and twenty pounds of oysters which it shall decide to sell from the oyster reserves of the state.

Price per sack.

Annually formulate rules and regulations governing the taking of such oysters.

Regulations.

Annually designate those reserves which shall be open for sale of oysters therefrom, and it shall be unlawful to take oysters from the oyster reserves of the state unless the same shall be opened by order of the fish commission.

Sales from reserves.

The state fish commission shall authorize the commissioner when to improve or cause to be improved any of the oyster reserves, and it is hereby declared to be the policy of the state to annually improve some portion of the reserves, to the end that all may finally become productive, and to have these reserves yield a revenue sufficient for their maintenance and betterment, and, in fixing the price at which oysters shall be sold from the reserves, the state fish commission shall take into consideration such policy; and it is further declared to be the policy of the state to maintain the oyster reserves for the purpose of furnishing a seed supply to the owners of oyster lands,

Improvement of reserves.

Reservation of reserves in perpetuity.

which have heretofore been acquired and improved under previous statutes, or which may hereafter be acquired and improved under the laws of this state, and for this purpose all the oyster reserves are hereby forever reserved from sale or lease.

Marking  
boundaries  
of reserves.

As soon as an appropriation is made therefor, the fish commission shall cause the commissioner to erect monuments, establishing the boundaries of the several oyster reserves in the state, said monuments to be of stone or cement of not less than one hundred pounds in weight, and marked with letters "S. R." cut thereon not less than three inches long and one half inch deep.

Protection  
and seeding.

It shall be the duty of the state fish commission to protect all reserves, re-seed, re-plant, and do such other things as in its judgment are necessary for their care and protection.

"Merchant-  
able oyster"  
defined.

For the purposes of this section, a merchantable oyster is defined to be an oyster of the age of three or more years.

SEC. 103. *License to Take Seed Oysters.*

Licenses  
for taking  
seed oysters.

Any person before taking any seed oysters from the reserves of this state shall secure a license from the commissioner. Such oysters are to be used for seed purposes only, and the taker must affirm in writing that they are secured to be used upon the terms and conditions hereinafter provided.

SEC. 104. *Manner of Procuring License—To Specify Time for Taking Seed.*

Restrictions  
on taking.

No license shall be granted to take seed from the oyster reserves except between the dates fixed by the state fish commission and between the hours designated by it; and no person, firm or corporation shall take from the state oyster reserves an amount of oysters to exceed five hundred sacks to each acre prepared for seeding, and all seed taken from the state oyster reserves under the provisions of this act must be used upon lands situated in the State of Washington, and described in the application for license. Any person, firm or corporation desiring to take oysters from

the state oyster reserves for the purpose of seeding his, her or their oyster beds, may make application to the commissioner for a license so to do, said application to be made upon forms to be provided by said commissioner in substance as follows: It shall show the date when made; the name of person, firm or corporation making the same; a description of the land upon which the oysters are to be placed, said description of land to show county, township, name of bay or inlet where land is located; sufficient for identification upon the premises; it shall show the amount of land prepared for seeding; whether the same is diked or not; whether it is hard ground or mud, and, if mud ground, whether any crust or shell, sand or other substance has been formed to protect the seed oysters. The applicant must state in his application the number of sacks of oysters desired to be taken under the license, which amount must not exceed five hundred sacks per acre for all ground properly prepared to receive them. Where the applicant desires the license to be made in the name of any other person than himself or themselves or his or their agent, he shall so state. And no person, firm or corporation shall take oysters from any of the reserves in this state without first having procured a license so to do. The applicant must agree to pay to the commissioner, such price per sack and under such rules as may be prescribed by the state fish commission, for all oysters taken under his license, and in all other things to comply with the rules and regulations governing the taking of oysters from the oyster reserves as set forth in the license; and that all oysters taken in pursuance of the license will be put on the ground described in the application. Every applicant shall declare upon oath or affirmation that all things stated therein are true. It shall be unlawful for any person, firm or corporation so acquiring oysters under such license to use said oysters upon any other ground than that stated in his application, or for any other purpose whatsoever.

Showing by  
applicant  
for license.

SEC. 105. *Moneys to Go to State Oyster Reserve Fund.*

State oyster reserve fund.

All moneys received from the disposal of oysters from the reserves and from sales and leases and from licenses for the taking of oysters from the reserves shall be paid into the "state oyster reserve fund" and all expenses incurred on account of the oyster reserves shall be paid from said fund: *Provided*, That moneys coming into the fund from said sales, leases, licenses, etc., from Willapa Harbor shall be expended upon the oyster reserves of Willapa Harbor, and moneys so received from Puget Sound shall be expended on the oyster reserves in Puget Sound: *And provided further*, That any moneys now in the possession of the state treasurer of the State of Washington held in a special fund pursuant to section 6822 of Rem. & Bal. Code shall be transferred to said state oyster reserve fund for the improvement and protection of the reserves on Puget Sound, and any and all moneys received pursuant to said section 6822 in the future shall be paid into said state oyster reserve fund for the improvement and protection of the reserves on Puget Sound.

Amends Rem.-Bal. § 6822, by providing moneys from Jefferson county reserves pass to state oyster reserve fund.

SEC. 106. *Penalty for Violation.*

Penalty for trespass on state reserves.

If any person, firm or corporation shall take oysters from any of the state oyster reserves contrary to the provisions of this act, or shall go upon said reserve and rake up, or otherwise prepare oysters to facilitate the taking of same, he shall be guilty of a gross misdemeanor, and forfeit any license he, she, or it may then hold.

SEC. 107. *Acquisition by Discovery of Oyster Beds.*

Discovery of oyster beds.

Any person or persons, being a citizen or citizens of the United States, who shall discover any bed or beds of oysters in any bay or arm of the sea bordering upon this state, that has not been before discovered, shall, by right of said discovery, be entitled to the exclusive right or privilege of gathering or dredging oysters on said bed or beds for the term of five years. The person or persons making such discovery, who desires to avail himself of the rights and privileges hereby granted, shall be required

Marking beds.

to designate the place and area of the bed or beds so discovered, with stakes or other artificial marks, and shall make affidavit before the auditor of the county in which such discovery has been made that he located the premises so described, accompanied by a description and diagram of the same, which shall be filed in the office of said county auditor: *Provided*, That the restriction and protection of the discoveries shall be ten acres.

Limited to ten acres.

SEC. 108. *Penalty for Gathering Oysters From Beds Located by Another.*

It shall be unlawful for any person to gather oysters by any means on any bed located in accordance with the preceding section, except at the option and by the permission of the party or parties holding the same, under a penalty of five hundred dollars fine for so offending, or imprisonment, to be recovered in a civil suit to be brought in the name of the state.

Penalty for taking from another's bed.

SEC. 109. *Rights of Planters.*

When any person has, acting in good faith, planted oysters on 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 from wrongfully taking the oysters thereby marked, if he knew the ground to have been planted with oysters.

Oysters planted on state tide lands.

Penalty for larceny.

SEC. 110. *Deep-Water Planting—Penalty.*

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

Rights of deep-water planters.

Penalty for larceny.

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 from wrongfully taking the oysters thereby marked, if he knew the grounds to have been planted with oysters.

SEC. 111. *Penalty for Removing Oysters.*

Penalty for removal of oysters of another.

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 guilty of a gross misdemeanor. The penalties provided in this section shall not prevent the recovery by the injured party, in civil action, of damages for any unlawful removing of oysters.

SEC. 112. *Providing for the Return of Small Oysters to Beds.*

Penalty for destroying small oysters.

It shall be unlawful for any person to destroy oysters taken from their natural beds, by assorting or culling them on land or shore and leaving the small oysters there to die; but in all cases the small oysters must be returned to their natural beds, or to the private beds for cultivation; and, if any person shall offend against the provisions of this section, or in any way wantonly destroy the small oysters, he shall be guilty of a misdemeanor.

SEC. 113. *Oysters—Chilled in Transit.*

Shipments into state must be chilled in transit.

Penalty.

No person shall, within the state, sell, offer for sale, or have in his possession oysters, except oysters for planting purposes, which shall or may be hereafter shipped into this state unless said oysters shall have been during the entire time consumed in the shipment, kept in a chilled condition, at a temperature not greater than thirty-four

degrees F. Any person violating this section shall be guilty of a misdemeanor.

SEC. 114. *Not to Affect Existing Laws.*

This act shall in no manner apply to the provisions of any act heretofore enacted by the legislature of the State of Washington, providing for the sale of tide and shore lands for the purpose of oyster planting.

Sale of tide and shore lands for oyster planting.

SEC. 115. *Commissioner May Dredge for Purpose of Discovery—May Permit Others.*

The commissioner of the State of Washington may and he is hereby authorized to dredge or permit others to dredge in all the waters of the State of Washington for the purpose of discovering whether any particular waters not already reserved, leased or appropriated under existing laws, or the provisions of this act, contain oysters in a natural state, and regulate the taking thereof, under such rules as the state fish commission may prescribe.

Dredging for discovery.

SEC. 116. *Joint Compact Between the States of Washington and Oregon.*

Should Congress, by virtue of the authority vested in it under section 10, article 1, of the constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the States of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia river, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the States of Washington and Oregon shall act as a treaty between said states, subject to modification only by joint agreement by said states;" and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event, there shall exist between the States of Washington and

Recommendations of conference committees of Washington and Oregon.

Oregon a definite compact and agreement, the purport of which shall be substantially as follows:

Joint com-  
pact with  
Oregon.

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia river, or its tributaries, over which the States of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

SEC. 117. *Penalties.*

Penalties in  
cases not  
specified.

Any person who shall violate or who shall fail to observe, obey and comply with the provisions of this act for which no penalty is herein prescribed, shall be guilty of a misdemeanor.

SEC. 118. *Repealing Provision.*

Repeals  
Rem.-Bal.  
§§ 5150-5240,  
5245-5263,  
5267-5275.

Sections 5150 to 5240, inclusive, sections 5245 to 5263, inclusive, and sections 5267 to 5275, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 119. *Saving Clause.*

Construction  
of re-enact-  
ment of  
repealed  
provisions.

Any acts or parts of acts herein repealed, which are re-enacted in form or in substance in this act, shall not be construed as new acts, but as continuations and amendments of such act or parts of acts. All rights of action under existing laws, which this act in any way supersedes or repeals, if the same at the time this act takes effect shall not have been commenced, shall proceed under the provisions of this act.

Saving  
clause.

Pending  
actions.

Any action or proceedings pending in the courts under existing laws, which this act in any way supersedes or repeals, shall proceed without being in any way affected by this act. All licenses heretofore issued shall continue and remain in force during the time that they should continue under existing laws, and all rights and privileges under such licenses shall rest and remain in the holders thereof until the date of their expiration, and the holders thereof

Existing  
licenses.

shall be entitled to all property rights accruing to them thereunder, and to the renewal of such rights by the renewals of such licenses as provided in this act.

The present commissioner and state game warden heretofore appointed under existing laws shall continue to act as commissioner and state game warden under the provisions of this act, until the date of the expiration of the term for which he was appointed, unless sooner removed for cause by proper authority.

Tenure of commissioner and game warden.

SEC. 120. *Game Fish Laws.*

The provisions of this act shall apply exclusively to food and shell fish and the same shall be enforced regardless of any conflicting provisions of any game fish laws of the State of Washington now in existence or hereafter passed, and no act lawfully done under the provisions of this act shall be deemed unlawful in the event that such act conflicts with any provisions of such game fish laws.

Scope of act.

Conflict with game fish laws.

SEC. 121. *Emergency Clause.*

This act is necessary for the immediate support of the state government, and for the immediate preservation of the public peace, health and safety, and shall take effect March 31st, 1915.

Emergency.

Passed the House February 20, 1915.

Passed the Senate February 26, 1915.

Approved by the Governor March 6, 1915.

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## CHAPTER 32.

[S. H. B. 13.]

### STATE BANK EXAMINER.

AN ACT changing the title of the office of state examiner to state bank examiner.

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

SECTION 1. The title of the state examiner of banks and trust companies is hereby changed from "state examiner" to "state bank examiner." Whenever in any law,

Change of title.

contract or document the name of such officer appears as "state examiner" or reference is made to such officer, such term or reference shall be deemed to mean or refer to the "state bank examiner."

Passed the House February 11, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

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## CHAPTER 33.

[H. B. 15.]

### FALSE ENTRIES BY TRUST COMPANY OFFICERS.

AN ACT relating to trust companies, prohibiting certain acts by directors, officers and agents thereof, fixing penalties and amending section 3353 of Remington & Ballinger's Annotated Codes and Statutes of Washington. (Title 41 section 121 Pierce's Washington Code.)

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

Amends  
Rem.-Bal.  
§ 3353;  
Pierce's Code,  
41 § 121, by  
enlarging  
penalty.

SECTION 1. That section 3353 of Rem. & Bal. Code be amended to read as follows:

False entries  
or reports  
by officers  
or agents.

Section 3353. Every director, officer, agent or clerk of any trust company who wilfully and knowingly subscribes or makes any false statement of facts, or false entries in the books of such trust company, or knowingly subscribes or exhibits any false paper, with intent to deceive any person authorized to examine as to the condition of such trust company, or wilfully or knowingly subscribes to or makes any false reports, shall be deemed guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned in the state penitentiary not less than one year nor more than ten years.

Penalty.

Passed the House January 29, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

CHAPTER 34.

[H. B. 149.]

INSURANCE COMPANY INVESTMENTS.

AN ACT relating to insurance and amending section 6059-23 of Rem. & Bal. Code.

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

SECTION 1. That section 6059-23 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 6059-33, by adding proviso to subdivision 8.

Section 6059-23. *Authorized Investments.*

The capital stock of every domestic insurance company required to have a capital to the extent of the minimum capital required by law, shall be invested and kept invested as follows:

First. In the legally issued bonds, warrants, and securities of the United States, or the District of Columbia, or of any state of the United States, not estimated above their current market value; or,

Bonds, warrants and securities.

Second. In the legally issued bonds, warrants, and securities, of any county, incorporated city, or incorporated school district in this state, which has not defaulted in the payment of interest on any of its bonds, warrants, or securities within three years, and which shall not be estimated above their par value, nor their current market value; or,

Third. In the legally issued bonds and mortgages on improved unincumbered real property in this state: *Provided*, That such incumbrance does not exceed fifty per centum of the reasonable cash market value of such real property at the time of said loan; and where buildings or other improvements constitute a material part of the value of the mortgaged premises, they shall be kept insured against loss or damage by fire in a reasonable amount for the benefit of the mortgagee.

Real estate mortgages.

Fourth. The capital of every foreign or alien insurance company to the extent of the minimum capital required of a like domestic corporation shall be invested and

Investments of foreign companies.

kept invested in the same class of securities specified for domestic insurance corporations, except that securities of the home state, or country, of such company may be recognized as legal investments for an amount of the minimum capital required by this act.

Surplus  
invested.

Fifth. The residue of the capital and the surplus money and funds of every domestic insurance company over and above the amount of the minimum capital and the deposit it is required to make through the office of the insurance commissioner with the state treasurer, may be invested in or loaned on the pledge of any of the securities in which such deposits are required to be invested:

Limit on  
real estate  
loans.

*Provided,* That the amount loaned on mortgages on improved unincumbered real property does not exceed fifty per centum of the reasonable cash market value of such real property; and, when authorized and directed by a majority vote of all of the directors or trustees of the company, taken and recorded as an aye and nay vote in a board meeting duly called and convened, whereof each director or trustee must be given not less than one day's notice, may be invested in or loaned upon the legally issued bonds or warrants of, or local improvement bonds in any solvent municipal corporation, or in the legally issued bonds or securities of any solvent corporation incorporated under the laws of the United States or of any state thereof:

Corporate  
stocks and  
bonds.

*Provided,* That no investment or loan shall be made in or upon the stocks or bonds of any corporation unless the entire issue of its capital stock has been fully paid in in cash or property actually necessary for its use having a reasonable cash market value fully equal to the amount at which it is accepted by said corporation; and, when so authorized and directed by a majority vote of all of the directors or trustees of the company, may be invested in or loaned upon the legally issued bonds of any solvent irrigation district created as by law provided in this state or in any other state of the United States, whose water rights shall have been legally acquired and finally determined and shall be fully adequate to supply sufficient

Irrigation  
district  
bonds.

water to properly irrigate all lands within such district, and whose storage reservoirs, canals, ditches, flumes, feeders, machinery, equipment, and other works and improvements shall have been acquired, owned, and constructed and be unincumbered except as to such bond issue, and shall be reasonably adequate to fully supply and properly serve such district, and shall have been so far constructed and completed as to be in regular operation and use and adequately irrigating not less than thirty per centum of the lands within such irrigation district; and, may be loaned on mortgages on improved unincumbered real property in any state in the United States: *Provided*, The amount of such loan does not exceed fifty per centum of the reasonable cash market value of such real property at the time of such loan, and where buildings constitute a material part of the value of such mortgaged premises, they shall be kept insured against loss or damage by fire, lightning, wind storms and cyclones in a reasonable amount for the benefit of the mortgagee.

Limit on  
mortgage  
loans.

The capital and funds of a domestic insurance company shall not be invested in or loaned upon its own stock or the stock of any other insurance company, or the stock of any oil or mining company, or the stock of any fish, fruit, or vegetable canning company, nor shall they be invested in the stock of any corporation whose stockholders may be legally liable in excess of the par value of the stock for assessment to raise funds to pay the indebtedness of such corporation. Neither shall they be invested in or loaned upon the stock of any corporation in which any officer, director, or trustee of such insurance company is a stockholder or has any direct or indirect or contingent interest in such proposed investment or loan; but when authorized by the aye and nay vote of the majority of all the directors or trustees of such insurance company having no such interest, taken and recorded at a board meeting duly called and convened to pass upon such proposed investment or loan, whereof each director or trustee must be given not less than one day's notice, such funds may be

Restriction  
on invest-  
ments.

loaned to any officer, director, or trustee of such insurance company or to any company or corporation in which either of them may be interested, upon any other securities authorized by this section.

Title insurance, guaranty, and indemnity companies.

Sixth. Every domestic company organized to make insurance against loss and damage by reason of defective titles to property or incumbrance thereon, and to guarantee the validity and legality of bonds or other evidence of indebtedness issued by any state, city, county, town, school district, municipality, or by any private or public corporation, or to guarantee or indemnify merchants or others engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers, shall invest its capital and funds not required and permitted by this act to be invested in its plant, in the same kind of securities as the funds of a domestic insurance company are required by this section to be invested.

Foreign investments.

Seventh. Every domestic company doing business in other states of the United States or in foreign countries, may invest the funds required to meet its obligations, incurred in such other state or foreign country, and in conformity to the laws thereof, in the same kind of securities of such other state or foreign country that such company is by law allowed to invest in this state.

Loans to policy holders

Eighth. Any life insurance company may lend a sum not exceeding the legal reserve which it owes, upon any policy upon the pledge to it of said policy and its accumulations as collateral security, but nothing in this section shall be held to authorize one insurance company to obtain by purchase or otherwise, the control of any other insurance company: *Provided*, That a domestic insurance company may, with the approval of the insurance commissioner, dispose of its own, or acquire all or part of the business, assets, investments, property, or capital stock of another insurance company for the purpose of amalgamation, merger or consolidation.

Merger of companies authorized.

Real estate investments.

Ninth. A domestic insurance company may invest in such real property as shall be requisite for its home offices

in the transaction of its business and may rent space therein not immediately required for its own use: *Provided*, That no such investment shall be made that will reduce the amount of the surplus assets, exclusive of such investment, to less than fifty per centum of the minimum capital required by law, of such company: *Provided, further*, That no such investment shall be made by a domestic mutual insurance company that will reduce the amount of the surplus assets, exclusive of such investment, of such company to less than fifty thousand dollars.

Tenth. No domestic insurance company shall make any investments or loan of its capital, surplus, or reserve to any one person, firm or corporation in excess of ten per centum of the amount of its paid-up capital and surplus, and no loan shall be made for a longer period than one year, which, upon proper showing and security, may be extended not to exceed one year, except that loans upon improved unincumbered real property may be made for any term, not exceeding ten years:

Limit of  
loan to one  
person.

Loan periods.

*Provided*, That all investments and loans of the capital and funds of any domestic insurance company, except as provided in paragraph nine of this section, shall be made and kept invested in and loaned on interest or dividend bearing securities, whereon default for interest has not been made during three years next prior to the making of such loan, and the regular annual dividends, in the case of investments in stocks, shall have been actually earned and paid out of the net profit, of not less than four per centum, of the par value of such stock during each of the five years next preceding the time of such investment: and

Relating to  
investments.

*Provided, further*, That all property, securities, investments, and loans held by any domestic insurance company when this act takes effect, which investments in or loans on such property or securities are prohibited by or contrary to the provisions of this section, shall be sold and disposed of and the proceeds thereof invested as provided by this section, within two years from the time when this act shall take effect, and such property, securities, investments, or

Disposal of  
unauthorized  
investments.

loans shall not be held for a longer period unless, owing to general financial and business depression, such investments may not be readily converted into funds and reinvested as by this section provided without material sacrifice, in which event, upon a proper showing and application made to the commissioner, he may extend the said period for a reasonable time, not exceeding two years.

Reports of  
loans and  
investments.

With each investment or loan made of the capital and funds of any domestic insurance company shall be made and signed a written report by the officer, director, trustee, or acting chairman of the committee of directors or trustees making or authorizing such investment or loan on the part of such company, stating the amount so invested or loaned, a brief description of the securities or property in which such investment or loan is made, the reasonable cash market value thereof, and in case of a loan, the rate of interest, and amount of insurance carried to protect the mortgagee, and in case of an investment, the rate of interest or annual dividend earned and paid during the five years next preceding; whether any officer, director, or trustee of such insurance company has any direct, indirect, or contingent interest in the securities in which such investment, or on which such loan is made, or in the assets of the business, person, co-partnership, or corporation in whose behalf such loan or investment is made, and if so, the name of the officer, director, or trustee, and the character and extent of such interest, the name of the attorney who passes upon such transaction and the substance of his report; the amount of the expense and commission, if any, on such investment or loan, by whom paid and to whom paid, which report shall be recorded in a book to be kept by the company known as "Reports on Loans and Investments," which shall be at all times open to the inspection of the commissioner or his deputy, and any stockholder of such company.

Business  
under cor-  
porate name.

All investments, loans and deposits of the funds and securities of each domestic insurance company, and all purchases on behalf of every domestic insurance company, and all sales made of the property and effects of such

company, shall be made in its corporate name, and no officer, director, or trustee thereof, and no agent, attorney, or member of a committee having any authority in the investment or disposition of its funds, shall accept, except for the company, or be the beneficiary of, either directly or remotely, any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or on behalf of such company, or be pecuniarily interested in any such purchase, sale, loan, or investment, either as borrower, principal, co-principal, agent, attorney, or beneficiary, except that he may procure a loan from such company direct, as provided in paragraph five of this section, and if a policy holder, he shall be entitled to all the benefits accruing under the terms of his contract.

Profits by  
officers or  
agents  
prohibited.

No investment, sale, or loan, except loans on its own policies, shall be made which has not first been authorized by the board of directors, or by a committee thereof charged with the duty of investing or loaning the funds of the company, nor shall any deposit be made in a bank or banking institution, unless such bank has first been approved as a bank of deposit by the board of directors or said committee thereof, and unless a vote authorizing such investment, sale, or loan, or approval of the place of deposit, has been duly recorded in the books of the company.

Approval of  
directors as  
to depositary,  
sales and  
investments.

Every domestic insurance company shall have the right to acquire title to any property under the conditions of any mortgage owned by it, or by purchase or set off on execution upon judgment for debts due it previously contracted in the course of its business, or by any process in settlement for debts; if such company acquires title to or lien upon any property or securities which it may not otherwise invest in, or loan its funds upon, under the provisions of this section, such company shall dispose of all such personal property within one year, and real property within three years, from the time of acquiring same, and the commissioner, upon proper showing and applica-

Real and  
personal  
property  
acquired.

Disposal.

tion, may extend such period a reasonable time, not exceeding two years.

Passed the House March 1, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

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## CHAPTER 35.

[H. B. 86.]

### EXAMINATION OF STATE BANKS.

AN ACT relating to banks, powers and duties and examination thereof and amending sections 3292, 3299, 3301, 3308, 3324 and 3343 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3292 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 3292.

Section 3292. The state bank examiner may appoint three deputies and revoke such appointment at pleasure, who shall have the qualifications and possess the powers, and perform the duties attached by law to the office of the state bank examiner. He may also employ from time to time such clerical assistance as shall be necessary to the proper conduct of his office; but in no case shall the expenses incident to the conduct of the office exceed the appropriation provided by legislative action.

Appointment  
of deputies.

SEC. 2. That section 3299 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 3299.

Section 3299. The state bank examiner shall receive and place on file in his office the reports required to be made by banks under this act, prepare and furnish to all such banks the blank forms for such statements or reports as may be by this act required of them; make on or before the first day of February of each year, a report for the preceding year to the governor of this state showing:

Bank re-  
ports to  
examiner.

1. A summary of the conditions of the banks subject to his control at the date of their last report. Examiner's annual report.
2. A list of banks which have been organized or closed during the year.
3. The amount of money collected and expended by him.

It shall be his duty to publish annually at the expense of the state, in pamphlet form, at least five hundred copies of such report, and he shall furnish a copy of same free to each bank doing business under the provisions of this act and in his discretion to other interested persons. Distribution.

SEC. 3. That section 3301 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Amends Rem.-Bal. § 3301.

Section 3301. The state bank examiner shall collect from each bank for each complete examination of its condition, twenty-five dollars (\$25) for each examination, and in addition thereto, one two hundredths per cent. (1-200%) on all deposits, including those of banks, and certificates of deposit at the time of the examination of the bank, but in no case shall the charge be more than two hundred dollars. All money collected under the provisions of this section shall be paid into the general fund of the state. Bank examination fees.

SEC. 4. That section 3308 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Amends Rem.-Bal. § 3308.

Section 3308. The state bank examiner shall keep proper books of record of all acts, matters and things done by him under the provisions of this act, as records of his office. Neither he nor his deputies nor clerks shall disclose any fact or information obtained in the course of the business of the department, to any person other than United States or clearing house examiners, except so far as this act makes it their duty to make public records and publish the same, and any violation of this prohibition shall subject the offender to prosecution for misdemeanor in any court of competent jurisdiction, and to punishment by fine not exceeding one thousand dollars, with imprison- Examiner's records.  
Disclosures unlawful.  
Penalty.

ment in the county jail until the same is paid; and such conviction shall subject the offender to a forfeiture of his office or employment.

Amends  
Rem.-Bal.  
§ 3324.

SEC. 5. That section 3324 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Not to deal in  
bank stock.

Section 3324. The shares of stock of such incorporated bank shall be deemed personal property and shall be transferred on the books of the bank in such a manner as the by-laws thereof shall direct. No bank shall be the purchaser of its own capital stock, or accept its capital stock, or any part of it, as security for loans. No bank shall subscribe for or purchase the stock of any other banking corporation, except a Federal Reserve Bank of which such bank shall become a member, and then only to the extent required by such Federal Reserve Bank.

Amends  
Rem.-Bal.  
§ 3343.

SEC. 6. That section 3343 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Reserve fund.

Section 3343. Every bank and trust company doing business under this act, shall have on hand at all times in available funds, not less than fifteen per cent. (15%) of its total deposits; such sums may consist of balances due it from good, solvent banks located at commercial centers and at such other points as the state bank examiner may approve, and actual cash or checks on solvent banks located in the same city.

Passed the House February 9, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

## CHAPTER 36.

[H. B. 244.]

## MARINE INSURANCE.

AN ACT relating to insurance and amending section 6059-178 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6059-178 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6059-178.

Sec. 6059-178. *One-third—New—Old.*

In the case of partial loss of a ship or its equipment, except where a vessel is under one year of age, a deduction of one-third from the cost of all new work shall be made; that repairs where there is no betterment, shall not be subject to a deduction and that a credit for old material shall be first deducted from the cost of repairs before allowance of one-third new for old; that the cost of moving a vessel to and from a dry-dock and the cost of dry-docking a vessel shall not be subject to a deduction of one-third; anchors and chains shall be allowed in full, and for metal sheathing a depreciation of two and one-half per centum shall be deducted for each month that it has been made fast to the vessel.

Partial loss  
of vessel.

Estimating  
liability.

Passed the House March 1, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

## CHAPTER 37.

[H. B. 258.]

## INSURANCE BROKERAGE.

AN ACT relating to insurance and amending section 6059-100 of Rem. & Bal. Code.

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

Amends  
Rem.-Bal.  
§ 6059-100.

SECTION 1. That section 6059-100 of Rem. & Bal. Code be amended to read as follows:

Sec. 6059-100. *Brokerage—License Required—Agents May Exchange Business.*

Broker's  
license.

Any person or party who solicits fire, marine, casualty, liability, or surety business to be placed in an insurance company other than represented by him shall be deemed and considered as transacting a brokerage business and shall be required to procure a broker's license: *Provided*, That nothing in this act shall be considered as prohibiting duly licensed *bona fide* recording agents from exchanging with each other any of the lines of business enumerated in this section for which such agent is licensed, and paying or dividing commission on business so exchanged.

Dividing  
commissions.

Passed the House March 1, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

CHAPTER 38.

[H. B. 21.]

RELATING TO TRUST COMPANIES.

AN ACT relating to trust companies, national banks, state banks, amending section 3346 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3346 of Rem. & Bal. Code is hereby amended so as to read as follows:

Amends  
Rem.-Bal.  
§ 3346.

Section 3346. Seven or more persons of full age may become a trust company on the terms and conditions and subject to the liabilities prescribed in this act; the name of every company formed under this act shall contain the word "trust," but shall not be that of any other existing corporation of this state; the capital stock of such trust company hereafter organized shall not be less than one hundred thousand dollars: *Provided*, That in cities having less than 25,000 inhabitants such companies may be organized with \$50,000.00 capital, and shall be divided into shares of one hundred dollars each, all of which shall be paid in cash before any trust company shall be authorized to transact any business, and such payment shall be certified to the bank examiner under oath by the president and treasurer or secretary of the trust company; hereafter no corporation shall be organized for the purpose of carrying on a trust company business in the State of Washington except under this act, and no company hereafter organized under any other act shall use the word "trust" as a part of its name: *Provided*, That national banks, having a paid up capital of \$50,000.00 or more when authorized or permitted so to do by or under any act of the Congress of the United States, may exercise any of the powers conferred upon trust companies organized under this act: *And provided further*, That any state bank organized under the laws of the State of Washington, having a paid up capital of fifty thousand (\$50,000) dollars or more may exercise any of the powers con-

Formation  
of trust  
companies.

Capital  
stock.

Exercise of  
trust powers  
by national  
banks.

By state  
banks.

Foreign cor-  
porations  
doing busi-  
ness in state.

ferred upon trust companies organized under this act by first obtaining permission from the state bank examiner: *And provided further*, That this act and chapter shall not apply to any foreign corporation engaged in the business of loaning money on mortgage security which does not accept deposits or receive from citizens of the State of Washington property or money in trust or on deposit or for investment. In case any foreign corporation whose name contains the word "trust," or whose articles of incorporation empower it to do a trust business, desires to engage in business of loaning money on mortgage security in this state, it shall file, in addition to its articles of incorporation or association, a resolution of its governing board, duly attested by its president and secretary, expressly stating that it will not receive deposits in the State of Washington or accept from citizens and residents of the State of Washington property and money, or either, in trust for investment.

Passed the House March 2, 1915.

Passed the Senate March 3, 1915.

Approved by the Governor March 6, 1915.

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## CHAPTER 39.

[H. B. 153.]

### ABSENTEES' ESTATES.

AN ACT relating to the management, control and disposition of property belonging to absentees.

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

Property of  
absentees.

SECTION 1. Whenever it shall be made to appear by petition to any judge of the superior court of any county that there is property in such county, either real or personal, that requires care and attention, or is in such a condition that it is a menace to the public health, safety or welfare, or that the custodian of such property appointed by the owner thereof is either unable or unwilling to con-

tinue longer in the care and custody thereof, and that the owner of such property has absented himself from the county and that his whereabouts is unknown and cannot with reasonable diligence be ascertained, which petition shall state the name of the absent owner, his approximate age, his last known place of residence, the circumstances under which he left and the place to which he was going, if known, his business or occupation and his physical appearance and habits so far as known, the judge to whom such petition is presented shall set a time for hearing such petition not less than six weeks from the date of filing, and shall by order direct that a notice of such hearing be published for three successive weeks in a newspaper published in the county where such petition is filed and in such other counties and states as will in the judgment of the court be most likely to come to the attention of the absentee or of persons who may know his whereabouts, which notice shall state the object of the petition and the date of hearing, and set forth such facts and circumstances as in the judgment of the court will aid in identifying the absentee, and shall contain a request that all persons having knowledge concerning the absentee shall advise the court of the facts. If it shall appear at such hearing that the whereabouts of the absentee is unknown, but there is reason to believe that upon further investigation and inquiry he may be found, the judge may continue the hearing and order such inquiry and advertisement as will in his discretion be liable to disclose the whereabouts of the absentee, but when it shall appear to the judge at such hearing or any adjournment thereof that the whereabouts of the absentee cannot be ascertained, he shall appoint a suitable person resident of the county as trustee of such property, taking into consideration the character of the property and the fitness of such trustee to care for the same, preferring in such appointment the husband or wife of the absentee to his presumptive heirs, the presumptive heirs to kin more remote, the kin to strangers, and creditors to those who are not otherwise interested, provided they

Petition for court to assume control.

Publication of notice.

Hearing.

Appointment of trustee.

are fit persons to have the care and custody of the particular property in question and will accept the appointment and qualify as hereinafter provided.

Inventory  
and  
appraisal.

SEC. 2. The trustee so appointed shall make, subscribe and file in the office of the clerk of the court an oath for the faithful performance of his duties, and shall, within such time as may be fixed by the judge, prepare and file an inventory of such property, and the judge shall thereupon appoint three disinterested and qualified persons to appraise such property, and report their appraisement to the court within such time as the court may fix. Upon the coming in of the inventory and appraisement, the judge shall fix the amount of the bond to be given by the trustee, which bond shall in no case be less than the appraised value of the personal property and the annual rents and profits of the real property, and the trustee shall thereupon file with the clerk of the court a good and sufficient bond in the amount fixed and with surety to be approved by the court, conditioned for the faithful performance of his duties as trustee, and for accounting for such property, its rents, issues, profits and increase.

Bond of  
trustee.

Reports of  
trustee.

SEC. 3. The trustee shall, at the expiration of one year from the date of his appointment and annually thereafter and at such times as the court may direct, make and file a report and account of his trusteeship, setting forth specifically the amounts received and expended and the conditions of the property.

Sale of  
property.

SEC. 4. If the property or any part thereof be personal property of a perishable nature or property likely to deteriorate in value, or if necessary to pay debts against the absentee which have been duly approved and allowed in the same form and manner as provided for the approving and allowing of claims against the estate of a deceased person the trustee may sell the same under order of the court so to do, at public or private sale, and upon such terms and notice as the court may direct, and shall hold the proceeds of such sale, after deducting the necessary expenses thereof, subject to the order of the court.

The trustee is authorized and empowered to, by order of the court, expend the proceeds received from the sale of such property, and also the rents, issues and profits accruing therefrom in the care, maintenance and upkeep of the property, so long as the trusteeship shall continue, and the trustee shall receive out of such property such compensation for his services as may be fixed by the court.

Income applied to maintenance.

Compensation of trustee.

SEC. 5. The court shall have the power to remove or to accept the resignation of such trustee and appoint another in his stead. At the termination of his trust, as hereinafter provided or in case of his resignation or removal, the trustee shall file a final account, which account shall be settled in the manner provided by law for settling the final accounts of administrators and guardians.

Removal or resignation of trustee.

Final account.

SEC. 6. Such trusteeship shall continue until such time as the owner of such property shall return or shall appoint a duly authorized agent or attorney in fact to care for such property, or until such time as the property shall be provisionally distributed to the presumptive heirs, or to the devisees and legatees of the absentee as hereinafter provided, or until such time as the property shall escheat to the state as hereinafter provided.

Period of trusteeship.

SEC. 7. Whenever the owner of such property shall have been absent from the county for the space of five years and his whereabouts are unknown and cannot with reasonable diligence be ascertained, his presumptive heirs at law may apply to the court for an order of provisional distribution of such property, and to be let into provisional possession thereof: *Provided*, That such provisional distribution may be made at any time prior to the expiration of five years, when it shall be made to appear to the satisfaction of the court that there are strong presumptions that the absentee is dead; and in determining the question of presumptive death, the court shall take into consideration the habits of the absentee, the motives of and the circumstances surrounding the absence, and the reasons which may have prevented the absentee from being heard of. Notice of hearing upon application for provisional

Distribution to heirs.

Presumption of death.

Notice of  
hearing.

distribution shall be published in like manner as notices for the appointment of trustees are published. If the absentee left a will in the possession of any person such person shall present such will at the time of hearing of the application for provisional distribution and if it shall be made to appear to the court that the absentee has left a will and the person in possession thereof shall fail to present it, a citation shall issue requiring him so to do, and such will shall be opened, read, proven, filed and recorded in the case, as are the wills of decedents.

Will of  
absentee.

Provisional  
distribution.

SEC. 8. If it shall appear to the satisfaction of the court upon the hearing of the application for provisional distribution that the absentee has been absent and his whereabouts unknown for the space of five years, or there are strong presumptions that he is dead, the court shall enter an order directing that the property in the hands of the trustee shall be provisionally distributed to the presumptive heirs, or to the devisees and legatees under the will, as the case may be, upon condition that such heirs, devisees and legatees respectively give and file in the court bonds with good and sufficient surety to be approved by the court, conditioned for the return of or accounting for the property provisionally distributed in case the absentee shall return and demand the same, which bonds shall be respectively in twice the amount of the value of the personal property distributed, and in ten times the amount of estimated annual rents, issues and profits of any real property so provisionally distributed.

Bond of  
distributees.

Final  
distribution.

SEC. 9. Whenever the owner of such property shall have been absent from the county for a space of fifteen years and his whereabouts are unknown and cannot with reasonable diligence be ascertained, his presumptive heirs-at-law or the legatees and devisees under the will, as the case may be, to whom the property has been provisionally distributed, may apply to the court for a decree of final distribution of such property and satisfaction, discharge and exoneration of the bonds given upon provisional distribution. Notice of hearing of such application shall be

Notice of  
application.

given in the same manner as notice of hearing of application for the appointment of trustee and for provisional distribution and if at the final hearing it shall appear to the satisfaction of the court that the owner of the property has been absent and unheard of for the space of fifteen years and his whereabouts are unknown, the court shall exonerate the bonds given on provisional distribution and enter a decree of final distribution, distributing the property to the presumptive heirs-at-law of the absentee or to his devisees and legatees, as the case may be.

SEC. 10. Whenever the owner of such property for which a trustee has been appointed under the provisions of this act shall have been absent and unheard of for a period of fifteen years and no presumptive heirs-at-law have appeared and applied for the provisional distribution of such property and no will of the absentee has been presented and proven, the trustee appointed under the provisions of this act shall apply to the court for a final settlement of his account and upon the settlement of such final account the property of the absentee shall be escheated in the manner provided by law for escheating property of persons who die intestate leaving no heirs.

Final  
settlement.

Escheat.

Passed the House February 26, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

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## CHAPTER 40.

[S. B. 233.]

### POLICE RELIEF AND PENSION FUND.

AN ACT relating to the police relief, health, and insurance fund in incorporated cities of the first class and amending sections 8080, 8081, 8084, 8085 and 8090 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8080 of an act entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the dis-

Amends:  
Rem.-Bal. . . .  
§ 8080, in  
subd. 6.

bursement thereof, and creating a board of police pension fund commissioners," approved March 2, 1909, be amended to read as follows:

Creation  
of fund.

Section 8080. The said board, for the purpose of said police and relief and pension fund, shall have the power to direct and shall direct the payments annually, and when the annual tax levy of the city or town is made, into said fund of the following moneys:

First. Not more than one per centum of all moneys collected and received from licenses for the keeping of places wherein spirituous, malt or other intoxicating liquors are sold.

Second. Not more than one-half of all moneys received from taxes or from licenses upon dogs.

Third. All moneys received from the sales of all unclaimed property.

Fourth. Not more than ten per centum of all moneys received from licenses from pawnbrokers, second-hand stores, junk dealers, and from any person, firm or corporation maintaining or conducting billiard, pool or pigeon hole tables for hire, or billiard and pool rooms.

Fifth. All moneys received from fines for the carrying of concealed weapons.

Sixth. Ten per centum of all fines collected or received in money for violation of city ordinances.

Seventh. The treasurer of any incorporated city which may hereafter be subject to the provisions of this act, shall retain monthly from the pay of each member of the police department of such city, a sum equal to one and one-half per centum of the monthly compensation paid each member for his services as such police officer, said sum to be forthwith paid into said police relief and pension fund, and no other or further deduction shall be made from such pay for any other fund or purpose whatever.

SEC. 2. That section 8081 of said act be, and the same hereby is, amended to read as follows:

Amends  
Rem.-Bal.  
§ 8081.

Section 8081. Whenever any person at the taking effect of this act, or thereafter, shall have been duly ap-

pointed or selected and sworn, and shall have served for twenty years or more, in the aggregate, as a member, in any capacity or rank whatever, of the regularly constituted police department of any such city which may hereafter be subject to the provisions of this act, and shall have reached the age of sixty years, or shall have served not less than twenty-five years continuously, and not have reached the age of sixty years, said board may order and direct that such person be retired from further service in such police department, and from the date of the making of such order the service of such person in such police department shall cease, except in cases of emergency as hereinafter provided, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one-half of the amount of salary attached to the rank which he held in said police department for the period of one year next preceding the date of such retirement.

Retirement  
for age or  
service.

Pension.

SEC. 3. That section 8084 of said act be amended to read as follows:

Amends  
Rem.-Bal.  
§ 8084, by  
adding last  
proviso.

Section 8084. Whenever any member of the police department of any such city shall lose his life through violence while actually engaged in the performance of his duty as such police officer, leaving a widow or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one-third of the amount of the salary attached to the rank which such member held in said police department at the time of his death, shall be paid to such widow during her life, or if no widow, then to the child or children, until they shall be sixteen years of age: *Provided*, That if such widow or child or children, shall marry, then such person so marrying shall thereafter receive no further pension from such fund: *Provided, further*, That if any member, so losing his life, leaves no wife, or child or children, under the age of sixteen years, then the said board shall pay the sum of not more than one hundred fifty dollars towards funeral expenses of such member.

Loss of life  
in service.

Pension to  
widow or  
children.

Funeral  
expenses.

Amends  
Rem.-Bal.  
§ 8085.

SEC. 4. That section 8085 of the said act be amended to read as follows:

Death from  
natural  
causes.

Payment to  
widow or  
next of kin.

Section 8085. Whenever any member of the police department of such city shall, after five years of service in said department, die from natural causes, then his widow, or child, or children under the age of sixteen years, or if there be no widow or children, then his parents or unmarried sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this act.

Amends  
Rem.-Bal.  
§ 8090.

SEC. 5. That section 8090 of said act be amended to read as follows:

Sick benefits.

Section 8090. Whenever any member of the police department of any such city shall, on account of sickness or disability, suffered or sustained while a member of said department, and not caused or brought on by dissipation or abuse, of which the board shall be the judge, be confined to any hospital or to his home and shall require nursing, care or attention, the said board shall pay the necessary hospital, care and nursing expenses of such member out of said fund, and the salary of said member shall continue while he is necessarily confined to such hospital or home and necessarily requires care and nursing on account of such sickness or disability for a period not exceeding six months, after which said period the other provisions of this act shall apply: *Provided*, That said board shall in all cases have the right in its discretion to have said member so suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of such sickness or disability, said physician or physicians to report to said board the result of said examination within three days thereafter. Any such member who refuses to submit to such examination

Medical ex-  
amination  
of claimant.

or examinations shall forfeit all his rights to benefits under this section.

Passed the Senate February 18, 1915.

Passed the House March 4, 1915.

Approved by the Governor March 8, 1915.

## CHAPTER 41.

[H. B. 199.]

### DEFAULT JUDGMENTS IN JUSTICE COURTS.

AN ACT relating to the entry of default judgments by justices of the peace and amending section 1858 of Remington & Balingier's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1858 of Remington & Balingier's Annotated Codes and Statutes of Washington, be amended to read as follows:

Amends  
Rem.-Bal.  
§ 1858, by  
adding  
subd. 3.

When the defendant fails to appear and plead at the time specified in the notice, or within one hour thereafter, judgment shall be given as follows:

1. When the defendant has been served with a true copy of the complaint, judgment shall be given without further evidence for the sum specified therein;

Without  
evidence.

2. In other cases, the justice shall hear the evidence of the plaintiff, and render judgment for such sum only as shall appear by the evidence to be just, but in no case exceed the amount specified in the complaint.

Evidence  
required.

3. The justice shall have full power at any time after a judgment has been given by default for failure of the defendant to appear and plead at the proper time, to vacate and set aside said judgment for any good cause and upon such terms as he shall deem sufficient and proper. Such judgment shall only be set aside upon five days notice in writing served upon the plaintiff or the plaintiff's attorney and filed with the justice within ten days after the entry of the judgment. The justice shall hear the application to set aside such judgment either upon affidavits

Vacation  
of default  
judgment.

or oral testimony as he may deem proper. In case such judgment is set aside the making of the application for setting the same aside shall be considered an entry of general appearance in the case by the applicant, and the case shall duly proceed to a trial upon the merits: *Provided*, That, no justice of the peace shall pay out or turn over money or property received by him by virtue of any default judgment until the expiration of the ten days for moving to set aside such default judgment has expired.

Passed the House March 1, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

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## CHAPTER 42.

[H. B. 126.]

### ABOLISHING OFFICE OF WRECKMASTER.

AN ACT relating to the office of wreckmaster, abolishing the same and repealing Chapter XI, being Sections 8261-8286, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Chapter XI, being sections 8261-8286, inclusive, of Rem. & Bal. Code, is hereby repealed.

SEC. 2. The office of Wreckmaster is hereby abolished.

Passed the House February 11, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

Repeals  
Rem.-Bal.  
 §§ 8261-8286.

Wreckmaster.

CHAPTER 43.

[H. B. 187.]

COSTS IN JUSTICE COURTS.

AN ACT relating to costs in Justice Courts and amending section 1862 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1862 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 1862, by  
adding  
proviso.

Section 1862. When the prevailing party is entitled to recover costs in a civil action before a justice of the peace, the justice shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the justice shall enter up a judgment in favor of the defendant for the amount of his costs; and in case any party so entitled to costs is represented in the action by an attorney, the justice shall include an attorney's fee of five dollars as part of the costs: *Provided, however,* That the plaintiff shall not be entitled to such attorney fee unless he obtain, exclusive of costs, a judgment in the sum of five dollars or more.

Judgment  
for costs.

Attorneys'  
fees.

Passed the House March 1, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

## CHAPTER 44.

[H. B. 113.]

## POWERS AND DUTIES OF SCHOOL DIRECTORS.

AN ACT relating to the powers and duties of school directors and amending Section 4481 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Amends  
Rem.-Bal.  
§ 4481. by  
providing for  
night schools.

SECTION 1. That section 4481 of Rem. & Bal. Code be amended to read as follows:

Section 4481. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be its duty:

Employment  
of teachers.

First. To employ, for not more than one year, and for sufficient cause to discharge, teachers, and to fix, alter, allow and order paid their salaries and compensation. The directors, except in districts of the first class, shall make with each teacher employed by them a written or printed contract, which shall be in conformity with the laws of this state, and every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk and the other shall be delivered to the teacher after having been approved and registered by the county superintendent as by law required.

Enforcement  
of rules and  
regulations.

Second. To enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their district.

Care of  
school  
houses.

Third. To rent, repair, furnish and insure school houses, to employ janitors, laborers and mechanics.

Fourth. To cause all school houses to be properly heated, lighted and ventilated, and to cause all school premises to be maintained in a cleanly and sanitary condition.

Purchase  
and lease  
of property.

Fifth. To purchase personal property in the name of the district and to receive, lease and hold for their district any real or personal property.

Sixth. To suspend or expel pupils from school who refuse to obey the rules thereof, and they shall exclude from school all children under six years of age.

Suspension  
and expul-  
sion of  
pupils.

Seventh. To provide free text-books and supplies to be loaned to the pupils of the school, when in their judgment the best interests of their district will be subserved thereby, and to prescribe such rules and regulations as they shall deem necessary to preserve such books and supplies from unnecessary damage.

Free  
text-books.

Eighth. To require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state, as a condition to membership in the schools.

Authorized  
text-books.

Ninth. To exclude from schools and school libraries all books, tracts, papers and other publications of an immoral or pernicious tendency.

Exclusion of  
immoral  
publications.

Tenth. To authorize the school room to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the board of directors may adopt.

Use of  
school rooms  
for meetings.

Eleventh. To provide and pay for transportation of children to and from school when in their judgment the best interests of their district will be subserved thereby, but, in case transportation is provided, the directors shall not be compelled to transport children who live within two miles of the school house.

Transporta-  
tion of  
pupils.

Twelfth. To establish and maintain night schools.

Night  
schools.

Passed the House March 1, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

## CHAPTER 45.

[H. B. 157.]

## SUMMONS BY PUBLICATION.

AN ACT relating to the commencement of civil actions in the superior courts and amending section 228 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 228 of Rem. & Bal. Code be amended to read as follows:

Section 228. When the defendant cannot be found within the state (of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is *prima facie* evidence), and upon the filing of an affidavit of the plaintiff, his agent or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in section 233 of said codes and statutes) and complaint in the post-office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in either of the following cases:

1. When the defendant is a foreign corporation, and has property within the state;
2. When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;
3. When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;
4. When the action is for divorce in the cases prescribed by law;

Amends  
Rem.-Bal.  
§ 228.

Affidavit for  
publication  
of summons.

Conditions  
warranting  
publication.

5. When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein ;

6. When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same ;

7. When the action is against any corporation, whether private or municipal, organized under the laws of the state and the proper officers on whom to make service do not exist or cannot be found.

SEC. 2. No action or proceeding commenced or right existing when this act shall take effect, shall be affected or impaired thereby, but such action or proceeding shall be prosecuted and continued and such right remain as if this act has [had] not been passed.

Saving  
clause.

Passed the House February 19, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.

## CHAPTER 46.

[S. B. 388.]

## PORT DISTRICTS OF THE FIRST CLASS.

AN ACT defining port districts of the first class, providing a method for the government thereof, limiting the powers thereof, defining the powers and duties of the officers thereof, enacting certain other provisions relating thereto and amending chapter 92 of the Laws of 1911, being an act entitled "An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor," approved March 14, 1911, as heretofore amended and now in force, by adding thereto certain sections to be known respectively as sections 15, 16, 17, 18, 19, 20, 21, 22 and 23.

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

SECTION 1. That chapter 92 of the Laws of 1911, being an act entitled "An act authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor," approved March 14, 1911, as heretofore amended and now in force, be further amended by adding thereto a new section to be known and designated as section 15, as follows:

Section 15. Every port district heretofore or hereafter formed which is or shall be co-extensive with the limits of a county of the first class, as defined in section 4031 of Remington & Ballinger's Annotated Codes and Statutes of Washington, shall be known and designated as a port district of the first class. This section and the following sections to section 23 inclusive, shall relate exclusively to port districts of the first class, and all port districts of the first class shall hereafter be governed by the provisions of said sections: *Provided*, That the preceding sections of the act to which this act is amendatory shall apply to

Amends  
Laws 1911,  
ch. 92, p. 412,  
by adding  
§§ 15-23.  
(Rem.-Bal.  
§§ 8165-1—  
8165-14).

Port districts  
of first class  
defined.

port districts of the first class except as otherwise provided in this and the following sections.

SEC. 2. That said act referred to in section 1 of this amendatory act, being chapter 92 of the Laws of 1911, be further amended by adding a new section to be designated as section 16, as follows:

Section 16. The port districts of the first class, as herein defined, shall be governed by a board of seven (7) commissioners to be known and designated as "Board of Port Commissioners of the port of . . . ." (inserting name of principal sea-port city within said district). The said board herein provided for shall consist of the following officers, namely: three elective commissioners, elected by the electors of the port district, in the manner hereinafter provided, and having the qualifications hereinafter mentioned, to serve for a period of six (6) years, except as hereinafter provided, and until their successors are elected and have qualified; in addition to the said three elective commissioners, the said board shall consist of the following officers *ex-officio*, namely, the county auditor, the county engineer, and the prosecuting attorney of the county whose limits are co-extensive with that of the port district, and the mayor of the principal seaport city having the largest population within such port district: *Provided*, That if under the charter of such city there shall not be an officer performing the duties of mayor, or such officer being lacking, then the legislative body of such city shall appoint from among its own members or from the other officers of the city, a member of such board to supply the place of such officer so lacking, and any such appointment shall hold good as to such member of the board of commissioners until the expiration of the term of his then city office.

Board of commissioners.

Ex-officio members.

The qualifications for elective port commissioners in port districts of the first class, as herein defined, and the method and manner of their nomination and election shall be the same as now provided for port commissioners, all as near as may be, in section 8165-3 of Remington & Bal-

Qualifications of elective members.

Term of  
office.

linger's Annotated Codes and Statutes of Washington, excepting the term of office of said commissioners shall be six (6) years, and excepting the said election for port commissioners shall be held at the same time and places as the general election in each even numbered year. All elective commissioners contemplated by this amendatory act shall qualify on the same day as county officers qualify.

In the case of any port district already formed, which is a port district of the first class, as herein defined, and having three commissioners under existing law, the said commissioners so elected shall be the three elective commissioners contemplated by this amendatory act: *Provided*, That the said commissioners shall serve and hold office until their successors are elected and have qualified: *And provided further*, That the commissioners whose terms expire on the second Monday of January, 1916, and the second Monday of January, 1917, respectively shall be elected at the general election held in 1916, the one receiving the highest number of votes to serve for a term of six (6) years, and the one receiving the next highest to serve four (4) years. Vacancies in the office of any elective port commissioner shall be filled until the next general election, by appointment by a majority vote of the remaining port commissioners composing the board.

Vacancies.

SEC. 3. That said act referred to in section 1 of this amendatory act, being chapter 92 of the Laws of 1911, be further amended by adding a new section to be designated as section 17, as follows:

Limitation  
on indebted-  
ness.

Section 17. The total bonded indebtedness of any port district of the first class shall not exceed two and one-fourth per centum ( $2\frac{1}{4}\%$ ) of the assessed valuation of the taxable property in said district, but in no event shall the said total bonded indebtedness ever exceed the sum of five million, seven hundred fifty thousand dollars (\$5,750,000.00); and whenever said limit shall have been reached, no other or further bond or bonds shall be issued, sold, delivered or hypothecated, whether or not the same may have been authorized by any law heretofore enacted

and notwithstanding that the steps and proceedings relating to the authorization thereof may have been completed in accordance with the requirements of such law: *Provided*, That all existing lawful obligations of any port district, whether consisting of bonds or other forms of indebtedness, are hereby recognized as such, notwithstanding the fact that they may, either by themselves or in connection with other obligations, exceed the limit herein fixed, and the same shall continue to be valid obligations of such port district. The board of port commissioners shall continue to have and to exercise all of the powers and duties conferred or imposed upon said board by this amendatory act, or conferred or imposed upon the port commission by the act of which this act is amendatory, so far as necessary to pay, refund or renew any existing obligation and to carry out and perform any existing contract, so as to fully protect the rights of all persons holding any obligation or having any contract created by such port district, though it be found to exceed the limit hereby established.

Existing indebtedness validated.

SEC. 4. That said act referred to in section 1 of this amendatory act, being chapter 92 of the Laws of 1911, be further amended by adding a new section to be designated as section 18, as follows:

Official seal.

Section 18. The members of the board of port commissioners of each port district of the first class shall serve as such *ex-officio* without extra compensation. Such board shall adopt an official seal and shall organize by the election of one of its members as president. The county auditor shall be *ex-officio* secretary and auditor of the board of port commissioners without extra compensation. The county engineer shall be *ex-officio* engineer of such port district, and shall have charge and supervision over the engineering department of such port district without extra compensation: *Provided*, That such engineer shall at all times be subject to the authority and control of the board of port commissioners: *And provided further*, That all engineering expenses incurred in behalf of the port district shall be the obligations of such port district

Officers of commission.

and be paid from its funds, the same as other expenses thereof. The prosecuting attorney of the county shall be *ex-officio* the attorney for such port district without extra compensation: *Provided*, That all legal expenses incurred in behalf of the port district shall be the obligations of the port district and be paid from its fund, same as other expenses thereof. Five members of the board of port commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of any four members duly assembled in meeting shall be required and shall be sufficient for the passage of any resolution. All proceedings of the board of port commissioners shall be by resolution, recorded in a book or books kept for such purpose, which shall constitute public records.

Quorum.

Record of proceedings.

SEC. 5. That said act, being chapter 92 of the Laws of 1911, referred to in section 1 of this amendatory act, be further amended by adding a new section to be designated as section 19, as follows:

Section 19. The board of port commissioners of any port district of the first class shall apply to the board of county commissioners for space in the county court house for the executive offices of the board of port commissioners, and it shall be the duty of the county commissioners to provide such space if practicable, and the expense thereof is hereby declared to be for a county purpose. Only in case of inability to procure such space in the court house or in some of the buildings owned by the port district shall private office be rented by the board of port commissioners, in which event the expense of such rental shall be paid from the funds of the port district.

Officers of commission.

SEC. 6. That said act, being chapter 92 of the Laws of 1911, referred to in section 1 of this amendatory act, be further amended by adding a new section to be designated as section 20, as follows:

Section 20. Each board of port commissioners shall provide such sinking fund or sinking funds as shall be necessary to give effect to the provisions of this act. All moneys received in excess of fixed charges, interest on bonded in-

Sinking funds.

debtedness, operating expenses, sums, if necessary, to complete any unfinished work or facility, or to carry out any unfinished contract, or to protect the rights of any person or corporation acquiring such rights from such port district, or the port commission, or board of port commissioners thereof, and all renewals and repairs, shall be placed in the proper sinking fund for the purpose of retiring outstanding bonds at maturity.

SEC. 7. That said act, being chapter 92 of the Laws of 1911, referred to in section 1 of this amendatory act, be further amended by adding a new section to be designated as section 21, as follows:

Section 21. Any and every board of port commissioners is hereby vested with full power and authority to do any and all things necessary to preserve any of the property, title to which has been vested in such port district, to maintain the same in good and safe operating condition and to operate any facility and otherwise to exercise the powers and perform the duties which in other port districts are exercised and performed by port commissions except as otherwise provided in this amendatory act.

Powers and  
duties of  
board.

SEC. 8. That said act, being chapter 92 of the Laws of 1911, referred to in section 1 of this amendatory act, be further amended by adding a new section to be designated as section 22, as follows:

Section 22. Any and every board of port commissioners is hereby authorized and empowered to sell and convey any property in any way acquired or owned by such port district whenever the board of port commissioners shall have by resolution declared it advisable that such property be sold: *Provided*, That before any such sale shall be made of any real property, or interest, or right therein, or any building, wharf or structure, the property to be sold, whether it be any part or all of the property acquired by such port district, shall have been appraised by three competent appraisers of whom the county assessor shall be one, and the other two shall have been appointed by resolution of the board of port commissioners: *And*

Sale of  
property.

Appraisal-  
ment.

*provided further*, That a majority of the electors of the port district voting on the question of such sale or disposition at a general or special election shall have assented thereto: *And provided further*, That the appraised value of such property, as fixed by the appraisal aforesaid, shall be stated on the ballot, and no sale shall be made at less than such appraised value: *And provided further*, That any and all sales to be made under the provisions of this act shall be had at public auction at the front door of the court house of the county which is co-extensive with the limits of such port district, of which sale notice shall have been published in the official newspaper of such county once a week for four successive weeks immediately prior to such sale. No sale shall be made based on any appraisement made within six months from the time of a previous appraisement unless such new appraisement be equal to or in excess of such previous appraisement. The board of port commissioners is hereby vested with full power and authority to lease any property or any part thereof, acquired by any such port district, to any person or corporation upon such terms and for such time as in the judgment of the board shall be deemed for the best interests of the port district: *Provided*, That all existing rights of persons or corporations acquiring the same from any such port district or the port commission thereof shall be fully protected: *And provided further*, That any lease for a longer term than five years shall have first been approved by a majority of the electors of the port district voting at a general or special election, after notice published as prescribed by this section. The board of port commissioners is also hereby vested with full power and authority, if deemed necessary or expedient by such board, to operate any and all property or facilities in any way acquired or owned by any such port district.

SEC. 9. That said act, being chapter 92 of the Laws of 1911, referred to in section 1 of this amendatory act, be further amended by adding a new section to be designated as section 23, as follows:

Assent  
of voters.

Place of  
sale.

Notice.

Leases.

Assent  
of voters.

Section 23. If any part of this act shall be adjudged to be invalid such adjudication of invalidity shall not affect the validity of this act as a whole, or any part thereof.

Partial  
invalidity.

SEC. 10. This act shall take effect and be in force on the 1st day of July, 1915.

Date of  
taking effect.

Passed the Senate March 2, 1915.

Passed the House March 4, 1915.

Approved by the Governor March 8, 1915.

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## CHAPTER 47.

[S. B. 157.]

### COMPENSATION OF NATIONAL GUARD.

AN ACT relating to the compensation of members of the National Guard and amending section 7224 Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7224 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 7224.

Section 7224. Commissioned officers while on duty requiring pay shall receive the same pay and allowance as commissioned officers of the United States of the same grade and term of service: *Provided*, That for travel only actual necessary expenses shall be allowed.

Commis-  
sioned  
officers.

For the purpose of pay and allowance as an officer of the National Guard, service with the First Washington Volunteer Infantry, as an officer or enlisted man until muster out of that organization shall be considered equivalent to three years' service in the National Guard of Washington. For the purpose of pay and allowance of an officer in the National Guard, service as an enlisted man in the National Guard of Washington shall be considered equivalent to service as an officer, provided that said service as an enlisted man and officer be continuous.

Effect of  
prior service.

Enlisted  
men.

For all duty requiring pay, enlisted men of the land branches in the National Guard of Washington shall receive pay at rates equivalent to twice those allowed for corresponding grades in the regular service of the United States army: *Provided*, That the pay of cooks and bandsmen shall be three dollars (\$3.00) per day. Enlisted men of the naval militia branch of the National Guard of Washington shall receive pay at rates equivalent to those allowed for corresponding grades in the regular service of the United States navy, plus an addition to each respective rate of pay sufficient to make the same equal the next higher of the following seven per diem rates of pay, viz.: three dollars (\$3.00), two dollars and fifty cents (\$2.50), two dollars (\$2.00), one dollar and seventy-five cents (\$1.75), one dollar and fifty cents (\$1.50), one dollar and twenty-five cents (\$1.25), and one dollar (\$1.00).

Per cent. of  
increase  
for re-en-  
listment.

For each re-enlistment, after serving a full term of three years, there shall be added ten per cent. For the purpose of pay and allowance, service for a full term of enlistment in the regular or volunteer army of the United States, or in the First Washington Volunteer Infantry until muster out of that organization, shall be equivalent to a full enlistment. Enlisted men proving such service shall be allowed ten per cent additional on their pay.

This schedule of pay shall apply only to the first thirty days of any tour of duty and after the thirtieth day of any such tour, officers and men shall receive the pay allowed officers and men in the regular service of the United States of corresponding organizations, grades and terms of service.

Extra pay.

Extra duty pay to men detailed as clerks and on similar duty may be allowed by the commanding officers of troops on duty, but in no case shall pay and extra pay exceed two dollars and fifty cents (\$2.50) per day.

Allowance on  
discharge.

Upon completion of his enlistment, or upon discharge by proper authority, each enlisted man shall receive in addition to the pay above mentioned, the sum of fifty cents for each day of state paid service not exceeding fifty days, less all proper deductions for fines or lost property:

*Provided*, That claims for such additional pay shall not be valid unless filed with the adjutant general within twelve (12) months from the date of discharge.

In addition to the pay herein provided the commander-in-chief, or such other state official as may be designated by federal authority, is authorized to receive and disburse, in accordance with federal laws and regulations, any moneys which may be appropriated by the congress of the United States and allotted to the State of Washington for the payment of officers and enlisted men of the organized militia as reimbursement for expenses incurred in, and compensation for, the time devoted to military training during times of peace.

Federal ap-  
propriations  
allotted to  
state.

Passed the Senate February 4, 1915.

Passed the House March 4, 1915.

Approved by the Governor March 9, 1915.

## CHAPTER 48.

[H. B. 49.]

### LAKE WASHINGTON CANAL APPROPRIATION.

AN ACT appropriating the sum of nineteen thousand five hundred thirty-three and 03-100 dollars from the state shore land improvement fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter two hundred and eighteen of the laws of nineteen hundred and nine), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington, and appropriating out of the general fund twenty-six thousand dollars (\$26,000.00) for interest upon warrants already issued and to be issued.

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

SECTION 1. That the sum of nineteen thousand five hundred thirty-three and 03-100 dollars (being the unexpended balance of the \$250,000.00 set apart and appropriated from the state shore land improvement fund, by chapter 218 of the Laws of 1909) be and the same is

Appropriation in  
aid of U. S.  
\$19,533.03.

hereby set apart and appropriated out of said state shore land improvement fund, to be expended in aid of the United States in the construction and improvement of the Lake Washington canal in King county, Washington.

Expenditure.

SEC. 2. The appropriation made by section one of this act shall be expended under the direction and supervision of the United States government engineer in charge of said improvement; and the state auditor shall issue his warrants for the payment of the same upon the presentation of proper vouchers, approved by the United States engineer in charge: *Provided*, That no warrant shall be issued against said fund unless the voucher covering the same be accompanied by a certificate of said engineer, approved by the commissioner of public lands, to the effect that (as far as all excavation is concerned the cost of which is covered by such voucher) the material excavated has been deposited on shore lands of the university of the state, or other shore lands owned by the State of Washington in Union Bay or Lake Union (if any such shore lands adjoin the place of such excavation) in such places, form and amount as the said commissioner shall have designated: *And provided further*, That in expending the appropriation authorized by this act, so much thereof as arises from the sale of shore lands on Lake Washington shall be applied to such work as will tend to secure increased drainage from Lake Washington into Lake Union, and so much of said appropriation as arises from the sale of shore lands on Lake Union shall be applied to such work between Lake Union and Salmon Bay as will provide adequate flowage facilities for the drainage from Lake Washington and will provide navigation facilities from tide water into Lake Union, all of said expenditure to be in accordance with plans to be approved by the United States government engineer and by the commissioner of public lands of the State of Washington.

Interest on warrants.

SEC. 3. That the interest already accrued and to accrue on the warrants issued, as provided for in the act approved March 21, 1913, chapter 149, Session Laws of the State

of Washington, and the interest upon the warrants to be issued, under the provision of this act shall bear interest at the rate of six per cent (6%) per annum, payable semi-annually.

SEC. 4. For the purpose of paying interest on the warrants mentioned in section three of this act, the sum of twenty-six thousand dollars (\$26,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund.

Appropriation for interest, \$26,000.

SEC. 5. That all interest advanced out of the general fund, under and by virtue of this act, shall be repaid to the general fund out of the moneys hereinafter coming in to the state shore land improvement fund available for that purpose.

Refund of advances.

Passed the House January 28, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 9, 1915.

## CHAPTER 49.

[S. B. 272.]

### BUDGET SYSTEM FOR COUNTIES, CITIES AND OTHER PUBLIC CORPORATIONS.

AN ACT relating to the raising and expenditure of revenues by counties, cities, towns, townships, port districts, school districts and metropolitan park districts, requiring the adoption of a budget by each of the same, limiting the manner of the expenditure of the revenues, prescribing the manner of paying claims filed after the close of the fiscal year, providing penalties for the violation thereof, and repealing section 5, chapter 151, Laws 1913, and sections 9208 to 9211, inclusive, together with the conflicting parts of sections 4512, 4521, 4537, 9212 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Repeals Laws 1913, ch. 151, § 5, and Rem.-Bal. §§ 9208-9211, and conflicting parts of §§ 4512, 4521, 4537, 9212.

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

SECTION 1. The terms used in this act shall be construed as follows:

(a) The term "taxing district" shall mean and embrace all counties, cities, towns, townships, port districts,

"Taxing district" defined.

school districts and metropolitan park districts, which now or may hereafter exist, in the State of Washington.

"Governing officials" defined.

(b) The term "governing officials" shall mean and embrace the respective boards of county commissioners, boards of directors of school districts, city commissioners, city or town councils, township officers in counties having township organization, port district commissioners and metropolitan park commissioners.

Budgets.

SEC. 2. It shall be the duty of the governing officials of such taxing districts, to prepare and adopt, in the manner hereinafter provided, a budget of the contemplated financial transactions of the respective taxing districts for the ensuing fiscal year.

Filing estimates for ensuing year.

SEC. 3. At least two weeks prior to the first Monday in September of each year, it shall be the duty of every officer of the taxing district, or employee thereof, in charge of an office or department, to file with the chief auditing officers of the respective taxing districts, an itemized estimate of all the expenditures required by such office or department for the ensuing year.

Classification of estimates.

Such estimates shall be grouped and assembled under the classification which shall be prescribed by the bureau of inspection and supervision of public offices, and shall include:

(a) Operating and maintenance expenditures.

Operation and maintenance.

Detail lists of the salary of every officer or employee, the amount required for the up-keep and maintenance of the respective department or public office, the maintenance and repairs of public highways, buildings, roads, streets and bridges, interest on public debt and all other similar expenditures.

(b) Capital and betterment outlays.

Capital and betterments.

Detail list of all amounts proposed to be expended for permanent improvements, such as the construction of, or addition to, every public building or utility, highway or bridge, the acquisition of real estate, purchase of equipment and furniture and all similar outlays, representing a tangible asset.

(c) Redemption of debt.

Detail list of all moneys required for the redemption of bonds, warrants and other public obligations.

Redemption of indebtedness.

(d) All contemplated expenditures of school districts which it is proposed to initiate or carry forward during the vacation period at the beginning of the next succeeding fiscal year, shall be included in and be a part of its budget, but the necessary tax levy therefor shall be computed in the next budget and be included in the levy made for the purposes of that budget.

School district betterments.

SEC. 4. A statement of such proposed expenditures, as the building of roads and bridges, the construction or alteration of buildings, and all such other public works, intended to be undertaken or initiated directly by the governing officials during the ensuing year, shall be furnished by the respective governing officials to the engineer, in the employ of the taxing districts, or to some other person, competent to compute the cost thereof. Roads and bridges shall be described in such terms as will be readily understood by the general public.

Roads, bridges and other public works.

This statement is to be furnished not later than July 15th, to the engineer or other person, and it shall be his duty to compute and file the estimated cost thereof with the chief auditing officer in the same manner and within the same time, as other estimates of the taxing districts are herein required to be filed. Such estimates shall specify separately the estimate as to each road or portion thereof, bridge, building or other structure.

Time of filing.

Proposed expenditures of funds raised by bond issue shall be similarly included in such statement and estimate.

Expenditures from bond issues.

To the estimated and specified outlays for the several roads and bridges, an additional item shall be added for general emergency and maintenance purposes not to exceed ten (10) per cent of the total amount estimated for the general and each of the district road and bridge funds, but in no event shall a levy for road and bridge purposes exceed that limited by law.

Emergency items.

Estimates  
of revenues.

SEC. 5. In addition to the estimated amount required for the maintenance of his department, for the ensuing year, the chief auditing officer also shall prepare an estimate of the revenues, other than taxes, that are likely to accrue to the taxing districts, the various amounts required to meet interest and redemption payments, the necessities of all sinking funds, and the net amount of the surplus and deficit, as established at the close of the previous fiscal year, which surplus or deficit shall be taken into consideration by a corresponding reduction from or addition to the tax levy.

Preparation  
of budget.

SEC. 6. From the foregoing estimates and other information, as may be required, the respective governing officials shall prepare, or cause to be prepared, an estimated budget, which shall recite in specific detail, and under the classification herein provided for, the various schedules, as required by this act.

Notice of  
meeting to  
consider  
estimates.

SEC. 7. The estimated budget, together with a notice to the effect that the governing officials, giving their official designation, will meet at their office on the first Monday in October at 10 o'clock A. M., for the purpose of considering the various schedules contained therein, shall be published at least once each week for two consecutive weeks next following the first Monday in September, in which notice it shall be stated that all persons interested will be given an opportunity for a full and complete discussion of the matters set forth in the estimated budget, as published.

Official  
Newspaper.

All estimated budgets shall be published in the official newspaper of the taxing district, and if there is no such official newspaper then in a newspaper of general circulation in the taxing district.

Extra  
hearings.

In the event that the governing officials shall desire to meet prior to the first Monday in October for the purpose of the consideration of the budget, certain days may be designated by ordinance or resolution, and any taxpayer may appear before such governing officials either in person or by a representative, and be heard in reference

thereto, but in no event shall the hearing herein provided for on the first Monday in October, be dispensed with.

SEC. 8. It shall be the duty of the governing officials to meet at the time and place designated in such published notice, when any taxpayer either in person or by a representative, shall be heard in favor of or against any proposed item. Taxpayers  
to be heard.

SEC. 9. On the day and hour of such hearing the governing officials shall meet at their respective offices and remain in session all day for the purpose of considering the estimates and may adjourn from day to day for such further consideration and deliberations. The day and hour to which each meeting is adjourned shall be entered upon its minutes and all hearings must be concluded at the end of the fifth day. Sessions  
and ad-  
jourments.

When the consideration of the various estimates shall have been finally concluded, the governing officials shall pass a resolution adopting each item of the estimated budget as finally agreed upon, and after computing the total expenditures plus the deficit referred to in section 5 of this act, and deducting from this result the revenues, other than taxes, and the surplus referred to in section 5 of this act, the remainder shall be and constitute the net amount of taxes to be levied upon the real and personal property subject to taxation within the boundaries of the respective taxing districts, provided that the estimates shall be regulated so that the tax levies shall not exceed the limitations prescribed by law. The budget as thus completed shall thereafter be known as the budget of the year . . . . ., and an order, resolution or ordinance shall be passed adopting the entire budget and each and every item thereof, and fixing the final amount arrived at as the tax to be levied, which order, resolution or ordinance, shall not thereafter be subject to reconsideration or revision. All taxes shall be levied in specific sums. Adoption  
of budget.

The adoption of the budget shall impress a trust upon the separate amounts therein set forth for the specific uses and purposes therein named. Trust  
impressed.

Certifying  
and extend-  
ing levies.

SEC. 10. On or before October 10th following, the chief auditing officer shall certify the amount of all levies required to be made by the governing officials to the county assessor, and the county assessor shall thereupon extend the taxes against the property within the boundaries of the respective taxing districts.

Writ of  
mandate to  
compel filing  
of estimates.

SEC. 11. In the event that the governing officials of any taxing district, or any officer or employee charged with the duty of preparing the estimates required for the budget of the taxing district, shall refuse or neglect to prepare and file such estimates within the time herein limited, any taxpayer owning property subject to taxation in such taxing district, may apply to the superior court of the county in which such taxing district is situated and obtain a writ of mandamus requiring such estimate to be forthwith prepared and filed. Such application shall have precedence over all other matters pending and shall be heard without delay.

Costs charged  
to officer.

The costs of such action, together with a reasonable attorney's fee, shall be charged to the delinquent officer or employee and shall be made a part of the judgment, which shall be a first lien upon any salary or compensation due or accruing in the future to such delinquent officer or employee, and the treasurer of such taxing district shall be subject to garnishment for the purpose of collecting the same.

Garnishment  
of salary.

Record of  
budget in  
double entry.

SEC. 12. At the beginning of each fiscal year, it shall be the duty of the chief auditing officer of the taxing district to record the entire budget, as adopted, upon the general books of the taxing district in double entry. Tax roll accounts and accounts for all anticipated revenues, or group thereof, shall be established and said accounts shall be debited with the respective amounts listed in the budget, and budget appropriation accounts for the various departments or activities shall be credited with the respective allowances. At the end of the fiscal year, credit or debit balances of all anticipated revenue accounts, other than taxes, shall be respectively charged off to the surplus and

deficit accounts of the taxing district, except as hereinafter provided.

The allowances as thus recorded upon the general books of the taxing district, shall be considered a liability of the taxing district, and the funds to be raised by taxation or accruing to the taxing district from other sources, shall be deemed to be held in trust for the specific purposes and uses set forth in the budget.

Allowances  
as liability.

SEC. 13. Whenever it shall be necessary to compute the indebtedness of a taxing district for bonding or other indebtedness purposes, delinquent taxes and taxes levied for the purposes set forth in the budget of the taxing district, shall not be considered an asset, but shall be deemed for such purposes to have already been pledged and expended for the items set forth in the budget: *Provided, however,* That all taxes levied for the redemption of bonds or warrants or other public debts, shall be deemed a competent and sufficient asset of the taxing district to be considered in the calculation of the constitutional debt limitation.

Computation  
of indebtedness.

SEC. 14. On or before the 28th day of each month, the chief auditing officer of every taxing district shall file with the governing officials a complete and comprehensive statement, showing:

Monthly  
statements  
by auditing  
officer.

(a) The total amount of all of the various expenditures allowed in the budget for the current [current] fiscal year, for every department, office, purpose or improvement.

(b) The total amount expended for the said budget allowances during the previous month.

(c) The grand total of such expenditures from the beginning of the fiscal year, to the close of business of the last day of the previous month, and,

(d) The balance unpaid on contracts against each budget allowance.

(e) The balance of every budget allowance.

(f) All such other information as may be essential for a thorough understanding and consideration of the financial status of the taxing district.

Expiration  
of appro-  
priations.

SEC. 15. All authorizations and appropriations for the expenditure of public moneys, allowed in the budget, or otherwise, shall cease to be in effect at the expiration of the fiscal year for which same were made. All unexpended balances of such authorization or appropriation shall revert to the surplus account of each fund of the taxing district, except as otherwise provided in section 16 of this act.

Reversion of  
unexpended  
balance.

Payment of  
liabilities  
of previous  
year.

SEC. 16. All claims against the taxing district for liabilities created during the fiscal year must be filed with the chief auditing officer of the taxing district before the close of business on the last day of the month next succeeding after the close of the fiscal year and paid out of the budget allowances for such fiscal year. No warrants shall be issued for valid claims allowed against budget allowances of the previous fiscal year which shall have been filed after such day but the same shall be held by the chief auditing officer and the amount necessary to pay the same, without interest, shall be included in the next budget and warrants therefor issued on the first day of the fiscal year for which such budget was made.

Uncompleted  
contracts.

All uncompleted contracts which have been entered into shall be carried forward into the next fiscal year, and shall be paid out of the funds provided for in the budget of the year in which such contracts were executed, and the funds pledged for their completion shall not lapse by virtue of such contracts being carried forward into another fiscal year: *Provided*, That for such proposed expenditures as shall have been set forth in its budget a contract may be executed by a school district for the services of teachers or superintendents, and the construction and repair of buildings and permanent improvements to be performed in the next succeeding fiscal year, which shall be payable out of the funds to be raised in that fiscal year.

School  
district  
contracts.

Unauthorized  
or excess in-  
debtedness  
unlawful.

SEC. 17. Except only as provided in section 18 hereof, it shall be unlawful for the governing officials or any other public officer or employee of a taxing district to contract any indebtedness or incur any liability in behalf of his

taxing district in any manner whatsoever, either for a purpose or object not provided for in the budget of such taxing district or in excess of the amount of any specific appropriations or items set forth in the budget for the fiscal year in which each such liability is attempted to be created, and in addition to such prohibitions, the expenditures from either the general road and bridge fund or the respective road district funds of counties are further expressly limited to an amount which shall not exceed eighty per centum of the amount of the tax levy for each particular fund unless there shall be sufficient cash to the credit of the particular fund to pay all contracts, obligations and liabilities which shall then have been incurred against such fund. Thereafter, subject to the limitations of the budget there must be unobligated cash to the credit of the fund to meet each additional liability incurred during such fiscal year.

Restriction  
on road and  
bridge ex-  
penditures.

SEC. 18. In the event that some extraordinary emergency shall arise which necessity or emergency could not have been anticipated at the time the budget was adopted, or in the event that it shall be necessary to meet some new obligation imposed by law upon the taxing district enacted after the adoption of the budget, expenditures may be authorized to cover such emergency, which expenditures shall be evidenced by emergency warrants as hereinafter set forth. The order, resolution or ordinance authorizing such expenditures shall explicitly set out the facts which it is claimed constitute the conditions for the emergency expenditure, and shall require the unanimous vote of all of the governing officials of the taxing district, and shall be recorded in full upon the records of the governing officials of such taxing district. All such emergency expenditures shall be charged by the officer of the taxing district to a separate account. The amount necessary to redeem such emergency warrants with accrued interest shall be included in the budget of the taxing district for the next succeeding fiscal year and shall be included in the tax levy made for such year. Casual advances required by law of counties in aiding in the formation of diking districts,

Emergency  
and new  
obligations.

Emergency  
warrants.

Redemption  
provided in  
ensuing  
budget.

Casual advances.

irrigation districts and drainage districts, or destroying noxious weeds, or for the destruction of pests or infected trees or animals by the department of agriculture shall be paid by warrants issued on the current expense fund and when such advances are returned they shall be credited to such fund.

Form of emergency warrants.

SEC. 19. The emergency warrants referred to in this act shall be issued in a separate series on paper different in color from that in use for the warrants of such taxing district and shall be on the following form and contain the reading matter herein set forth.

EMERGENCY WARRANT.

..... No.....  
 (Name of taxing district)  
 ..... County, Washington.  
 To.....,  
 Amt. \$.....  
 Int. ....  
 191....  
 Pay to..... Dollars,  
 from any moneys in the emergency fund belonging to said  
 .....  
 (Name of taxing district)  
 for fiscal year ending.....  
 .....  
 (name of officer authorized to sign warrant).

This is an emergency warrant provided by section 18 of chapter.....Laws 1915 and is authorized by a resolution of the.....  
(Name of taxing district)

date ..... and recorded in volume ..... on page ..... of its record. This warrant bears interest at the rate of ..... per cent per annum, until called, payable when redeemed. It will be paid by a special levy for its redemption in the fiscal year 191...

Writ of mandate to compel levy for emergency warrants.

SEC. 20. In the event that the governing officials of any taxing district shall refuse or neglect to include the amount

required to pay such emergency warrants in full during the next ensuing fiscal year, or to make a levy for such purpose, or shall refuse or neglect to make any other levy required by law, any emergency warrant holder or taxpayer owning property subject to taxation in the taxing district shall have a right to apply to the superior court of the county in which the taxing district is situated and obtain a writ of mandamus compelling the governing officials of the taxing district to include in such estimates an amount sufficient to meet the amount due on such emergency warrants with accrued interest, or make any levies required by law or the budget. Such proceeding shall have precedence over all other matters and shall be heard without delay. The cost of such proceeding, together with a reasonable attorney's fee, shall be charged to such governing officials and shall be included in the judgment against each of them, which shall be a first lien on the salaries of each of them, and the treasurer of such taxing district shall be subject to garnishment for the purpose of collecting the same: *Provided, however,* That if any governing official of such taxing district shall file a protest with the governing officials against the refusal and neglect of such governing officials to include such amount in the estimate of such taxing district, and shall offer and vote for a resolution to have the amount included in the estimates and budget, he shall not be required to pay any of the costs of such mandamus proceedings.

Costs of  
action.

Garnishment  
of officer's  
salary.

Protection of  
non-guilty  
officials.

SEC. 21. All orders, authorizations, allowances, contracts, payments or liabilities to pay, made or attempted to be made in violation of this act, shall be void and shall never be the foundation of a claim against a taxing district. All public officials authorizing, auditing, allowing or paying any claims or demands upon or against a taxing district in violation of this act, shall be jointly and severally liable in person and on their official bonds to the taxing district of which they are officers, to the extent of any payment or payments on such void claims.

Unlawful  
allowances  
void.

Liability of  
officials to  
taxing  
districts.

All public officials authorizing or contracting or incurring, or attempting to authorize, contract or incur any

Liability  
for losses  
of private  
parties.

liabilities in behalf of a taxing district of which they are officers or employees, in violation of this act, shall be jointly and severally liable in person and on their official bonds to the person or persons, corporation or corporations damaged by such illegal authorization or liability to the extent of the loss sustained by such person or persons, corporation or corporations.

All persons or officials shall be charged with notice of the financial condition of the respective taxing districts, the limitations imposed by the budget and the claims against the same.

Bureau of  
inspection  
to prepare  
forms.

SEC. 22. The bureau of inspection and supervision of public offices shall prepare the forms required by this act, and it shall be the duty of every auditing officer to install such forms and to prepare the claim sheets, voucher or warrant registers of their respective taxing districts so as to accommodate and identify the expenditures under the classification as recited in the budget, in order that a proper comparison may be had between the amounts listed in the budget and the actual expenditures made thereunder.

Duty of  
auditing  
officers.

SEC. 23. Failure to comply with any provisions contained herein shall constitute an offense against public policy, and shall be deemed sufficient cause for removal from office.

Removal  
from office.

SEC. 24. Section 5, chapter 151, Laws of 1913, sections 9208 to 9211, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, and so much of sections 4512, 4521, 4537, 9212 of Remington & Ballinger's Annotated Codes and Statutes of Washington as are in conflict herewith, and all acts and parts of acts in conflict with the provisions hereof are hereby repealed.

Repealing  
clause.

Passed the Senate February 24, 1915.

Passed the House March 4, 1915.

Approved by the Governor March 9, 1915.

## CHAPTER 50.

[S. B. 39.]

## TRANSFER OF SCHOOL DISTRICT TERRITORY.

AN ACT relating to the transfer of territory from one school district to another and amending section 4433 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4433 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4433, by  
adding  
provisos.

Section 4433. For the purpose of transferring territory from one district to another or enlarging the boundaries of any school district, a petition in writing shall be presented to the county superintendent, signed by a majority of heads of families residing in the territory which it is proposed to transfer or include, or in case there be no family resident in such territory then by the board of directors in one of the districts affected by such proposed change, which petition shall describe the change which it is proposed to have made. It shall also state the reason for desiring said change, and the number of children of school age if any residing in the territory to be transferred. For such proposed transfer of territory the notices shall be posted and the hearing and appeal shall be the same as for the formation of a new district: *Provided*, That whenever any part of a school district of the third class in which no high school is maintained is bounded on three sides by a school district of the second class in which a high school is situated and maintained, the county superintendent of schools may without petition, transfer the territory of the school district of the third class so bounded to the school district of the second class in which said high school is situated and maintained: *Provided*, That the county superintendent of schools, shall hold a hearing upon the advisability of said transfer, and shall give notice of the time and place of said hearing to the parties interested, by causing notices to be posted at least twenty (20) days

Alteration  
of school  
districts.

Petition.

Authorizing  
transfers  
without  
petition.

Hearings by  
county super-  
intendent.

Notice.

Adjustment  
of assets and  
liabilities.

prior to the time appointed by him for said hearing, in at least three of the most public places in the territory proposed to be transferred, and one on the school house door of each district affected by the proposed change. On the day, and at the place fixed in the notice, he shall hold said hearing, and if he deem it advisable to make such transfer, he shall make an order establishing said transfer, and shall certify his action to the board of county commissioners at their next regular meeting. Upon making such transfer of territory the county superintendent of schools shall fix a time and place for adjusting the assets and liabilities of the school districts affected, and shall give notice thereof by posting said notice at least twenty days prior to the appointed time in not less than three of the most public places in the district from which the territory was transferred (at least one of which shall be in the territory transferred), and a like number in the district to which the territory is transferred. At the time and place fixed he shall hear the testimony offered by any interested party or district, and make an equitable adjustment of all property, debts and liabilities among the districts affected in the same manner and to the same effect as is provided in section 4434 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Passed the Senate February 15, 1915.

Passed the House February 24, 1915.

NOTE BY SECRETARY OF STATE.

The above act filed in the office of the secretary of state, March 9, 1915, and allowed to become a law without the approval of the Governor.

I. M. HOWELL,  
*Secretary of State.*

## CHAPTER 51.

[H. B. 160.]

## APPROPRIATION FOR TRANSPORTATION OF INCORRIGIBLES, CONVICTS AND INSANE.

AN ACT making an appropriation for the transportation of incorrigibles, convicts and insane, and expenses of parole officers, from February 1, 1915 to March 31, 1915, and declaring that this act shall take effect immediately.

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

SECTION 1. There is hereby appropriated out of any moneys in the general fund of the State not otherwise appropriated, the sum of two thousand five hundred dollars (\$2,500) for the transportation of incorrigibles, convicts and insane, and the expenses of parole officers, from February 1, 1915 to March 31, 1915. Appropriation \$2,500.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the House February 19, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 10, 1915.

## CHAPTER 52.

[S. B. 229.]

## PARTY NOMINATIONS AND CONVENTIONS.

AN ACT relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, providing for the holding of elections to elect delegates to conventions, providing for the holding of county and state conventions by political parties, defining the powers and duties of conventions and party committees, providing for the election of party committeemen, amending sections 4804, 4807, 4809, 4810, 4811, 4826, 4843, and repealing section 4841 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4804 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4804. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

(a) The word "primary," the primary election provided for in this act.

(b) The words "May caucus," the caucus held in May of 1916, and every even-numbered year thereafter, to elect delegates, by political parties to the various county conventions of such political parties.

(c) The words "September primary," the primary election held in September to nominate candidates to be voted for at the ensuing election.

(d) The word "election," a general or city election, as distinguished from a primary election.

SEC. 2. That section 4807 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4807. The name of no candidate shall be printed upon the official ballot used at the September primary election, unless authorized by some other law of the state, unless at least thirty (30) days and no more than sixty

Amends  
Rem.-Bal.  
§ 4804, by  
providing  
for "May  
caucus."

Construction  
of terms.

Amends  
Rem.-Bal.  
§ 4807, by  
requiring  
statement  
of party  
affiliation.

(60) days prior to such primary, a declaration of candidacy shall be filed by him, as provided in this act, in the following form:

Declaration of candidacy.

State of Washington, }  
County of . . . . . } ss.

I, . . . . ., being first duly sworn, say: Form.  
That I reside at No. . . . . (city or town), county of . . . . ., State of Washington, and am a qualified voter therein, and eligible to the office for which I am a candidate; that I affiliate with and am a member of the . . . . . party, and believe in its principles; that I am a candidate for nomination to the office of . . . . . to be made at the primary election, to be held on the . . . . . day of September, 19 . . ., and hereby request that my name be printed upon the official ballot as provided by law as a candidate of the . . . . . party, and accompany herewith the sum of \$ . . . . ., the fee required by law of me for becoming such candidate.

I further declare that, if nominated for said office I will accept said nomination and not withdraw, unless so authorized by my party committee, and I will qualify as such officer if nominated and elected. I further declare that I hereby accept and endorse generally the platform as heretofore adopted by the said . . . . . party at its last state convention. If elected, I hereby agree to support generally the same, and endeavor to have enacted into law the principles therein enunciated.

. . . . .  
Subscribed and sworn to before me this . . . . . day of . . . . ., 19 . . .

. . . . .  
(Certificate of official).

Provided, That no person who desires to become a candidate for office of supreme or superior court judge, shall certify his party affiliation, nor shall any other candidate who runs upon any nonpartisan ticket in any city or other

Judges and nonpartisan candidates excepted.

municipality where the charter or enabling act provides that the office is nonpartisan.

SEC. 3. That section 4809 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4809.

Section 4809. Any political organization which at the general election last preceding the primary was represented on the official ballot by regular party candidates may upon complying with the provisions of this act have a separate primary election ticket as a political party: *Provided*, That any of its candidates received ten per cent. of the total vote cast as such last preceding general election in this state, or subdivision thereof in which the candidate seeks the nomination: *Provided further*, That such political party shall have held on or before the tenth day of June preceding said primary, a state convention in said state, at which convention said party shall have declared its political principles and its legislative program: *And provided further*, That a copy of such declaration of political principles and legislative program shall have been certified by the officers of such convention and filed with the secretary of state within ten days after the adjournment of such convention.

Party  
primary  
tickets.

Necessity of  
adoption of  
party  
platform.

Filing plat-  
form with  
secretary  
of state.

SEC. 4. (a) Hereafter, each political party of this state, entitled under the existing laws to participate in the September primaries, shall hold county and state conventions in May and June respectively of 1916, and each biennial year thereafter. The county conventions shall be held by each of said political parties upon the second Saturday after the second Tuesday of May, 1916, and biennially thereafter.

Convention  
dates.

(b) Each county party committee at a meeting duly called and held not more than thirty (30) nor less than twenty (20) days before the holding of the May caucus, shall determine the hour and place of holding the county convention, determine the total number of delegates to be elected thereto, fix the basis of representation in each precinct, which basis shall be the same for each voting pre-

County  
conventions.

cinct in said county, and determine the number of delegates from each voting precinct: *Provided*, That each voting precinct shall be entitled to at least one delegate. The said list, matters, and things herein provided for, shall thereupon be filed in the office of the county auditor, without charge, duly certified by the chairman and secretary of each party within two days after the holding of said meeting. Due notice of the time and place of holding the county convention shall be given through the press of the county by the county executive officers of each party and in addition thereto, the said notice shall be mailed to each delegate selected at the May caucus at least five (5) days before the holding of said convention.

Delegates.

Call.

(c) It shall be the duty of the state organizations of each of the political parties entitled to hold conventions under this act, to issue a call for their state conventions, specifying the time and place of holding the conventions, and which said call shall be issued not less than thirty (30) days before the holding of the May caucus by giving due notice thereof through the press, and by mailing a copy of said call to each state committeeman, and to the executive officer of each of the county organizations of that party, and to the county auditor of each county. The state committee, in its call, shall determine upon the total number of delegates to attend the state convention, and shall fix the basis of representation for, and the number of delegates from each county: *Provided, however*, That the basis of representation for each county shall be the same. The state conventions herein provided for shall be held on or before the tenth day of June, 1916, and biennially thereafter.

State conventions.

Call.

Delegates.

(d) In addition to the usual powers heretofore exercised by county conventions, each county convention shall select the number of delegates to the state convention provided for in the call of the state committee, and shall select one member of a state advisory platform committee.

Platform committee.

(e) It shall be the duty of the members of the advisory committee herein provided for, to meet at the place of hold-

Submission of advisory platform.

ing the state convention at 10 a. m. on the Monday preceding the holding of said state convention and shall hold public hearings and submit to the state convention an advisory platform.

Adoption of platform.

(f) It shall be the duty of the state conventions of each of the parties required to hold conventions as herein provided, to adopt a platform, and to make a clear and concise statement of its principles and its general legislative program. In addition thereto the said state conventions, shall have the powers and perform the duties heretofore and usually held and performed by state conventions; and shall elect the delegates to the national conventions in 1916, and each presidential year thereafter as provided for in the call of the national committee of said party; and shall have the power to nominate the presidential electors, to which the said state shall be entitled and the names of which said electors shall be printed under the party designation on the ballot to be used in the succeeding general election.

Delegates to national conventions.

Presidential Electors.

Choosing delegates to county conventions.

(g) The delegates to the various county conventions herein provided for shall be selected at a caucus held by each political party, on the second Tuesday of May, 1916, and biennially thereafter, in accordance with the provisions and method now provided by sections 4844, 4845, 4846, 4847, 4848, 4849, 4850, 4851, 4852, 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4861, 4862, 4863, 4864, 4865, 4866, 4867 and 4868 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Proxies.

(h) No proxies shall be allowed in any conventions provided for in this act.

Amends Rem.-Bal. § 4810, by adding precinct committeeman.

SEC. 5. That section 4810 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4810. All declarations of candidacy shall be filed as follows:

Filing declarations of candidacy.

First: For state officers, United States senators, representatives in Congress, and those members of the state legislature and judges of the superior court, whose dis-

trict comprises more than one county,—in the office of the secretary of state.

Second: For officers to be voted for wholly in one county, in the office of the county auditor of such county.

Third: For precinct committeemen of the various parties, in the office of the county auditor of such county.

Fourth: For city officers, in the office of the city clerk.

SEC. 6. That section 4811 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 4811, by providing for precinct committeemen.

Section 4811. First: At least twenty (20) days before any September primary the secretary of state shall transmit to each county auditor a certified list containing the name, postoffice address and party designation of each person entitled to be voted for at such primary, and the office for which he is candidate, as appears by the nomination papers filed in his office.

List of candidates certified.

Second: Each county auditor shall at least fifteen (15) days before the September primary, publish once under the proper party designation and title of each office, the names and addresses of all persons for whom nominations have been filed, insofar as the same shall affect the electors of his county, giving the date of the primary, the hours during which the polls will be open, and that the primary will be held in the regular polling place in each precinct; and shall cause to be posted, copies of such notice in at least three public places in each precinct in his county: *Provided*, That the names of all candidates for the office of supreme and superior court judges shall be published and posted in a separate list without party designation: *And provided*, That the names and addresses of the persons who have filed for precinct committeemen in the various precincts need not be published, but shall, however, be included in the lists herein provided to be posted.

Publication of list for September primary.

Posting filings for precinct committeemen.

SEC. 7. That section 4826 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 4826.

Section 4826. (a) The precinct committeemen of each party entitled to participate in the September primaries,

Election of  
precinct com-  
mitteemen.

shall be elected at the September primary. Any elector duly qualified to vote in his precinct may file without charge with the auditor, a declaration of candidacy for precinct committeemen with the party only with which he is affiliated, and for the election precinct in which he resides. Said filing shall be in all respects and follow the form provided in section 2 of this act and be governed by its provisions. The names of each candidate for precinct committeemen shall be printed upon the ballot provided for in section 4813 of Remington & Ballinger's Annotated Codes and Statutes of Washington, provided he has fully complied with this act with reference to the filing: *Provided*, That nothing herein contained shall prevent any voter from writing in on the ticket the name of one qualified elector of the precinct for member of the party county committee. The one having the highest number of votes, shall be such committeeman of such party for such precinct: *Provided*, That if any elector is elected on more than one ticket, he must file his declination of candidacy from all except one ticket with the auditor of his said county within five (5) days after the canvassing of the primary vote, otherwise the office will be deemed vacant: *And provided further*, That the auditor shall determine cases of ties as are provided by the primary election laws of this state. The county auditor shall certify to each party committee the names of the duly elected committeemen of that party.

Names may  
be written  
on ballot.

Auditor to  
certify  
elections.

County  
and state  
committees.

(b) The party committee of each county shall consist of the precinct committeemen from the several precincts of each county. The state committee shall consist of one committeeman from each county, elected by the county committee. The county committee shall meet for the purpose of electing the state committeeman, and for the purpose of organization, at the courthouse at the county seat of each county at two o'clock p. m. on the second Saturday after such primary election, unless some other time and place of such meeting shall be designated by the regular call of properly authorized officers of the retiring committee. The county auditor of the various counties shall

issue certificates of election to the said committeemen as is provided in the case of primary nominations.

(c) Each political organization shall have the power to make its own rules and regulations, call conventions, elect delegates to conventions, state and national, fill all vacancies on the ticket, provide for the nomination of presidential electors, delegate the whole or any part of its functions to duly authorized and elected committees, and perform all other functions inherent to such organizations, the same as if this act had not been passed: *Provided, however,* That no convention held under the provisions of this act shall have the power to recommend, endorse or declare a preference for any candidate for any office.

Party powers.

Indorsement of candidates prohibited.

SEC. 8. That section 4843 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal § 4843.

Section 4843. Nothing in this act contained shall prevent any voter from writing or pasting on his ballot or ballots the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter, but no person, precinct committeemen alone excepted, receiving such votes written or pasted upon a primary election ballot shall thereby be nominated for any office or be entitled to have his name printed upon the ballot as a candidate at the general election unless he shall have complied with the provisions of the primary election law and filed his declaration of candidacy at least thirty days before such primary election, unless such candidate shall have been selected as such by a party convention in accordance with law or certified by a county or state central committee in accordance with law.

Posting or writing names on ballots.

Regularity of candidacy.

SEC. 9. That section 4841 of Remington & Ballinger's Annotated Codes and Statutes of Washington be hereby repealed.

Repeals Rem.-Bal. § 4841.

SEC. 10. All existing statutes or portions of statutes inconsistent with the provisions of this act are hereby repealed. If any section of this act should be held uncon-

Inconsistent acts.

Partial invalidity.

stitutional it shall in no wise affect the constitutionality of the remainder thereof.

Passed the Senate February 20, 1915.

Passed the House March 3, 1915.

Vetoed by the Governor March 9, 1915.

Passed over the Governor's veto March 10, 1915.

CHAPTER 53.

[S. B. 402.]

PUBLIC HIGHWAYS APPROPRIATION.

AN ACT relating to public highways and making an appropriation for the survey, construction and maintenance of state roads, and declaring an emergency.

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

SECTION 1. For the survey, construction and maintenance of primary and secondary highways of the state, there is hereby appropriated out of the public highway fund the sum of one million nine hundred thirty-seven thousand, nine hundred eighty-five dollars (\$1,937,985.00) apportioned in the manner hereinafter provided:

Appropriation  
\$1,937,985.

Pacific.

The Pacific Highway, for survey and construction, from Toledo to Vancouver.....\$192,500 00  
The Pacific Highway, for survey and construction, from Renton to Kent..... 34,387 00  
The Pacific Highway, for survey and construction, between Olympia and Tacoma..... 49,125 00  
The Pacific Highway, for survey and construction, north of King county..... 147,377 00

National Park.

The National Park Highway, for survey and construction, between Nema and Ocean Beach in Pacific county ..... 72,000 00  
The National Park Highway, for survey and construction, between Alder and Elbe..... 10,000 00  
The National Park Highway, for survey and construction, between Mineral and Morton..... 71,700 00

*Provided, however,* That if there is any money unused after the completion of surveys and construction of the road between Mineral and Morton said money or any part thereof may be used by the Highway Commissioner on the section from Alder to Elbe, Mayfield Bridge and approaches, or the Mashel Bridge and approaches.

Mashel Bridge and approaches.....	\$35,000 00	Mashel bridge.
<i>Provided, however,</i> That any amount unused after said bridge has been completed, is hereby appropriated for the purpose of being used on the Mayfield Bridge and approaches if the \$30,000.00 appropriated for the Mayfield Bridge is insufficient to build said bridge.		
Mayfield Bridge and approaches.....	30,000 00	Mayfield bridge.
<i>Provided, however,</i> That any amount unused after said bridge and approaches has been completed, is hereby appropriated for the purpose of being used on the Mashel Bridge, if the \$35,000.00 appropriated for the Mashel Bridge is insufficient to build said bridge.		
The Olympic Highway, for survey and construction, between Mud Bay in Thurston county and McCleary in Chehalis county.....	38,500 00	Olympic.
The Olympic Highway, for survey and construction, northwesterly from the end of the present constructed road near Lake Quiniault.....	48,175 00	
The Olympic Highway, for survey and construction, between Shelton and Quilcene.....	96,250 00	
The Olympic Highway, for survey and construction, between East Beach on Lake Crescent and Piedmont on Lake Crescent.....	9,625 00	
The Inland Empire Highway, for survey and construction between Ellensburg and North Yakima.....	10,000 00	Inland Empire.
The Inland Empire Highway, for survey and construction, from Kennewick westerly in Benton county..	34,336 00	
The Sunset Highway, for survey and construction between North Bend and Cle Elum.....	78,600 00	
The Sunset Highway, for survey and construction, between Ellensburg and Wenatchee by way of Vantage .....	29,475 00	Sunset.
The McClellan Pass Highway, for survey and construction, between North Yakima and the summit of the Cascade mountains .....	57,350 00	McClellan Pass.
The McClellan Pass Highway, for survey and construction, between Enumclaw and the summit of the Cascade mountains .....	86,027 00	
State Road No. 11, for survey and construction, in Skagit county .....	5,000 00	State Roads.
State Road No. 18, for survey and construction, between Morton and a feasible connection with State Road No. 5, in Lewis county.....	20,000 00	
State Road No. 8, for survey and construction, between Butler and Cook in Skamania county.....	54,950 00	
State Road No. 10, in Chelan county between Maple Creek and the boundary line between Chelan and Okanogan counties .....	20,000 00	

	State Road No. 10, for survey and construction, in Okanogan county .....	\$29,518 00
	State Road No. 12, for survey and construction, in Okanogan county .....	29,518 00
Inland Empire.	Inland Empire Highway, for survey and construction, from Colville south.....	29,518 00
	Inland Empire Highway, for survey and construction, westerly from Walla Walla.....	29,518 00
	Inland Empire Highway, for survey and construction, northeasterly from Walla Walla.....	29,518 00
	Inland Empire Highway, for survey and construction, from Colfax north and south in Whitman county..	47,008 00
	Inland Empire Highway, for survey and construction, on the Second Division of the Eastern Route from Rosalia south toward Pullman.....	27,008 00
	Inland Empire Highway, for survey and construction, on the Second Division of the Eastern Route from Pullman to Idaho and Washington state line.....	30,000 00
	<i>Provided</i> , That if the survey and construction on the said road does not cost \$30,000.00, the balance is hereby appropriated for survey and construction on the Inland Empire Highway, Colfax north and south in Whitman county.	
Sunset.	The Sunset Highway, for survey and construction, on westerly extension, Lincoln county.....	59,036 00
	The Sunset Highway, for survey and construction, on easterly extension from work in Douglas county..	59,036 00
State Road.	State Road No. 4, for survey and construction in Ferry county .....	29,518 00
Central Washington.	The Central Washington Highway, for survey and construction from Ritzville northerly.....	59,036 00
Secondary highway.	There is hereby established a secondary highway, commencing at Spokane, Spokane county, Washington, thence northeasterly following the most feasible route through the town of Mead to Newport in Pend Oreille county, Washington, and there is hereby appropriated for survey and construction of said secondary highway, the sum of.....	104,016 00
Primary highways.	For maintenance of primary highways, west side. (The west side as herein designated shall mean all territory west of the Columbia river up to its junction with the line dividing Okanogan and Chelan counties, thence along the west line of Okanogan county to the international boundary line.)..	99,760 00
	For maintenance of primary highways, east side. (The east side shall mean all territory east of the Columbia river up to its junction with the line dividing Okanogan and Chelan counties, thence following the west line of Okanogan county to the international boundary line.).....	45,597 00

In the event that more than two million, seventy-seven thousand and two hundred eighty-eight dollars (\$2,077,288.00) in the public highway fund becomes available during the years 1915 and 1916, then, and in that event, such excess shall be paid from said public highway fund ratably in accordance with the following appropriations, namely:

Contingent appropriation.

Central Washington Highway from Pasco northerly.. \$25,000 00  
 Pacific Highway north from King county..... 50,000 00

For the section of the Olympic Highway between Mud Bay in Thurston county and McCleary in Chehalis county, the state highway commissioner shall adopt such standard of construction as to width of clearing and cross section of roadway and establish such alignment and grades as shall under the appropriation herein made make a through connection with existing highways, and on all other roads the section or sections to be constructed shall connect wherever possible with a passable road or roads extending from the point or points of beginning or named in the appropriation for such sections.

Standard of construction on Olympic Highway.

Road connections.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government, and its existing public institutions, and shall take effect April 1, 1915.

Emergency.

Passed the Senate March 4, 1915.

Passed the House March 5, 1915.

Approved by the Governor March 11, 1915.

## CHAPTER 54.

[H. B. 120.]

TO FACILITATE THE OPERATION OF THE INITIATIVE  
AND REFERENDUM.

AN ACT to facilitate the operation of the provisions of section 1 of article XI of the constitution relating to the initiative and referendum, to prevent fraud, and amending sections 4971-1, 4971-5, 4971-6, 4971-7, 4971-9, 4971-10, 4971-15, 4971-16, 4971-17, 4971-31 and 4971-32 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 4971-8 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect January 1st, 1916.

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

SECTION 1. That section 4971-1 of Rem. & Bal. Code be amended to read as follows:

Section 4971-1. It shall be the duty of the attorney general whenever requested so to do by any legal voter or committee or organization of legal voters of the state who shall desire to propose any measure to be submitted to the legislature or to the people by initiative petition, to advise the proponents of such measure as to its form and phraseology, but nothing herein contained shall be construed as requiring the proponents of such measure to consult the attorney general before filing any such measure with the secretary of state. Whenever any legal voter or committee or organization of legal voters of the state shall desire to propose any measure to be submitted to the legislature, or to the people upon initiative petition or shall desire to order by petition the referendum of any act, bill or law, or any part thereof, passed by the legislature, he or they shall file in the office of the secretary of state five printed or typewritten copies of the proposed initiative measure or of the act or part thereof on which a referendum is desired, accompanied by the name and post office address of the person, committee, or organization proposing the same, and the affidavit of such person or the affidavit of some member of such committee or organization,

Amends  
Rem.-Bal.  
§ 4971-1, by  
making duty  
of attorney  
general to  
advise  
proponents.

Filing  
proposals  
for laws.

Names of  
proponents.

that such person is, or the members of such committee or organization are, legal voters. Measures to be submitted upon initiative petition shall be filed within ten months prior to the election or the session of the legislature at which they are to be submitted. The secretary of state shall give to each such measure a serial number, using a separate series for initiative and referendum measures, respectively, and forthwith transmit to the attorney general a copy of such measure bearing its serial number, and thereafter such measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No. . . . .," or "Referendum Measure No. . . . .," as the case may be.

Time of filing.

Numbering.

SEC. 2. That section 4971-5 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 4971-5, by adding registration requirement.

Section 4971-5. Petitions for proposing measures for submission to the legislature at its next regular session, to be filed with the secretary of state not less than ten days before such regular session, shall be substantially in the following form:

Petitions to legislature.

WARNING.

Every person who shall sign this petition with any other than his true name, or who shall knowingly sign more than one of these petitions, or who shall sign this petition when he is not a legal voter, or who shall falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make any false statement, to a registration officer as to his identity or place of residence, shall be punished by fine or imprisonment or both.

Form.

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE:

To the Honorable . . . . ., secretary of state of the State of Washington:

We, the undersigned citizens of the State of Washington and duly registered legal voters of the respective precincts set opposite our names, respectfully direct that this petition and that certain proposed measure known as Initiative Measure No. . . . , and entitled (here set forth the

established ballot title of the measure), a full, true and correct copy of which is hereto attached, shall be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we hereby respectfully petition the legislature to enact said proposed measure into law; and each of us for himself says: I have personally signed this petition; I am a duly registered legal voter of the precinct and city (or town), written after my name, and my residence address is correctly stated.

Initials of Registration Officer.	Petitioner's Signature.	Residence Address, Street and Number, if any.	Precinct Name or Number.	Ward Number, if any.	City or Town.
(Here follow 20 numbered lines divided into columns as below)					
.....	1 .....	.....	.....	.....	.....
.....	2 .....	.....	.....	.....	.....
.....	3 .....	.....	.....	.....	.....
.....	etc. ....	.....	.....	.....	.....

I, the undersigned, hereby certify that I am the officer of the city (town or precinct) of ....., county of ....., State of Washington, having the custody of the registration books containing the signatures, addresses and precincts of the registered legal voters of said city (town or precinct); that the signatures on the foregoing petition were signed in my office; that the initials opposite said signatures respectively are my initials, or the initials of a duly authorized deputy in my office; that before any such signatures opposite which initials are written, was signed upon said petition the person proposing to sign the same was required to identify himself as a duly registered legal voter or to establish his right to and register as a legal voter in the registration books in my office: that after said petition was signed the signature thereon was carefully compared with the signature of such voter in the registration books and found to apparently have been written by the same hand, and that thereupon the officer making the comparison placed his initials opposite such signature and entered the residence address, precinct, ward

and city or town shown upon the registration book opposite said signature; and that when the foregoing petition was taken from my office it contained.....initialed signatures and no more and that before surrendering said petition I caused the red ink perpendicular line thereon to be drawn through the blank spaces for signatures.

Dated the.....day of....., 19..

.....  
Registration officer of city (town or precinct)  
of.....  
By.....

Deputy.

SEC. 3. That section 4971-6 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 4971-6, by registration requirement.

Section 4971-6. Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election, to be filed with the secretary of state not less than four months before such general election, shall be substantially in the following form:

Petitions proposing measures for popular vote.

WARNING.

(Same form as in section 2.)

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE.

To the Honorable....., secretary of state of the State of Washington:

We the undersigned citizens of the State of Washington and duly registered legal voters of the respective precincts set opposite our names, respectively direct that that certain proposed measure known as Initiative Measure No. ...., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is hereto attached shall be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the ..... day of ....., A. D. 19....; and each of us for himself says: I have personally signed this petition; I am a duly registered legal voter of the precinct, and city

Form.

(or town), written after my name, and my residence address is correctly stated.

(Followed by the same form of blanks and certificates as in section 2.)

Amends Rem.-Bal. § 4971-7, by registration requirement.

SEC. 4. That section 4971-7 of Rem. & Bal. Code be amended to read as follows:

Section 4971-7. Petitions ordering that bills or parts of bills passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, to be filed with the secretary of state within ninety days after the final adjournment of the session of the legislature at which such bill was passed, shall be substantially in the following form:

Referendum petitions.

WARNING.

(Same form as in section 2.)

PETITION FOR REFERENDUM.

To the Honorable . . . . ., secretary of state of the State of Washington:

Form.

We, the undersigned citizens of the State of Washington and duly registered legal voters of the respective precincts set opposite our names, respectfully order and direct that Referendum Measure No. . . . . entitled (here insert the established ballot title of the measure) being a (or part or parts of a) bill passed by the . . . . . th legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the . . . . . day of . . . . . A. D. 19 . . . . ; and each for himself says I have personally signed this petition; I am a duly registered legal voter of the precinct, and city (or town), written after my name, and my residence is correctly stated.

(Followed by the same form of blanks and certificate as in section 2.)

Repeals Rem.-Bal. § 4971-8.

SEC. 5. That section 4971-8 of Rem. & Bal. Code be and the same is hereby repealed.

SEC. 6. That section 4971-9 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-9, by  
provision for  
certifying  
each sheet.

Section 4971-9. Each initiative or referendum petition shall at the times of signing, certifying and filing with the secretary of state, as hereinafter in this act provided, consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and form of petition and certificate on each sheet, and a full, true and correct copy of the proposed measure referred to therein printed on sheets of paper of like size and quality as the petition, firmly fastened together.

Size and  
style of  
petitions.

SEC. 7. That section 4971-10 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-10.

Section 4971-10. Upon the ballot title of any initiative or referendum measure being established as hereinabove provided, and from time to time thereafter the proponents of such measure may deposit such number of blank petitions, in the proper form hereinabove in this act prescribed, as they may deem expedient with the registration officer of any city, town or precinct, and take his receipt therefor, and it shall be the duty of each such registration officer with whom blank petitions are deposited to, at all times, display in a conspicuous place or places in his office and in each branch office under his charge, signs or placards bearing the words "Initiative or Referendum petitions may be signed here," which words shall be in letters of sufficient size to be easily read, and it shall be the duty of every registration officer, whenever any initiative or referendum petition shall be filed in his office for signing, to keep the office or offices under his charge open, for the purpose of permitting voters who desire so to do to sign the same, on each Friday and Saturday evening from six o'clock until nine o'clock, and to supply sufficient deputies to facilitate such signing, during the ninety (90) days immediately following the adjournment of any session of the legislature, in the case of referendum petitions, and during the ninety (90) days immediately preceding the time they

Signing  
petitions in  
registration  
offices.

must be filed with the secretary of state, in the case of initiative petitions, and it shall be the duty of each such registration officer to, at all times when his office is open for the registration of voters, permit any duly registered voter whose registration appears upon the books of such office, and who has not theretofore signed the particular initiative or referendum petition which he desires to sign, to sign any such initiative or referendum petition deposited in his office, provided that he shall not permit more than twenty registered voters to sign on any one sheet of such petition, and shall require the voters who sign the same to sign upon the blank lines for that purpose. Whenever any person shall apply to the registration officer for permission to sign any initiative or referendum petition, the registration officer or his deputy to whom the application is made shall if such person has not registered, require such person to register in the manner provided by law before permitting him to sign any initiative or referendum petition. If such person states that he is a registered voter, the officer shall ask such questions concerning his place of birth, age, occupation and place of residence as will identify the person with the name upon the registration book, and if the answers to such questions correspond with the information upon the registration book, shall ascertain whether the registration book shows that the registered voter has previously signed such petition, and if it appears that he has not previously signed, the officer shall permit such person to sign such petition with pen and ink. In either case the officer shall carefully compare the signature on the petition with the signature on the registration book and if such signature shall appear to the officer to have been written by the same hand, the officer shall enter upon the petition opposite the signature the residence address, the precinct name or number, the ward number if any, and the name of the city or town of such voter as shown by the registration book, and shall write the initials of his given name or names and of his surname, with pen and ink, on the petition opposite and at the left of the signa-

Checking  
signatures.

ture, and shall write on the registration book in the column headed "remarks" the letter "I" or "R," followed by the number of the initiative or referendum petition, as the case may be, so signed. If the signature upon the petition appears to the officer to have been written by a different hand than that on the registration book the officer shall refuse to initial and certify the signature. Whenever the proponents of any initiative or referendum measure shall demand the return of any petition deposited with any registration officer as hereinabove provided, and shall return the receipt therefor, the officer shall cause a red ink perpendicular line to be drawn through the blank spaces for signatures on any such petition and shall fill out the certificate and certify the number of initialed signatures on each sheet of such petition and date and sign such certificate.

Return of  
petitions to  
proponents.

Certified  
signatures.

SEC. 8. That section 4971-15 of Rem. & Bal Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-15.

Section 4971-15. Upon the filing of such volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secretary of state shall forthwith in the presence of at least one person representing the proponents and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass the petition and to count the names of duly initialed and certified registered legal voters thereon. If, at the conclusion of the canvass and count, it shall appear that such petition bears the requisite number of names of duly certified registered legal voters, the secretary of state shall transmit a certified copy of such proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of such petition and the canvass and count thereof.

Canvass of  
initiative  
petition.

Certifying to  
legislature.

SEC. 9. That section 4971-16 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-16.

Section 4971-16. The secretary of state shall, while making said count, keep a record of all names appearing

Fraudulent  
signers.

on said petition which are not certified to be registered legal voters, and shall report the same to the prosecuting attorneys of the respective counties where such names were signed to the end that prosecutions may be had for violations of this act.

SEC. 10. That section 4971-17 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-17.

Section 4971-17. Any citizen who shall be dissatisfied with the determination of the secretary of state that the petition contains or does not contain the requisite number of duly certified signatures of registered legal voters or who has reasonable ground to believe that any such petition determined by the secretary of state to have the requisite number of signatures contains a sufficient number of fraudulent signatures or certificates to affect the result, or that a sufficient number of valid signatures to affect the result have been rejected by the secretary of state from the count on any petition which he has determined not to have the requisite number, may, within five days after such determination, apply to the superior court of Thurston county for a citation requiring the secretary of state to submit said petition to said superior court for examination, and for a writ of mandate compelling the certification of the measure and petition, or for an injunction to prevent the certification thereof to the legislature, as the case may be, which application shall be made by petition and [shall be made by petition and] shall set forth the grounds therefor, and shall be verified under oath by or on behalf of the petitioner or petitioners and such application and all proceedings had thereunder shall take precedence over all other cases and shall be speedily heard and determined. If said petition for a citation shall state facts sufficient to warrant the issuance of said citation, the same shall issue and be served upon the secretary of state, and the court at the hearing upon the return of such citation shall have jurisdiction to hear *de novo* and determine all matters presented by said petition and by any petition in intervention that may be filed in said proceeding and hear the

Rulings of  
secretary of  
state subject  
to mandamus  
or injunction.

testimony of witnesses and receive documentary or other evidence offered on behalf of the secretary of state, the petitioners or any petitioner in intervention and shall decide all questions of law and of fact with all convenient speed and shall dismiss the proceedings or enter a writ of mandate or injunction in accordance with its determination, as the case may be. No appeal shall be allowed from the decision of the superior court granting or refusing to grant a writ of mandate or injunction, but such decision may be reviewed by the supreme court on a writ of certiorari sued out within five days after the decision of the superior court, and if the supreme court shall decide that the writ of mandate or injunction, as the case may be, should issue, it shall issue such writ direct to the secretary of state; otherwise, it shall dismiss the proceedings, and the clerk of the supreme court shall forthwith notify the secretary of state of the decision of the supreme court.

Certiorari  
to review  
decision of  
superior  
court.

SEC. 11. That section 4971-31 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-31.

Section 4971-31. Every person who shall sign any initiative or referendum petition provided for in this act with any other than his true name shall be guilty of a felony. Every person who shall knowingly sign more than one of such petitions for the same measure or who shall sign any such petition knowing that he is not a registered legal voter, or who shall falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make to such registration officer any false statement as to his identity or place of residence, and every registration officer who shall knowingly permit any person other than a duly registered voter to sign any such petition or who shall knowingly initial any signature which he does not believe to be the signature of a duly registered legal voter or who shall knowingly make any false report or certificate on any such petition shall be guilty of a gross misdemeanor.

Fraudulent  
signing or  
certifying.

Penalties.

SEC. 12. That section 4971-32 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4971-32, by  
provision  
against  
soliciting  
near regis-  
tration  
office.

Soliciting  
signers.

Corrupt  
practices in  
general.

Section 4971-32. Every officer who shall wilfully violate any of the provisions of this act, for the violation of which no penalty is herein prescribed, or shall wilfully fail to comply with the provisions of this act; and every person who shall for any consideration, compensation, gratuity, reward or thing of value or promise thereof sign or decline to sign any initiative or referendum petition; or who shall advertise in any newspaper, magazine or other periodical publication or in any book, pamphlet, circular or letter or by means of any sign, signboard, bill, poster, handbill or card or in any manner whatsoever, that he will either for or without compensation or consideration solicit, procure or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any initiative or referendum petition or vote for or against any initiative or referendum measure; or who shall for pay or any consideration, compensation, gratuity, reward or thing of value or promise thereof, solicit, procure or obtain or attempt to procure or obtain signatures upon any initiative or referendum petition; or who shall pay or offer or promise to pay, or give or offer or promise to give any consideration, compensation, gratuity, reward or thing of value to any person to induce him to sign or not to sign, or to solicit, procure or attempt to procure or obtain signatures upon any initiative or referendum petition, or to vote for or against any initiative or referendum measure; or who shall by any other corrupt means or practice or by threats or intimidation interfere with or attempt to interfere with the right of any legal voter to sign or not to sign any initiative or referendum petition to vote for or against any initiative or referendum measure; or who shall receive, accept, handle, distribute, pay out or give away either directly or indirectly any money, consideration, compensation, gratuity, reward or thing of value contributed by or received from any person, firm, association or corporation having his, their or its residence or principal office outside of the State of Washington, or corporation the majority of whose stockholders are non-residents of the

State of Washington, for any service, work or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or the adoption or rejection of any initiative or referendum measure, or who shall in, or within one hundred feet of the entrance to, any registration office solicit or attempt to induce any person to sign or not to sign any initiative or referendum petition shall be guilty of a gross misdemeanor. Penalty.

SEC. 13. This act shall take effect January 1st, 1916.

Passed the House March 2, 1915.

Passed the Senate March 4, 1915.

Vetoed by the Governor March 9, 1915.

Passed over the Governor's veto March 11, 1915.

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## CHAPTER 55.

[H. B. 178.]

### RECALL OF ELECTIVE PUBLIC OFFICERS.

AN ACT to carry out the provisions and to facilitate the operation and effect of sections 33 and 34 of article 1, of the constitution relating to the recall of elective public officers, to prevent fraud, and amending sections 4940-4, 4940-6, 4940-7, 4940-8, 4940-9, 4940-10, 4940-15 and 4940-16 Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 4940-5 Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect January 1, 1916.

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

SECTION 1. That section 4940-4 Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4940-4.

Section 4940-4. Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of white paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall

and discharge of such officer. Such petition shall be substantially in the following form :

WARNING.

Form of recall petition.

Every person who shall sign this petition with any other than his true name, or who shall knowingly sign more than one of these petitions, or who shall sign this petition when he is not a legal voter, or who shall falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make any false statement to any registration officer as to his identity or place of residence, shall be fined, or imprisoned, or both.

PETITION FOR RECALL :

Of (here insert the name of the person whose recall is petitioned for, the office which he holds, and the political division in which the office exists, as "John Doe, sheriff of . . . . . county, Washington.") to the Honorable (here insert the name and title of the officer with whom the charge is filed.)

We, the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition, I am a legal voter of the State of Washington in the precinct, and city (or town), written after my name, and my residence address is correctly stated.

Initials of Registration Officers.	Petitioner's Signatures	Residence Address, Street and Number, if any.	Precinct Name or Number	Ward Number, if any	City or Town.
(Here follow 20 numbered lines divided into columns as below)					
.....	1 .....	.....	.....	.....	.....
.....	2 .....	.....	.....	.....	.....
.....	3 .....	.....	.....	.....	.....
.....	4 .....	.....	.....	.....	.....
.....	etc. ....	.....	.....	.....	.....

I, the undersigned, hereby certify that I am the officer of the city (town or precinct) of....., county of....., State of Washington, having the custody of the registration books containing the signatures, addresses and precincts of the registered legal voters of said city (town or precinct): that the signatures on the foregoing petition were signed in my office; that the initials opposite said signatures respectively, are my initials or the initials of a duly authorized deputy in my office; that before any such signature opposite which initials are written, was signed upon said petition, the person proposing to sign the same was required to identify himself as a duly registered legal voter, or to establish his right to and register as a legal voter in the registration books in my office; that after said petition was signed the signature thereon was carefully compared with the signature of such voter in the registration books and found to apparently have been written by the same hand, and that thereupon the officer making the comparison placed his initials opposite such signature and entered the residence address, precinct, ward and city (or town) shown upon the registration book opposite said signature; and that when the foregoing petition was taken from my office it contained ..... initialed signatures and no more, and that before surrendering said petition I caused the red ink perpendicular line thereon to be drawn through the blank spaces for signatures.

Certificate of  
registration  
officer.

Dated the ..... day of ..... 19....

Registration officer of the city (town or precinct) of .....

By ..... Deputy.

Amends Rem.-Bal. § 4940-5.

SEC. 2. That section 4940-5 Rem. & Bal. Code be and the same is hereby repealed.

SEC. 3. That section 4940-6 Rem. & Bal. Code be amended to read as follows:

Size and style of petition.

Section 4940-6. Each recall petition shall at the time of signing, certifying and filing with the officer with whom the charge is filed, as hereinafter in this act provided, consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and certificate on each sheet, and a full, true and correct copy of the charge against such officer referred to therein, printed on sheets of paper of like size and quality as the petition, and firmly fastened together.

Amends Rem.-Bal. § 4940-7.

SEC. 4. That section 4940-7 Rem. & Bal. Code be amended to read as follows:

Section 4940-7. Upon the recall petitions being prepared as hereinabove provided, and from time to time thereafter, the persons in charge of such recall may deposit such number of blank petitions in the proper form hereinabove in this act prescribed, as they may deem expedient, with the registration officer of any city, town or precinct and take his receipt therefor, and it shall be the duty of each such registration officer with whom blank petitions are deposited, to, at all times display in a conspicuous place or places in his office and in each branch office under his charge, signs or placards bearing the words "Recall petitions may be signed here," which words shall be in letters of sufficient size to be easily read, and it shall be the duty of each registration officer to, at all times when his office is open for the registration of voters, permit any duly registered voter whose registration appears upon the books

Signing of petitions in registration office.

of such office, and who has not theretofore signed the particular recall petition which he desires to sign, to sign any such petition deposited in his office, and whenever and so long as any recall petition shall be on file in any registration office for signing, such office shall be kept open on each Friday and Saturday from 6 p. m. to 9 p. m. in addition to the regular office hours; *Provided*, That he shall not permit more than twenty registered voters to sign on any one sheet of such petition and shall require the voters who sign the same, to sign upon the blank line for that purpose. Whenever any person shall apply to the registration officer for permission to sign any recall petition, the registration officer, or his deputy, to whom the application is made, shall if such person is not registered, require such person to register in the manner provided by law before permitting them to sign any recall petition. If such person states that he is a registered voter, the officer shall ask such questions concerning his place of birth, age, occupation and place of residence as will identify the person with the name upon the registration books, and if the answers to such questions correspond with the information upon the registration books, shall ascertain whether the registration books show that the registered voter has previously signed such petition, and if it appears that he has not previously signed, the officer shall permit such person to sign such petition with pen and ink. In either case the officer shall compare the signature on the petition with the signature on the registration books, and if such signature shall appear to the officer to have been written by the same hand, the officer shall enter upon the petition opposite the signature, the residence address, the precinct name or number, the ward number, if any, and the name of the city (or town) of such voter as shown by the registration books, and shall write the initials of his given name or names and of his surname, with pen and ink, on the petition opposite and at the left of the signature and shall write on the registration books in the column headed "Remarks" the words "Recall of (name of officer charged)."

Checking  
signatures.

If the signature upon the petition appears to the officer to have been written by a different hand than that on the registration books the officer shall refuse to initial and certify the signature. Whenever the persons in charge of any recall petition shall demand the return of any petition deposited with any registration officer, as hereinabove provided, and shall return the receipt therefor, the officer shall cause a red ink perpendicular line to be drawn through the blank spaces for signatures on any such petition and shall fill out the certificate and certify the number of initialed signatures on each sheet of such petition and date and sign such certificate.

Return of  
petition.

Certificate  
of officer.

Amends  
Rem.-Bal.  
§ 4940-8.

SEC. 5. That section 4940-8 Rem. & Bal. Code be amended to read as follows:

Section 4940-8. When a person, committee, or organization demanding the recall of any public officer shall have secured upon such recall petition the signatures of a number of legal voters equal to twenty-five per cent. of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election, in case such officer be a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county of the first, second or third class; or the signatures of a number of legal voters equal to thirty-five per cent. of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election, if the officer whose recall is demanded is an officer of any other political subdivision, city, town, township, precinct or school district than those hereinbefore mentioned, or is a state senator or representative, he or they may submit said petition to the officer with whom the charge is filed for filing in his office. At the time of submitting such petition the person, committee, or organization submitting the same shall file with the officer to whom such petition is submitted a full, true and detailed statement giving the names and post office addresses of all persons,

Necessary  
number of  
signatures.

List of con-  
tributions.

corporations and organizations who have contributed any monies to aid in the preparation of the charge and in the preparation and filing of the petition, with the amount contributed by each, and a full, true and detailed statement of all expenditures, giving the amounts expended, the purpose for which expended and the names and post office addresses of the persons and corporations to whom paid, which statement shall be verified by the affidavit of the person or some member of the committee or organization making the charge, and until such statement is filed the officer shall refuse to receive such petition. Expenditures.

SEC. 6. That section 4940-9 Rem. & Bal. Code be amended to read as follows: Amends Rem.-Bal. § 4940-9.

Section 4940-9. Upon the filing of such petition in his office, the officer with whom the charge was filed shall stamp on each of said petitions the date of filing, and shall notify the persons filing the same and the officer whose recall is demanded by said petition, of the date when said petition will be canvassed; which date shall be not less than five nor more than ten days from the date of filing, and shall, at the time set for said canvass, in the presence of at least one person representing the petition and in the presence of the officer charged or someone representing him, if either should desire to be present, detach the sheets containing the signatures and certificates from the copies of the charge and cause them to be firmly attached to one or more copies of the charge in such volumes as will be most convenient for canvassing and filing, and shall proceed to canvass the petitions and to count the names of duly initialed and certified legal voters thereon. If at the conclusion of the canvass and count it shall be found that such petition bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall fix a date not less than ten nor more than fifteen days after the conclusion of the canvass, for calling a special election to determine whether or not the officer charged shall be recalled and discharged from his office, and shall on said date call such special election, to be held not less than Canvass of recall petition. Special election.

thirty or more than forty days from the date of the call, and give notice thereof in the manner required by law for calling special elections in the state or in the political subdivision, as the case may be. But if it be found that the petition does not contain the requisite number of signatures of certified legal voters, the officer shall so notify the person filing the petition, and, at the expiration of thirty days from the conclusion of the count, shall unless prevented therefrom by the injunction or mandate of the courts, as hereinafter provided, destroy the petitions.

Destruction  
of insufficient  
petitions.

SEC. 7. That section 4940-10 Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4940-10.

Section 4940-10. The officer making the canvass as hereinabove provided shall keep a record of all names appearing on said petition which are not certified to be legal voters of the state or of the political subdivision, as the case may be, and shall report the same to the prosecuting attorneys of the respective counties where such names appear to have been signed, to the end that prosecutions may be had for violations of this act.

Illegal  
signatures.

SEC. 8. That section 4940-15 Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4940-15.

Section 4940-15. Every person who shall sign any recall petition provided for in this act with any other than his true name, shall be guilty of a felony; and every person who shall knowingly sign more than one of such petitions for the recall of any officer, or who shall falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make to such registration officer any false statement as to his identity or place of residence, and every registration officer who shall knowingly permit any person other than a duly registered voter to sign any such petition, and each person who shall knowingly initial any signature which he does not believe to be the signature of a legal voter, or who shall knowingly make any false report or certificate on any such petition, shall be guilty of a gross misdemeanor.

False  
signing.

Penalty.

SEC. 9. That section 4940-16 Rem. & Bal. Code be amended to read as follows:

Section 4940-16. Every officer who shall wilfully violate any of the provisions of this act, or who shall wilfully fail to comply with the provisions of this act; and every person who shall for any consideration, compensation, gratuity, reward or thing of value or promise thereof, sign or decline to sign any recall petition; or who shall advertise in any newspaper, magazine or other periodical publication, or in any book, pamphlet, circular or letter, or by means of any sign, signboard, bill, poster, handbill, or card or in any manner whatsoever, that he will either for or without compensation or consideration, solicit, procure or obtain signatures upon, or influence or induce, or attempt to influence or induce, persons to sign or not to sign any recall petition or vote for or against any recall; or who shall for pay or any consideration, compensation, gratuity, reward or thing of value or promise thereof, solicit, procure or obtain, or attempt to procure or obtain signatures upon any recall petition; or who shall pay or offer or promise to pay, or give or offer or promise to give any consideration, compensation, gratuity, reward or thing of value to any person to induce him to sign, or not to sign, or to solicit, procure or attempt to procure or obtain signatures upon, any recall petition, or to vote for or against any recall; or who shall by any other corrupt means or practice or by threats or intimidation interfere with or attempt to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall, or who shall receive, accept, handle, distribute, pay out, or give away either directly or indirectly any money, consideration, compensation, gratuity, reward or thing of value, contributed by or received from any person, firm, association or corporation having his, their or its residence or principal office outside of the State of Washington, or corporation the majority of whose stockholders are non-residents of the State of Washington, for any service, work, or assistance of any kind, done or rendered for the

Amends  
Rem.-Bal.  
§ 4940-16.

Corrupt  
practices.

Professional  
recallers.

Interference  
with signers.

Soliciting  
within 100  
feet of  
registration  
office.

Penalty.

purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall, or who shall within one hundred feet of the entrance to any registration office, solicit or attempt to induce any person to sign or not to sign any recall petition, shall be guilty of a gross misdemeanor.

SEC. 10. This act shall take effect January 1, 1916.

Passed the House March 2, 1915.

Passed the Senate March 4, 1915.

Vetoed by the Governor March 9, 1915.

Passed over the Governor's veto March 11, 1915.

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## CHAPTER 56.

[H. B. 273.]

### GENERAL APPROPRIATIONS.

AN ACT making appropriations for the purchase of land for, construction of buildings at; for maintenance of and sundry expenses at the various state institutions, schools and state offices, and for the sundry civil expenses of the state government, and for miscellaneous purposes for the fiscal term beginning April 1, 1915, and ending March 31, 1917, except as otherwise provided, and making appropriations for certain deficiencies, and declaring this act shall take effect April 1, 1915.

*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 in the several funds of the state treasury hereinafter named in payment of the salaries of certain officers and employes of the state, and for the maintenance and construction of buildings at, and other expenses for, the various state institutions and officers hereinbelow designated and mentioned, and for the other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1915, and ending March 31, 1917, and as hereinafter or otherwise particularly specified the amount appropriated for all buildings for state institutions, whether penal,

charitable, educational or reformatory, to be expended under the direction of the board having control:

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE.

Salary of governor.....	\$12,000 00	Governor.
Salaries of employes, traveling expenses, postage and incidentals .....	18,000 00	
Extradition expenses, examination into alleged infractions of the law and rewards.....	12,500 00	
For investigation purposes and for survey of public lands .....	5,000 00	
Printing .....	1,500 00	
<b>Total.....</b>	<b>\$49,000 00</b>	

FOR THE GOVERNOR'S MANSION.

Maintenance, furnishings, repairs and improvements..	\$9,000 00	Mansion.
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FOR THE LIEUTENANT GOVERNOR'S OFFICE.

Salary of lieutenant governor.....	\$2,400 00	Lieutenant Governor.
Hotel bills, while acting governor and during sessions of the legislature, and traveling expenses.....	500 00	
<b>Total.....</b>	<b>\$2,900 00</b>	

FOR THE OFFICE OF SECRETARY OF STATE.

Salary of secretary.....	\$6,000 00	Secretary of State.
Salary of assistant secretary.....	4,200 00	
Salary of auditor and cashier.....	3,600 00	
Clerk hire, postage, furniture and supplies.....	30,000 00	
Indexing senate and house journals and session laws..	800 00	
Printing senate and house journals and session laws..	14,000 00	
Printing .....	6,000 00	
<b>Total.....</b>	<b>\$64,600 00</b>	

COMMISSIONER OF STATISTICS AND IMMIGRATION.

Salary of deputy commissioner of statistics and immigration and printing expert.....	\$3,600 00	Statistics and Immigration.
Salary of stenographer.....	480 00	
Printing .....	3,000 00	
Traveling expenses, postage, freight and incidentals..	1,020 00	
Publicity department, including all expenses of printing, postage, express, salaries, traveling expenses and incidentals .....	15,000 00	
<b>Total.....</b>	<b>\$23,100 00</b>	

Automobile  
Department.

## AUTOMOBILE DEPARTMENT.

Vetoed E. L.	Chief clerk .....	\$2,400 00
	Stenographer .....	1,800 00
	Postage, extra clerk hire, incidentals and traveling ex- pense .....	5,000 00
	Total.....	<u>\$9,200 00</u>

## DEPARTMENT OF WEIGHTS AND MEASURES.

Weights and  
Measures.

Salary of deputy superintendent.....	\$4,800 00
Salary of inspector.....	3,000 00
Standards and equipment, traveling expenses, postage, extra clerk hire and incidentals.....	4,200 00
Total.....	<u>\$12,000 00</u>

## SUPREME COURT.

Supreme  
Court.

Salaries of nine judges.....	\$108,000 00
Salary of clerk.....	6,000 00
Salary of deputy clerk.....	3,600 00
Stenographer, clerk hire, postage and incidentals.....	21,400 00

## REPORTER.

Salary of reporter.....	7,000 00
Proof reader, clerk hire and incidentals.....	7,000 00
Printing reports .....	7,500 00
State bar examiners.....	1,000 00
Printing .....	3,000 00
Total.....	<u>\$164,500 00</u>

## FOR THE BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES

Bureau of  
Inspection.

Salaries of members.....	\$15,000 00
Clerk hire and examiners on state departments and in- stitutions .....	16,400 00
Traveling expenses, office supplies, telephone and tele- graph, postage and incidentals, and office equipment	5,000 00
Printing .....	6,000 00
Total.....	<u>\$42,400 00</u>

## FOR THE STATE BOARD OF CONTROL.

Board of  
Control.

Salaries of members.....	\$18,000 00
Salaries of employes.....	10,200 00
Traveling expenses .....	4,800 00
Office expense, postage and incidentals.....	3,000 00
Printing .....	7,500 00
Total.....	<u>\$43,500 00</u>

## FOR CAPITOL BUILDING AND GROUNDS.

Maintenance .....	\$30,000 00	Capitol Building.
Repairs and improvements.....	5,000 00	
<b>Total.....</b>	<b>\$35,000 00</b>	

## FOR THE WESTERN WASHINGTON HOSPITAL FOR INSANE.

Maintenance and for deportation of aliens.....	\$460,000 00	Western Hospital for Insane.
Furniture and carpets.....	1,000 00	
Library .....	500 00	
Cow barn, repairs and improvements and purchase of cattle .....	20,000 00	
<b>Total.....</b>	<b>\$481,500 00</b>	

## FOR THE EASTERN WASHINGTON HOSPITAL FOR THE INSANE.

Maintenance and for deportation of aliens.....	\$416,000 00	Eastern Hospital.
General repairs and improvements.....	10,000 00	
Furniture, carpets and bedding.....	7,000 00	
Enlarging water system.....	6,000 00	
Purchase of land.....	30,000 00	
Boiler, complete and in place.....	8,500 00	
Remodeling old buildings at Feeble-Minded Institution	2,500 00	
Amusement and library...;.....	1,000 00	
<b>Total.....</b>	<b>\$481,000 00</b>	

## FOR THE NORTHERN HOSPITAL FOR THE INSANE.

Maintenance and for deportation of aliens.....	\$273,000 00	Northern Hospital.	
Two ward buildings.....	128,000 00		
Auditorium .....	30,000 00		
Farm buildings .....	15,000 00		
Laundry building and equipment.....	15,000 00		
Refrigerator plant .....	8,000 00		
Library .....	500 00		
Repairs and improvements, including water and sewer system, clearing land, stock, surgery and equipment, road construction, and miscellaneous.....	26,300 00		
<b>Total.....</b>	<b>\$495,800 00</b>		

## FOR THE INSTITUTION FOR FEEBLE-MINDED.

Maintenance .....	\$210,000 00	Institution for Feeble- Minded.
Buildings, central heating system, furniture, barns, stock, fencing, laundry and equipment, and inci- dentals .....	296,000 00	
<b>Total.....</b>	<b>\$506,000 00</b>	

(Buildings to be constructed on plans, and location,  
approved by Mr. S. C. Woodruff.)

## FOR THE STATE LAND COMMISSIONER'S OFFICE.

Land Com- missioner.	Salary of commissioner.....	\$6,000 00
	Salary of assistant commissioner.....	4,200 00
	Salary of auditor and cashier.....	3,800 00
	Salary of secretary of the board.....	3,600 00
	Salaries of draughtsmen, clerks, abstractors and sten- ographers .....	37,400 00
	Expenses of apprisement [appraisement], sale and lease of state lands, expenses of selecting and per- fecting title of state lands, including salaries, per diem and expenses of the commissioner and the board and including United States Land Office fees.	59,000 00
	Expenses of defending state's title to tide, shore, granted, selected and other lands in the state courts, United States courts and land office.....	5,000 00
	Expense of advertising, sale and lease of land.....	15,000 00
	Postage, incidentals, traveling expenses, etc.....	7,000 00
	Printing .....	7,000 00
	Expenses in connection with examination, appraisal and selection of lieu lands under the provisions of chapter 102, Laws of 1913.....	50,000 00
	Surveying, platting and appraising tide and shore lands and surveying and establishing harbor lines; surveying and platting school and granted lands, including compensation of field engineer and ex- penses of the commissioner and the board.....	16,000 00
	Total.....	<u>\$214,000 00</u>

## FOR THE STATE SCHOOL FOR THE DEAF.

School for Deaf.	Maintenance .....	\$94,000 00
	Manual training, repairs and improvements.....	5,500 00
	Traveling expenses of students to Gallaudet College, Washington, D. C. ....	2,000 00
	Library .....	200 00
	Total.....	<u>\$101,700 00</u>

## FOR THE STATE SCHOOL FOR THE BLIND.

School for Blind.	Maintenance .....	\$43,000 00
	Manual training supplies.....	1,200 00
	Library .....	1,000 00
	Summer school for adults.....	800 00
	Repairs and improvements.....	1,000 00
	School and administration building and furnishings..	75,000 00
	Total.....	<u>\$122,000 00</u>

## FOR THE STATE PENITENTIARY.

Maintenance .....	\$277,000 00	Penitentiary.
Repairs and improvements.....	10,000 00	
Library .....	500 00	
Salary of chaplain.....	2,400 00	
Operation of jute mill, including salaries, purchase of jute, light and power, repairs, oils freight and mis- cellaneous .....	275,000 00	
Total.....	<u>\$564,900 00</u>	

## FOR THE STATE TRAINING SCHOOL.

Maintenance (from C., E., P. & R. I. current fund until exhausted, balance from general fund).....	\$100,000 00	State Training School.
Repairs and improvements and remodeling adminis- tration building .....	7,500 00	
Lumber, seeds, root houses and storeroom, machinery, stock, additions to shop, fencing, furnishings.....	12,000 00	
Amusement and athletics.....	1,000 00	
Library .....	500 00	
Total.....	<u>\$121,000 00</u>	

## FOR THE STATE SCHOOL FOR GIRLS.

Maintenance .....	\$56,000 00	State School for Girls.
One new building and equipment for same.....	60,000 00	
Stock, farm machinery, clearing land, nursery stock and beautifying grounds.....	8,500 00	
Library and amusement fund.....	500 00	
Total.....	<u>\$125,000 00</u>	

## FOR THE STATE SOLDIERS' HOME AND COLONY.

Maintenance of home.....	\$76,000 00	Soldiers' Homes.
Maintenance of colony.....	35,000 00	
Library .....	200 00	
Repairs and improvements, caring for cemetery, re- pairs to and equipment for hospital, and miscel- laneous .....	12,000 00	
Total.....	<u>\$123,200 00</u>	

## WASHINGTON VETERANS' HOME.

Maintenance .....	\$140,000 00
Repairs and improvements, garden, grounds, new side- walks, land, new concrete reservoir, improvements in cemetery and water system for same, hospital, kitchen and equipment.....	21,000 00
Total.....	<u>\$161,000 00</u>

## HIGHWAY COMMISSIONER.

(From the Public Highway Fund.)

Highway Com- missioner.	Salary of commissioner.....	\$10,000 00
	Salaries of engineers and other employes.....	39,600 00
	Office expense, postage, engineers' instruments, travel- ing expenses and primary surveys.....	20,000 00
	Printing .....	2,500 00
	Total.....	<u>\$72,100 00</u>

## FOR THE QUARRIES ROTARY FUND.

Quarries Rotary Fund.	For maintenance and payment of all necessary ex- penses in connection with operating state quarries, costs of transportation, buildings, machinery and equipment, and permanent improvements.....	\$100,000 00
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## FROM THE GENERAL FUND.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION AND PANAMA-  
CALIFORNIA EXPOSITION.

Expositions.	The sum of.....	\$88,059 69
	Being the estimated unexpended balance of the \$200,000 appropriated from the general fund by chapter 69, Laws of 1913, or so much thereof as may be necessary for carrying out the provisions of said act: <i>Provided, however,</i> The total amount so expended shall not exceed the sum of \$200,000.	

## INDUSTRIAL WELFARE COMMISSION.

Industrial Welfare Commission.	Salaries, office expense, traveling expenses, witness fees, printing and miscellaneous.....	\$10,000 00
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## FROM THE PUBLIC HIGHWAY FUND.

FOR WENATCHEE BRIDGE BONDS.

Wenatchee Bridge.	Interest and redemption of principal.....	\$30,480 00
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## FROM THE GENERAL FUND.

FOR THE OFFICE OF ATTORNEY GENERAL.

Attorney General.	Salary of attorney general.....	\$6,000 00
	Assistants, clerk hire, stenographers, traveling ex- penses, postage, stationery, court costs, and mis- cellaneous .....	55,500 00
	For expense of holding hearings, codifying and re- drafting the dyking and drainage laws.....	2,500 00
	Printing .....	4,000 00
	Total.....	<u>\$68,000 00</u>

## FOR WASHINGTON STATE FAIR.

State Fair.	Maintenance, operation, buildings, repairs and im- provements .....	\$35,000 00
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## FOR THE OFFICE OF STATE AUDITOR.

Salary of state auditor.....	\$6,000 00	State Auditor.
Salary of assistant auditor.....	4,800 00	
Salary of deputy state auditor.....	3,600 00	
Clerk hire, traveling expenses, premium on bonds, postage and express, office expense, adding machine, vault furniture and miscellaneous.....	19,500 00	
Printing .....	6,000 00	
	<hr/>	
Total.....	\$39,900 00	

## FOR THE OFFICE OF STATE TREASURER.

Salary of state treasurer.....	\$6,000 00	State Treasurer.
Salary of deputy treasurer, bookkeeper, stenographers, clerk hire, postage, incidentals and premium on treasurer and deputy treasurer's bonds.....	14,023 00	
Traveling expense .....	250 00	
Printing .....	2,000 00	
	<hr/>	
Total.....	\$22,273 00	

## FOR SUPERIOR COURTS.

Salaries of judges.....	\$135,000 00	Superior Courts.
Salaries of judges <i>pro tem</i> .....	1,000 00	
Traveling expenses .....	6,000 00	
Deficiency .....	2,600 00	
	<hr/>	
Total.....	\$144,600 00	

## FOR THE PUBLIC SERVICE COMMISSION.

Salary of commissioners.....	\$29,875 00	Public Service Commission.
Salary of rate expert.....	6,000 00	
Salary of assistant rate expert.....	3,000 00	
Salary of chief engineer.....	7,200 00	
Salary of tariff clerk.....	2,400 00	
Salary of tariff stenographer.....	2,400 00	
Salary of secretary.....	4,000 00	
Salary of law assistant.....	3,600 00	
Salary of reporter.....	3,600 00	
Salaries of stenographers, clerk hire and accountants, assistants, witness fees, assistant engineers, travel- ing expenses, experts, furniture, stationery, postage, office supplies and incidentals.....	80,000 00	
Eliminating dangerous crossing, including salaries, traveling expenses, etc.....	15,000 00	
Track inspector .....	6,000 00	
Assistant track inspector.....	4,800 00	
Printing .....	5,000 00	

## GRAIN DEPARTMENT.

Grain Department.	Salary of chief inspector.....	\$4,000 00
	Salary of chief clerk.....	2,400 00
	Salary of deputy inspector.....	3,000 00
	Rent, postage and incidentals.....	1,000 00
	Printing .....	1,200 00
	Salaries of deputy inspectors, samplers, weighers, and for office rent, traveling expenses, office supplies, (so much thereof as may be necessary but in no event to exceed the collections of this department)	100,000 00
Total.....	<u>\$284,475 00</u>	

## FOR THE STATE COLLEGE OF WASHINGTON.

State College.	Maintenance, experimental and extension work, build- ings, and the completion of buildings, equipment, printing, improvements of streets and highways leading to or abutting upon the campus (at least the amount of \$57,175. to be expended at the Puyal- up Experimental Station).....	\$670,736 00
	(The above amount from the proceeds of the Wash- ington State College Fund as provided by mill tax.)	
	For the use and maintenance of the State College of Washington (From the Agricultural College and Scientific School Current Fund).....	104,000 00
	Total.....	<u>\$774,736 00</u>

## FOR THE STATE UNIVERSITY.

(From the University of Washington Fund.)

State University.	Salaries of faculty and employees.....	\$850,000 00
	Fuel, upkeep of campus, general maintenance, re- pairs and improvements, equipment, books, tele- phone, telegraph, freight and express, postage, printing, furniture, fixtures, etc.....	220,000 00
	Extension division and summer school.....	40,000 00
	Total.....	<u>\$1,110,000 00</u>
	(The sum of \$70,000. of the above amount to be paid from the Current University Fund.)	

## FOR THE BELLINGHAM NORMAL SCHOOL.

(From the Bellingham Normal School Fund.)

Bellingham Normal.	Salaries of principal, instructors and other employees	\$165,000 00
	General repairs and improvements, including furni- ture, rugs, fertilizers, [fertilizers,] storage tanks, de- partmental needs, advertising, freight and express, fuel, traveling expenses, light, general supplies, labor, postage, telephone and telegraph, printing, and incidental running expenses.....	45,000 00

Repairs to steam plant, manual training equipment,  
training school equipment, fire escapes, ventilating,  
repairs to toilets, and gymnasium equipment..... \$19,000 00

Total.....\$229,000 00

(The sum of \$30,000. of the above amount to be paid  
from the Normal School Current Fund.)

FOR THE CHENEY NORMAL SCHOOL.  
(From the Cheney Normal School Fund.)

Salaries of officers, teachers and employes.....	\$130,000 00	Cheney Normal.
Fuel, light, power, office supplies, telephone and tele- graph, traveling expenses, freight and drayage, postage, printing, labor, departmental supplies, gen- eral repairs, entertainments, and miscellaneous...	29,000 00	
Buildings and land.....	50,000 00	

Total.....\$209,000 00

(The sum of \$10,000. of the above amount to be paid  
from the Normal School Current Fund.)

CHENEY NORMAL SCHOOL BUILDING.

The sum of..... \$92,184 60  
(Being the unexpended balance of the \$300,000. ap-  
propriated from the general fund by chapter 70 of  
the Laws of 1913, for carrying out the provisions  
of said act: *Provided, however,* The total amount  
of expenditures shall not exceed the sum of  
\$300,000.00.)

FOR THE ELLENSBURG NORMAL SCHOOL.  
(From the Ellensburg Normal School Fund.)

Salaries of principal, instructors and other employes.	\$105,000 00	Ellensburg Normal.
Fuel, light and water, postage, express, printing, freight, express, traveling expenses and miscel- laneous and general maintenance.....	22,500 00	
Buildings, purchase of ground, furnishings and im- provements .....	37,000 00	

Total.....\$164,500 00

(The sum of \$10,000. of the above amount to be  
paid from the Normal School Current Fund.)

FOR THE DEPARTMENT OF AGRICULTURE.

Salary of commissioner of agriculture.....	\$8,000 00	Department of Agri- culture.
Three division deputies.....	10,800 00	
Salaries of clerks.....	8,640 00	
Traveling expenses of department officers and advisory board .....	6,000 00	
Postage and incidentals.....	3,000 00	
Printing .....	2,500 00	

DAIRY AND LIVESTOCK DIVISION.

Four dairy inspectors at \$1,500 per year each.....	\$12,000 00
Traveling expenses four dairy inspectors.....	8,400 00
Salaries and traveling expenses of veterinary inspectors, and other expenses incidental thereto.....	15,000 00

HORTICULTURAL DIVISION.

Salaries, traveling expenses, office rent, telegraph and telephone, postage, and miscellaneous.....	\$45,000 00
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FOODS, FEED, FERTILIZERS, DRUGS AND OILS DIVISION.

Salaries, traveling expenses, office rent, telephone and telegraph, and miscellaneous.....	30,100 00
<b>Total.....</b>	<b>\$149,440 00</b>

FOR THE INDUSTRIAL INSURANCE COMMISSION.

Salaries of commissioners.....	\$21,600 00
Salary of chief medical adviser.....	6,000 00
Clerk hire, traveling auditors, adjusters, special examiners and other assistants.....	148,700 00
Postage, express, rent, telephone and telegraph, office equipment, court costs and all other expenses.....	27,000 00
Printing .....	8,000 00
<b>Total.....</b>	<b>\$211,300 00</b>

ACCIDENT FUND.

Industrial insurance commission.....	\$4,000,000 00
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FROM THE GENERAL FUND.

FOR THE STATE TRAVELING LIBRARIAN.

Traveling Library.	Salary of superintendent.....	\$2,400 00
	Salary of first assistant.....	1,800 00
	Distribution of books, purchase of books, telephone, telegraph and express, packer and incidentals.....	5,700 00
	Printing .....	600 00
	<b>Total.....</b>	<b>\$10,500 00</b>

SALARY OF STATE LIBRARIAN.

State Library.	Salary of librarian.....	\$3,000 00
	Incidentals, distribution of law reports, purchase of books, and printing, salaries.....	4,750 00
	<b>Total.....</b>	<b>\$7,750 00</b>

## FOR THE STATE LAW LIBRARIAN.

Salaries—		
Librarian .....	\$4,800 00	Law Library.
1 assistant at \$100.....	2,400 00	
1 assistant at \$75.....	1,800 00	
Furniture, shelving, freight, postage, telephone and telegraph, books and incidentals.....	4,400 00	
Printing and binding.....	1,000 00	
Total.....	\$14,400 00	

## WASHINGTON STATE HISTORICAL SOCIETY.

Salary of caretaker.....	\$1,200 00	State Historical Society.
Salaries of employes and secretary, traveling expenses, light and water, fuel, books and relics, furniture and fixtures, monuments and printing.....	10,800 00	
Reappropriation of the unexpended balance appropriated by chapter 12, Laws of 1913, for completing the unit boiler and heating plant.....	3,046 07	
Total.....	\$15,046 07	

## CAPITOL BUILDING INTEREST FUND.

Interest on capitol building bonds.....	\$125,000 00	Capitol Building interest.
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## FROM THE GENERAL FUND.

## STATE MINE INSPECTOR.

Salary of mine inspector.....	\$4,800 00	State Mine Inspector.
Salary of deputy inspector.....	3,600 00	
Traveling expenses, postage, office expenses, etc.....	5,600 00	
Printing .....	500 00	
Total.....	\$14,500 00	

## FOR STATE HOTEL INSPECTOR.

Salary of inspector.....	\$3,600 00	State Hotel Inspector.
Salaries of three deputies.....	9,000 00	
Traveling expenses, rent, postage, office supplies, clerks and incidentals .....	7,500 00	
Printing .....	500 00	
Total.....	\$20,600 00	

## FOR THE STATE BOARD OF HEALTH.

Salary of commissioner.....	\$7,200 00	State Board of Health.
Salaries of assistants and clerks, rent, postage and incidentals, office supplies and equipment, and traveling expenses .....	25,200 00	
Sanitary inspection .....	3,600 00	
Epidemiologist .....	6,000 00	
Printing .....	5,000 00	
Total.....	\$47,000 00	

FOR OFFICE OF STATE BANK EXAMINER.

State Bank Examiner.	Salary of examiner .....	\$7,200 00
	Salary of secretary .....	2,400 00
	Salaries of deputies .....	14,400 00
	Traveling expenses, postage and incidentals .....	15,000 00
	Printing .....	2,000 00
		\$41,000 00

FOR THE OFFICE OF STATE LABOR COMMISSIONER.

State Labor Com- missioner.	Salary of commissioner .....	\$4,800 00
	Salary of deputy commissioner .....	2,400 00
	Traveling expenses of deputy commissioner .....	1,000 00
	For steamboat inspection, deputies and traveling ex- penses (so much thereof as may be necessary but not to exceed the collections for this purpose)....	2,600 00
	For factory inspection, deputies and traveling expenses, incidentals, etc. (so much thereof as may be neces- sary but not to exceed the collections for this pur- pose) .....	25,000 00
	Clerk hire, postage, office and traveling expenses.....	5,000 00
	Printing .....	2,200 00
		\$43,000 00

Initiative and referendum, expenses of.	Initiative and referendum clerk hire, postage, trans- portation, printing, express, traveling expenses and incidentals .....	\$50,000 00
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SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salaries:		
Superintend- ent of Public Instruction.	Superintendent .....	\$6,000 00
	Assistant superintendent .....	4,000 00
	Deputy superintendent .....	4,000 00
	Clerks .....	8,400 00
	Traveling expense, postage, telephone and telegraph, board of examiners, office supplies, incidentals, equipment, etc. ....	11,000 00
	Printing .....	12,000 00
	Rural School Extension:	
	Salaries of extra clerks, transportation and expenses..	2,500 00
	High School Supervision:	
	Salary of inspector .....	4,000 00
	Clerk hire, transportation, office expenses and in- cidentals .....	3,500 00
	State Board of Education:	
	Salaries and transportation .....	2,000 00
	Industrial and Agricultural Work:	
	Salaries, traveling expense, office supplies and other expenses .....	15,000 00
	* Total.....	\$72,400 00

## FOR THE STATE FIRE WARDEN.

Salary of fire warden .....	\$4,000 00	State Fire Warden.
Clerk hire, office, traveling and all miscellaneous ex- penses .....	65,000 00	
Printing .....	1,000 00	
Total.....	\$70,000 00	

## FOR THE STATE BOARD OF EQUALIZATION.

Printing and incidentals .....	\$1,500 00	Board of Equalization.
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## FOR THE STATE INSURANCE COMMISSIONER.

## Salaries:

Commissioner .....	\$6,000 00	State Insur- ance Com- missioner.
Salaries of deputy commissioner and all other em- ployes .....	34,000 00	
Postage, traveling expense, etc.....	16,000 00	
Examination of insurance companies .....	10,000 00	
Printing .....	6,000 00	
Total.....	\$72,000 00	

## FOR THE DEPARTMENT OF FISHERIES.

(From the Fisheries Fund, not to exceed the collec-  
tions thereof.)

Salary of commissioner .....	\$4,000 00	Department of Fisheries.
Salary of superintendent hatcheries.....	3,600 00	
Salary of deputy fish commissioners .....	3,600 00	
Salary of inspectors and expenses .....	7,400 00	
Salaries of employees, rent and incidentals .....	12,400 00	
Traveling expenses of commissioner and employes ....	5,000 00	
Construction new hatcheries.....	12,500 00	
Construction, repairs and maintenance of the salmon hatcheries and patrol service, and traveling ex- penses .....	130,000 00	
Destruction of seals, Columbia river district, as pro- vided by sec. 88 of Fisheries Code, not to exceed \$1,000. in any one year.....	2,000 00	
Destruction seals in other waters of the state .....	3,000 00	
For relief of the following persons:		
Wm. & S. R. Charley .....	27 00	
H. Borklund .....	163 00	
Carl Smith .....	15 00	
L. Dow .....	4 00	
Melvin Graham .....	1 00	
Ole C. Nelson .....	4 00	
Frank G. Young .....	70 00	
Printing .....	1,500 00	

From the Game Fund:

(Not to exceed the collections thereof.)

Salary of state game warden.....	\$2,000 00
Salary deputy state game warden, employes and ex- penses .....	12,000 00
Maintenance of trout hatcheries .....	15,000 00
(From the State Oyster Reserve Fund, not to exceed the collections thereof.)	
Protection and improvement of oyster beds.....	15,000 00
<b>Total.....</b>	<b>\$229,284 00</b>

State  
Reformatory.

FROM THE GENERAL FUND.

WASHINGTON STATE REFORMATORY.

Vetoed } E. L. }	Maintenance .....	\$219,000 00
	Domestic help in superintendent's residence.....	1,200 00
	Farm equipment and stock .....	7,500 00
	Storehouse .....	17,000 00
	Installation of oil burning system .....	2,500 00
	Completing main building .....	4,000 00
	Manual training and shop equipment .....	4,000 00
	General repairs and improvements .....	7,500 00
	Clearing land .....	10,000 00
	Waterworks .....	10,000 00
	Sewers .....	1,500 00
	Sidewalks .....	1,000 00
	Salary of chaplain .....	2,400 00
	Library and entertainments .....	1,100 00
	Duplicate lighting system .....	3,000 00
	<b>Total.....</b>	<b>\$291,700 00</b>

FROM THE MILITARY FUND.

For the support of the National Guard and Naval  
Militia of Washington from April 1, 1915, to  
March 31, 1917.

National Guard and Naval Militia.	Maintenance of land branches .....	\$140,260 00
	Maintenance of naval militia .....	29,440 00
	Salary of adjutant general .....	5,000 00
	Salary of assistant adjutant general .....	3,000 00
	Salary of chief clerk.....	2,400 00
	Salary of storekeeper .....	2,400 00
	Salary of stenographer .....	1,800 00
	Salary of bookkeeper .....	2,160 00
	Repairs to state armories .....	9,500 00
	Arsenal, keeper's cottage and other improvements, mili- tary reservation, American Lake .....	20,000 00
	Retained pay of enlisted men, land branches and Naval Militia earned prior and subsequent to April 1, 1915	10,000 00
	Aid of civil authorities .....	10,000 00
	Maintenance one additional company coast artillery....	6,000 00

Differential pay for troops participating in joint camp of instruction and coast defense exercises July, 1914, as shown by the payrolls on file in the office of the adjutant general .....	\$7,631 32
Forage and maintenance, cavalry horses .....	4,500 00
For the payment of local improvement assessments for the paving of the alley between 10th and 11th streets in the city of Tacoma.....	1,470 00
For the payment of the balance due to the Peerless Furniture Co., Bellingham, for chairs furnished the Bellingham armory .....	500 00
For the payment of Fred Graeff for services rendered as quartermaster of the second infantry band during 1912 .....	75 00
For relief of Coffin Brothers, North Yakima .....	450 00
For the treasurer of the United States to relieve former United States Disbursing Officer Fred W. Llewellyn from suspension on account of erroneous payment of Major Harvey J. Moss for participation in the joint coast defense exercises, 1913.....	66 67
For the relief of Dr. J. F. Scott, for professional services rendered to Private Frank Higley, Company "C" 2nd Inf. ....	25 00
For the relief of Fred H. Eastman for services as acting regimental q. m. sergeant, July 4, 1913.....	13 20
Printing .....	3,000 00
Total.....	\$259,691 19

FROM THE HARBOR IMPROVEMENT FUND.

For port districts and counties 75% of rental of harbor areas, tide lands and waterway areas under chapters 168 and 170 of the Session Laws of 1913, to be distributed by the state treasurer to the several port districts and counties as provided in said chapters.		Port Dis- tricts and counties.
For the period intervening between the going into effect of said chapters and January 31, 1915.....	\$31,178 31	
For the period intervening between January 31, 1915, and May 1, 1917 .....	60,000 00	
Or so much thereof as may be necessary to comply with the provisions of said chapters 168 and 170.		

FOR MISCELLANEOUS PURPOSES.

From the General Fund.

For state aid of tuberculosis hospitals, as provided in chapter 172, Session Laws of 1913 .....	\$50,000 00	Miscel- laneous.
Florence Crittenden Home, Seattle .....	3,000 00	
Florence Crittenden Home, Spokane .....	3,000 00	
White Shield Home, Tacoma.....	3,000 00	
Lebanon Home, Ballard .....	1,500 00	

Salvation Army Home, Spokane.....	\$1,500 00
Care of graves of the Spanish American war veterans..	144 00
Guaranteed interest on A. Y. P. E. series B. warrants..	20,000 00
Interest on state 15 year 3% Normal School bonds.....	12,361 44
Guaranteed and accrued interest on capitol building fund warrants .....	54,000 00
For topographic and hydrographic surveys (conditioned upon a similar sum being expended by the U. S. Geological Survey) .....	35,000 00
Temple of Justice maintenance .....	12,000 00
For transportation of incorrigibles, convicts and insane, including salaries and traveling expenses of guards and attendants .....	62,500 00
Salaries, traveling expenses and incidentals for parole department of penitentiary, reformatory and training schools .....	25,000 00
For the relief of following named persons on account of leases issued July 14, 1914, on land within the boundaries of the Yakima Indian Reservation.	

Relief items.

Lease No.	Name of Lessee.	
10975	F. A. Smith .....	\$10 00
10976	Dollie Chamberlain .....	34 00
10977	W. M. Chamberlin .....	34 00
10978	Lettie M. Watson .....	26 00
10979	John F. Hasey .....	8 00
10980	M. M. Warner .....	10 00
10981	Robert Ballow .....	26 00
10982	E. E. Montgomery .....	10 00
10953	Louise Ahola .....	20 00
10954	Frank Aldrich .....	34 00
10955	Louise Ahola .....	14 00
10958	C. C. Ross .....	34 00

For relief of C. B. Bussell, under the provisions of the Act of 1901, on account of surrender of leases Nos. 177 to 192, inclusive .....

834 48

For relief of the following named papers for advertising constitutional amendment to section 33 of article 2 of the Constitution:

Paper.	Town.	
Times .....	Othello .....	\$21 00
Republic .....	Clarkston .....	24 50
Courier Reporter .....	Kennewick .....	24 50
Washingtonian .....	Hoquiam .....	28 00
Advance .....	Wenatchee .....	28 00
Press .....	Sequim .....	21 00
Clark County Sun .....	Vancouver .....	24 50
Columbia County Dispatch.....	Dayton .....	24 50
Kelsonian .....	Kelso .....	24 50

Paper.	Town.	
News .....	Mansfield .....	\$21 00
News Miner .....	Republic .....	28 00
Connell Tribune Register .....	Connell .....	21 00
Garfield County Standard .....	Pomeroy .....	24 50
Dispatch .....	Coulee City .....	21 00
News .....	Oak Harbor .....	21 00
Megaphone .....	Quilcene .....	21 00
Independent .....	Port Orchard .....	24 50
Capital .....	Ellensburg .....	24 50
Colleague .....	Fremont .....	24 50
Sentinel .....	Goldendale .....	28 00
News Examiner .....	Centralia .....	28 00
Journal .....	South Bend .....	28 00
New Herald .....	Tacoma .....	24 50
Lincoln County Times .....	Davenport .....	24 50
Journal .....	Shelton .....	24 50
Herald .....	Brewster .....	24 50
News .....	Metaline Falls .....	21 00
Journal .....	Friday Harbor .....	24 50
Argus .....	Mount Vernon .....	28 00
Pioneer .....	Stevenson .....	21 00
Times .....	Arlington .....	24 50
Register .....	Rockford .....	24 50
Statesman Index .....	Colville .....	28 00
Morning Olympian .....	Olympia .....	21 00
Eagle .....	Skamokawa .....	24 50
News Tribune .....	Attalia .....	28 00
News .....	Sumas .....	28 00
Gazette .....	Colfax .....	28 00
Republic .....	North Yakima .....	24 50
Total .....		<hr/> \$952 00

FROM THE GENERAL FUND.

For the relief of Frye & Co. ....	\$107 67	
For the relief of Dr. A. W. Thornton for feed [fee] paid for nurseryman's license which was not issued	5 00	
For relief of Washington Public Service Company for sundry bills contracted prior to Aug. 30, 1913..	29 30	} Vetoed E. L.
For relief of Mrs. Thomas Payne for payments made for stenographic services rendered the A. Y. P. Exposition .....	25 25	
For relief of Tacoma Tug Boat Co. for rent of scow and towing scow of coal for Temple of Justice	51 00	
For relief of Columbia Electric Co. for work on extra service mains at Veterans' Home .....	35 00	
For relief of Schwabacher Hdw. Co. for supplies fur- nished Veterans' Home .....	18 73	

For relief of Morris Company for butter furnished Eastern Washington Hospital.....	\$268 80
For relief of John A. Hubbert for replacing bridge as per contract with state .....	400 00
For relief of Dairy Machinery Co. for supplies furnished Washington State Reformatory .....	15.20
For relief of Washington Public Service Company for water furnished the Temple of Justice during February and March, 1913 .....	64 64

FROM THE PUBLIC HIGHWAY FUND.

For relief of W. J. McIntyre for traveling expenses paid as appraiser under chapter 13, Laws of 1909..	\$13 40
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FROM THE CAPITOL BUILDING FUND.

For relief of Hans Peterson for electrical current used through his meter during December, 1912, and January and February, 1913, used by the Temple of Justice .....	\$170 00
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Vetoed  
E. L.  
Passed  
Over Veto  
March 11,  
1915.

FROM THE CHENEY NORMAL SCHOOL FUND.	
For the relief of Earl W. Morrison.....	\$1,500 00

FROM THE GENERAL FUND.

For relief of I. M. Howell, account of unpaid check..	\$60 00
For relief of D. B. Garrison, monies advanced as secretary of state board of pharmacy.....	2,100 00
For relief of P. J. O'Brien, refund account of payment on state lands for which title could not be given...	35 90
For relief of M. J. Cunningham, refund account of payment on state land for which title could not be given .....	21 24
For relief of C. L. Whitney, for salary, supplies furnished, and expenses as horticultural inspector...	205 00
For relief of M. Sommer, Joshua Zeeve and Rosalia Zeeve, for refund account mistake in purchase of state land .....	965 29
County clerk of Pierce county, for benefit of heirs of Lars Larsen, deceased, whose estate was wrongfully escheated to state.....	2,406 50
For relief of Peoples' National Fire Insurance Co., account of over payment of taxes to state.....	408 74
For relief of Henry M. Raney, Jr., due account decree superior court of King county account escheat estate of Anna O. Miller, deceased.....	329 00
For relief of F. A. Huntley, expense attending court as witness for the state.....	82 50
For relief of J. C. Bench, account of loss of eye.....	1,000 00
For relief of Cascade Lumber Co., refund account of sale of land [to] which state could not give title..	1,097 20

For relief Northern Pacific Ry. Co., for weighing hay and grain at Spokane from Dec. 14, 1911, to March 31, 1913 .....	\$111 45	
For relief of L. J. Molberg [Mahlberg], refund account of collection corporation tax Netherlands American Mortgage Bank .....	2 50	

DEFICIENCY.

Bounties on wild animals.....	\$30,000 00	Bounties.
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LOCAL IMPROVEMENTS ASSESSMENTS.

FROM THE UNIVERSITY FUND.

On state lands in the city of Seattle, district No. 2713.	\$435 02	Local assessments.
On state lands in the city of Seattle, district No. 2494.	431 58	

FROM THE MILITARY FUND.

On state lands in the city of Spokane, district No. 840.	\$211 64
On state lands in the city of Spokane, district No. 21.	140 32
On state lands in the city of Spokane, district No. 839.	1,928 90
On state lands in the city of Spokane, district No. 1.	28 20
On state lands in the city of Bellingham, district No. 385 .....	23 64
On state lands in the city of Bellingham, district No. 386 .....	805 09

FROM THE BELLINGHAM NORMAL SCHOOL FUND.

On state lands in the city of Bellingham, district No. 385 .....	\$44 99
On state lands in the city of Bellingham, district No. 344 .....	2,848 00

FROM THE MILITARY FUND.

On state lands in the city of North Yakima, district No. 255 .....	\$192 08
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FROM THE CAPITOL BUILDING FUND.

On state lands in the city of Olympia, district No. 149.	\$1,335 89
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FROM THE WASHINGTON STATE COLLEGE FUND.

On state lands in the city of Puyallup, district No. 33.	\$619 97
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FROM THE ELLENSBURG NORMAL SCHOOL FUND.

On state land in the city of Ellensburg, district No. 1911 F .....	\$1,284 34
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## FROM THE GENERAL FUND.

On state lands in the city of Seattle, district No. 1718.	\$43 17
On state lands in the city of Seattle, district No. 1537.	65 90
On state lands in the city of Seattle, district No. 2587.	80 10
On state lands in the city of Seattle, district No. 2560.	4,177 72
On state lands in the city of Seattle, district No. 2774.	17 42
On state school lands in Skagit county for dykes and ditches for 1913.....	1,001 30

## JUDGMENTS.

## FROM THE GENERAL FUND.

Judgments.	State vs. Geo. V. Jones.....	\$194 82
	State vs. Columbia county.....	67 62
	A. W. Engle, state bank examiner et al. vs. A. C. Flummerfelt .....	68 75
	State vs. John S. Beaudin.....	96 28
	State vs. E. H. Crossin.....	146 29
	W. W. Robinson vs. Great Northern Ry. Co., and the State of Washington.....	377 73

## FROM THE PUBLIC HIGHWAY FUND.

State ex rel. J. M. Noble vs H. L. Bowlby, state highway commissioner .....	\$1,722 29
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## FROM THE GENERAL FUND.

Board of finance.....	\$300 00
Capitol Commission (by Capitol Building Commission) For inspecting, advertising and sale of capitol building land, traveling expenses, clerk hire, salaries, printing, postage, etc.....	2,000 00

## PENAL.

Criminal cost bills.....	\$50,000 00
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## FOR EXPENSES OF

State examining boards.	State board of barber examiners.....	\$7,000 00
	State board of dental examiners.....	3,000 00
	State board of examiners of nurses.....	2,000 00
	Embalmers' examining board.....	1,000 00
	State board of optometry.....	1,200 00
	State board of medical examiners.....	7,600 00
	State board of veterinary medical examiners.....	1,000 00
	State board of pharmacy.....	10,000 00
	But in no event shall the expenses of any of the above boards exceed the receipts thereof.	
	For the relief of Frank Imlay, for injuries received while in the service of the state.....	750 00

TAX COMMISSION.

Salaries and miscellaneous expense of commission- ers .....	\$6,000 00	Tax Com- mission.
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This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government, and its existing public institutions, and shall take effect April 1, 1915. Emergency.

Passed the House March 2, 1915.

Passed the Senate March 2, 1915.

Approved by the Governor March 11, 1915, except amounts marked "Vetoed" opposite each item.

CHAPTER 57.

[S. H. B. 192.]

MOTOR VEHICLES AS PASSENGER CARRIERS IN CITIES OF FIRST CLASS.

AN ACT relating to and regulating common carriers of passengers upon public streets, roads and highways, providing for the issuance of permits; prescribing penalties for violations, and providing when this act shall take effect.

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

SECTION 1. It shall be unlawful for any person, firm or corporation, other than a steam, street or interurban railway company to engage in or carry on the business of carrying or transporting passengers for hire in any motor propelled vehicle along any public street, road or highway, within the corporate limits of any city of the first class, without having first obtained a permit so to do as hereinafter provided: *Provided*, That any street or interurban railway or other transportation company engaging in the business of transporting passengers for hire in any motor propelled vehicle except street cars along any public street, road or highway in this state, shall come under the provisions of this act: *Provided, further*, That the provisions of this act shall not apply to carriers of U. S. Mail.

Permits for automobiles as passenger carriers.

Secretary  
of state  
to issue.

SEC. 2. Every person, firm or corporation other than a steam, street or interurban railway company, desiring to engage in the business of carrying or transporting passengers for hire in any motor propelled vehicle over or along any public street, road or highway in any city of the first class and every street or interurban railway or other transportation company desiring to engage in the business of transporting passengers for hire in any motor propelled vehicle except street cars, shall apply to the secretary of state for a permit so to do, and such applicant for each motor vehicle intended to be so operated shall deposit and keep on file with the secretary of state a bond running to the State of Washington in the penal sum of twenty-five hundred dollars, with good and sufficient surety company licensed to do business in this state as surety to be approved by the secretary of state, conditioned for the faithful compliance by the principal of said bond with the provisions of this act and to pay all damages which may be sustained by any person injured by reason of any careless, negligent or unlawful act on the part of said principal, his agents or employes in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for hire over or along any public street, road or highway, and shall pay to the secretary of state a fee of five dollars and thereupon such license shall be issued to the applicant.

Security  
bond  
required.

License fee.

Rights of  
action for  
personal  
injuries.

SEC. 3. Every person injured by any careless, negligent or unlawful act of any person, firm or corporation receiving a permit under the provisions of this act, or his, their, or its agents; or employes in conducting or carrying on said business or in operating any motor propelled vehicle used for the carrying and transporting of passengers over and along any public street, road or highway, and his heirs, executors and administrators shall have a cause of action against the principal and surety upon the bond provided for in the preceding section for all damages sustained and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery

against the surety shall be limited to the amount of the bond and a surviving husband and child or children or if no husband, then the child or children shall have action for the death of the wife or mother caused by any such negligence.

SEC. 4. Every person, firm or corporation, other than a steam, street or interurban railway company, engaging in the business of carrying or transporting any passengers for hire in any motor propelled vehicle along or over any public street, road or highway or carrying or transporting any passengers for hire along or over any public street, road or highway in any city of the first class, and every street or interurban railway or transportation company engaging in the business of transporting passengers for hire in any motor propelled vehicle except street cars, without having first obtained and having a permit so to do as in this act provided shall be guilty of a gross misdemeanor.

Penalty for operating without permit.

SEC. 5. If any part of this act be held invalid by any court, the remainder of this act shall nevertheless be valid.

Partial invalidity.

SEC. 6. This act is necessary for the immediate preservation of the public safety, and shall take effect April 10th, 1915.

Emergency.

Passed the House March 1, 1915.

Passed the Senate March 4, 1915.

Vetoed by the Governor, March 11, 1915.

Passed over the Governor's veto, March 11, 1915.

CHAPTER 58.

[H. B. 276.]

POLLUTION OF WATERS.

See Fisheries Code, ante, ch. 31, § 82.

AN ACT for the protection of fish and shell fish, and declaring that this act shall take effect April 1, 1915.

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

Casting matter injurious to fish.

SECTION 1. It shall be unlawful to cast or pass or to suffer or permit to be cast or passed into any waters of this state, either fresh or salt, any sawdust, planer shavings, wood pulp or other wastes, lime, gas, coculus indicus, chemical substances or any refuse or waste material or matter deleterious to fish or shell fish, at any time whatsoever: *Provided, however,* That nothing in this act contained shall be construed as prohibiting the depositing of coal mine waste or drainage in any waters either fresh or salt.

Coal mine waste and drainage.

Penalty.

SEC. 2. Any person who shall violate any provision of this act shall be guilty of a misdemeanor.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public health and shall take effect April 1, 1915.

Passed the House March 6, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 59.

[H. B. 105.]

## LEVY FOR STATE ROADS.

AN ACT relating to state roads, providing for a tax levy therefor, and amending section 5898 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5898 of Rem. & Bal. Code be amended to read as follows:

Section 5898. For the purpose of raising revenue to construct and repair highways and bridges, the proper state officers shall levy and collect a tax of one and one-fourth mills upon all of the property in the state subject to taxation for the fiscal year beginning March 1, 1913, and for each fiscal year thereafter shall levy and collect a tax of one mill. The fund provided by such levy shall be placed in said public highway fund: *Provided, however,* That nothing in this act contained shall have the effect or be construed to alter or modify in any particular any tax levy made or proceeding had or to be had for the collection of any tax heretofore levied or imposed under or pursuant to the provisions of any former or existing laws: *And provided further,* That seven and one-half per centum of the taxes collected as herein authorized shall be set aside by the state treasurer and used exclusively under the direction of the highway commissioner for the repair and maintenance of state roads that shall have been established and constructed.

State levy  
for highways  
and bridges.

Percentage  
for main-  
tenance.

Passed the House February 9, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 15, 1915.

CHAPTER 60.

[H. B. 173.]

VACANCIES IN OFFICES OF UNITED STATES SENATOR AND REPRESENTATIVE.

AN ACT relating to the filling of vacancies in the offices of United States senator and representative in Congress and amending section 3676-a of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3676-a of Rem. & Bal. Code be amended to read as follows:

Section 3676-a. That whenever any vacancy exists in the office of United States senator or representative in Congress from this state, or representative in Congress from any congressional district of this state by death, resignation, disability or failure to qualify, of persons elected to such office, and there shall be a necessity for the filling of such vacancy, or threatened vacancy, for the term or the remainder of the unexpired term, the Governor shall issue a writ of election to fill such vacancy, which writ shall fix the time for such election not less than twenty-five days after the issuance thereof, and such writ shall also fix a day not less than fifteen days after the issuance of the writ, and not less than ten days before the special election called therein, for the holding of a special primary for the purpose of nominating candidates to be voted for at such special election.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 15, 1915.

Amends Rem.-Bal. § 3676-a, by including U. S. senator.

Special election to fill vacancy.

Governor to issue writ.

## CHAPTER 61.

[H. B. 107.]

AUTHORIZING TAX LEVY FOR EXPENSES OF ATTEMPTED  
CANAL IMPROVEMENT.

AN ACT authorizing boards of county commissioners of counties of the first class to pay expenses incurred by a river and harbor improvement commission created in an attempt to exercise the power and authority conferred by the provisions of chapter 236 of the Laws of 1907 relating to river, lake, canal or harbor improvements, and authorizing the levy and collection of taxes for that purpose.

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

SECTION 1. That whenever any county of the first class by and through its board of county commissioners shall have heretofore attempted to exercise the authority and power conferred by chapter 236 of the Laws of 1907, and said board of county commissioners shall have found that the government of the United States was intending or proposing the construction or operation of a canal improvement wholly within such county, and shall have upon a petition therefor signed by at least one hundred freeholders of said county who each owned realty within the limits of an improvement district sought to be created, adjudged that it was for the general benefit and welfare of the people of said county that such canal improvement be made and completed, and to order an assessment district within such county to be defined and established, and to levy an assessment upon so much of the taxable real estate of such county as should be specially benefited by such improvement for the purpose of paying a portion of the expenses of such improvement not exceeding one per cent. of the taxable valuations of all real and personal property in the entire county as appeared on the then last assessment roll, and shall have made application to the judge of the United States district court for the district within which said county was situated, to name eleven reputable citizens and freeholders of such county as a river and harbor improvement commission of such county and file a list

[For original law, see Rem.-Bal. §§ 8148-8163.]

Attempted canal improvement.

(Repetition.)

thereof with said board of county commissioners, [and the list thereof with said board of county commissioners,] and the judge of said United States district court shall have named said commissioners and filed a list thereof with said board of county commissioners, and the members of said river and harbor commission so named, before entering upon their duties shall have taken and subscribed an oath in compliance with the provisions of section 2 of said chapter 236 of the Laws of 1907, and said river and harbor improvement commission shall have in good faith performed the duties prescribed in sections 3 and 4 of said chapter 236 of the Laws of 1907 and shall have in the performance of said duties and for the purpose of preparing an assessment roll incurred expenses for services rendered, supplies and materials furnished and monies advanced and issued certificates of indebtedness therefor redeemable and payable only from the local improvement fund to be raised by an assessment upon the pieces and parcels of real property in the assessment district created or to be created by said river and harbor improvement commission in said county, and said commission shall have created, defined and established the limits of an assessment district in said county and made an assessment roll in which appeared the names of the owners of the property assessed, so far as known, the description of each lot, block, parcel and tract of land within said assessment district and the amount assessed against the same, as separate, special and particular benefits, and certified such assessment roll to the board of county commissioners of said county within the time allowed the said board, and said board of county commissioners shall have made an order setting a day for a hearing upon any objections to said assessment roll and given notice of the time and place of said hearing as provided in section 5 of said chapter 236 of the Laws of 1907, and shall have proceeded with said hearing, but for any cause shall have failed to equalize or fix said assessment and levy and collect the same, but the government of the United States has proceeded with construction of such canal improvement and said county has contributed to the

Failure to  
levy assess-  
ments.

cost of construction of said improvement, and said certificates of indebtedness shall not have been redeemed or paid but are still outstanding and the persons to whom the same were issued in good faith by said river and harbor improvement commission shall have received no compensation or payment for the services rendered, supplies and materials furnished or monies advanced to said commission, and no local improvement fund has been raised by assessment upon the property in the assessment district created by said river and harbor improvement commission; the board of county commissioners of such county are hereby authorized and empowered to redeem said certificates of indebtedness and pay the same in the order of their issue, together with interest at the legal rate from the respective dates of issue thereof, out of the current expense fund, or out of the river improvement fund of such county, or to levy taxes upon all of the real estate within said district defined and established by said river and harbor improvement commission exclusive of improvements, sufficient to pay said outstanding certificates of indebtedness with interest as aforesaid and the cost of levying and collecting said taxes, and upon said levy or levies being made to cause the same to be extended upon the tax rolls, certified and collected at the same time and in the same manner as other special district taxes, and when said tax shall have been collected, to redeem said certificates of indebtedness and to pay the same with interest as aforesaid out of the fund created by said tax, in the order of their issue.

Redemption  
of certificates  
of indebted-  
ness.

Tax levy  
authorized.

Passed the House February 19, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 62.

[H. B. 44.]

## FALSE REPRESENTATION OF PHYSICAL DEFECTS.

AN ACT making it unlawful for any person to falsely represent himself or herself as blind, deaf, dumb, crippled, or otherwise physically defective and providing a penalty for the violation thereof.

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

SECTION 1. That it shall be unlawful for any person to falsely represent himself or herself as blind, deaf, dumb, crippled or otherwise physically defective for the purpose of obtaining money or other thing of value or making sales of any character of personal property and any person so falsely representing himself or herself as blind, deaf, dumb, crippled or otherwise physically defective and securing aid or assistance on account of such representations shall be deemed guilty of a misdemeanor.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 15, 1915.

Procuring  
money by  
false repre-  
sentations.

Penalty.

## CHAPTER 63.

[H. B. 268.]

## PHYSICAL EXAMINATION IN PERSONAL INJURY CASES.

AN ACT providing for a physical examination of plaintiffs in actions to recover damages for injuries to the person.

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

SECTION 1. On or before the trial of any action brought to recover damages for injury to the person, the court before whom such action is pending may from time to time, on application of any party therein, order and direct an examination of the person injured as to the injury complained of by a competent physician or physicians, surgeon or surgeons, in order to qualify the person or persons

Court auth-  
orized to  
order ex-  
amination.

making such examination to testify in the said cause as to the nature, extent and probable duration of the injury complained of; and the court may in such order direct and determine the time and place of such examination: *Provided*, This section shall not be construed to prevent any other person or physician from being called and examined as a witness as heretofore.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 64.

[H. B. 28.]

### NEWSPAPERS FOR STATE HISTORICAL SOCIETY.

AN ACT authorizing counties to procure and bind newspapers for the Washington State Historical Society.

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

SECTION 1. The boards of county commissioners of the several counties may, in their discretion, acquire without expense, files of not more than three newspapers published in their respective counties and have the same suitably bound and delivered to the Washington State Historical Society for preservation. Said society shall provide for such volumes a place in which they will be readily accessible to the public for examination and for the copying of extracts therefrom.

Counties  
authorized to  
deliver bound  
copies.

Use by  
public.

Passed the House March 5, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 65.

[S. B. 50.]

## UNPROFESSIONAL CONDUCT OF PHYSICIANS.

AN ACT relating to unprofessional conduct of physicians and amending section 8397½ of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8397½ of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 8397½, by  
adding  
subd. 8.

Section 8397½. The words "unprofessional conduct," as used in this chapter, are hereby declared to mean:

Acts consti-  
tuting un-  
professional  
conduct.

First. The procuring, or aiding or abetting in procuring a criminal abortion.

Second. The wilfully betraying of a professional secret.

Third. All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth. All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.

Fifth. Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

Sixth. Habitual intemperance.

Seventh. The personation of another licensed practitioner.

Eighth. Wrongfully encouraging or conspiring with any person to bring, or cause to be brought, any action in any court against any licensed practitioner for alleged malpractice, or agreeing with any person for a share or part of any sum of money to be recovered in such action: *Provided*, That nothing herein shall be construed to prevent any licensed practitioner from testifying against any

Conspiring  
to bring  
action for  
malpractice.

other licensed practitioner in any action for alleged malpractice.

Passed the Senate January 28, 1915.

Passed the House March 6, 1915.

Approved by the Governor March 15, 1915.

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CHAPTER 66.

[S. B. 310.]

PROVIDING FUNDS FOR NEW BUILDINGS FOR  
UNIVERSITY OF WASHINGTON.

AN ACT for the support of the University of Washington and relating to the erection and equipment of two buildings at the university, making appropriations therefor and providing a system of student fees and creating a building fund.

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

SECTION 1. There is hereby created in the state treasury a fund which shall be known and designated as the "University of Washington Building Fund." University building fund.

SEC. 2. The University of Washington shall charge to and collect from each of the students matriculating and registering therein, the following fees: Student fees.

(a) A matriculation fee of ten dollars.

(b) A tuition fee of ten dollars per semester.

(c) A tuition fee of ten dollars for Summer Session, Short Course and Marine Station students. The students mentioned in this subdivision shall not be charged for such work any fees mentioned in subdivisions (a) and (b) of this section, but may in proper cases, be charged the fees mentioned in subdivisions (d) and (e); but upon subsequent matriculation and registration for regular semester work such students must pay the matriculation fee and also such fees as are required for the work for which they register.

(d) An additional tuition fee of twelve and one-half dollars per semester for law, for the law library.

(e) Student deposit, disciplinary and special or individual instruction fees and fees for extension work and fees for night work, shall be as determined by the board of regents. The board of regents is hereby empowered to return unused or unearned portions of the fees collected under the terms of this subdivision.

Return of unearned fees.

SEC. 3. All fees mentioned in subdivision (a) of section two of this act shall be paid into the state treasury within five days from the collection thereof, and all fees mentioned in subdivision (b) of said section except such as shall be returned as provided in section five of this act shall be paid into the state treasury within sixty-five days from the collection thereof, and by the state treasurer shall be credited to the "University of Washington Building Fund," to be used exclusively for the purpose of erecting, maintaining, equipping and furnishing new buildings, and altering, repairing, equipping and furnishing existing buildings for the University of Washington.

Fees credited to building fund.

SEC. 4. All fees paid in accordance with subdivisions (c), (d) and (e) of said section two shall be held by the board of regents as a revolving fund and expended by it for the purposes for which collected and be accounted for in accordance with existing law.

Revolving fund.

SEC. 5. Fees paid in accordance with subdivision (a) of section two of this act are not returnable to the student in whole or in part. Fees paid in accordance with subdivision (b) of said section two are not returnable except in case of sickness or causes entirely beyond the control of the student. No portion of the fees shall be returned for voluntary or enforced withdrawal after sixty days from the date of registration of the student. Students withdrawing under discipline forfeit all rights to the return of any portion of the fees. In no case shall more than one-half the fee be refunded.

Refund of fees.

SEC. 6. The board of regents may appoint to free scholarships those deserving students who after a semester in residence have shown a marked capacity for the work done by them in school. The number of free scholarships

Free scholarships.

shall not in any semester exceed ten per centum of the attendance. The appointment of a free scholarship shall release the student appointed from the payment of the fees mentioned in subdivision (b) of section two of this act.

SEC. 7. On and after March 1, 1916, all rentals received on account of that certain lease of the former university site in the city of Seattle, known as the "Old University Grounds," made and entered into on the first day of February, 1907, by and between the State of Washington, lessor, and James A. Moore, lessee, and thereafter assigned by said lessee to the Metropolitan Building Company, a corporation, shall be paid into and credited to said "University of Washington Building Fund," to be used exclusively for the purposes mentioned in section three of this act.

Rentals credited to building fund.

SEC. 8. This act shall not apply to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only.

Voluntary student fees.

SEC. 9. There is hereby appropriated out of any moneys in the general fund the sum of one hundred and fifty thousand dollars (\$150,000.00) to be used in the construction of a class "A" building for the University of Washington and for furnishing and equipment therefor.

Appropriation \$150,000 from general fund.

SEC. 10. There is hereby appropriated from the said "University of Washington Building Fund" the sum of one hundred fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, for the erection, equipment and furnishing of one class "A" building upon the campus for the use of the University of Washington. Said building to be built by and under the supervision of the board of regents of the university.

Appropriation \$150,000 from university building fund.

SEC. 11. All acts and parts of acts in any way in conflict with this act be and the same are hereby repealed.

Repealing clause.

Passed the Senate March 1, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 67.

[S. B. 159.]

## ADMISSION TO PRACTICE LAW.

AN ACT to amend section 3 of an act entitled "An act relating to attorneys and counselors at law," approved March 15, 1909.

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

SECTION 1. That section 3 of an act of the Legislature approved March 15, 1909, entitled, "An act relating to attorneys and counselors at law," be amended to read as follows:

Section 3. The following applicants may be admitted on motion:

(a) Graduates of the law department of the state university;

(b) Graduates of the law department of Gonzaga University of Spokane: *Provided*, The entrance requirements are substantially the same and shall remain the same as those required for entrance to the law school of the state university: *Provided further*, That the course of instruction shall require not less than the same number of hours required for graduation by the said state university and that the course and requirements of study shall be such as to show that the graduates of said university are qualified for admission to practice as attorneys. The state board of bar examiners, appointed by the supreme court, shall be the judges of whether the afore mentioned conditions are being complied with and a certificate of said board to that effect shall be conclusive.

(c) Members of the bar of other states having been entitled to practice in the highest courts of record in their respective states for at least two years immediately preceding their application for admission to practice in this state: *Provided*, That such applicant upon showing the qualifications as provided in the next preceding section, the court, if satisfied of the applicant's fitness, shall enter an order permitting such applicant to practice law

Amends  
Rem.-Bal.  
§ 121, by  
provision for  
Gonzaga  
University  
graduates.

Law grad-  
uates of  
state and  
Gonzaga  
universities.

Members of  
bar of other  
states.

in this state for a period of one year, at the end of which time, the court being satisfied that such applicant is of good moral character and a fit and proper person to practice law in this state, an order shall be entered so admitting such applicant.

Passed the Senate February 27, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 15, 1915.

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## CHAPTER 68.

[S. B. 254.]

### EMPLOYMENT OF WOMEN AND MINORS IN TELEPHONE INDUSTRY.

AN ACT relating to the hours and wages of women and minors and the conditions of labor thereof in the telephone industry in rural communities and cities of less than three thousand (3,000) population.

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

SECTION 1. The Industrial Welfare Commission is hereby authorized, in such manner as it shall deem advisable, and upon notice and hearing to parties directly affected thereby, to ascertain and establish such standards of wages, hours of work and conditions of labor of women and minors employed in the telephone industry in rural communities and in cities of less than three thousand (3,000) population, as shall be found to be reasonable and not detrimental to the health and morals of such women and minors and which shall be sufficient for the decent maintenance of such women and minors, and notwithstanding any statute heretofore passed or regulation of such commission heretofore made relative thereto: *Provided*, That nothing in this act contained shall be construed to amend or repeal any law or any regulation relating to

Rural communities and minor cities.

Standard of wages and hours of work.

Scope of act.

wages, hours of labor or conditions of labor of women or minors excepting as in this act authorized.

Passed the Senate February 25, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 15, 1915.

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## CHAPTER 69.

[S. B. 290.]

### COUNTY AID TO GRAND ARMY AND SPANISH WAR VETERANS.

AN ACT relating to the relief of posts of the Grand Army of the Republic and of camps of the United Spanish War Veterans and amending section 8920 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8920 of Remington & Ballinger's Annotated Codes and Statutes of Washington is amended to read as follows:

Section 8920. Any post of the Grand Army of the Republic or camp of United Spanish War Veterans which has qualified to accept relief from the Indigent Soldiers' Relief Fund of any county may draw upon said county fund for the payment of the rent of its regular meeting place: *Provided*, That no post or camp shall be allowed to draw on such fund for this purpose to exceed the sum of one hundred dollars (\$100.00) in any one year, or in any amount for hall rental where said post or camp is furnished quarters by the state or by any municipality.

Before such claims are ordered paid by the county commissioners, the commander of such posts shall file a proper claim each month with the county auditor for such rental.

Passed the Senate February 26, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 15, 1915.

Amends  
Rem.-Bal.  
§ 8920, by  
including  
Spanish War  
Veterans.

Rent of  
posts and  
camps pay-  
able by  
counties.

## CHAPTER 70.

[S. B. 264.]

## PAYMENT OF PREMIUMS ON SURETY BONDS.

AN ACT relating to the payment of premiums on surety bonds and amending section 6059-194 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6059-194 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6059-194. Any receiver, assignee, trustee, guardian, executor, administrator, committee, or other fiduciary, required by law to give bonds as such, may include as a part of his lawful expenses, such reasonable sum paid to such a corporation for such suretyship not exceeding one per cent. per annum on the amount of said bond, as the head of the department, court, judge or officer by whom, or the court or body by which he was appointed, allows, and in all actions and proceedings, the party entitled to recover costs may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any such bond or undertaking therein as may be allowed by the court or judge before whom the action or proceeding is pending: *Provided*, That the premium or charge for bonds given by surety companies for appointive or elective officers of the state, counties, precincts, cities and all towns and for such deputies of such officers as are required to give bond shall be paid by the state, county, city or town respectively: *Provided further*, That no such premium or charge shall exceed one-half of one per cent. per annum on the amount of such bond, providing that all such payments heretofore made are hereby validated.

Amends Rem.-Bal. § 6059-194, by substituting "precincts, cities" for "cities of first, second and third class."

Taxable as costs in management of trust estates.

Payment for elective officers.

Limit of premiums, charge.

Passed the Senate March 2, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 71.

[S. B. 235.]

## FLAG DISPLAY AND EXERCISES IN PUBLIC SCHOOLS.

AN ACT relating to common schools and amending section 4482 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4482 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4482, by  
adding flag  
exercises.

Display  
of flag.

Section 4482. Every board of directors of the several school districts of this state shall procure a United States flag, and shall display said flag upon or near each public school building during school hours, except in unsuitable weather, and at such other times as to said board may seem proper, and shall cause appropriate flag exercises to be held in every school at least once in each week at which exercises the pupils shall recite the following salute to the flag: "I pledge allegiance to my flag and to the republic for which it stands. One nation indivisible with liberty and justice to all."

Flag  
exercises.

Passed the Senate February 26, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 72.

[S. B. 85.]

## TROUT HATCHERY IN LEWIS COUNTY.

AN ACT to establish a state trout hatchery on Mineral lake, in Lewis county, and making an appropriation therefor.

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

SECTION 1. The state fish commissioner is hereby authorized and directed to prospect Mineral lake in Lewis county with a view to establishing and maintaining a state trout hatchery thereon.

Fish com-  
missioner  
to prospect  
Mineral Lake.

SEC. 2. That if the fish commissioner finds Mineral lake, in Lewis county, a suitable lake for the location of a trout hatchery he is hereby authorized and directed to establish and maintain a state trout hatchery thereon, and if the fish commissioner, upon investigation, finds that said lake is not a suitable location for such hatchery he is authorized and directed to locate the same at any other place in Lewis county, which upon investigation he finds suitable for such purposes, and there is hereby appropriated out of any moneys in the game fund not otherwise appropriated, the sum of five thousand dollars to erect, equip and maintain the same.

Establishment of hatchery.

Appropriation \$5,000.

Passed the Senate February 19, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 15, 1915.

CHAPTER 73.

[S. B. 59.]

ISSUANCE OF WARRANTS BY STATE AUDITOR.

AN ACT relating to the issuance of warrants by the state auditor and amending section 5037 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5037 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 5037, by adding proviso.

Section 5037. 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: *Provided, however,* That if any officer or department of the state shall file with the auditor a surety company bond satisfactory to said auditor, and conditioned upon the proper accounting for and legal expenditure of any moneys to be advanced, the auditor may from time to time advance to such officer or department, out of the appropriation for the expenses of such officer or

Warrants on vouchers only.

Advances by state auditor authorized.

department, such amounts as he may deem advisable, not exceeding the principal of said bond and in no event exceeding two thousand dollars (\$2,000.00).

Passed the Senate January 27, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 15, 1915.

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## CHAPTER 74.

[S. B. 374.]

### WARRANTS FOR DIKING, DITCH, DRAINAGE, IRRIGATION DISTRICTS AND SCHOOL DISTRICTS OF THE SECOND AND THIRD CLASS.

AN ACT relating to and requiring that all warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class shall be issued by the county auditor of the county wherein such district is located.

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

SECTION 1. All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class shall be drawn and issued by the county auditor of the county wherein such district is located, upon vouchers properly approved by the respective commissioners, trustees or directors of such district.

Passed the Senate March 5, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 15, 1915.

Issuance  
by county  
auditor.

## CHAPTER 75.

[S. B. 179.]

ANNUAL CONVENTION OF COUNTY HEALTH OFFICERS.  
 AN ACT providing for an annual convention of county health  
 officers.

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

SECTION 1. That it shall be the duty of the state commissioner of health to hold annually a convention of county health officers, at such place as he shall deem convenient, for the discussion of questions pertaining to public health and sanitation. Said convention shall continue in session for such time not exceeding three days as the said commissioner of health shall deem necessary. It shall be the duty of the health officer of each county to attend said convention during its entire session, and such officer shall receive his actual and necessary traveling expenses, to be paid by said county: *Provided*, That no claim for such compensation or expenses shall be allowed or paid unless it be accompanied by a certificate from the state commissioner of health attesting the attendance of such health officer at said convention.

Annual  
meeting of  
county health  
officers.

Traveling  
expenses.

Passed the Senate February 15, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 76.

[S. B. 122.]

## TRANSFER OF SPOKANE G. A. R. HEADQUARTERS.

AN ACT providing for the transfer of G. A. R. headquarters in the State Armory at Spokane, and making an appropriation therefor.

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

Appropriation \$1,500.

Exchange of quarters in State Armory.

SECTION 1. There is hereby appropriated out of the military fund of the state the sum of fifteen hundred dollars (\$1500.00), or so much thereof as may be necessary, for the purpose of removing and refitting the lockers and furniture for the artillery company and refitting the rooms in the State Armory now used by the G. A. R., Spokane, Washington, so that the artillery company may use the rooms now occupied by the Grand Army of the Republic, and refitting the rooms now used by the artillery company so that the said Grand Army of the Republic may use the rooms on the ground floor in the northeast corner of said Armory now occupied by the artillery company.

Passed the Senate March 5, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 77.

[S. B. 297.]

## CHANGING NAME OF CHEHALIS COUNTY.

AN ACT changing the name of Chehalis county to Grays Harbor county.

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

Grays Harbor County.

SECTION 1. That the name of Chehalis county be, and the same is, hereby changed to Grays Harbor county.

Passed the Senate February 26, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 78.

[S. B. 324.]

## OVERFLOW OF STATE SHORE LANDS ON COLVILLE LAKE.

AN ACT granting to Keystone Water Users Association for public uses and purpose the right and privilege to overflow certain state lands.

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

SECTION 1. That there is hereby granted to the Keystone Water Users Association, a corporation organized and existing under the laws of the State of Washington, for the purpose of irrigating the lands of its shareholders and not for profit, the right and privilege to overflow the shore lands of the state bordering on Colville lake, Adams county, up to and including the high water mark of said lake.

Grant to  
Keystone  
Water Users'  
Association.

Passed the Senate March 5, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 15, 1915.

## CHAPTER 79.

[S. B. 188.]

## ORGANIZATIONS AND POWERS OF CORPORATIONS SOLE.

AN ACT providing for the organization of corporations sole, defining their powers, authorizing them to transact business and hold property in trust for religious denominations, societies or churches.

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

SECTION 1. Any person, being the bishop, overseer or presiding elder of any church or religious denomination in this state, may, in conformity with the constitution, canons, rules, regulations or discipline of such church or denomination, become a corporation sole, in the manner prescribed in this act, as nearly as may be; and, thereupon, said bishop, overseer or presiding elder, as the case may

Authorized  
for churches  
and religious  
societies.

be, together with his successors in office or position, by his official designation, shall be held and deemed to be a body corporate, with all the rights and powers prescribed in the case of corporations aggregate; and with all the privileges provided by law for religious corporations.

Corporate powers.

SEC. 2. Every corporation sole shall, for the purpose of the trust, have power to contract in the same manner and to the same extent as a natural person, and may sue and be sued, and may defend in all courts and places, in all matters and proceedings whatever, and shall have authority to borrow money and give promissory notes therefor, and to secure the payment of the same by mortgage or other lien upon property, real and personal; to buy, sell, lease, mortgage and in every way deal in real and personal property in the same manner as a natural person may, and without the order of any court; to receive bequests and devises for its own use or upon trusts, to the same extent as natural persons may; and to appoint attorneys in fact.

Filing articles.

SEC. 3. Articles of incorporation shall be filed in like manner as provided by law for corporations aggregate, and therein shall be set forth the facts authorizing such incorporation, and declare the manner in which any vacancy occurring in the incumbency of such bishop, overseer or presiding elder, as the case may be, is required by the constitution, canons, rules, regulations or discipline of such church or denomination to be filled, which statement shall be verified by affidavit, and for proof of the appointment or election of such bishop, overseer or presiding elder, as the case may be, or any succeeding incumbent of such corporation, it shall be sufficient to file with the secretary of state and in the office of the county auditor of the county in which such bishop, overseer or presiding elder, as the case may be, resides, the original or a copy of his commission, or certificate, or letters of election or appointment, duly attested: *Provided*, All property held in such official capacity by such bishop, overseer or presiding elder, as the case may be, shall be in trust for the

All property held in trust.

use, purpose, benefit and behoof of his religious denomination, society or church.

SEC. 4. Any corporation sole heretofore organized and existing under the laws of this state may elect to continue its existence under this title by filing a certificate to that effect, under its corporate seal and the hand of its incumbent, or by filing amended articles of incorporation, in the form, as near as may be, as provided for corporations aggregate, and from and after the filing of such certificate of amended articles, such corporation shall be entitled to the privileges and subject to the duties, liabilities and provisions in this title expressed.

Existing corporations sole.

Passed the Senate March 6, 1915.

Passed the House, March 10, 1915.

Approved by the Governor March 15, 1915.

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## CHAPTER 80.

[H. B. 99.]

### COUNTY TUBERCULOSIS HOSPITALS.

AN ACT relating to tuberculosis hospitals and amending sections 5554-7, 5554-11 and 5554-14 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5554-7 Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. §§ 5554-7, 5554-11, 5554-14, by eliminating supervision of board of control.

Sec. 5554-7. All hospitals established or maintained under the provisions of this act shall be subject to inspection by any authorized representative of the state board of health, the bureau of inspection and supervision of public offices, and the board of county commissioners, and the resident officers shall admit such representatives into every part of the hospitals and its buildings, and give them access on demand to all records, reports, books, papers and accounts pertaining to the hospital.

Inspection, by whom.

SEC. 2. That section 5554-11 of Rem. & Bal. Code be amended to read as follows:

Quarterly reports by managers.

Sec. 5554-11. On the first day of July and quarterly thereafter the board of managers of any county operating such institution shall certify to the state auditor and the county auditor the number of persons cared for at public expense in such institution, the date when each person was admitted and the number of weeks each person was cared for during the preceding quarter, which certificates shall be attested by the board of managers and sworn to by the superintendent, and the state auditor shall draw a warrant for the amount due according to the provisions of this act.

SEC. 3. That section 5554-14 of Rem. & Bal. Code be amended to read as follows:

Denial of state aid on disapproval of board of health.

Sec. 5554-14. No institution operating under the provisions of this act shall be entitled to participation in the state aid herein provided for, if said institution shall be disapproved by the state board of health and such disapproval certified to the state auditor.

Passed the House February 19, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 81.

[H. B. 124.]

### HOSPITALS FOR INSANE, AND COMMITMENT, PAROLE AND DISCHARGE OF PATIENTS.

AN ACT relating to hospitals for the insane, the commitment of persons to and their parole from such hospitals, amending sections 5938, 5939, 5944, 5954, 5966, 5967 and 5968 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and repealing section 5942 of Remington and Ballinger's Annotated Codes and Statutes of Washington and all other acts and parts of acts in conflict herewith.

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

Northern State Hospital.

SECTION 1. That the Western Washington Hospital Farm situated near the town of Sedro-Woolley in Skagit county be and the same is hereby established as a state

hospital for the insane and shall hereafter be styled and known as the "Northern State Hospital."

SEC. 2. That section 5938 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. §§ 5938, 5939, by changing names.

Section 5938. The hospital for insane situated at Fort Steilacoom in Pierce county shall hereafter be styled and known as "The Western State Hospital."

Western State Hospital.

SEC. 3. That section 5939 of Rem. & Bal. Code be amended to read as follows:

Section 5939. The hospital for insane situated at Medical Lake in Spokane county, shall hereafter be styled and known as "The Eastern State Hospital."

Eastern State Hospital

SEC. 4. That section 5944 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 5944.

Section 5944. The state board of control shall have power to make all the repairs and improvements that, in their judgment, may be necessary for the conduct of the hospitals under their charge and to hold, manage, dispose of and convey all personal property made over to them by purchase, gift, devise or bequest, and the proceeds and increase thereof, for the use of said hospitals. They shall take charge of the general interests of said hospitals and shall manage and conduct the same in such manner as may appear to them best and most economical. They shall appoint a superintendent for each of said hospitals, and may ordain by-laws for the government of said hospitals, and therein may prescribe, in any manner consistent with the laws of the state, the duties of all persons connected in any way with the management of the hospitals under their charge.

Powers and duties of state board of control.

SEC. 5. That section 5954 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 5954.

Section 5954. Whenever any superior judge shall order an insane person committed to a hospital for the insane he shall direct the sheriff to notify the superintendent of the hospital to which such person is committed and such insane person shall be conveyed to such hospital in the manner now provided by law, and copies of the complaint,

Commitment to hospital.

the commitment and the physician's certificate shall be transmitted to the superintendent of the hospital to which such person is committed. The physician's certificate shall be upon a form to be furnished the courts by the state board of control.

Amends  
Rem.-Bal.  
§ 5966.

SEC. 6. That section 5966 of Rem. & Bal. Code be amended to read as follows:

Classification  
of districts  
for com-  
mitments.

Section 5966. Persons found to be insane by the superior courts of the respective counties shall be committed to the respective hospitals for the insane as follows: From the counties of Chehalis, Clarke, Cowlitz, Lewis, Mason, Pacific, Pierce, Thurston, Wahkiakum, Kittitas and Yakima, to the Western State Hospital at Fort Steilacoom in Pierce county; from the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, to the Eastern State Hospital at Medical Lake in Spokane county; and from the counties of Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish and Whatcom, to the Northern State Hospital at Sedro-Woolley in Skagit county: *Provided*, That if it shall be made to appear to the satisfaction of the judge ordering the commitment, upon the application of the relatives or friends of such insane person or by the recommendation of the examining physician, that by reason of climatic conditions or the nature of the insanity of such person it would be to his interest to be committed to another hospital and that such other hospital has room and accommodations for receiving and caring for such person, the judge may commit such person to one of the other hospitals: *And, provided further*, That whenever the state board of control shall certify to the superior court of any county that the hospital above specified to receive insane persons committed from that county is for the time being unable to care for additional patients, and shall designate one of the other hospitals, the judge of such court shall, until further advised by the state board of control, com-

Authority  
to commit  
to hospitals  
of other  
districts.

mit patients to such other hospital: *And, provided further,* That nothing in this section or in any commitment shall be construed as preventing the state board of control from, upon the recommendation of the superintendent of any hospital, transferring a patient in such hospital to another hospital when it shall appear that the interest of the state or of such patient demands such transfer, and in the case of any such transfer the superintendent of the hospital from which the transfer is made shall immediately certify the fact and the reasons therefor to the clerk of the court which committed such patient and shall notify the next of kin or the next friend of such patient of the transfer.

Transfer of patients to other hospitals.

SEC. 7. That section 5967 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 5967.

Section 5967. Whenever in the judgment of the superintendent of any hospital for the insane any person in his charge shall have so far recovered as to make it safe for such patient and for the public to allow him to be at large, the superintendent may parole such patient and allow him to leave such hospital, and whenever in the judgment of the superintendent any patient under his charge has become sane, mentally responsible and probably free from danger of relapse or recurrence of mental unsoundness, the superintendent shall discharge such patient from the hospital. Indigent patients, when paroled or discharged, may be returned to the county from which committed, at the expense of said county. No indigent patient shall be paroled or discharged without suitable clothing, and the state board of control shall furnish the same, together with such sum of money, not exceeding ten dollars, as they may deem expedient; and for that purpose are hereby authorized to make requisition on the state auditor for such sum or sums, from time to time, as they may need for the purpose above mentioned, not exceeding, however, the sum of five hundred (\$500) dollars per annum for each hospital, and the state auditor on receipt of such requisition, signed by the president and secretary of said board, shall issue

Parole of patients.

Discharge.

Provision for indigent patients.

Return of  
paroled  
patient.

a warrant on the state treasurer for the amount thereof, with the limitations prescribed herein. Whenever it shall be made to appear to the judge of the superior court of any county that any paroled patient found in such county has become unsafe to be at large, such judge shall order such patient returned to the hospital from which he was paroled and shall direct the sheriff to notify the superintendent of the hospital to which such person was committed and such person shall be conveyed to such hospital in the manner now provided by law.

Amends  
Rem.-Bal.  
§ 5968.

SEC. 8. That section 5968 of Rem. & Bal. Code be amended to read as follows :

Certificate  
of parole,  
discharge,  
or death.

Section 5968. Whenever the superintendent of any hospital shall parole or discharge a patient, and whenever any patient of such hospital shall die, it shall be the duty of the superintendent to immediately certify the facts to the clerk of the superior court of the county from which such patient was committed and send a copy of such certificate to the next of kin or next friend of such patient if his name and address is known or can with reasonable diligence be ascertained, and in the case of discharge the superintendent shall give a copy of such certificate to the patient discharged. Such certificate shall give the date of the parole, discharge or death of such patient and shall state the reasons for parole or discharge, or the cause of death, and shall be signed by the superintendent.

Repeals  
Rem.-Bal.  
§ 5942.

SEC. 9. Section 5942 of Rem. & Bal. Code and all other acts and parts of acts in conflict herewith are hereby repealed.

Passed the House February 19, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 82.

[H. B. 40.]

## DEPORTATION OF INSANE ALIENS.

AN ACT relating to insane aliens, providing for their deportation, and making an appropriation therefor.

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

SECTION 1. It shall be the duty of the state board of control to, in co-operation with the United States bureau of immigration, arrange for the deportation of all alien insane persons that may now be confined in or that may hereafter be committed to any state hospital for the insane, and to cause the cost and expense of transporting such alien insane persons to such point or points as may be designated by the United States bureau of immigration, and the cost and expense of their care, guarding and maintenance while being transported thereto, to be paid from the funds appropriated for that purpose, and the state auditor is authorized and directed to draw warrants upon the state treasurer for such cost and expense upon the presentation of proper vouchers signed by the United States commissioner of immigration, in this state, and approved by the state board of control, specifying the name of the alien insane person, the hospital where he is confined or to which he has been committed, the country to which he is to be deported, the point to which he is to be transported at the expense of the state, and the amount required for transportation, care, guarding and maintenance in detail.

Authorizing  
board of  
control to  
deport.

Vouchers  
for expenses.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of seventy-five thousand dollars or so much thereof as may be necessary.

Appropriation, \$75,000.

Passed the House February 4, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 16, 1915.

CHAPTER 83.

[H. B. 148.]

WITNESSES IN CRIMINAL PROSECUTIONS.

AN ACT relating to witnesses in criminal prosecutions, and amending section 2148 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 2148, Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same hereby is amended to read as follows:

Section 2148. Witnesses may be compelled to attend and testify before the grand jury; and witnesses on behalf of the state, or of the defendant, in a criminal prosecution, may be compelled to attend and testify in open court, if they have been subpoenaed, without their fees being first paid or tendered, unless otherwise provided by law; the court may, upon the motion of the prosecuting attorney, recognize witnesses, with or without sureties, to attend and testify at any hearing or trial in any criminal prosecution in any court of this state, or before the grand jury, and in default of such recognizance the court may direct that such witness shall be detained in the custody of the sheriff until the hearing or trial of the prosecution in which such testimony may be required: *Provided, however,* That each witness so detained by order of court pursuant to the provisions of this section, shall be paid, in addition to witness fees for actual attendance in court, the sum of one dollar per day for time actually detained in custody, and shall be furnished food and lodging while so detained, and any person accused of any crime in this state, by indictment, information, or otherwise, may, in the examination or trial of the cause, offer himself, or herself, as a witness in his or her own behalf, and shall be allowed to testify as other witnesses in such case, and when accused shall so testify, he or she shall be subject to all the rules of law relating to cross-examination of other witnesses: *Provided,* That nothing in this code shall be construed to compel such ac-

Amends Rem.-Bal. § 2148, by authorizing detention and per diem.

Compelling attendance.

Recognizances.

Detention in custody.

Per diem allowance.

Accused as witness.

cused person to offer himself or herself as a witness in such case: *And provided further*, That it shall be the duty of the court to instruct the jury that no inference of guilt shall arise against the accused if the accused shall fail or refuse to testify as a witness in his or her own behalf.

Passed the House March 2, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 84.

[S. B. 63.]

### DIKING DISTRICT ELECTIONS.

AN ACT relating to elections in diking districts and amending section 4095 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4095 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4095, by  
requiring  
voters to  
be land-  
owners.

Section 4095. 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, and no person shall be entitled to vote at such election or at the elections of commissioners hereinafter provided for unless he shall be a qualified elector of the county in which such district is located, and shall own land in the district. It shall be the duty of the county auditor, upon the request of the board of county commissioners, to certify to the election officers of any such election the names of all persons owning land in the district as shown by the records of his office, and at any such election the election officers may require any such land owner, offering to vote, to take an oath that he is a qualified elector of the county before he shall be allowed to vote: *Provided*, That at any elec-

Elections.

Voters  
must be  
landowners.

Votes by corporations.

Canvass of votes.

Bonds of dike commissioners.

tion held under the provisions of this act, an officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority. The board of county commissioners shall, on the Monday next succeeding such election, count and canvass the votes cast thereat, and if, upon said canvass and count, it appears that a majority of the votes cast are for "Dike Districts, yes," the board shall immediately enter an order upon its records declaring the proposed territory duly organized as a dike district, giving to such district a proper number, followed by the name of the county and state, and shall also declare the three persons receiving, respectively, the highest number of votes, the duly elected dike commissioners of such diking district. Said board shall cause a copy of the order entered of record, 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 the members of said board of commissioners, so chosen at said election, before entering upon the discharge of their duties, shall qualify as county officers are required to qualify, and each shall enter into a bond, payable to the State of Washington, for the benefit of said district, with two or more sureties, in a penal sum of not less than one thousand dollars nor more than five thousand dollars, conditioned for the faithful performance of their duties as dike commissioners, to be approved by the board of county commissioners; and to be filed with the county clerk, of the county in which said district is situated. The said dike commissioners shall hold office until the next general election at which officers of said dike district are to be elected, and until such further time as their successors are elected and qualified. The members of each successive board of dike commissioners, whether elected or appointed, shall, before entering upon their duties, enter into a bond as herein provided, and after being approved by the board of county commis-

sioners, shall be filed in the office of the county clerk of the county in which said district is situated.

Passed the Senate January 28, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 85.

[S. B. 102.]

### RELIEF OF HEIRS OF ANNIE E. ENNIS.

AN ACT for the relief of the heirs of Annie E. Ennis, deceased, late of Walla Walla county, State of Washington, ceding to said heirs a certain right-of-way, now held by the State of Washington, over and across certain lands in Walla Walla county, State of Washington.

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

SECTION 1. That the right-of-way now held by the State of Washington, over and across the following described lands, situated in Walla Walla county, State of Washington, being particularly described as follows:

Cession by  
state of right  
of way in  
Walla Walla  
county.

“The exclusive right-of-way and the right to construct, operate and maintain a railway from the track of the Washington and Columbia River Railway Company, or from the track of the Oregon Railway and Navigation Company, or from both of them, over and across the following described tracts, pieces or parcels of land situate in the county of Walla Walla aforesaid, to-wit:

“Lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), and fractional lots nine (9), ten (10), eleven (11), twelve (12), seventeen (17), eighteen (18), nineteen (19), twenty (20), of block five (5); and also lots thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24) in block eight (8), all in Butler’s addition to the city of Walla Walla, according to the official plat and survey thereof.”

Which right-of-way was conveyed to the State of Washington by the United States of America, by deed dated the 16th day of May, 1901, and filed in the auditor's office of Walla Walla county, State of Washington, June 5, 1901, and recorded in volume "77" of Deeds, at page 590 *et seq.*, be, and the same is hereby ceded to the heirs of Annie E. Ennis, deceased, their heirs and assigns.

Deed of conveyance.

SEC. 2. The governor and secretary of state are hereby directed to make proper conveyances in accordance with section 1 hereof.

Passed the Senate January 28, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 86.

[S. B. 228.]

### VALIDATING EXTENSION OF BOUNDARIES OF THIRD CLASS CITIES.

AN ACT validating all extensions of boundaries or enlargement of limits or areas of all third class cities or towns of the State of Washington; whether the extension of boundaries or enlargement of limits of areas were made or attempted to be made by election, action of councils, commissioners or other governing bodies.

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

Validation of enlargement of area.

SECTION 1. All extensions of boundaries or enlargement of limits or areas of any and all cities or towns of the third class of the State of Washington heretofore made or attempted to be made by election, action of councils, commissioners or other governing bodies whether the same was regular or not are hereby validated and all territory included or attempted to be included by such extension of boundaries or enlargement of limits or area of any city or town of the third class whether regularly or irregularly done and whether by election, action of councils, board of commissioners, or other governing bodies is hereby declared to be a portion and part of such city or town so

enlarging or attempting to enlarge its boundaries, area or limits.

Passed the Senate February 17, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 87.

[S. B. 363.]

### FILLING LOW LANDS IN FIRST AND SECOND CLASS CITIES.

AN ACT relating to filling of private property in the cities of the first and second classes where necessary as a sanitary measure and amending section 5 of chapter 243, Laws of 1907.

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

SECTION 1. That section 5 of chapter 243, Laws of 1907 be amended to read as follows:

Section 5. Such city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in said assessment roll, authorize the issuance of interest bearing bonds or warrants of such local improvement district, which shall include the property liable to assessment for such improvement, the said bonds or warrants to be payable on or before a date not to exceed twelve (12) years from and after their date and may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as shall be provided in said ordinance or ordinances and to bear interest at such rate as may be prescribed in such ordinance or ordinances, but not to exceed eight per cent. (8%) per annum: *Provided*, That whenever the improvement shall lie wholly or partly within the boundaries of any commercial waterway district organized and existing under the provisions of chapter 11 of the Laws of 1911 and the acts amendatory thereof, such

Amends  
Laws 1907,  
p. 673, § 5;  
Rem.-Bal.  
§ 7969, by  
enlarging  
time of pay-  
ment of  
bonds, and  
adding  
proviso.

Bonds  
authorized.

Improve-  
ments within  
waterway  
districts.

Payment  
of bonds.

bonds may be made payable on or before a date not to exceed twenty-two (22) years from and after the date of the issue of such bonds. Such bonds or warrants shall be payable only from the funds created by the special taxes or assessments hereinbefore authorized upon the property in the said local improvement district, and the holder of any such bond or warrant shall look only to such fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from such fund.

Passed the Senate March 5, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 88.

[S. B. 389.]

### VALIDATING SALE OF GRAIN ON STATE LANDS.

AN ACT relating to the sale and disposition of certain grain grown on section 36, township 16 north, range 32 east W. M., and validating certain acts of the commissioner of public lands in reference thereto.

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

Confirming  
action of  
land com-  
missioner.

SECTION 1. The action of the commissioner of public lands in reference to the sale and disposition of 3,027 bushels of wheat grown on section 36, township 16 north, range 32 east W. M. during the wheat growing season of the years 1913-1914 and the harvesting and preservation of 5,230 bushels of wheat grown upon said land is hereby validated and confirmed.

Authorizing  
sale of grain  
on state land.

SEC. 2. The commissioner of public lands is hereby authorized to sell said 5,230 bushels of wheat now remaining, grown upon said land, in such manner and at such time as in his judgment will produce the most returns, and to dispose of the proceeds of such sale as follows: The proceeds of the sale of 2,100 bushels of said wheat first sold shall be paid into the state treasury and credited to the

same fund as interest upon contracts of sale Nos. 3111, 3112, 3113 and 3114 of the office of the commissioner of public lands would have been credited had said contracts not been cancelled and had interest been paid thereon; the proceeds of the sale of 1,200 bushels of said wheat next sold shall be paid by said commissioner to G. A. Metz, or his successor, as the trustee in bankruptcy in the matter of the bankruptcy of J. L. Fox; the proceeds of the sale of the balance of said wheat shall be paid by said commissioner to J. L. Fox for the care and harvesting of said crop.

Disposition  
of proceeds.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Emergency.

Passed the Senate March 1, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 89.

[S. B. 390.]

### SALE OF GRAIN ON STATE LANDS.

AN ACT authorizing the commissioner of public lands to sell grain grown on state lands, and providing for the disposition of the proceeds from such sales.

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

SECTION 1. Whenever the State of Washington becomes the owner of any growing crop, or grain grown on any lands of the state, by reason of the forfeiture, cancellation or termination of any contract or lease of said lands, or from any other cause, the commissioner of public lands is authorized to arrange for the harvesting, sale or other disposition of the grain or crop in such manner as he deems for the best interests of the state: *Provided*, That the sale or disposition of any such grain or crop shall first be authorized by the board of state land commissioners.

Authority of  
land com-  
missioner.

Disposition  
of proceeds.

SEC. 2. The proceeds from the sale of any grain or crop grown on state lands, shall be paid by the commissioner of public lands into the state treasury and credited to the same fund as the rental of said lands would be credited.

Passed the Senate March 1, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 90.

[S. B. 242.]

### TOWNSHIP OFFICERS.

AN ACT relating to township officers, their election and appointment and amending sections 9338 and 9413 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Amends  
Rem.-Bal.  
§ 9338.

SECTION 1. That section 9338 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Elective  
officers.

Section 9338. There shall be elected at the annual town meeting in each town, one supervisor, one town clerk, one treasurer and one assessor, and there shall be elected at the annual town meeting in the even numbered years one justice of the peace and one constable to hold office for the term of two years and until their successors are elected and qualified: *Provided*, That at the annual town meeting in each town in 1916 there shall be elected three supervisors, one to hold office for the term of one year, one to hold office for the term of two years and one to hold office for the term of three years and the board of supervisors shall have power to employ and appoint and to fix the salary of an overseer of highways for said town or an overseer of highways for each road district in said town. Said overseer or overseers may or may not be a resident of said town or road district.

Appointment  
of road  
overseers.

SEC. 2. That section 9413 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 9413.

Section 9413. 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 (\$2.00) per day, while engaged in their respective duties as such assessors. Each road overseer shall receive for his services such salary as shall be fixed by the board of supervisors, while engaged in his duties as such road overseer. The town clerks and supervisors shall receive for their services one dollar (\$1.00) per day when attending to business in their town, and one dollar and fifty cents (\$1.50) when attending to business out of town; no supervisor shall receive more than twenty dollars (\$20.00), 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 (10c) each; for posting up notices required by law, twenty-five cents (25c) each; for recording any order or any instrument of writing authorized by law, five cents (5c) for each one hundred words; for copying any record or instrument on file in his office, and certifying the same, five cents (5c) for each one hundred words, to be paid for by the person applying for the same: *Provided further*, That in 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 (100%).

Fees and  
salaries of  
officers.

Passed the Senate February 18, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 91.

[S. B. 241.]

REGISTRATION OF BONDS OF COUNTIES, CITIES, TOWNS,  
PORT AND SCHOOL DISTRICTS.

AN ACT to provide for the registration of principal or of principal and interest of bonds of counties, cities, towns, port and school districts.

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

Registration  
authorized.

SECTION 1. Upon the presentation at the office of the officer or agent hereinafter provided for any bond that has heretofore been or may hereafter be issued by any county, city, town, port or school district in this state, the same may be registered as to principal in the name of the owner upon the books of such municipality to be kept in said office, such registration to be noted on the reverse of the bond by such officer or agent. The principal of any bond so registered shall be payable only to the payee, his legal representative, successors or assigns, and such bond shall be transferable to another registered holder or back to bearer only upon presentation to such officer or agent, with a written assignment duly acknowledged or proved. The name of the assignee shall be written upon any bond so transferred and in the books so kept in the office of such officer or agent.

Payment of  
registered  
bonds.

Assignments.

SEC. 2. If, upon the registration of any such bond, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, shall be surrendered, such coupons shall be cancelled by such officer or agent, who shall sign a statement endorsed upon such bond of the cancellation of all unmatured coupons and the registration of such bond. Thereafter the interest evidenced by such cancelled coupons shall be paid at the times provided therein to the registered holder of such bond in New York exchange mailed to his address.

Payment of  
coupons de-  
posited with  
registration  
officer.

Registration  
officers.

SEC. 3. The duties herein prescribed as to the registration of bonds of any city or town shall be performed by

the treasurer thereof, and as to those of any county, port or school district by the county treasurer of the county in which such port or school district lies; but any county, city, town, port or school district may designate by resolution any other officer for the performance of such duties, and any county, city, town, port or school district may designate by resolution the fiscal agency of the State of Washington in New York for the performance of such duties, after making arrangements with such fiscal agency therefor, which arrangements may include provision for the payment by the bondholder of a fee not exceeding twenty-five cents for each registration.

Designation  
of fiscal  
agency in  
New York.

Passed the Senate March 5, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 92.

[S. B. 192.]

### APPROPRIATION FOR FURNISHING TEMPLE OF JUSTICE.

AN ACT reappropriating certain funds.

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

SECTION 1. There is hereby reappropriated out of the various funds hereinafter named and for the purposes described as follows:

Appropriation, \$46,000.

For completing the installation of book stacks in the state law library in the Temple of Justice, for finishing the room therefor including the wiring and lighting of said book stacks, and for furniture for same, for completing the elevator shaft and installing elevator, for counter in clerk's room, and for such other purposes relating to the furnishing of the Temple of Justice there is hereby reappropriated from the maintenance fund for the Temple of Justice under chapter 12, Session Laws, 1913, the unexpended balance in said fund on April 1st, 1915, not to exceed six thousand dollars (\$6,000.00); and from the fund for the furnishing of the Temple of Justice by the

Furnishings,  
book stacks,  
etc.

purchase of book stacks and furniture for the different departments thereof under chapter 184, Session Laws, 1913, all the unexpended balances in such fund on April 1st, 1915, not to exceed forty thousand dollars (\$40,000.00). The amounts herein reappropriated to be expended under the direction of the governor, the chief justice, the attorney general and the state law librarian.

Passed the Senate February 9, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 93.

[S. B. 332.]

ARTICLES OF INCORPORATION, CONTENTS AND FILING.

AN ACT relating to the organization and management of private corporations and amending section 3679 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3679 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 3679. Any two or more persons, who may desire to form a company for one or more of the purposes specified in section 3677, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgment 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 company is intended to be located, and retain the third in the possession of the corporation. Said articles shall state the corporate name of the company, the objects for which the same shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years: *Provided*, That this limit of existence shall not apply to any life, accident and health insurance

Amends  
Rem.-Bal.  
§ 3679, by  
adding last  
proviso.

Filing  
articles.

Contents.

company, the number of shares of which the capital stock shall consist, the number of trustees and their names, who shall manage the concerns of the company for such length of time (not less than two nor more than six months) as may be designated in such certificate, and the name of the city, town, or locality and county in which the principal place of business of the company is to be located. Amendments may be made to the articles of incorporation by a majority vote of its trustees and the vote or written assent of two-thirds of the capital stock of such corporation. If the written assent of two-thirds of the capital stock has not been obtained then the vote of said stock may be taken at any regular meeting of the stockholders or at any special meeting of the stockholders called for that purpose in the manner provided in the by-laws of such corporation for special meetings of the stockholders. The president and secretary of said corporation shall certify said amendments in triplicate under the seal of said corporation to be correct and file and keep the same as in the case of original articles and from the time of filing said amendments such corporation shall have the same powers and it and the stockholders thereof shall be subject to the same liabilities as if such amendments had been embraced in the original articles of incorporation. Nothing contained in this section shall be construed to cure or amend any defect existing in any original articles of incorporation in that such articles did not set forth the matters required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof. The time of existence of such corporation shall not be extended by amendments beyond the time fixed in the original articles of incorporation:

*Provided,* That when valid articles of incorporation have heretofore been duly filed with the secretary of state and errors have been made in the duplicate filed with the county auditor, such defects may be cured by filing with said county auditor, a certified copy of the original articles filed with the secretary of state, and when said certified

Amendments.

Curing errors  
in duplicate  
filed with  
county  
auditor.

copy is filed, it shall have the same force and effect as though the duplicate had been filed with the county auditor at the same time the original was filed with the secretary of state.

Passed the Senate March 1, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 94.

[S. B. 238.]

### CLASSIFYING AND LABELING EGGS.

AN ACT relating to and regulating the sale of eggs providing for the classification, labeling and marking thereof and providing penalties for violation thereof.

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

SECTION 1. For the purposes of this act, eggs shall be classified and branded as follows:

Classification  
of eggs.

Storage.

(a) Cold storage eggs shall include all eggs which have been in cold storage for more than ninety days, and before being offered for sale shall be branded or stamped with the words "storage."

Preserved.

(b) Preserved eggs shall include eggs in which the natural deterioration has been prevented or retarded by any means, process or treatment whatsoever, and before being offered for sale shall be branded or stamped with the word "preserved."

Foreign.

(c) All eggs imported into the State of Washington from foreign countries shall be sold as such. The case or container in which they are shipped shall have the words "foreign eggs" displayed thereon in letters two inches high. All retailers of said eggs shall sell them from the container in which he received them and shall inform each purchaser that said eggs are foreign eggs. All restaurants, hotels, cafes, bakeries and confectioners using or serving foreign eggs must place a sign in letters not less than four (4) inches in size in some conspicuous place

where the consumer entering their place of business can see it, to read "we use foreign eggs."

(d) Incubated eggs shall include all eggs which have been subjected to incubation whether natural or artificial for more than forty-eight hours and it shall be unlawful to expose or offer for sale or sell incubated eggs. Incubated.

SEC. 2. Every person, firm or corporation having in his possession for the purpose of sale or offering for sale or selling any eggs shall classify and brand the same with the classification provided for in section one of this act. Branding  
by vendors.

SEC. 3. The term "branded" or "stamped" as used in this act shall mean a mark, imprint or impression made by means of a rubber stamp, stencil or other method upon the package containing eggs offered for sale or upon the receptacle from which eggs are offered for sale and such brand shall be legible and in Gothic letters not smaller than one inch in height, except foreign eggs, and they shall be marked as provided for in paragraph c of section 1. "Branded"  
and  
"stamped"  
defined.

SEC. 4. The word "person" as used in this act shall mean and include individuals and employes or agents of individuals, firms and members of firms and their employes and agents, corporations and officers of corporations and their employes and agents. "Person"  
defined.

SEC. 5. Every person who shall violate any provision of this act shall be guilty of a misdemeanor. Penalty.

Passed the Senate February 15, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 95.

[S. B. 67.]

CONDITIONAL SALES AND LEASES OF PERSONAL  
PROPERTY.

AN ACT relating to conditional sales and leases of personal property and amending section 3670 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3670 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 3670. That all conditional sales of personal property, or leases thereof, containing a conditional right to purchase, where the property is placed in the possession of the vendee, shall be absolute as to all bona fide purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors, whether or not such creditors have or claim a lien upon such property, unless within ten days after the taking of possession by the vendee, a memorandum of such sale, stating its terms and conditions and signed by the vendor and vendee, shall be filed in the auditor's office of the county, wherein, at the date of the vendee's taking possession of the property, the vendee resides.

Passed the Senate March 2, 1915.

Passed the House March 9, 1915.

Approved by the Governor, March 16, 1915.

Amends  
Rem.-Bal.  
§ 3670.

Contracts  
to be filed  
within ten  
days.

## CHAPTER 96.

[S. B. 66.]

## FILING OF CHATTEL MORTGAGES.

AN ACT relating to mortgages on certain kinds of property and amending section 3660 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3660 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 3660.

Section 3660. A mortgage of personal property is void as against all creditors of the mortgagor, both existing and subsequent, whether or not they have or claim a lien upon such property, and against all subsequent purchasers, pledgees, and mortgagees and encumbrancers for value and in good faith, unless it is accompanied by the affidavit of the mortgagor that it is made in good faith, and without any design to hinder, delay, or defraud creditors, and unless it is acknowledged and filed within ten days from the time of the execution thereof in the office of the county auditor of the county in which the mortgaged property is situated as provided by law.

Affidavit of  
good faith.

To be filed  
within  
ten days.

Passed the Senate March 2, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 97.

[S. B. 214.]

## COMBINATIONS TO CONTROL INSURANCE RATES.

AN ACT relating to insurance and amending section 6059-32 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6059-32 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6059-32. Combinations and agreements prohibited.

It shall be unlawful for any insurance company authorized to transact business in this state, or any manager, or any agent or representative thereof, or solicitor or broker to, either within or outside of this state, directly or indirectly, enter into any contract, understanding, or combination, with any other insurance company, or any manager, or any agent or representative thereof, or solicitor or broker, or to jointly or severally do any act or engage in any practice or practices for the purpose of controlling the rates to be charged for insuring any risk, or class or classes of risks, in this state, or for the purpose of discriminating against or differentiating from any company, manager, agent, solicitor or broker by reason of its or his plan or method of transacting business or its or his affiliation or non-affiliation with any board or association of insurance companies, managers, agents, representatives, solicitors or brokers, or for any purpose detrimental to free competition in the business or injurious to the insuring public. Whenever the commissioner shall have knowledge of any violation of this section, he shall forthwith order such offending company, manager, agent, representative, solicitor or broker to immediately discontinue such practice or show cause to the satisfaction of the commissioner why such order should not be complied with. Within thirty days from the receipt of such order, and upon a

Amends  
Rem.-Bal.  
§ 6059-32.

Combination  
to control  
rates pro-  
hibited.

Notice to  
discontinue  
practice.

failure to comply with such order, the commissioner shall forthwith revoke the license of such offending company, agent, solicitor or broker, and no renewal of the license so revoked shall be granted within three years from the date of the revocation.

Revocation  
of license.

Passed the Senate February 20, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 16, 1915.

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## CHAPTER 98.

[S. B. 182.]

### ADMINISTRATION OF BANKS AND TRUST COMPANIES BY STATE BANK EXAMINER.

AN ACT relating to banks and trust companies, prescribing the powers and duties of the state bank examiner in reference to the taking possession and the administration thereof, and repealing sections 3303, 3304, 3305, 3306, 3309, 3357, and 3358 of Remington & Ballinger's Annotated Codes and Statutes of Washington and declaring an emergency.

Repeals  
Rem.-Bal.  
§§ 3303-3306,  
3309, 3357,  
3358.

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

SECTION 1. Whenever it shall appear to the state bank examiner from any report, examination or otherwise that any bank or trust company has been guilty of violating any provision of law, or is conducting its business in an unsafe manner or is in an unsafe or unsound condition, or that it is unsafe or inexpedient for such bank or trust company to continue business, or if any bank or trust company shall refuse to submit its books, papers and concerns to the inspection of the state bank examiner or any examiner appointed by him, or if any director or officer thereof shall refuse to submit to be examined on oath touching the concerns of such bank or trust company, the state bank examiner may direct such bank or trust company to cease conducting its business in such unlawful, unsafe, unsound or inexpedient manner or if he shall deem necessary, he may take possession of such bank or trust company and administer the same as herein provided.

Authority  
to bank  
examiner  
to take  
possession.

Notice of  
possession by  
examiner.

SEC. 2. Upon taking possession of the property and business of any such bank or trust company, the state bank examiner shall forthwith give written notice of such fact to all banks, trust companies, associations and individuals holding or in possession of any assets of such bank or trust company. No bank, trust company, association or individual knowing that the state bank examiner has taken possession of such bank or trust company shall have a lien or charge for any payment advanced or any clearance thereafter made, or liability thereafter incurred, against any of the assets of the bank or trust company of whose property and business the state bank examiner shall have taken possession. Such bank or trust company may, with the consent of the state bank examiner, resume business upon such conditions as may be approved by him.

Resumption  
of business.

Liquidation  
by examiner.

SEC. 3. Upon taking possession of the property and business of any bank or trust company, the state bank examiner is authorized to collect money due to such bank or trust company, and do such other acts as are necessary to preserve its assets and business and shall proceed to liquidate the affairs thereof, as hereinafter provided. The state bank examiner shall collect all debts due and claims belonging to it and, upon the order of the superior court of the State of Washington in and for the county in which the office of such bank or trust company is located, may sell or compound all bad or doubtful debts, and, on like order, may sell all the real estate and personal property of such bank or trust company, on such terms as the court shall direct; and the state bank examiner, upon the terms of sale or compromise directed by the court, shall execute and deliver to the purchaser of such real or personal property such deeds or instruments as shall be necessary to evidence the passing of the title; and if said real estate is situated outside the county in which the office of the bank or trust company is located, a certified copy of such order, authorizing and ratifying said sale, shall be filed in the office of the recorder of conveyances of the county within which said property is situated; and may, if necessary to

Conveyances  
under order  
of court.

pay the debts of such bank or trust company, enforce the individual liability, if any, of the stockholders. The state bank examiner shall under his hand and official seal appoint one or more special deputy state bank examiners, as agent or agents, to assist him in the duty of liquidation and distribution, a certificate of appointment to be filed in the office of the state bank examiner and a certified copy in the office of the clerk of the county in which the office of such bank or trust company is located. The state bank examiner shall require from such agent or agents such surety for the faithful discharge of their duties as he may deem proper.

Appointment  
of special  
deputies.

The state bank examiner may employ an attorney for legal assistance in taking charge of any bank or trust company, or administering the affairs thereof.

Employment  
of attorney.

SEC. 4. The state bank examiner shall cause notice to be given by advertisement in such newspaper as he may direct weekly for three consecutive months, calling on all persons who may have claims against such bank or trust company to present the same to the state bank examiner and to make legal proof thereof at a place and within a time not later than the last day of publication to be therein specified. The state bank examiner shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank or trust company. If the state bank examiner doubts the justice and validity of any claim, he may reject the same and serve notice of such rejection upon the claimants, either by mail or personally, and an affidavit of the service of such notice, which shall be *prima facie* evidence thereof, shall be filed in his office. An action upon a claim so rejected must be brought within three months after such service. Claims presented and allowed after the expiration of the time fixed in the notice to creditors shall be entitled to be paid the amount of all prior dividends therein if there be funds sufficient therefor and share in the distribution of the remaining assets in the hands of the state bank examiner equitably applicable thereto.

Notice to  
present  
claims.

Action on  
rejected  
claims.

Payment  
of claims.

Expenses of liquidation.

SEC. 5. The expenses incurred by the state bank examiner in the liquidation of any bank or trust company in accordance with the provisions of this act shall include the expenses of deputy or assistants, clerks and examiners employed in such liquidation, together with reasonable attorney fees for counsel employed by said state bank examiner, and the reasonable compensation of any special deputy and assistants placed in charge of such bank or trust company, in the course of such liquidation. Such compensation and expenses of counsel, of deputies or assistants, clerks and examiners in the liquidation of any bank or trust company and all expenses of supervision and liquidation shall be fixed by the state bank examiner, subject to the approval of said court. The expense of such liquidation shall be paid out of the property of such bank or trust company in the hands of the state bank examiner and such compensation and expenses shall be a valid charge against the property in the hands of said state bank examiner and shall be paid first, in the order of priority.

Inventory.

SEC. 6. Upon taking possession of the property and assets of any bank or trust company, the state bank examiner shall make an inventory of the assets of such bank or trust company, in duplicate, one to be filed in the office of the state bank examiner and one in the office of the clerk of the county in which the office of such bank or trust company is located; upon the expiration of the time fixed for the presentation of claims, the state bank examiner shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, of which one shall be filed in the office of the state bank examiner and one in the office of the clerk of the county in which the office of such bank or trust company is located. And the state bank examiner shall in like manner make and file supplemental lists, showing all claims presented subsequent to the filing of the first list, such supplemental lists to be filed at least fifteen days before the declaration of any dividend; and in any event such supplemental lists shall be filed at intervals of not

Supplemental lists.

Time of filing.

exceeding six months. Such inventory and list of claims shall be open at all reasonable times for inspection.

SEC. 7. At any time after the expiration of the date fixed for the presentation of claims the state bank examiner may, out of the funds remaining in his hands after the payment of expenses, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, he may declare a final dividend, such dividends to be paid to such persons and in such amounts and upon such notice as may be directed by the said court.

SEC. 8. Objection to any claim not rejected by the state bank examiner may be made by any party interested by filing a copy of such objection with the state bank examiner, who shall present the same to the said court, upon written notice to the party filing the same, said notice setting forth the time and place of the presentation. The court upon return day of said notice shall hear the objections raised to said claim, or refer the determination of said objections to a referee for a report, or, upon demand of either the state bank examiner or the party filing the objections, direct that the issues be tried before a jury. The court may make proper provision for unproved or unclaimed deposits.

Objections  
to claims.

Trial.

Unclaimed  
deposits.

SEC. 9. Whenever any such bank or trust company of whose property and business the state bank examiner has taken possession, as aforesaid, deems itself aggrieved thereby, it may at any time within ten days after taking possession apply to the said court, to enjoin further proceedings, and said court, after citing the state bank examiner to show cause why further proceedings shall not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits, dismiss such application or enjoin the state bank examiner from further proceedings and direct him to surrender such business and property to such bank or trust company.

Injunction  
against bank  
examiner.

SEC. 10. No receiver shall be appointed by any court, nor shall any deed of assignment for the benefit of credi-

Receiverships  
and assign-  
ments.

tors be filed in any court within this state, for any bank or trust company doing business under the laws of this state except upon notice to the state bank examiner, unless in case of urgent necessity it becomes in the judgment of the court necessary so to do in order to preserve the assets of such bank or trust company. The state bank examiner may, within five days after the service of such notice upon him take possession of such bank or trust company, in which case, no further proceedings shall be had upon such application for the appointment of receiver or under such deed of assignment, or if a receiver has been appointed or such assignee shall have entered upon the administration of his trust, such appointment shall be vacated or such assignee shall be removed upon application of the state bank examiner to the proper court therefor, and the state bank examiner shall proceed in all such cases to administer the assets of such bank or trust company as herein provided.

Ouster of receiver or assignee by examiner.

SEC. 11. Whenever the state bank examiner shall have paid to each depositor and creditor of such bank or trust company (not including stockholders) whose claim or claims as such depositor or creditor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provision for unclaimed or unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the state bank examiner shall call a meeting of the stockholders of such bank or trust company, by giving notice thereof for thirty days in one or more newspapers published in the county wherein the office of such bank or trust company is located.

Meeting of stockholders to be called.

At such meeting the stockholders shall determine whether the state bank examiner shall continue to administer its assets and wind up the affairs of such bank or trust company, or whether an agent or agents shall be elected for that purpose; and in so determining the said stockholders shall vote by ballot in person, or by proxy, each share entitling the holder to one vote, and the majority of the stock shall be necessary to a determination.

Determination of future administration.

In case it is determined to continue the liquidation under the state bank examiner, he shall complete the liquidation of the affairs of such bank or trust company, and after paying the expenses thereof shall distribute the proceeds among the stockholders in proportion to the several holdings of stock, in such manner and upon such notice as may be directed by the said court.

Winding up  
affairs.

SEC. 12. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall file with the state bank examiner a bond to the State of Washington, in such amount and with such sureties as shall be approved by the state bank examiner, for the faithful performance of all the duties of his or their trust, and thereupon the state bank examiner shall transfer to such agent or agents all the undivided or uncollected or other assets of such bank or trust company then remaining in his hands; and upon such transfer and delivery the said state bank examiner shall be discharged from all further liability to such bank or trust company and its creditors.

Liquidating  
agent.

Bond.

Transfer  
to agent.

SEC. 13. Such agent or agents shall convert the assets coming into his or their possession into cash and shall account for and make distribution of the property of such bank or trust company as herein provided in the case of distribution by the state bank examiner, except that the expenses thereof shall be subject to the direction and control of the court.

Distribution  
by agent.

In case of death or removal or refusal to act of any such agent or agents, the stockholders may elect a successor as hereinbefore provided, who shall have the same powers and be subject to the same liabilities and duties as the agent or agents originally elected.

Election of  
successor.

SEC. 14. Dividends and unclaimed deposits remaining in the hands of the state bank examiner for six months after the order for final distribution shall be by him deposited in one or more banks or trust companies under his

Deposit of  
unclaimed  
money.

supervision, to the credit of the state bank examiner in his name of office, in trust for the several depositors or creditors entitled thereto. The state bank examiner may pay over the moneys so held by him to the persons respectively entitled thereto, upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, he may apply to the said court for an order authorizing and directing the payment thereof. He may apply the interest earned by the money so held by him towards defraying the expenses of the payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive the same and he shall include in his annual report to the governor a statement of the amount of interest earned by such unclaimed dividends.

Payment.

Application of interest earned.

SEC. 15. Any bank or trust company doing business under the state supervision may place its business and assets under the control of the state bank examiner to be liquidated, as herein provided, by posting a notice on its doors as follows: "This bank (trust company) is in the hands of the state bank examiner." Immediately upon posting such notice, an executive officer of such bank or trust company shall notify the state bank examiner of such action by telegraph and mail. The posting of the notice or the taking possession of any bank or trust company by the state bank examiner shall be sufficient to place all of its assets and property of whatever nature in the possession of said state bank examiner and shall operate as a bar to any attachment proceedings.

Posting notice of control of examiner.

SEC. 16. If the state bank examiner shall discover, upon taking charge of a bank or trust company, as herein provided, that such bank or trust company is only temporarily embarrassed for want of available funds, and that in his opinion such bank or trust company's assets are sufficient to pay its liabilities, leaving its capital unimpaired, or if the stockholders of such bank or trust company will arrange to make good its capital, if impaired, he may permit the officers and directors of such bank or trust com-

Temporary embarrassment.

pany to arrange with its depositors and creditors for extension of time for payment of said depositors and creditors and the resumption of business by said bank or trust company. And when the state bank examiner shall be satisfied that the capital of said bank or trust company has been made good and that it is solvent and has funds on hand with which to meet the demands made on it in the ordinary way and that it has arranged with its depositors and creditors for such extension of time as to enable said bank or trust company to realize on its assets to meet such obligations, he may at any time within ninety days after taking charge of such bank or trust company permit the same to resume business: *Provided, however,* that such bank or trust company shall first pay all the expenses, costs, compensation and charges of the state bank examiner and his employees, in this act provided for, incurred in so taking charge of and looking after the affairs of said bank or trust company during the time it was under his control.

Extension  
of time.

Resumption  
of business.

Payment of  
examiner's  
expenses.

SEC. 17. Any bank or trust company doing business under the provisions of this act may go into voluntary liquidation by vote of its stockholders owning two-thirds of its capital stock. Such bank or trust company shall first obtain the written consent of the state bank examiner; and he may, if he deems it advisable, before granting such request, make or cause to be made a special examination of the condition and affairs of such bank or trust company, for which examination the fees provided for by law for examinations shall be collected. Whenever a vote is taken, authorizing the voluntary liquidation of a bank or trust company, it shall be the duty of the board of directors to cause to be published in a newspaper of general circulation of the city, town or county in which such bank or trust company is located at least once a week for four consecutive weeks, notice of such fact and notifying creditors to present their claims against said bank or trust company for payment.

Voluntary  
liquidation.

Examiner's  
consent  
necessary.

Publication  
of notice.

Transfer  
of assets on  
consolidation.

SEC. 18. A state bank or trust company which is in good faith winding up its business for the purpose of consolidation with some other bank or trust company may transfer its assets and liabilities to the bank or trust company with which it is in process of consolidation, upon receiving written consent of the state bank examiner and not otherwise. And any bank or trust company in the process of voluntary liquidation may transfer its depositors' liabilities to some other bank or trust company and surrender its certificate of authority to the state bank examiner, but no such transfer shall be made without first having obtained the written approval and consent of the state bank examiner, and then only upon such terms and conditions as he shall require.

Transfer on  
liquidation.

Repealing  
clause.

SEC. 19. That sections 3303, 3304, 3305, 3306, 3309, 3357 and 3358 of Remington & Ballinger's Annotated Codes and Statutes of Washington be repealed.

Emergency  
vetoed.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed by the Senate March 3, 1915.

Passed by the House March 10, 1915.

Sections 1 to 19, inclusive, approved by the Governor March 16, 1915.

Section 20 vetoed by the Governor March 16, 1915.

## CHAPTER 99.

[H. B. 208.]

ISSUANCE OF IRRIGATION DISTRICT BONDS, AND  
GUARANTY BY UNITED STATES.

AN ACT relating to the issuance and sale of irrigation district bonds, and providing for acceptance of federal aid on the sale or disposal thereof.

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

SECTION 1. That any irrigation district now organized, or hereafter to be organized, under the laws of this state, shall have the power to issue its bonds to run for a period of forty years, at the rate of interest and to be paid in the manner hereinafter provided, and for the purposes or for any purpose prescribed by the irrigation district laws of the state in force at time of issuance of said bonds.

Authorizing  
district  
bonds.

SEC. 2. The board of directors of the district shall estimate and determine the amount necessary to be raised, including in such amount a sum sufficient to pay the first four years interest to accrue upon said bonds, and shall immediately thereafter call a special election. At such election there shall be submitted to the electors of said district the proposition whether or not the bonds of the district in the estimated amount shall be issued. The ballots shall contain the words, "Bonds under forty year plan—'Yes'" and "Bonds under forty year plan—'No'", or words equivalent thereto. If a majority of the votes cast at the election are in favor of the proposition the board of directors shall immediately cause bonds in the estimated amount to be issued: if the majority of the votes cast are against the proposition, the result shall be so declared and entered of record in the minutes of the district. Said bonds shall be payable in gold coin of the United States forty years from date of issue, and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually on the first days of January and July in each year. The first four years' interest shall be paid out of the sum included for that purpose in the estimated amount of the

Submission  
of issuance  
to voters.

Interest,  
rate and  
payment.

principal of said bonds, and the remaining interest shall be paid by revenue derived by an annual assessment upon the lands within the district, the first assessment therefor to be made during the fourth year so as to provide revenue to pay the interest accruing on the fifth year, and annual assessments shall thereafter be made as provided by law. The principal sum of the bonds shall be paid in the manner following, to wit: Beginning with the eleventh year, and each year thereafter, there shall be levied an additional assessment of two per cent of the amount of said bonds, said assessment to be made and paid in the same manner and at the same time as assessments to meet the interest, and as such two per cent shall be collected the same shall be paid into a fund to be held by the county treasurer as a sinking fund, and the moneys coming into said fund to be withdrawn and to be invested under warrant and order of the board of directors. The amount in said fund and all interest accruing and compounded thereon by reason of investment shall be kept invested by the board of directors for the purpose of providing a fund for the payment of the bonds at maturity, and said fund with all accruing and compounded interest shall constitute a fund for the payment of the principal of said bonds. The investment herein provided for shall be made only in those securities which are made a matter of investment for the common school fund of the state by the laws of this state.

Levy for  
bonds.

Sinking  
fund.

Investment  
of fund.

Additional  
levy.

If, at the date of the last levy of assessment before the maturity of said bonds, there shall not have accumulated a sufficient amount to pay the principal of said bonds, the board of directors must make an additional levy sufficient, when added to the accumulated fund, to pay off and retire said bonds at maturity.

Laws govern-  
ing bonds.

SEC. 3. The bonds provided for by this act shall be issued for the purposes prescribed by law for irrigation districts. The manner of calling and holding elections for the issuance of the bonds, the form of the bonds, the lien of the bonds upon the lands of the district, the levy and collection of assessments, and each and every other matter or

proceeding relating to the issuance, sale and payment of bonds, shall be conducted and shall be in conformity with the law of this state providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, except as otherwise expressly declared and provided in this act. The proceedings for confirmation shall be had as in cases of other bonds issued by an irrigation district.

SEC. 4. If any irrigation district, prior to the passage of this act, shall have authorized an issue of bonds, the board of directors may submit to the qualified electors of the district the proposition whether or not bonds as herein provided shall be issued in lieu of the bonds theretofore authorized, and if a majority of the votes cast at such election are in favor of said proposition, then the bonds theretofore authorized shall be canceled and the bonds herein provided for shall be issued and may be sold in lieu of or in exchange for the former issue: *Provided*, If some or all of the bonds of the prior issue have been sold, then such outstanding bonds shall not be disturbed or their obligation impaired, unless the holders shall consent thereto and surrender the outstanding bonds for cancelation as may be agreed upon with the district.

Cancellation  
of prior  
issues.

SEC. 5. Nothing herein contained shall be construed as in any manner repealing the original irrigation district act, or any acts amendatory thereof, or as in any manner impairing the validity of bonds heretofore issued, or as repealing the method of bond issue provided in said act and amendatory acts, but this act is intended and shall be considered as providing an alternative plan for the issuance of irrigation district bonds.

Act alterna-  
tive measure  
to existing  
laws.

SEC. 6. If the United States under any act of Congress or under rules and regulations adopted by the secretary of the interior, shall be willing to guarantee the interest upon bonds of any irrigation district, or shall be willing to receive bonds of any such district in payment of, or as security for payment upon, any contract of the United States, then the United States shall have all the remedies

Guaranty  
by United  
States.

given by law to a bondholder, and, in cases of payment under any guaranty, the United States shall be subrogated to all the rights and remedies of the bondholder to the extent of any such payment; and the United States, or its proper department officers, may make such rules and regulations as may be necessary for the purpose of insuring the carrying out of any plan or project which may have been approved by them as the basis of any guaranty.

Passed the House March 1, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor, March 16, 1915.

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## CHAPTER 100.

[H. B. 139.]

### EXAMINATION AND QUARANTINE OF INFECTED STOCK.

Amends  
Rem.-Bal.  
§§ 3203, 3204,  
3211, by sub-  
stituting com-  
missioner of  
agriculture  
for state  
veterinarian.

AN ACT relating to diseases of domestic animals, providing for the prevention and eradication thereof and providing for compensation to the owner for bovine animals slaughtered by reason of being suspected of having tuberculosis, and amending sections 3203, 3204 and 3211 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and making an appropriation.

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

Tuberculine  
tests.

SECTION 1. On the written application of the owner of any bovine animal to the commissioner of agriculture for the examination and testing of such animal to ascertain whether the same is infected with tuberculosis, it shall be the duty of the commissioner of agriculture to cause such examination and test to be made and in case more than one application shall be filed, the examination and tests shall be made in the order of the filing of the applications. The inspector of the department of agriculture making the examination and test shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state, and shall qualify by giving a bond to the state of Washington with sufficient surety to be approved by the

Inspector.

Bond.

commissioner of agriculture in the penal sum of two thousand dollars, (\$2000.00).

SEC. 2. On such examination and test being completed, if the inspector shall believe that the animal inspected is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine, if he selects indemnity the owner and inspector shall appraise the value of the suspected animal. In the event of their failing to agree upon the value, they shall call upon the nearest county agricultural expert to decide the matter or in case there be no county agricultural expert in the county they shall apply to the judge of the superior court of the county where the animal or animals are located to appoint a third appraiser. The animal shall then be slaughtered under the inspection of the owner or his agent, should either of them desire to be present, and under the supervision of the inspector of the department of agriculture, and the inspector shall make a post-mortem examination and determine whether or not the animal is infected with tuberculosis. The slaughtered animal shall then be sold under the supervision of the inspector and the proceeds of the sale shall be remitted to the owner of the animal. If the proceeds of the sale shall not equal the appraised value of the animal the department of agriculture shall cause to be paid to the owner of the animal the difference between the proceeds of the sale and the appraised value of the animal; *Provided*, That in no case shall the state be required to pay any deficiency that will make the total amount received by the owner more than seventy-five dollars for an animal found free from tuberculosis upon post-mortem examination, or more than thirty-five dollars for an animal found infected with tuberculosis. Every county agricultural expert who shall act as an appraiser as hereinabove provided shall receive his actual necessary traveling expenses in going to and returning from the place of appraisal, and every appraiser appointed by the judge of the superior court shall receive his actual and necessary traveling expenses and a per diem of three dollars for the time actually spent, to be

Indemnity or quarantine for infected animals.

Appraisal and payment, if animal slaughtered.

Expenses of appraisers.

Recently imported animals.

paid by the state; *And provided further*, That the state shall not be required to pay the owner of any animal imported into this state within six months prior to such inspection and test the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*,

No indemnity in case of public ownership.

That the right to indemnity shall not exist, nor shall payment be made for any animal owned by the United States, this state or any county, city or village in this state.

Exhaustion of appropriation.

SEC. 3. Whenever the appropriation made by the legislature for the purpose of carrying out the provisions of this act during any biennium shall be exhausted, no further animals shall be slaughtered under the provisions of this act.

Quarantine and test at state line.

SEC. 4. Whenever the commissioner of agriculture shall have reason to believe that any bovine animal about to be imported into this state is infected with tuberculosis he shall have the power and authority to quarantine such animal at the state line and make an examination and test thereof and if any such animal shall be found to be infected with tuberculosis it shall not be permitted to enter this state.

SEC. 5. That section 3203 of Rem. & Bal. Code be amended to read as follows:

Powers and duties of commissioner of agriculture.

Section 3203. The commissioner of agriculture 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 quarantine against any and all such animals affected with any contagious or infectious disease or diseases or that may have been exposed to others thus diseased, whether within or without the state; *Provided*, That no bovine animal that has been in this state more than six months shall be quarantined for tuberculosis without the tuberculine test and the commissioner of agriculture is empowered to establish and enforce quarantines for such length of time as he may deem necessary to determine whether any bovine animal about to be imported into this state for feeding, breeding or dairy purposes is infected with tuber-

Quarantine for tuberculosis.

culosis, and he may with the concurrence of the state board of health, make such rules and regulations as he may deem necessary for the protection against the spread and for the suppression of contagious or infectious diseases among domestic animals, which rules and regulations shall be published and enforced, and in doing said things, or any of them, he shall have the power to call on any one or more peace officers, whose duty it shall be to give him all the assistance in their power, and every person violating or failing to comply with any such rule or regulation shall be guilty of a misdemeanor.

Peace officers  
to assist.

Penalty.

SEC. 6. That section 3204 of Rem. & Bal. Code be amended to read as follows:

Section 3204. Quarantine shall mean the placing and restraining of any animal or animals by the owners or agents in charge of them within certain enclosures described, or designated by the commissioner of agriculture, the assistant commissioner of agriculture assigned to the division of dairy and live stock or any inspector of the department of agriculture, in writing. Any owner or owners or agent who fails to comply with or wilfully violates or negligently allows such quarantine to be violated by the escape and running at large of quarantined animals shall be guilty of a misdemeanor.

Quarantine  
defined.

Penalty.

SEC. 7. That section 3211 of Rem. & Bal. Code be amended to read as follows:

Section 3211. It shall be unlawful to bring into the State of Washington any horses, cattle or swine for work, feeding, breeding or dairy purposes without first having such animals examined and found free from the following contagious diseases: Glanders, farcy, tuberculosis, actinomycosis, rinder pest, foot and mouth diseases, contagious abortion, contagious keratitis, scabies, maladie du coit, swine plague and hog cholera and without having obtained a permit so to do from the commissioner of agriculture, the assistant commissioner of agriculture assigned to the division of dairy and live stock or an inspector of the department of agriculture assigned to the division of dairy

Importation  
of infected  
stock.

Examination  
and permit.

and live stock and no railroad or transportation company, or other common carrier shall bring any such animals into this state without first having had the same examined and found free from said diseases and having obtained the permit hereinabove provided for. The provisions of this section shall not apply to animals imported into this state for immediate slaughter, or to range stock cattle imported into this state for range pasturage or beef cattle imported for the purpose of feeding in transit, but it shall be unlawful to sell such cattle for dairy purposes.

Importations  
for slaughter.

SEC. 8. It shall be unlawful for any person, firm or corporation to sell for dairy or breeding purposes any animal imported into this state for immediate slaughter.

Appropriation,  
\$25,000.

SEC. 9. For the purpose of carrying out the provisions of this act the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund not otherwise appropriated.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915. .

Approved by the Governor March 16, 1915.

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## CHAPTER 101.

[H. B. 239.]

### REGISTRATION OF DEALERS' BRANDS ON DAIRY PRODUCTS.

AN ACT relating to the registration of marks upon cans and tubs used in the manufacture, bottling, sale or transportation of milk, cream, ice-cream or other dairy products, and providing penalties for the violation thereof.

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

Ownership  
marks.

SECTION 1. Any person, firm or corporation engaged in the manufacture, sale or transportation of milk, cream, ice-cream or any other dairy product may adopt a mark or marks of ownership to be stamped, marked or otherwise affixed to any can or tub used in the manufacture, sale or

transportation of any such products and may upon the payment of a fee of five dollars file an application for the exclusive right to use such mark or marks in the office of the department of agriculture, which application shall contain the name and address of the applicant, a description of the mark or marks proposed and the use to be made of the cans or tubs by such applicant. The department of agriculture shall refuse such application if such mark or marks of ownership shall be the same or so nearly similar to any mark or marks of ownership theretofore registered as to be misleading. Otherwise such application shall be granted and such fact, together with a description of the mark or marks of ownership, shall be entered in a register to be kept by said department of agriculture.

Application  
for exclusive  
right.

Registration.

SEC. 2. The mark or marks of ownership so selected and adopted may consist of a name, design or other mark or marks to be used upon the cans or tubs of the applicant.

Character  
of marks.

SEC. 3. No person, firm or corporation shall use or adopt any name, design, mark or marks registered by any other person, firm or corporation under the provisions of this act.

Prohibition  
of use by  
others.

SEC. 4. No person shall use any can or tub marked as herein provided, for any other purpose than the transportation of the products herein mentioned to or from the rightful owner of said cans or tubs.

Other use of  
cans or tubs.

SEC. 5. No person other than the owner thereof shall deface any registered mark upon any can or tub nor remove the same.

Defacement  
of marks.

SEC. 6. It shall be the duty of the commissioner of agriculture to enforce the provisions of this act.

Enforcement.

SEC. 7. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Penalty.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 102.

[H. B. 110.]

## SALE AND LABELING OF GARDEN SEEDS.

AN ACT relating to the sale and labelling of seeds and amending sections 3055 and 3056 of Remington and Ballinger's Annotated Codes and Statutes of the State of Washington.

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

Amends  
Rem.-Bal.  
 §§ 3055, 3056.

SECTION 1. That section 3055 of Rem. & Bal. Code be amended to read as follows:

Penalty for  
sale below  
standard.

Section 3055. Any person, firm or corporation who shall sell or offer for sale within this state any vegetable seed the germinable viability of which shall be less than two-thirds of the percentage standard of germination for such seed as herein provided, shall be guilty of a misdemeanor.

SEC. 2. That section 3056 of Rem. & Bal. Code be amended to read as follows:

Penalty for  
mislabeling.

Section 3056. Any person or persons who shall, with intention to deceive, wrongly mark or label any package or bag containing garden or vegetable seed shall be guilty of a misdemeanor.

Standard of  
germination.

SEC. 3. The percentage standard of germination of vegetable seed for this state shall be as follows: beans, peas, beets, turnips, rutabaga, cabbage, cauliflower, onion, leek, tomato, lettuce, radish and cucumber, melon, squash and other cucurbits, ninety per cent; celery, carrot, parsley, parsnip and all other vegetable seed seventy-five per cent.

Passed the House February 11, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 103.

[S. B. 151.]

DISPOSAL OF PROPERTY JOINTLY ACQUIRED BY  
COUNTIES IN RIVER IMPROVEMENT.

AN ACT relating to the disposition of property acquired by counties when acting jointly under a contract made pursuant to chapter 54, Session Laws of 1913.

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

SECTION 1. Whenever two counties of this state, acting under a contract made pursuant to chapter 54, Session Laws of 1913, shall make an improvement in connection with the course, channel or flow of a river, shall acquire property by statute, purchase, gift or otherwise, said counties, acting through their boards of county commissioners jointly shall have the power, and are hereby authorized to sell, transfer, trade, lease, or otherwise dispose of said property by public or private, negotiation or sale. The deeds to the property so granted, transferred, leased or sold shall be executed by the chairman of the meeting of the joint boards of county commissioners, and attested by the secretary of said joint meeting where the sale is authorized. The proceeds of the sale of said property shall be used by said counties for the carrying on, completion or maintenance of said improvement, as directed by the boards of county commissioners of said counties acting jointly.

Joint acquisition of property.

Joint disposition.

Application of proceeds.

SEC. 2. This act is not intended to modify, change, alter or amend chapter 54 of the Session Laws of 1913.

Act not to affect Laws 1913, p. 54.

Passed the Senate February 11, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 104.

[S. B. 72.]

## APPEALS TO SUPREME COURT.

AN ACT relating to appeals to the supreme court, and amending an act entitled: "An act relating to appeals to the supreme court of the State of Washington and amending section 1718 of Remington & Ballinger's Annotated Codes and Statutes of Washington," approved by the governor March 19, 1913, by adding new sections thereto.

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

SECTION 1. That that certain act entitled "An act relating to appeals to the supreme court of the State of Washington and amending section 1718 of Remington & Ballinger's Annotated Codes and Statutes of Washington," approved March 19, 1913, be amended to read as follows:

Section 1. That the appellant shall, at or before the time when he is required by rule or statute to serve his opening brief, cause to be typewritten and served upon the opposite party an abstract of so much of the record and statement of facts as he may deem necessary to the proper hearing of his assignments of error: *Provided*, That in all cases in which no testimony is sent up with the record, or in which the statement of facts does not exceed one hundred (100) pages of double space, typewritten evidence, no abstract of record shall be required. Said abstract, in so far as it sets out testimony, shall be condensed into narrative form, without the questions and answers except when necessary for the discussion of evidence. It shall be prepared without notice or hearing thereon, and if the opposite party be not satisfied with it, he may cause to be typewritten and served, without notice, either before or at the time of serving his answering brief, so much of the record and statement of facts, condensed as above, as he for his part may deem proper for the correction or supplementing of his opponent's abstract. Each party shall pay the cost of typewriting his abstract, and the prevailing party shall be entitled to recover his disbursements therefor as other costs. For any abuse in

Amends  
Laws 1913,  
p. 349, § 1, by  
proviso dis-  
pensing with  
abstract.

Abstract of  
record by  
appellant.

When unnec-  
essary.

Supplemental  
abstract by  
respondent.

Costs.

typewriting excessive or unnecessary matter in the abstract, the supreme court, without regard to which party may prevail, may impose the costs thereof upon the party committing such abuse. The supreme court shall also provide by rule the form of abstracts, the number thereof to be typewritten, and for other particulars thereof, including the time and place of filing the same.

Supreme  
court rules.

SEC. 2. Nothing in this act contained shall alter in any respect the present manner of settling and certifying statements of fact and bills of exceptions, and such statements and bills shall be transmitted to the supreme court to be referred to in any controversy concerning the accuracy of the abstracts, as well as for reference to exhibits, and for such other uses as the supreme court may find proper in consideration of all matters on appeal.

Statements  
of fact and  
bills of  
exceptions.

SEC. 3. Section 1718 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Reenactment  
of Rem.-Bal.  
§ 1718.

Section 1718. 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.

Time of  
taking appeal.

SEC. 4. In all cases in which the abstract of record which, by the terms of this act, is to be served upon the opposite party by the appellant is served within the time limited by existing law, or by any law hereafter passed, for the service of appellant's opening brief, the time for serving appellant's opening brief shall be, by such service of such abstract of record, extended for and until ten days after the service of such abstract of record, providing that the time for serving such opening brief would otherwise

Extension of  
time for open-  
ing brief.

have expired within said ten days, and this section shall not be construed to shorten the time for serving of appellant's opening brief.

Extension of  
time for  
respondent's  
brief.

SEC. 5. In all cases in which the opposite party is not satisfied with the abstract of record as furnished by the appellant, and in which such opposite party shall serve so much of a record and statement of facts as he shall deem proper for correcting or supplementing of his opponent's abstract, the service thereof shall extend the time as limited by existing law, or by any law hereafter passed for the service of the opposite party's brief for a period of ten days from and after the service of said correcting and supplementing abstract by the opponent, but this section shall not be construed to shorten the time for the serving of the opponent's brief.

Insufficient  
abstract.

SEC. 6. In case the appellant serves an abstract of record and statement of facts within the time limited by this act, and it is found that the same is insufficient and defective under the terms of this act or the rules of the supreme court, the appeal shall not be dismissed by reason thereof, but the appellant may be allowed to file an amended or supplementary abstract as may be required by the facts of the case within such time and upon such terms as may be fixed by the order of the supreme court, and if the appellant fails to comply with the order of the court in regard thereto, then the appeal may be dismissed by reason and because of such failure to comply with the order of the supreme court in regard thereto.

Amendment.

Dismissal  
on failure to  
amend.

SEC. 7. Whenever any statute heretofore or hereafter enacted requires a motion for a new trial, statement of facts, bill of exceptions, notice of appeal or other documents concerning appeals or constituting a part of the record of appeals to the supreme court, or to any other tribunal having appellate jurisdiction, to be filed and served or served and filed, the serving and filing shall be equally valid and effective whether the document shall be filed or served first and no appeal shall be dismissed because of the order of the filing and serving.

Order of  
filing and  
serving im-  
material.

SEC. 8. In case of a failure of the appellant to serve an abstract of record and statement of facts, or the one served is insufficient, the supreme court shall, if such failure is found to be excusable, allow the appellant a reasonable time, upon such terms as the court may impose, in which to supply such abstract of record and statement of facts.

Grant of time to supply abstract or statement.

SEC. 9. When a notice of appeal to the supreme court shall have been served and filed in due time and an appeal bond shall have been given within the time required by law, no appeal shall be dismissed because of any defect in the appeal bond, nor because an appeal bond which is given both as a cost bond and as a bond on supersedeas shall be insufficient by reason of the amount, but the appellant shall in all cases be allowed to give a new bond within such time and upon such terms as the court may order.

Defects in appeal bond not ground for dismissal.

Passed the Senate February 11, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915:

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## CHAPTER 105.

[S. B. 95.]

### PRELIMINARY COMMITMENT AND OBSERVATION OF PERSONS CHARGED WITH INSANITY.

AN ACT relating to the insane, their preliminary care and commitment, and providing for an observation detention ward in county hospitals.

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

SECTION 1. There shall be set aside in each county in the State of Washington having a county hospital, such portions of such hospital as may be necessary for observation detention wards for those charged with insanity, and in each such hospital there shall be separate detention wards for males and females, and any judge of the superior court of the State of Washington before whom a person is charged with insanity may order the sheriff ar-

Observation detention wards.

Temporary commitment.

resting said person to forthwith commit such person to said observation detention ward for a period not to exceed thirty (30) days, except as hereinafter provided: *Provided*, That in all cases where the person so arrested is found by the court to be insane beyond all reasonable doubt the court may order such person immediately committed to the proper state hospital for insane. Said detention wards shall be under the supervision and control of the county physician of the county in which situated, who shall make careful observation of the patients under his charge and testify at the trial of the patient as to such observation, and should said physician require longer time for observation of said patient than thirty days, he shall make application to the court for an extension of time of not more than thirty days: *Provided*, That in all counties having no county hospital, the judge of the superior court thereof may designate as a detention hospital, such other place of detention and treatment as he may deem suitable for the purposes of this act, and shall order the sheriff of that county to forthwith convey all persons charged with insanity before him to the place so designated, upon such terms and under such conditions as said court may determine.

Observation  
of patients  
by county  
physician.

Designation  
of detention  
hospitals.

Passed the Senate March 4, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 106.

[H. B. 143.]

## ADMISSION TO STATE SOLDIERS' HOMES AND COLONY.

AN ACT relating to the State Soldiers' Home and the Washington Veterans' Home, and admission thereto, establishing the Colony of the State Soldiers' Home, repealing section 1 of chapter 124 of the Session Laws of 1911 and section 8910 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all acts and parts of acts in conflict herewith.

Repeals  
Laws 1911,  
p. 621, § 1,  
and Rem.-  
Bal. § 8910.

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

SECTION 1. All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the State Militia disabled while in the line of duty, may be admitted to the State Soldiers' Home at Orting under such rules and regulations as may be adopted by the state board of control: *Provided*, That such applicants have been actual *bona fide* citizens of this state for a period of three years at the time of their application, and are indigent and unable to earn a support for themselves.

Admission  
to State  
Soldiers'  
Home.

SEC. 2. There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting Precinct and have been actual *bona fide* citizens of this state for a period of three years at the time of their application and are indigent and unable to earn a support for themselves and families, may be admitted to membership in said Colony under such rules and regulations as may be adopted by the state board of control.

Establish-  
ment of  
Colony of  
Soldiers'  
Home.

Admission  
to colony.

1. All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and members of the State Militia disabled while in the line of duty, who were married and living with their wives on March 9th, 1905, or who, since said date, have married widows of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: *Provided*, That such soldiers, sailors, and marines and members of the

State Militia shall, while they are members of said Colony, be living with their said wives.

Admission  
of soldiers'  
widows.

2. The widows of all soldiers who were members of a soldier's home or colony in this state or entitled to admission thereto at the time of death, and the widows of all soldiers who would have been entitled to admission to a soldier's home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their said husbands on or before March 9th, 1905, and have not been married since the decease of their said husbands to any person not a member of a soldier's home or colony in this state or entitled to admission thereto.

Regulations  
for colony  
members.

SEC. 3. The members of the Colony established in the preceding section shall, to all intents and purposes, be members of the said State Soldiers' Home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the state board of control, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding seven dollars per month in value and clothing not exceeding sixteen dollars per year in value.

Admission to  
Washington  
Veterans'  
Home.

SEC. 4. All of the following persons who have been actual *bona fide* residents of this state for a period of three years at the time of their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington Veterans' Home at Port Orchard under such rules and regulations as may be adopted by the state board of control:

1. All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the State Militia disabled while in the line of duty, and the wives of such soldiers,

sailors and marines and members of the State Militia: *Provided*, That such wives were married to and living with their said husbands on March 9th, 1905, or, if married to them since said date, were themselves members of a soldiers' home or colony in this state or entitled to admission thereto.

2. The widows of all soldiers, sailors and marines and members of the State Militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and widows of all such soldiers, sailors and marines and members of the State Militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their said husbands on or before March 9th, 1905, and have not been married since the decease of their said husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

Admission  
of widows  
of soldiers,  
sailors and  
militiamen.

SEC. 5. Section 1 of chapter 124 of the Session Laws of 1911, section 8910 of Remington & Ballinger's Annotated Codes and Statutes of Washington and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing  
clause.

Passed the House March 9, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 16, 1915.

## CHAPTER 107.

[H. B. 98.]

## INSTITUTIONS UNDER STATE BOARD OF CONTROL.

AN ACT relating to the state board of control and amending section 8933 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8933 of Rem. & Bal. Code be amended to read as follows:

Section 8933. The state board of control shall have full power to manage and govern the following public institutions: The Western State Hospital, the Eastern State Hospital, the Northern State Hospital, the State Penitentiary, the State Training School, the State School for Girls, the State Soldiers' Home, the Washington Veterans' Home, the State Institution for the Feeble Minded, the State School for the Deaf and State School for the Blind, subject only to the limitations contained in this act and other acts relating to the management of said institutions; and shall have the care, custody and control of the state capitol buildings and grounds, with power to designate rooms therein to be occupied by the various state officials. It shall be the duty of the state board of control to examine into the conditions and needs of the afore-said several institutions, and on or before the first day of December of the year preceding the session of the legislature, report in writing to the governor the condition of each of said institutions, and what sum of money it deems advisable to appropriate for its maintenance and betterment, having reference to the probable growth of such institution, its general welfare and the object and purpose of its creation.

Passed the House February 16, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 16, 1915.

Amends Rem.-Bal. § 8933, by withdrawal of universities and normal schools.

Control of state institutions.

Biennial reports.

## CHAPTER 108.

[S. B. 237.]

## QUALIFICATIONS OF MUTUAL INSURANCE COMPANIES.

AN ACT relating to insurance, and amending section 86 of chapter 49 of the Laws of 1911, by inserting therein a seventh subdivision providing for the qualifications of mutual accident and health insurance companies.

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

SECTION 1. That section 86 of chapter 49 of the Laws of 1911 be amended to read as follows:

Amends  
Laws 1911,  
p. 226, § 86,  
Rem.-Bal.  
§ 6059-86, by  
adding  
subd. 7.

Section 86. *Mutual Companies—Qualifications.*

No domestic mutual insurance company hereafter formed under the laws of this state shall be authorized to transact business as an insurer until it shall have first qualified itself as follows:

Qualifications.

First. If it is formed to transact as insurer, a general fire insurance business on the cash premium plan, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state, on property owned by the applicant, situate within this state, in separate risks of not to exceed two thousand dollars each, amounting in the aggregate to not less than five hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums actually received in cash, to an amount of at least eight thousand dollars and six thousand dollars must be on hand above all liabilities except re-insurance reserve, estimated on the *pro rata* basis, and premium liability due in instalments as demanded, severally and unconditionally executed and delivered by a solvent applicant for the insurance he applies for, all in the aggregate amount, unimpaired, of not less than twenty-five thousand dollars: *Provided*, That when a mutual fire insurance company accumulates from its underwriting and earnings cash assets of not less than two hundred thousand dollars, of which amount not less than one hundred thou-

Fire insur-  
ance on cash  
premium  
plan.

Surplus  
assets.

Savings to  
policy  
holders.

sand dollars shall be surplus assets which it must maintain in securities deposited as required of domestic stock insurance companies, and while it maintains such surplus assets on deposit it may issue its policies without liability on the part of its policy holders, other than to pay the amount of the premium stated in the policy, and which premium shall be not less than the premium charged by solvent stock companies for insuring similar risks. The company may classify its risks according to the various hazards covered, and any saving experienced by the company in loss ratio, expense of management, or from any other source, may be returned to the policy holders in the various classifications, according to the experience of the the company in said classes and as determined by the board of directors of the company: *Provided*, That such saving must be apportioned equitably among the policy holders in the classifications in which it is actually earned.

Companies  
limited to  
insuring  
specific kind  
of property  
or business.

Second. If it is formed to transact, as insurer, a fire insurance business under the cash premium plan on one stated specific kind or class of manufacturing, mercantile, or other business or property, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year on property owned by the applicant and situate within this state in separate risks of not to exceed two thousand dollars each, amounting in the aggregate to not less than three hundred thousand dollars; and must have, own, and possess in its own name and exclusive right, premiums received in cash to an amount of at least eight thousand dollars and six thousand dollars must be on hand, above all liabilities, except re-insurance, reserve, and premium liability, settled by premium notes due in installments as demanded, severally and unconditionally executed and delivered by a solvent applicant for the insurance he applies for to the aggregate amount of not less than twenty-five thousand dollars: *Provided*, That when any ten or more persons, partnerships, corporations, or associations engaged in a like class of manufacturing, mercantile or other business shall have organized a company hereunder, it may begin to issue policies

under such conditions as may be provided by the board of trustees or managing board thereof, and shall be approved by the commissioners.

Third. If it is formed to transact, as insurer, a general fire insurance business on the assessment plan, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state on property owned by the applicant situate within this state in separate risks of not to exceed twelve hundred and fifty dollars each, and amounting in the aggregate to not less than five hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums on the insurance applied for, of which not less than fifty per centum thereof must be paid in cash to the aggregate amount of not less than four thousand dollars, which sum shall be on hand, above liabilities except re-insurance reserve, and the remainder and additional premium liability of the applicant must be paid as provided in the by-laws of the company: *Provided*, That any domestic fire insurance company doing business on the assessment plan and composed exclusively of members of a specified fraternal society, which conducts its business and secures its membership on the lodge system, having ritualistic form of work and ceremonies in such society shall be exempt from the provisions of this act governing the amount of insurance a company may carry on a single risk, financial qualifications, annual meeting, taxes, fees, and licenses, except that it shall pay for its annual license and filing its annual statement the sum of ten dollars.

Fire insurance on assessment plan.

Single risks.

Working capital.

Exception as to fraternal society insurance.

Fourth. If it is formed to transact as insurer a fire insurance business on the assessment plan outside of incorporated towns in this state, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state on property owned by the applicant situate

Business outside incorporated towns.

within this state in separate risks of not to exceed fifteen hundred dollars each, amounting in the aggregate to not less than two hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums on the insurance applied for of which not less than fifty per centum thereof must be paid in cash and to be on hand above liabilities except re-insurance reserve, and the remainder and the additional premium liability of the applicant must be paid as provided in the by-laws of the company.

Inter-Insurers  
companies.

Fifth. If it is formed to transact business as inter-insurers only between the parties forming the company and all parties who shall become members and inter-insurers therein, no such company shall be formed nor transact any business as insurers until not less than twenty-five persons or parties, each of whom must be worth in his or its own right not less than twenty thousand dollars above all liabilities, in property located within this state, such fact to be determined by the commissioner, and in determining the same he may take the verified statement of such parties, and the signed reports of a reputable commercial agency having upwards of one hundred thousand subscribers, which person or parties shall first prescribe and adopt the terms and conditions upon which they will be governed and become inter-insurers each with the other, and each shall be individually liable with every other solvent member of such company to ratably pay and discharge all losses and legal claim accruing against such company: *Provided*, That the terms and conditions prescribed, adopted and entered into by such persons in becoming inter-insurers shall embrace the terms and conditions which experience of similar companies has found to be efficient and adequate to promptly and equitably pay and discharge its obligations of which the commissioner shall be the judge: *Provided, further*, That the provisions of this paragraph shall only apply to inter-insurers associations hereafter organized or hereafter applying for admission and authority to transact business in this state as inter-insurers.

Property  
qualifications  
of members.

Terms and  
conditions of  
business.

Sixth. If it is formed to transact business as insurer in this state upon the plan known as "Lloyds," no such company shall be formed with less than twenty persons or co-partnerships, citizens of the United States and two-thirds of them residents of this state, each of whom must be worth not less than twenty thousand dollars above all liabilities in real property and securities such as an insurance company is authorized to invest its capital and funds in as provided in this act, such fact to be determined by the commissioner and in determining the same he may take the verified statement of such parties and the signed reports of a reputable commercial agency having upwards of one hundred thousand subscribers, which persons or parties shall first prescribe and adopt the terms and conditions upon which they will be governed and become insurers. If such company be formed to transact business as insurer as specified in class one of section eighty-three of this act it must have not less than one hundred fifty thousand dollars, in *bona fide* unimpaired assets in excess of all liabilities, of which assets not less than seventy-five thousand dollars must be in cash and securities such as the funds of an insurance company may be invested in as provided in this act, and the remainder of said assets must consist of cash or such authorized securities, or the legal promissory notes severally made, signed, and delivered by solvent parties payable to the company whenever required for the payment and discharge of losses or legal obligations accruing against such company; and where notes are used to make up the amount of said assets the commissioner shall determine the sufficiency of each note, and he shall have the right to require that the payment of any shall be secured by good and sufficient collateral, and it shall be his duty to require ample security to be furnished for the payment of such note when the makers thereof are not personally known by him to be solvent and good for the payment of the same. Such company shall deposit not less than two-thirds of its assets and keep the same on deposit through the insurance commissioner's office with

"Lloyds"  
plan.

Assets  
required.

Deposit  
with state  
treasurer.

the state treasurer in the same manner as deposits are required to be made and kept by stock insurance companies as provided in this act.

Seventh. If it is formed to transact insurance against injury, disablement, or death resulting from traveling or general accident or against disablement resulting from sickness, and every insurance appertaining thereto, it must have *bona fide* written applications severally signed by not less than five hundred applicants for health and accident, or health, or accident insurance for one year in amounts of not less than one thousand dollars each, from residents of this state, and who shall each have paid in one full annual premium in cash upon the insurance subscribed for; and must have, own and possess in its own name and exclusive right premiums actually received in cash, to an amount of at least eight thousand dollars and six thousand dollars must be on hand above all liabilities except re-insurance reserve; *Provided*, That when any such company shall accumulate from its underwriting and earnings cash assets of not less than one hundred thousand dollars of which amount not less than fifty thousand dollars shall be surplus assets, which it must maintain in securities, of a character designated by the insurance code, deposited with the state treasurer through the office of the insurance commissioner, and while it maintains such surplus assets on deposit, it may issue its policies without liability on the part of its policy holders other than to pay the amount of the premium stated in the policy and which premium shall be not less than the premium charged by solvent companies for insuring similar risks. The company may classify its risks according to the various hazards covered and any saving experienced by the company in its loss ratio, expense of management, or any other source may be returned to the policy holders in the various classifications at the end of any policy year for which premiums have been paid, according to the experience of the company in said classes and as determined by its board of directors: *Provided*, That such saving must be apportioned equitably among the

Accident  
and health  
insurance  
companies.

Assets  
required.

Deposit  
with state  
treasurer.

Return of  
savings to  
policy  
holders.

policy holders in the classifications in which it is actually earned.

Such company may make insurance in any other class specified in said section eighty-three when permitted by the commissioner upon furnishing additional assets of the kind herein specified in the amounts required of a stock insurance company to make insurance in like classes as provided by this act.

Insurance  
permitted  
in other  
classes.

The plan, terms, and conditions prescribed and adopted by such company must be such as the experience of similar companies has found to be efficient and adequate to promptly and equitably pay and discharge its obligations and successfully conduct its business, of which the commissioner shall be the judge.

Passed the Senate February 16, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 109.

[S. B. 196.]

### INVESTIGATION OF NATIONALITY OF INSANE PERSONS.

AN ACT relating to insane persons, and requiring an investigation and report as to their nationality.

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

SECTION 1. Whenever any person shall be brought before any judge of the superior court on a charge of insanity, the judge shall, if such person be found insane, inquire into the nationality of such person and may summon witnesses and require the production of documentary evidence for that purpose. If it shall appear that such insane person is an alien the judge shall cause the clerk of the court to make out and transmit to the United States Commissioner of Immigration in the State of Washington and to the superintendent of the hospital to which such person is committed a report showing the names and ad-

Authority  
of superior  
court.

Report to  
U. S. Com-  
missioner of  
Immigration.

dresses of all witnesses who appeared and testified as to the nationality of such insane person, a synopsis of the testimony of each witness and copies of the documentary evidence tending to show such nationality produced at the hearing.

Passed the Senate February 16, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 110.

[S. B. 150.]

### JUSTICES AND CONSTABLES IN CITIES OF 50,000 POPULATION AND OVER.

AN ACT relating to justices of the peace and constables and the compensation of justices of the peace in cities of 225,000 population, and amending section 6533-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6533-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6533-1. After the taking effect of this act, there shall be in cities of fifty thousand population two justices of the peace and two constables, and one additional justice and one additional constable in such cities for each additional fifty thousand population or a major fraction thereof, to be elected at the general election to be held in November, 1914, and quadrennially thereafter, whose term of office shall be for the term of four years from the second Monday of January following the election: *Provided*, There shall not be more than five justices in any city unless the same has a population of 500,000 or more: *And provided further*, That nothing in this act shall be construed to affect justices of the peace or constables or the offices of justice of the peace or constables

Amends  
Rem.-Bal.  
§ 6533-1, by  
enlarging  
term to  
four years.

Number in  
cities of  
over 50,000  
population.

Term of  
office.

in cities having a population of less than fifty thousand inhabitants.

SEC. 2. That the boards of county commissioners of the counties in which are located cities having a population of two hundred and twenty-five thousand or more are hereby authorized to pay to the justices of the peace in such cities, such compensation in addition to that now provided by law as such boards of county commissioners may deem fit and proper, such additional compensation not to exceed three hundred and fifty dollars (\$350.00) per annum.

Increase of  
compensation  
in cities of  
225,000  
population.

Passed the Senate February 18, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 111.

[S. B. 357.]

### VALIDATING OPERATION OF MUNICIPAL ELECTRIC RAILWAYS ACQUIRED BY GIFT.

AN ACT relating to betterments and operation of utilities acquired by gift by cities of the first class and validating all acts and things done by such cities with respect thereto.

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

SECTION 1. All acts and things of any city of the first class heretofore done or performed by the legislative authority thereof in any way relating to, or in the acquisition by gift, or in the operation of, any electric railway partly within and partly without the corporate limits of said city for the transportation of freight and passengers, are in all respects hereby cured, validated, ratified and confirmed and declared legal and valid and such cities are hereby authorized and empowered to maintain, conduct and operate such railways so acquired by gift.

Municipal  
railways  
beyond cor-  
porate limits.

Passed the Senate March 9, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 112.

[H. B. 109.]

WATER SYSTEMS ACQUIRED BY CITIES AND TOWNS  
OTHER THAN FIRST CLASS.

Repeals  
Rem.-Bal.  
§§ 8010-1-  
8010-7.

AN ACT authorizing cities and towns to purchase, lease or otherwise acquire water or water rights for irrigation and domestic purposes, to construct or otherwise acquire systems and means of distribution thereof, to levy and collect special assessments and taxes to pay for the same and for annual maintenance, operation charges and expenses and for unpaid installments where a city or town has heretofore contracted for the purchase of a water right, providing modes of payment therefor, repealing sections 8010-1 to 8010-7, both inclusive, of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

Purchase or  
lease of water  
systems  
authorized.

SECTION 1. That any city or town within the state, other than cities of the first class, situated within the limits of any irrigation project, owned or operated by the United States Government, any Water Users' Association, private individuals or corporation, or any other city or town where the council may deem it feasible to furnish water for irrigation and domestic purposes, and where the water used for irrigation and domestic purposes is appurtenant or may become appurtenant to the land located within the limits of any such city or town be, and hereby is authorized to purchase, lease or otherwise acquire water, water rights or additional water rights for the purpose of furnishing said city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes; to purchase, construct or otherwise acquire systems and means of distribution and delivery of such water within and without the limits of such city or town, or for the delivery of water where the owner of land within such city or town owns a water right appurtenant to his land, with full power to maintain, repair, reconstruct, regulate and control the same, and if private property be necessary for such purposes, such city or town may condemn and purchase or purchase and acquire such property, to enter into any contract and to order any and all work to be done

which shall be necessary to carry out such purposes, and it may do so either by the entire city or town or by assessment districts, consisting of the whole or any portion thereof, as the council of said city or town may determine.

SEC. 2. That for the purpose of paying the cost of purchasing a water right or additional water right, paying for a water right or an additional water right heretofore contracted to be purchased by the city or town from the United States Government where the purchase price for said water right has not been fully paid, paying annual maintenance or annual rental charge to the United States Government or other corporation or individual furnishing the water for irrigation and domestic purposes, paying assessments made by any water users' association, paying the cost and expense of constructing or otherwise acquiring any system or means of distribution or delivery of water for said purposes, the up-keep, repair, reconstruction, operation and maintenance thereof and any expense incidental to said purposes, such city or town be, and hereby is authorized to levy and collect special assessments and taxes to pay the whole or any part of the cost and expense of any such improvement.

Special assessments to pay for acquisition and maintenance.

SEC. 3. All assessments and special taxes provided for in this act shall be levied and assessed upon the several parcels of land located within the local improvement district in accordance to the special benefits conferred on such property in proportion to the surface area, one square foot of surface to be the unit of assessment: *Provided*, That where the water right or additional water right shall be purchased or acquired or a special improvement shall be made for a portion of any district, then and in that event the cost of such water right or the cost of such special improvement shall be levied and assessed in the same manner upon such portion of said district as shall be specially benefited thereby: *And provided further*, That whenever a special improvement shall be constructed for a portion of any district, the land assessed for the cost of such special improvement shall be entitled

Assessment based on special benefits.

Local improvement districts.

Reduction of assessments.

to an equitable reduction in the annual assessments in proportion to the reduced cost of operation on account of the construction of said improvement.

Districts of  
non-contig-  
uous territory.

SEC. 4. One local improvement district may be established for any or all of the purposes embraced in this act even though the area assessed for such purposes may not coincide or be contiguous: *Provided*, That whenever the council shall decide to construct a special improvement in a distribution system, a separate local improvement district may be formed for such portion and bonds may be issued for the same as provided in the general local improvement law.

Bonds of  
local  
districts.

Mode of  
assessment.

SEC. 5. Whenever any such city or town shall make local improvements for the purposes herein provided, the proceedings relative to the creation of districts, levying and collecting assessments and all other procedure shall be had, and the council of such city or town is hereby authorized to proceed in accordance with all the provisions of sections 7892-1 to 7892-72, both inclusive, of Rem. & Bal. Code, and any statute which may be enacted relative to local improvements, in so far as the same is not inconsistent with this act: *Provided*, That when such improvement or improvements shall be initiated upon petition, such petition shall set forth the fact that the signers are the owners according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the surface area within the limits of the assessment district to be created therefor: *Provided further*, That when such assessment is made for any other purpose or purposes than the construction or reconstruction of any system or means of distribution or delivery of water, it shall not be necessary for the council to be furnished with a statement of the aggregate assessed valuation of the real estate exclusive of improvements in said district according to the valuation last placed upon it for purposes of general taxation, nor the estimated amount of the cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property, but a statement

Petition of  
majority  
owners.

by the engineer or other officer, showing the estimated cost of such improvement per square foot, shall be deemed sufficient: *Provided further*, That when an assessment roll is once prepared and does not include the cost of purchase, construction or reconstruction of works of delivery or distribution and the council of such city or town shall decide to raise a similar amount the ensuing year, it shall not be necessary to prepare a new assessment roll, but the council may pass a resolution of intention estimating the cost for the ensuing year to be the same as the preceding year, and directing the clerk to give notice stating the estimated cost per square foot of all land within the district and refer persons interested to the books of the treasurer. The treasurer shall be present at the hearing and shall note any changes or corrections on his books. The council shall have the same right to make changes or corrections in said assessment roll as in an original assessment, and after all changes and corrections have been made the council shall, by ordinance, confirm said assessment and direct the treasurer to extend the same on the books of his office.

Supplemental assessments.

Hearings.

Confirmation of roll.

SEC. 6. Whenever the word council is used in this act, it shall be construed to mean the council or other legislative body of such city or town.

"Council" defined.

SEC. 7. Sections 8010-1 to 8010-7, both inclusive, of Rem. & Bal. Code are hereby repealed: *Provided*, That all actions and proceedings, which may be pending in any court under said law, and any proceedings under said law commenced by any city or town before the taking effect of this act, shall proceed without being in any manner affected by the passage of this act.

Repealing and saving clause.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.

CHAPTER 113.

[H. B. 269.]

SUPPLEMENTAL APPROPRIATION FOR HIGHWAYS.

[For main appropriation see ante, ch. 53.]

AN ACT reappropriating certain sums from the public highway fund for the purpose of constructing and maintaining certain highways and making an appropriation from the public highway fund for the purpose of maintaining highways that have been established and constructed, and declaring that this act shall take effect immediately.

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

Appropriation. \$135,557.19.

SECTION 1. That the sum of one hundred and thirty five thousand five hundred and fifty seven and 19-100 dollars (\$135,557.19) or so much thereof as may be necessary, be, and the same is hereby reappropriated from the public highway fund for completing work already under contract and construction on certain state roads hereinafter mentioned the same being the unexpended balances of certain existing appropriations as shown by the state auditor's books on February 19, 1915, said respective balances being hereby reappropriated as follows:

Inland Empire.	Inland Empire Highway, Walla Walla northeasterly...	\$3,628 67
	Inland Empire Highway, Walla Walla westerly.....	2,131 92
	Inland Empire Highway, Spokane southerly.....	3,223 47
	Inland Empire Highway, Colfax northerly and southerly .....	6,042 07
McClellan Pass.	McClellan Pass Highway, Enumclaw to Rainier National Park .....	4,418 17
National Park.	National Park Highway, Ceres to Ocean Beach.....	6,816 82
Sunset.	Sunset Highway, North Bend in King county to Cle Elum in Kittitas county.....	84,844 35
State Roads.	State Road No. 5, bridge and approaches across the Cowlitz river at Nesika.....	8,496 53
	State Road No. 8 between Butler and Cook, Skamania county .....	15,955 19

Appropriation. \$18,082.93.

SEC. 2. That the sum of eighteen thousand eight-two and 93-100 dollars (\$18,082.93) or so much thereof as may be necessary, be, and the same is hereby reappropriated from the public highway fund for completing work already under contract and construction and maintaining certain state roads hereinafter mentioned, the same being the unexpended balances of certain existing appropriations

as shown by the state auditor's books on February 19, 1915, said respective balances being hereby reappropriated as follows:

State Road No. 9, Olympic Highway, judgment, Peter Huntley .....	\$54 96	State Road.
Skagit River Bridge and approaches.....	1,318 71	Skagit bridge.
Inland Empire Highway, maintenance Snake river to Spokane .....	1,096 72	Inland Empire.
Inland Empire Highway, maintenance south of Snake river .....	4,023 99	
McClellan Pass Highway, Natches to Rainier National Park .....	344 25	McClellan Pass.
Sunset Highway, Reardan in Lincoln county, westerly.	265 99	Sunset.
Sunset Highway, maintenance Wenatchee to Idaho line	733 47	
Sunset Highway, maintenance Wenatchee to Renton, King county .....	10,000 00	
State Road No. 10, Okanogan county.....	191 68	State Roads.
State Road No. 12, Okanogan county.....	53 19	

SEC. 3. That the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary, be, and the same is hereby appropriated from the public highway fund for the repair and maintenance of state roads that have been established and constructed.

SEC. 4. This act is necessary for the immediate preservation of the public safety and the support of the existing institutions of the state and shall take effect immediately.

Passed the House March 5, 1915.

Passed the Senate March 5, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 114.

[H. B. 211.]

## USE OF VOTING MACHINES AT ELECTIONS.

AN ACT relating to elections, providing for the use of voting machines thereat, and amending sections 4910-5, 4910-7, 4910-8, 4910-9, 4910-10, 4910-11, 4910-13 and 4910-14, Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4910-5 Rem. & Bal. Code be amended to read as follows:

Section 4910-5. The county commissioners of any county, the common council of any city or town, the township board of any township or the board or governing body of any district or municipality, at any regular meeting or at a special meeting called for the purpose, may adopt, purchase, or otherwise procure, and provide for the use of, any voting machine approved by the state board of voting machine examiners, in all or a portion of the election precincts thereof; and thereafter said machine may be used for voting at all primaries and elections for public offices and on all questions and for receiving, registering and counting the votes thereof in such election district or districts as such county commissioners, council or board shall direct. The county commissioners or council may, not later than forty days before any election, create, unite, combine, or divide one or more election districts or precincts for the purpose of using one or more voting machines therein at such election, and such uniting, combining or dividing shall be done in the manner now prescribed by law for the change of election districts. More than one voting machine may be used in the same election district. The number of voters to be in each of said districts or precincts shall be determined by said commissioners, council or board, but shall not exceed six hundred for each machine.

Amends  
Rem.-Bal.  
§§ 4910-5,  
4910-7,  
4910-11,  
4910-13,  
4910-14.

Adoption  
and use of  
voting  
machines.

SEC. 2. That section 4910-7 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-7. Within a proper and reasonable time before each election at which voting machines are to be used, the secretary of state shall prepare samples of the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or official in charge of the election of each county, city, township or district in which the machines are to be used; such samples to meet the requirements of the election to be held and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies: Suitable printed or written directions to the custodian for testing and preparing the voting machines for the election; one certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian can certify that the voting machine has been examined and found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines; one certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing a voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election district in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the inspector

Printed instructions  
and supplies.

of election; one envelope in which the keys to the voting machine can be returned by the inspector of election; one card stating the name and telephone address of the custodian on the day of election; two statements of canvass on which the election officers can report the canvass of the votes as shown on the voting machine together with other necessary information relating to the election, said statements of canvass to take the place of all tally-keepers, statements and returns as provided heretofore; three complete sets of ballot labels; two diagrams; five suitable printed instructions to the inspector of election; three notices to inspectors and judges of election to attend the instruction meetings; three certificates that the inspector and judges of an election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine and they may supply a sufficient number of extra ballots for use in case it shall be impossible to make use of the voting machine in any such precinct or precincts.

Extra ballots  
to be  
provided.

The ballot labels shall be printed in black ink on clear white material of such size and arrangement as to suit the construction of the machine: *Provided, however,* The ballot labels for questions may contain a condensed statement of each question to be voted on, accompanied by the words "Yes" and "No;" the titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit, and where more than one candidate can be voted for an office, there shall be printed below the office title the words "vote for any two," or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated.

Ballot  
labels..

If the election be one at which all the candidates for the office of presidential electors are to be voted for with one device, the county commissioners shall furnish for each machine at least five lists of the names of the presidential electors nominated and at least fifty paper ballots with which the voter can vote thereon for part of the candidates for the office of the presidential electors of one party and

Voting for  
presidential  
electors.

part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election districts in which voting machines are to be used no paper ballots shall be furnished for any offices to be voted for on the machine except as hereinafter provided.

SEC. 3. That section 4910-8 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-8. Before each election at which voting machines are to be used the custodian shall place on public exhibition a suitable number of machines for the proper instruction of voters. Such machines shall be so arranged and so equipped with ballot labels as to best illustrate the method of voting at that election, and so far as practical shall contain the names of the offices to be filled, the names of the candidates to be voted for, together with their proper party designations, in case of party elections, and statements of the questions to be voted on. Not more than ten nor less than three days before each election at which voting machines are to be used the board or officials charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of such voting machines as shall be on public exhibition; or in lieu of such publication said board or officials may send by mail or otherwise at least three days before the elections a printed copy of same to each registered voter.

Instructing  
voters before  
election.

SEC. 4. That section 4910-9 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-9. The election board of each election district in which a voting machine is used shall consist of one inspector, and two judges of election who shall also act as clerks of election. Where more than one machine is to be used in an election district, one additional inspector of election shall be appointed for each additional machine. In any voting precinct or district where the number of registered voters is less than one hundred the election

Election  
officers.

Instruction  
in use of  
machine.

board may consist of one inspector, one judge and one clerk. Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election that are to serve thereat in the use of the machine and their duties in connection therewith; and he shall give to each inspector and judge that has received such instructions and is fully qualified to conduct the election with the machine a certificate to that effect. For the purpose of giving such instructions, the custodian shall call such meeting or meetings of the inspectors and judges as shall be necessary. Each inspector and judge shall attend such meeting or meetings and receive such instructions as shall be necessary for the proper conduct of the election with the machine; and, as compensation for the time spent in receiving such instruction each inspector and judge that shall qualify for and serve in the election shall receive the sum of one dollar, to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No inspector or judge of election shall serve in any election at which a voting machine is used unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: *Provided, however,* That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

SEC. 5. That section 4910-10 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-10. The county auditor of a county, the clerk of a city, or other district in which voting machines are to be used shall cause same to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be known as the voting machine custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election, and shall be paid for the time actually spent in the dis-

Custodians  
of machines.

charge of their duties in the same manner and amount as other election officers are paid. One custodian shall be employed for each twenty machines; if more than one be employed they shall be selected from the political parties entitled to representation on a board of election officers.

In preparing a voting machine for an election, the custodian shall, according to the printed directions furnished by such auditor or clerk, arrange the machine and labels therefor so that it will in every particular meet the requirements for voting and counting at such election, thoroughly test same, and certify thereto to said auditor or clerk. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a political party entitled to the use of a party voting device, provided such placing does not prevent such independently nominated candidates from being voted for individually, and provided it does not prevent or interfere with the operating of the party voting device of such party. It may also be so arranged that candidates nominated independently, or by political organizations which have nominated but one candidate, each shall be placed in the same party row and voted for individually; and in that event the party voting device of such party row shall be locked against movement, and the political designations of such candidates shall be printed upon the ballot labels in connection with their names. The auditor or clerk shall direct the arrangement of all ballot labels on such machine in case of non-partisan primaries and elections in cities of the first class operating under freeholders' charters, the arrangement of the names of candidates upon ballot labels shall conform as nearly as practicable to such charter provisions for the arrangement of names on paper ballots. In all other cases of non-partisan primaries and elections, and in all cases of party primaries and elections, the arrangement of names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots.

Preparation  
and testing  
for elections.

Arrangement  
for non-  
partisan  
primaries and  
elections.

Delivery to  
polling  
places.

After being prepared for the primary or election, each machine shall be examined by the auditor or clerk, and if the same be prepared in accordance with law for use thereat, he shall file a certificate thereof in his office. The custodian shall cause all voting machines to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the auditor or clerk shall provide proper protection therefor. The custodian shall provide a lantern or proper light for every machine, which light shall be in good order and give sufficient light to enable voters while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

SEC. 6. That section 4910-11 Rem. & Bal. Code be amended to read as follows:

Delivery of  
keys and  
election  
supplies.

Sec. 4910-11. The auditor or clerk shall cause to be delivered to the inspector or one of the judges of election not later than forty-five minutes before the time for opening the polls the keys for the voting machine, which shall be delivered in a sealed envelope on which shall be written the designation and location of the election district, the number of the voting machine, the number or other designative mark on the seal, and the number registered on the protective counter as reported by the custodian for which a receipt shall be taken on the blank attached thereto, two diagrams, one extra set of ballot labels, one envelope containing seal for sealing the machine after the polls are closed, one envelope for the return of the keys, two statements of canvass, and all other supplies necessary for conducting the election.

SEC. 7. That section 4910-13 Rem. & Bal. Code be amended to read as follows:

Conducting  
the election.

Sec. 4910-13. Before each voter enters the voting machine booth each clerk shall insert in his list of voters opposite the voter's name the letter V and the number of his vote. The election officers shall, so far as possible, inform him how to operate the machine and illustrate same upon

the model, and call his attention to the diagram. No voter shall remain within the voting machine booth longer than two minutes, and if he shall refuse to leave at the end of that time, he shall be removed by the election officers: *Provided, however,* That they may grant him a longer time if other voters are not waiting to vote. Whenever a voter who has the right to vote only on certain offices and certain questions shall enter the [voting] machine [booth], the election officer shall so adjust same that he can vote on such office and questions, but on no others. If any voter shall, in the presence of the election officers, declare that by reason of physical disability he is unable to register or record his vote upon the machine, two election officers of opposite political parties, in case of party primaries or elections, or two officials in case of non-partisan primaries, or elections, shall enter the voting machine booth with him and indicate and register his vote for such candidates and for or against such questions as he shall designate. If any voter shall, after entering the voting machine booth, ask for information regarding its operation, the election officers shall give him such necessary information. Any election officer who shall deceive any voter in registering or recording his vote under this section, or who shall register or record such vote in any other way than as designated by such voter, or who shall give information to any person as to what candidates or for or against what questions such voters voted, or who shall seek to suggest or persuade any voter to vote for any party, or for any candidate, or for or against any question shall be guilty of a felony and shall be punished by being fined not less than fifty dollars nor more than five hundred dollars or imprisoned in a state prison for not less than six months or more than one year or by both such fine and imprisonment. Except as herein provided for in cases of physically disabled voters, the operation of voting shall be secret. The election officers shall occasionally examine the face of the machine and the ballot labels to determine if same have been injured or tampered with. No voter shall be per-

Penalty for  
misconduct  
of election  
official.

Secret  
voting.

mitted to enter the machine booth or move the operating lever more than once.

Injury to  
machines.

In case any voting machine used in any election district shall, during or before the time the polls are opened, become injured so as to render it inoperative in whole or in part, it shall be the duty of the judge immediately to give notice thereof to the officials charged with the care of the machine, and it shall be the duty of said official, if possible, to repair the machine at once, or to substitute another machine for the injured machine; and, at the close of the polls, if a machine has been so substituted the records of both machines shall be taken and the votes shown on their corresponding counters shall be added together in ascertaining the results of the election. If no other machine can be procured for use at such election, and the injured machine cannot be repaired in time for further use at such election the officers of said election shall permit the use by voters of paper ballots prepared as in cases where paper ballots are used, and which shall be furnished the election officers by the auditor or clerk, which ballots shall be received by the election officers, and placed by them in a receptacle, to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; any marking of such paper ballots by the voters which shall clearly indicate their intentions shall be deemed a proper and sufficient method of marking such ballots; the paper ballots thus voted shall be preserved and returned to the auditor or clerk with a certificate or statement setting forth how and why the same came to be voted. For this purpose the printed diagram of reduced size referred to in section eight (8) of this act, may be used if such can be procured.

Substitution  
of paper  
ballots.

SEC. 8. That section 4910-14 Rem. & Bal. Code be amended to read as follows:

Closing  
polls.

Sec. 4910-14. At the hour for closing the polls, the judge of election shall declare the polls of the election closed and shall not permit any further operation of the machine except provided as follows, namely: That such

voters as shall at the hour of closing be within the polling room and awaiting their turn to vote shall be considered as having begun the act of voting and shall be permitted to cast their votes upon the machine. As soon as such voters have voted, the election officers shall lock and seal the machine, unlock and open the doors of the counter compartment, and canvass the votes registered on the counters therein and the votes recorded on or in the device or devices for voting for persons not nominated and shall make two statements of canvass thereof in the following manner: One election officer shall call the designating number and letter of each candidate's counter in the order given on the statement of canvass, and another election officer shall repeat such number and letter as it is read, and announce the vote registered on such counter, which shall thereupon be entered in ink on each of the statements of canvass. The canvass of each office shall be completed before proceeding to the next. The vote on each question shall be canvassed in the same manner. The votes cast on the irregular ballots and paper ballots shall then be canvassed. All votes for persons or questions, the names or propositions of which do not appear on the ballot labels, must be cast in the proper places on or in the device for irregular ballots, and all votes for persons or questions whose names or propositions do appear upon the ballot labels must be cast on the counters therefor, and any votes not so cast shall not be counted, except in case of the use of paper ballots: *Provided, however,* That all elections at which presidential electors are voted for with one device, the voter may vote on or in the device for irregular ballots in part for the presidential electors of one party and in part for those of one or more other parties, or in part or in whole for persons not nominated by any party. After completing and writing down the canvass of the votes cast, the election officers shall verify the same by comparing the figures on the statements of canvass with the figures on the counters in the machine and the names recorded on or in the device for voting for

Canvass  
of votes.

persons not nominated, and shall then certify, in the appropriate place on each of these statements of canvass, as to the number of voters that voted at the election as shown by the poll list and by the number registered on the public counter; the number registered on the protective counter and the number or other designating marks on the seal with which the machine has been sealed. After completing and certifying to the statements of canvass, the inspector or a judge shall read therefrom in a distinct voice the name of each candidate, the designating number and letter of his counter as stated thereon, and the vote entered for each; also the vote for and against each question. During the canvassing and announcing of the vote, the counter compartment shall remain open, and opportunity shall be given any person lawfully present to examine the counters to determine the correctness of the vote as announced. The counter compartment shall then be locked and all the keys of the machine shall be delivered in a sealed envelope to the officers or board in charge of the election. One copy of the statement of canvass shall be delivered forthwith in a sealed envelope to the office of the county auditor, city comptroller, city clerk, or other governing body, and if the election be one at which state or county offices are voted for, one copy of the returns shall be delivered in a sealed envelope to the county clerk. The word "election" as used in this act shall mean general, special or primary election. The word "city" shall mean city or town.

"Election"  
and "city"  
defined.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 115.

[H. B. 101.]

GRANT OF TIDE LANDS TO CITY OF SEATTLE FOR  
PARK PURPOSES.

AN ACT authorizing and directing the commissioner of public lands to certify certain tide lands to the governor for deed, and directing the governor to execute and the secretary of state to attest a deed conveying to the city of Seattle certain tide lands for use as, and in connection with its public parks, and for no other purpose.

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

SECTION 1. That the commissioner of public lands of the state of Washington be and he is hereby authorized and directed to certify, in manner now provided by law in other cases, to the governor, for deed to the city of Seattle, in the state of Washington, all of the following described tide lands, to-wit:

Commencing at the northeast corner of Seaside Addition to the city of Seattle, thence N.  $0^{\circ} 47' 10.5''$  E. 195.828 feet; thence N.  $32^{\circ} 36' 57.5''$  W. 241.866 ft. to the intersection of the mean low water line of Puget Sound, which is the true beginning of this description; thence N.  $32^{\circ} 36' 57.5''$  W. 599.641 ft. to the United States pierhead line, approved by the war department on April 29, 1910; thence along said pierhead line S.  $48^{\circ} 00' 00''$  W. 1652.892 ft.; thence S.  $61^{\circ} 00' 00''$  W. 821.080 ft. to the intersection of the pierhead line and the westerly margin of tract "h" of the plat of Alki Point projected northerly at right angles to Alki Avenue from its intersection with the mean low water line; thence S.  $21^{\circ} 49' 42.5''$  E. 296.799 ft. to the mean low water line; thence along said mean low water line N.  $67^{\circ} 45' 00''$  E. 744.700 ft.; thence N.  $60^{\circ} 15' 00''$  E. 898.000 ft.; thence N.  $46^{\circ} 50' 00''$  E. 396.000 ft.; thence north  $55^{\circ} 30' 00''$  E. 487.307 ft. to the place of beginning; also

Description  
of tide lands.

Commencing at the intersection of the section line between sections 22 and 27, township 24 north, range 3 east,

produced westerly and the mean low water line of Puget Sound; thence N.  $89^{\circ} 02' 18.9''$  W. 122.838 ft.; thence N.  $52^{\circ} 00' 00''$  W. 565.686 ft. to the United States pierhead line; thence along said pierhead line S.  $7^{\circ} 00' 00''$  E. 101.137 ft.; thence S.  $52^{\circ} 00' 00''$  E. 565.686 ft.; thence S.  $89^{\circ} 02' 18.9''$  E. 80.492 ft. to mean low water line; thence along said mean low water line N.  $16^{\circ} 47' 00''$  E. 103.938 ft. to the place of beginning; also

Commencing at the intersection of the north line of the Park Reserve platted in Lincoln Beach produced westerly and the mean low water line of Puget Sound; thence N.  $89^{\circ} 46' 49.8''$  W. 318.074 ft. thence N.  $52^{\circ} 00' 00''$  W. 565.686 ft. to the United States pierhead line; thence along said pierhead line S.  $7^{\circ} 00' 00''$  E. 296.350 ft.; thence S.  $52^{\circ} 00' 00''$  E. 565.686 ft.; thence S.  $89^{\circ} 46' 49.8''$  E. 177.794 ft. to the mean low water line; thence along said mean low water line N.  $9^{\circ} 00' 00''$  E. 26.365 ft.; thence N.  $20^{\circ} 30' 00''$  E. 285.654 ft. to the place of beginning.

Reservation  
of right to  
plat streets.

The property specified in the last two descriptions hereinabove mentioned is hereby declared to be subject to the right of the state at the time of platting the tide lands adjoining said described tide lands to produce any street, platted upon such plat, across such lands herein conveyed and to dedicate such portions of such lands for street purposes.

Execution  
of deed.

SEC. 2. The governor is hereby authorized and directed to execute, and the secretary of state to attest a deed conveying to the city of Seattle all of said tide lands.

Purpose of  
grant.

SEC. 3. That all of the tide lands described in section one (1) of this act be and the same are hereby granted to the city of Seattle, in the county of King, state of Washington, to be used by said city as a part of and in connection with its public park system, and for no other purpose. In case the said city of Seattle should attempt to use or permit the use of said lands, or any portion thereof, for any other purpose, the same shall forthwith revert to the state of Washington, without suit, action or any pro-

Reversion  
to state.

ceeding whatsoever or the judgment of any court forfeiting the same.

Passed the House February 9, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 116.

[H. B. 85.]

### SCHOOL HOUSES AND GROUNDS IN SCHOOL DISTRICTS OF THE SECOND CLASS.

AN ACT relating to school houses and school sites in school districts of the second class and amending section 4522 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4522 of Rem. & Bal. Code be amended to read as follows:

Section 4522. The board shall build or remove school houses, purchase or sell lots or other real estate when directed by a vote of the district to do so and where the district shall possess a school house upon a site owned by such district the board may by a unanimous vote of all the members thereof purchase or lease additional real estate adjacent to such site: *Provided*, That a school house already built on a site which has been selected by a majority vote of the legal school electors of a district shall not be removed to a new site without a two-thirds vote of the school electors voting at an annual or special election; nor shall a school house site that has been selected by a majority vote of the legal school electors, but upon which no school house has been built, be changed except by a two-thirds vote of the legal school electors voting at an annual or special election as hereinbefore provided.

Amends  
Rem.-Bal.  
§ 4522, by  
provision as  
to adjacent  
land.

Acquisition  
of adjacent  
real estate.

Removal of  
building to  
new site.

Change  
of site.

Passed the House February 16, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 117.

[H. B. 25.]

## ELECTION OF SCHOOL DISTRICT DIRECTORS.

AN ACT relating to school elections and amending section 4657 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4657 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and hereby is amended to read as follows:

Section 4657. The election of school district directors shall, except as otherwise provided by law, be held on the first Saturday in March of each year, at the district school house, if there be one, or if there be none, or more than one, then at a place to be designated by the board of directors; *Provided*, That if a petition signed by not less than twenty-five per cent. of the legal voters in any district asking that the date of the next annual election therein be changed, shall be filed with the county superintendent of schools not less than twenty days before such election, said superintendent shall fix a date within the first seven days of March, other than a Saturday, for the holding of such election and forthwith notify the clerk thereof and such election shall then be held upon the date so fixed in the manner and upon the notice that other like elections are held. Special school elections shall be called and conducted in the manner provided for calling and conducting annual elections.

Passed the House March 8, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

Amends  
Rem.-Bal.  
§ 4657, by  
provision for  
changing  
date.

When and  
where held.

Change of  
date on  
petition  
of voters.

Special  
elections.

## CHAPTER 118.

[H. B. 140.]

## SPECIAL POLICE FOR RAILROADS.

AN ACT relating to the appointment of special police at the request of steam or electric railroad corporations and defining their powers and duties.

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

SECTION 1. The governor shall have the power to and may in his discretion appoint and commission special police officers at the request of any steam or electric railroad corporation and may revoke any such appointment at his pleasure.

Authorizing  
appointment  
by governor.

SEC. 2. Any steam or electric railroad corporation desiring the appointment of any of its officers, agents or servants not exceeding five in number for any one division of any railroad operating in this state, (division, as herein intended, shall mean the part of any railroad or railroads under the jurisdiction of any one division superintendent), as special police officers shall file with the governor an application stating the name, age and place of residence of the person whose appointment it desires, the position he occupies with the steam or electric railroad corporation, the nature of his duties and the reasons why his appointment is desired, which application shall be signed by the president or some managing officer of the steam or electric railroad corporation and shall be accompanied by an affidavit of such officer to the effect that he is acquainted with the person whose appointment is sought, that he believes him to be of good moral character, and that he is of such character and experience that he can be safely entrusted with the powers of a police officer.

Application  
of railroad  
corporation  
for special  
police.

SEC. 3. Before receiving his commission each person appointed under the provisions of this act shall take, subscribe and file with the governor an oath to support the constitution of the United States the constitution and laws of the state and to faithfully perform the duties of his office.

Oath of  
policemen.

Duties  
restricted  
to railroad  
property.

SEC. 4. Every police officer appointed and commissioned under the provisions of this act shall when on duty have the power and authority conferred by law on peace officers, but shall exercise such power only in the protection of the property belonging to or under the control of the corporation at whose instance he is appointed and in preventing, and making arrest for, violations of law upon or in connection with such property.

Badge.

SEC. 5. Every such special police officer shall, when on duty, wear in plain view a metal shield bearing the words "special police" and the name of the corporation by which he is employed.

Liability  
of railroad  
for unlaw-  
ful acts.

SEC. 6. The corporation procuring the appointment of any special police shall be solely responsible for the compensation for his services and shall be liable civilly for any unlawful act of such officer resulting in damage to any person or corporation.

Passed the House March 5, 1915.

Passed the Senate March 10, 1915 .

Approved by the Governor March 17, 1915.

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## CHAPTER 119.

[H. B. 274.]

### APPOINTMENT OF ROAD SUPERVISORS.

AN ACT relating to the appointment of road supervisors and amending section 5578 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

Amends  
Rem.-Bal.  
§ 5578.

SECTION 1. That section 5578 of Rem. & Bal. Code be amended to read as follows:

Appointment  
by county  
commis-  
sioners.

Section 5578. The board of county commissioners may appoint from among the qualified electors in each county for such time as they may determine, with compensation not to exceed four dollars per diem for time and labor actually performed, a road supervisor who

shall enter into a bond satisfactory to the commissioners: *Provided, however,* That in counties wherein any road district has a good roads association, the membership of which shall own not less than 75% in area of the land contained within the district, then such road supervisor shall be appointed from a list of not less than four names furnished by such association.

Appointment  
by good roads  
associations.

Passed the House March 8, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 120.

[H. B. 162.]

### PAYMENT OF CLAIMS FOR ERADICATING FIRE BLIGHT IN YAKIMA COUNTY.

AN ACT for the payment of claims for money and services of those who aided in eradicating fire blight in Yakima county and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of one thousand two hundred eighty-nine dollars and eighty-one cents, (\$1,289.81) to pay the claims of those who aided with moneys or services in eradicating fire blight in Yakima county during the year 1914.

Appropriation.  
\$1,289.91.

SEC. 2. The claim for such services of moneys advanced, verified by the claimant, shall be presented to the commissioner of agriculture, who shall examine and pass upon the same, and may require additional and corroborative evidence in support thereof; and he shall prepare, certify and file with the state auditor proper vouchers showing the amount payable to the claimant under the provisions of this act and the state auditor shall issue his warrant for the amount found to be due to the claimant.

Presentation  
and payment  
of claims.

Passed the House March 6, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 121.

[H. B. 42.]

## INTEREST ON INTERSTATE BRIDGE BONDS.

AN ACT providing for and authorizing the payment of interest on bonds issued by counties for the purpose of constructing bridges between this state and adjoining states.

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

Payment  
from excess  
proceeds of  
bond sales.

SECTION 1. Whenever any county of this state shall have issued negotiable bonds of the county for the purpose of constructing, or aiding in the construction of any bridge between such county and an adjoining state, under the provisions of chapter 56 of the Laws of 1913, and the money derived from the sale of such bonds shall exceed the proportionate cost of the construction of such bridge, chargeable to such county, and the board of county commissioners of such county shall have failed, or shall in any year fail to levy an annual tax to pay the interest on said bonds whenever the same becomes due and there shall be in the county treasury of said county moneys derived from the sale of said bonds in excess of the proportionate cost of the construction of such bridge, chargeable to such county, sufficient to pay the interest due on any of such bonds, the county auditor of such county is hereby authorized and empowered when authorized so to do by an order of the board of county commissioners of any such county, to draw his warrant upon the county treasurer for the purpose of paying such interest and the county treasurer for the purpose of paying such interest [and the county treasurer] is hereby authorized and empowered to pay such warrant out of any such excess funds in his hands derived from the sale of such bonds.

(Repetition.)

Passed the House March 9, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 122.

[H. B. 154.]

## EQUALIZATION AND CORRECTION OF ERRORS IN ASSESSMENTS BY COUNTY BOARD OF EQUALIZATION.

AN ACT relating to revenue and taxation, providing for the equalization of assessments by a county board of equalization, prescribing a method for correcting errors made in assessing property and extending the same upon the rolls, prescribing the duties of the county treasurer and the county board of equalization in cases of fraud or omissions in the return of personal property, prohibiting boards of county commissioners from releasing or commuting taxes and amending sections 9200 and 9238 and repealing section 9201 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9200 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
 §§ 9200, 9238.

Section 9200. The county commissioners, the county assessor and the county treasurer or a majority of them, shall form a board for the equalization of the assessment of the property of the county. They shall meet in open session for this purpose annually on the first Monday in August at the office of the county assessor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

County  
board of  
equalization.

Assessor  
as clerk.

First. They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least

Raising  
valuations of  
real estate.

five days' notice shall have been given in writing to the owner or agent.

Reductions.

Second. They shall reduce the valuation of each tract or lot which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Raising valuations of personalty.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual to such sum or amount as they believe to be the true value thereof, after at least five days notice shall have been given in writing to the owner or agent thereof.

Reductions on personal property.

Fourth. They shall, upon complaint in writing of any party aggrieved, being a nonresident of the county in which his property is assessed, reduce the valuation of each class of personal property enumerated in section 9128 aforesaid, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individuals who, in their opinion, have been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

Journal of proceedings.

The county assessor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. Having corrected the real and personal assessment rolls in accordance with the

changes made by the said county board of equalization, he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state auditor on or before the first Monday in September next following the meeting of the county board of equalization.

Duplicate abstracts of corrected values.

Filing with state auditor.

The county board of equalization may continue in session and adjourn from time to time during three weeks, and shall remain in session not less than three days, commencing on the first Monday in August: *Provided*, That no taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

August session.

The county assessor shall make a record of all errors in descriptions, double assessments, or manifest errors in assessment appearing on the assessment list at the time of the extension of the rolls, and after duly verifying the same, file said record with the county board of equalization on the 3rd Monday in November next succeeding the annual meeting of the county board of equalization. The county board of equalization shall reconvene on such day for the sole purpose of considering such errors in description, double assessments, or manifest errors appearing on the assessment list at the time of the extension of the rolls, and shall proceed to correct the same, but said board shall have no authority to change the assessed valuation of the property of any person, or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, except only in so far as the same may be affected by the corrections ordered based on the record submitted by the county assessor.

Record of errors in assessments.

November session of board for correction of rolls.

SEC. 2. That section 9238 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 9238. If the county treasurer has reason to believe or is informed that any person has given to the county assessor a false statement of his personal prop-

Fraud or omissions in returns.

Duty of  
county  
treasurer.

erty, or that the county assessor has not returned the full amount of personal property required to be listed in his county, or has omitted or made erroneous return of any property which is by law subject to taxation, or if it shall come to his knowledge that there is personal property which has not been listed for taxation for the current year, he shall prepare a record setting out the facts with reference to the same and file such record with the county board of equalization at its meeting on the third Monday in April, and for this purpose it is authorized and empowered to issue compulsory process and to require the attendance of any person having knowledge of the articles or value of the property erroneously or fraudulently returned, and to examine such person on oath in relation to the statement [or] return of assessment, and the board of equalization shall in all such cases notify every such person affected before making a finding, so that such person may have an opportunity of showing that his statement or the return of the assessor is correct.

Investigation  
by board at  
April session.

Compulsory  
process.

Treasurer  
to note  
errors in  
rolls.

The county treasurer shall also make a record, setting forth the facts relating to such manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of property which do not involve a re-valuation of property such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family as shall come to his attention after the rolls shall have been turned to him for collection.

April session  
of board  
to correct  
errors.

The county board of equalization shall re-convene on the third Monday in April for the sole purpose of considering such matters as shall appear in the record filed with it by the county treasurer, and shall only correct such matters as set forth in such record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors hereinbefore mentioned. The board shall make findings of the facts upon which it bases its decision on all

matters submitted to it, and when so made the assessment and levy shall have the same force as made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

SEC. 3. That boards of county commissioners shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Changing values or commuting tax prohibited.

SEC. 4. That section 9201 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby repealed.

Repeals Rem.-Bal. § 9201.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 123.

[H. B. 156.]

### RESERVING PARTS OF ROADS AND HIGHWAYS FOR BICYCLES AND PEDESTRIANS.

AN ACT amending sections 5615, 5616 and 5617 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the authority of boards of county commissioners, to set apart and reserve parts of public roads and highways for the use of bicycles and pedestrians, and the improvement, use and control thereof, and repealing section 5618 of Remington & Ballinger's Annotated Codes and States of Washington.

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

SECTION 1. That section 5615 of Remington & Ballinger's Annotated Codes and Statutes of Washington to be amended to read as follows:

Amends Rem.-Bal. §§ 5615-5617.

Section 5615. The board of county commissioners of any county may set aside and reserve part of any public road or highway in their respective counties for the exclusive use of bicycles and pedestrians, or pedestrians only. The part so reserved shall not be less than four feet in width, and the improvement thereof shall be done under the direction of said board.

Reserving part of highways for bicycles and pedestrians.

SEC. 2. That section 5616 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Trespass  
on part  
reserved.

Section 5616. Any person who shall drive any stock upon, or drive, propel or move any vehicle except a bicycle upon the part of such road or highway so set apart; or in any way obstruct or damage the same; or shall ride a bicycle upon the same when the same has been set aside for the use of pedestrians only, shall be guilty of a misdemeanor.

SEC. 3. That section 5617 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Disposition  
of fines.

Section 5617. All fines collected for violations of the provisions of the last two sections shall be paid into the "General Road and Bridge Fund" of the county where such misdemeanor is committed.

Repeals  
Rem.-Bal.  
§ 5618.

SEC. 4. Section 5618 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby repealed.

Passed the House February 19, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 124.

[H. B. 137.]

### NUMBER OF BALLOTS FOR ELECTION PRECINCTS.

AN ACT relating to the number of ballots which shall be furnished at elections and amending section 4894 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

Amends  
Rem.-Bal.  
§ 4894, by  
changing  
number  
of ballots.

SECTION 1. That section 4894 of Rem. & Bal. Code be amended to read as follows:

Number of  
ballots to be  
supplied.

Section 4894. The clerk of the board of county commissioners of each county shall provide for each election precinct in the county a number of ballots equal to one

hundred and ten per centum of the registered electors in the precinct or such further number as the county auditor may certify to be necessary and two tallying books, that shall be printed in relation with the ballots. *Provided, however,* That in municipal elections it shall be the duty of the city or town clerk to provide ballots as specified in this section.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 125.

[H. B. 70.]

### FEDERAL AID FOR AGRICULTURAL EXTENSION WORK.

AN ACT authorizing and empowering the board of regents of the State College of Washington to receive and expend the monies appropriated by the Congress of the United States under an act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and of acts supplemental thereto, and the United States Department of Agriculture" approved May 8, 1914, and making an appropriation for the purpose of complying with the terms of said act of Congress.

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

SECTION 1. The board of regents of the State College of Washington is hereby authorized and empowered to receive and expend the monies appropriated under the act of Congress approved May 8, 1914, and entitled "An act to provide for co-operative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of Congress approved July 2, 1862, and of acts supplemental thereto, and the United States Department of Agriculture," and to organize and conduct agricultural extension work in connection with the State College of Washington in accordance with the terms and conditions expressed in said act of Congress.

Authority  
to State  
College to  
receive and  
expend  
moneys  
granted.

Appropriation, \$18,481.

SEC. 2. For the purpose of complying with the conditions expressed in said act of Congress approved May 8, 1914, there is hereby appropriated out of the general fund the sum of eighteen thousand four hundred eighty-one dollars.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 126.

[S. B. 129.]

### BUDGET SYSTEM FOR STATE OFFICES AND INSTITUTIONS.

AN ACT providing for the establishment of a budget system for state offices, departments and institutions.

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

SECTION 1. On or before the 15th day of October of every even-numbered year the several departments, institutions, commissions and officers of the state shall report to the state board of finance on forms prescribed and according to the classification adopted by the state auditor through the bureau of inspection and supervision of public offices, an estimate in itemized form, stating the amount of money required for the conduct of such department, institution, commission or office for the biennial period beginning on the first day of April thereafter.

SEC. 2. The state auditor, through the bureau of inspection and supervision of public offices, shall assemble said statements in proper form and show opposite each request the amount of appropriation made for the current biennium and the amount expended from each to and including September 30th, immediately preceding, also a statement showing the actual revenues of the state for the twenty-four months ending September 30th, and the estimated receipts from all sources for the next fiscal

Filing itemized estimates.

Compilation of state budget.

biennium. This statement shall be submitted to the board of finance, which shall make such recommendations as it may deem proper opposite the requests of the several departments, institutions, boards and commissions. This consolidated statement shall be known as the State Budget.

SEC. 3. The departments, institutions, commissions and officers of the state, upon request, shall forthwith furnish to the state board of finance, any information desired in relation to the affairs of their respective departments, institutions, commissions or offices.

Furnishing  
information  
to board of  
finance.

SEC. 4. Upon the convening of each regular session of the legislature, the state board of finance shall submit to the legislature said state budget, and shall cause such budget to be printed and mailed to each member of the legislature at least fifteen days before the convening thereof.

Submission  
of budget to  
legislature.

SEC. 5. Said board may make such investigation of the affairs of any department, institution, commission or office as it may deem proper; may visit and inspect any department, institution, commission or office; administer oaths; examine such persons as it may deem necessary and compel the production of books, papers and records of such department, institution, commission or office pertaining to its expenditures. Any necessary expense incurred in carrying out the provisions of this act shall be paid out of the appropriation made by the legislature for the executive department.

Investigation  
of offices and  
departments.

SEC. 6. Any officer, employee, commission, board or bureau who shall fail to file their statement on the forms and in the manner provided in section two hereof, shall forfeit ten dollars (\$10.00) per day for each day's delay and the state auditor is hereby directed to withhold said forfeit from the salary of those so offending.

Penalty  
vetoed.

Passed the Senate March 3, 1915.

Passed the House March 9, 1915.

Sections 1 to 5 inclusive approved by the Governor March 17, 1915.

Section 6 vetoed by the Governor March 17, 1915.

CHAPTER 127.

[S. S. B. 147]

CONSTITUTIONAL AMENDMENT PROPOSED ON QUALIFICATION OF VOTERS.

AN ACT providing for the amendment of section 1 of article VI of the constitution of the State of Washington, relating to the qualification of voters.

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

Proposal for amendment of § 1, art. VI, of state constitution.

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1916, there shall be submitted to the qualified electors of the state, for their adoption and approval or rejection, an amendment to section 1 of article VI of the Constitution of the State of Washington, so that the same shall when amended, read as follows:

ARTICLE VI.

Qualifications of electors enumerated.

Section 1. All 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 no person shall be qualified or entitled to vote in respect to or upon any question or proposition to incur or not to incur any debt or obligation, or to borrow money or issue any bond or obligation, or to ratify or validate any debt, bond or obligation, or to authorize the purchase, sale, mortgage or pledge of property, revenue or income by or of the state, or any municipal corporation, city, town or district, unless in addition to the qualifications above prescribed he or she shall at the date of his or her registration be the separate owner of, or as husband and wife have community title in, property upon the tax-roll of the municipal corporation or taxing district in

Voting on propositions to incur debt restricted to taxpayers.

which such question or proposition is to be voted upon, and upon which property a tax has been paid, or shall be payable, during the calendar year in which such question or proposition is to be voted upon. No person shall be denied the elective franchise on account of sex, nor shall this amendment affect the right of franchise of any person who is now a qualified elector of this state except in respect to questions or propositions mentioned in the foregoing proviso. Indians not taxed shall never be allowed the elective franchise. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, providing for the registration of voters generally and as property owners, and providing for punishment of persons voting or registering in violation of the provision of this section.

Indians.

SEC. 2. The secretary of state shall cause the amendment proposed in section 1 of this act to be published for three months next preceding said election in some weekly newspaper in every county where a newspaper is published throughout the state.

Publication.

Passed the Senate February 27, 1915.

Passed the House March 8, 1915.

#### NOTE BY SECRETARY OF STATE.

The above act filed in the office of the Secretary of State, March 17, 1915, and allowed to become operative without the approval of the Governor.

I. M. HOWELL,

*Secretary of State.*

## CHAPTER 128.

[H. B. 236.]

RATIFICATION OF ILLEGAL INDEBTEDNESS IN COUNTIES,  
CITIES AND TOWNS OTHER THAN FIRST CLASS.

AN ACT relating to the validation of certain warrants and other obligations and evidence[s] of indebtedness on the part of counties, cities and towns other than the first class, issued by the corporate authorities thereof in excess of their legal authority and declaring an emergency.

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

SECTION 1. Any county, city or town in this state other than any county or city of the first class may ratify in the manner prescribed by 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 than existing indebtedness of such county, city or town, exceeding 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.

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

Authority  
to ratify  
invalid in-  
debtedness.

Ordinance  
calling  
ratification  
election.

of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness composed in each 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 of 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.

Publication  
of notice.

Separate  
vote on dis-  
tinct classes  
of indebted-  
ness.

SEC. 3. If at an election held as provided for in section two of this act, three-fifths of the voters of 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 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 than existing indebtedness of such county, city or town, exceeding one and one-half per centum of the taxable property of 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

Three-fifths  
vote neces-  
sary.

Certain in-  
debtedness  
incapable of  
ratification.

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

"Corporate  
authorities"  
defined.

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.

Emergency.

SEC. 5. This act is necessary for the immediate preservation of the public peace and safety and the support of the state government, and shall take effect immediately.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 129.

[H. B. 198.]

### EMPLOYMENT OF HONORABLY DISCHARGED SOLDIERS AND SAILORS.

AN ACT relating to the employment of honorably discharged soldiers and sailors of the United States upon all public works of the State of Washington, and of any county thereof, and amending section 8925 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8925 of Rem. & Bal. Code be amended to read as follows:

Section 8925. 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 and honorably discharged soldiers and sailors of

Amends  
Rem.-Bal.  
§ 8925, by  
including  
Spanish War  
Veterans.

Preference  
guaranteed.

the Spanish-American War and Philippine Insurrection 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.

Passed the House March 5, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 130.

[S. H. B. 111.]

### GARNISHMENT OF ALL CLASSES OF MUNICIPAL CORPORATIONS.

AN ACT making counties, cities, towns, school districts and other municipal corporations subject to garnishment.

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

SECTION 1. Counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment in the superior and justice courts, but only after judgment shall have been entered against the defendant in the main action.

Authorizing  
garnishment.

SEC. 2. No regular judgment in garnishment shall be entered against any municipal corporation, but the judge of the superior court, or justice of the peace shall by written order command the auditing officer, or body of such municipal corporation to audit and pay to the judgment creditor the amount due from the garnishee to the principal defendant, not exceeding the amount of the judgment in the main action, whereupon the same shall be paid by the garnishee, provided, nothing in this act shall be construed to impair the rights of defendants to claim exemptions of wages as provided by law.

How  
adjudged.

Exemption  
of wages not  
impaired.

Passed the House March 1, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

CHAPTER 131.

[H. B. 177.]

EXEMPTIONS FROM TAXATION.

AN ACT relating to revenue and taxation and amending section 9098 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9098 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 9098. Exemptions.

All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

*First.* 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, together with a parsonage; *Provided,* That in any case the area exempted shall include all ground covered by such churches and parsonages and the structures and ground necessary for street access, light and ventilation, but the area of unoccupied ground exempted in connection with both church and parsonage under this proviso shall not exceed the equivalent of 120 by 120 feet. The parsonage need not be on land contiguous to the church property if the total area exempted does not exceed the area above designated. *Provided,* That such grounds are used wholly for church purposes and not otherwise; also the property of other non-sectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be wholly used, or to the extent solely used for the religious purposes of such associations, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such associations:

Amends Rem.-Bal. § 9098, by including non-sectarian religious societies, free art, scientific and historical collections and humane societies.

Exemptions.

Cemeteries.

Churches and parsonages.

Non-sectarian organizations for religious purposes.

*Provided* such purposes are for the general public good and such properties are devoted to the general public benefit; also all art, scientific or historical collections of associations, maintaining and exhibiting such collections for the benefit of the general public and not for profit.

Art. scientific  
and historical  
collections.

*Second.* All property, whether real or personal, belonging exclusively to any school district, county, municipal corporation, the state, or to the United States.

Public  
property.

*Third.* All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safekeeping thereof, and for the meetings of fire companies, providing that such belongs to any town or fire company organized therein.

Fire engine  
houses and  
equipment.

*Fourth.* 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 are supported in whole or in part by the public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions, and the grounds, whenever such libraries, orphanages, institutions, homes and hospitals are built and when used exclusively and not otherwise for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes, within the true intent of this chapter, the state board of health, the county and city authorities of the county and city wherein such institutions are respectively situated, shall have access to the books of such institutions, and the institution claiming exemption shall provide by its articles of incorporation that the mayor of the city and the chairman of the board of county commissioners wherein such institution is located shall be ex-officio trustees thereof, and shall be notified of each and every meeting thereof, and shall have the same powers as a trustee of such institution. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption

Libraries,  
orphanages,  
reformatory  
institutions,  
homes for  
aged,  
hospitals.

Investigation  
by state  
board of  
health and  
local au-  
thorities.

Affidavits of  
receipts and  
disburse-  
ments.

from taxation under this chapter shall make oath before the assessor that the income and the receipts thereof including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath make 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 object to which disbursements have been applied, and shall furnish in 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.

Report on  
vital  
statistics.

*Fifth.* All ships, vessels and boats in actual construction and all materials, especially designed and set apart for the construction of any such ship, vessel or boat in process of building within this state, shall be exempt from taxation.

Ships and  
boats under  
construction.

*Sixth.* The personal property of each head of a family or widow liable to assessment and taxation of which such individual is the actual and *bona fide* owner to an amount of 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 the assessment and assess the remainder. The property owned by humane societies in this state in actual use by such societies not exceeding ten thousand dollars in taxable value owned by any society.

\$300 of  
personal  
property.

Humane  
societies.

Passed the House March 6, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 132.

[S. B. 131.]

CORPORATIONS OPERATING PIPE LINES FOR OILS AND  
NATURAL GASES.

AN ACT relating to the organization, management, control and regulation of corporations for the purpose of constructing, maintaining and operating pipe lines and appurtenances for the conveyance and transportation of oils and natural gases and conferring the power of eminent domain.

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

SECTION 1. Two or more persons may organize a corporation having for its principal purpose the construction, maintenance and operation of pipe lines and appurtenances for the conveyance and transportation of oils and natural gases. Such corporation shall be organized in the manner provided by law for the organization of ordinary trade or business corporations and shall have power to acquire, hold, use and transfer all such real and personal property as may be reasonably necessary for conducting its business, and to construct, maintain and operate pipe lines and appurtenances for the conveyance and transportation of oils and natural gases.

Organization.

Powers.

SEC. 2. Such corporations are hereby declared to be common carriers and subject to control and regulation by the public service commission of this state in the same manner and to the same extent as other public service corporations. The power of eminent domain is hereby conferred upon such corporations and they shall have the right to condemn and appropriate lands and property and interests therein for their use under the same procedure as is provided for the condemnation and appropriation of private property by railway companies but no private property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid as provided in the case of condemnation and appropriation by railway companies. Any property or interest therein acquired by any corporation under the provisions of this act by the exercise of the right of

Declared  
common  
carriers.Power of  
eminent  
domain.

eminent domain shall be used exclusively for the purposes for which it was acquired.

Passed the Senate March 10, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 133.

[S. B. 258.]

### INCREASE IN RATES OF PUBLIC SERVICE COMPANIES.

AN ACT relating to the suspension by the Public Service Commission of increases in rates by public service companies and amending section 8626-82 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8626-82 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8626-82. Increase in Rates—Suspension—Burden of Proof.

Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to increase any rate, fare, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed increase and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, fare, charge, rental or toll for a period of ninety (90) days from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective: *Provided*, That if any such hearing cannot be concluded within the period of suspension, as above stated, the commission may,

Increase  
in rates.

Suspension  
pending  
hearings.

in its discretion, extend the time of suspension for a further period not exceeding sixty (60) days.

At any hearing involving any change in any schedule, classification, rule, or regulation, the effect of which is to increase any rate, fare, charge, rental or toll theretofore charged, the burden of proof to show that the changed schedule, classification, rule, or regulation, or the increased or proposed increased rate, fare, charge, rental or toll, is just and reasonable shall be upon the public service company.

Burden of proof on company.

The commission shall give to the hearing and decision of such questions preference over all other questions pending before it and shall decide the same as speedily as possible.

Preference in hearings.

If the commission shall at the conclusion of the hearing refuse to permit such increase, either in whole or in part, no supersedeas shall be granted in any action or proceeding brought to review the order of the commission pending the final determination of such action by the superior court, or, if appealed to the supreme court, by such supreme court.

No supersedeas pending review by courts.

Passed the Senate March 3, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 134.

[Amended S. B. 58.]

### ASSESSMENT OF HARBOR AREA LEASEHOLDS FOR LOCAL IMPROVEMENTS.

AN ACT relating to special assessments upon harbor area leasehold interests in cities and towns.

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

SECTION 1. That all leasehold rights and interests of private persons, firms or corporations in or to harbor areas located within the corporate limits of any incorporated

Authorizing assessment of harbor area lease holds.

city or town are for the purpose of assessment for the payment of the cost of local improvements declared to be real property, and all such leasehold rights and interests may be assessed and re-assessed in accordance with the special benefits received, the amount of such assessment to be limited to the benefits accruing during the term of the lease, for the purpose of paying the cost of any such improvement heretofore made or which may hereafter be made upon any street or other public place immediately abutting upon and within a distance of one-half of a block back from, but not exceeding three hundred and fifty (350) feet of, such improvement.

Passed the Senate February 15, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 135.

[S. B. 400.]

### MOTHER'S PENSIONS.

Repeals  
Rem.-Bal.  
§§ 8385-1—  
8385-6.

AN ACT relating to the support of mothers, who by reason of destitution, insufficient property or income, or lack of earning capacity, are unable to support their children under the age of fifteen years, and repealing sections 8385-1, 8385-2, 8385-3, 8385-4, 8385-5 and 8385-6 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Counties to  
help destitute  
mothers.

SECTION 1. In every county it shall be the duty of the county commissioners to provide out of the moneys of the county treasury an amount sufficient to meet the purposes of this law, for the support of mothers who, by reason of destitution, insufficient property or income, or lack of earning capacity, are unable to support their children under the age of fifteen years, and who come within the following classes, to-wit:

*First.* A mother whose husband is dead or confined in a penal institution or insane hospital.

*Second.* A mother whose husband, through total disability, is unable to support his family.

SEC. 2. The allowance to such mother shall not exceed fifteen (\$15) dollars per month when she has but one child under the age of 15 years, and if she has more than one child under the age of 15 years, it shall not exceed the sum of fifteen dollars per month for the first child, and five dollars per month for each of the other children under the age of 15 years.

Allowance per child.

SEC. 3. Such allowance shall be made by the juvenile court in the counties where such court is held and elsewhere by the superior court, and only upon the following conditions: (1) The child or children for whose benefit the allowance is made must be living with the mother of such child or children; (2) When by means of such allowance the mother will be able to maintain a home for her child or children; (3) The mother must in the judgment of the court, be a proper person, morally, physically and mentally, for the bringing up of her children; (4) No person shall receive the benefit of this act who shall not have been a resident of the state for three (3) years and of the county in which such application is made for at least one year next before the making of such application for such allowance.

Courts to make allowances.

Length of residence necessary.

SEC. 4. Whenever any child shall reach the age of 15 years any allowance made to the mother of such child for the benefit of such child shall cease. The court may in its discretion at any time before such child reaches the age of 15 years, discontinue or modify the allowance to any mother and for any child.

When benefits cease.

SEC. 5. Any person procuring fraudulently any allowance for a person, not entitled thereto, shall be deemed guilty of a gross misdemeanor.

Penalty for fraud.

SEC. 6. In each case where an allowance is made to any woman under the provisions of this act, an order to that effect shall be entered upon the records of the court, making such allowance. Proceedings to obtain the benefit

Prosecuting attorney to have charge of proceedings.

of this act shall be instituted and maintained in the same manner as proceedings are instituted and maintained in the juvenile court, and the prosecuting attorney shall render all necessary assistance to applicants under this act and shall appear in every such proceeding and through the probation officer, the charity commissioner or any person having knowledge of the facts, shall carefully investigate the merits of every application to the end that this act may be fairly administered and no person granted relief hereunder except those justly entitled thereto, and no officer of the court or county officer shall receive any fees for any service rendered in carrying out the provisions of this act. A certified copy of said order shall be filed with the county auditor of the county in which such child's mother is resident, and thereupon and thereafter and so long as such order remains in force and unmodified it shall be the duty of the county auditor each month to draw his warrant on the current expense fund of the county in favor of the mother for the amount specified in such order, which warrant shall be by the auditor delivered to the mother upon her executing duplicate receipts therefor, one to be retained by the auditor and the other to be filed by the clerk with the other records in the proceedings relating to such child or children. It shall be the duty of the county treasurer to pay such warrant out of funds in the current expense fund of the county.

Issuance and  
payment of  
warrants.

SEC. 7. That sections 8385-1, 8385-2, 8385-3, 8385-4, 8385-5 and 8385-6 of Remington & Ballinger's Annotated Codes and Statutes of Washington be, and the same are hereby repealed.

Repealing  
clause.

Passed the Senate March 2, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 136.

[S. B. 215.]

PURCHASE OF RAILROAD STOCKS, BONDS, AND PROPERTY,  
AND CONSOLIDATION OF CORPORATIONS.

AN ACT to regulate the purchase of railroad stock, bonds and property by railroad companies, and amending section 8665 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8665 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8665. Any railroad company now or hereafter incorporated pursuant to the laws of this state or of the United States, or of any state or territory of the United States, may at any time by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this state; and any such company owning or operating a railroad within or without this state, may extend the same into this or any other state or territory, and may build, buy, or lease the whole or any part of any other railroad, together with the franchises, powers and immunities and all other property and appurtenances appertaining thereto, whether located within or without this state; or may consolidate with any railroad or railroads in such other state or territory, or with any other railroad in this state, and may operate the same, and may own such real estate and other property in such other state or territory as may be necessary or convenient in the operation of such road; and any such railroad company may sell or lease the whole or any part of its railroad and branches, within or without this state, constructed or to be constructed, together with all property, rights, privileges, and franchises appertaining thereto, to any railroad company organized or existing pursu-

Aid to other  
railroad  
companies.

Purchase  
and lease  
of other  
railroads.

Consolidation.

Sale to other  
companies.

ant to the laws of the United States or of this state, or of any other state or territory of the United States; and any railroad company incorporated or existing under the laws of the United States, or of any state or territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this state, and may build branches from any point on such extension to any place or places within this state, and the railroad company of any other state or territory of the United States which shall so purchase or lease a railroad, or any part thereof in this state, or consolidate with any such railroad in this state, or shall extend or construct its road, or any portion or branch thereof in this state, shall possess and may exercise and enjoy as to the location, control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises, possessed by railroad corporations organized under the laws of this state, including the exercise of the power of eminent domain. Such purchase, sale, consolidation or lease may be made, or such aid furnished, upon such terms or conditions as may be agreed upon by the directors and trustees of the respective companies; but the same shall be approved or ratified by persons holding or representing seventy-five per cent. of the capital stock of the company so selling or disposing of its stock or bonds, or selling, leasing, or otherwise disposing of its railroad property and appurtenances pertaining thereto, at any annual stockholders' meeting or at a special meeting of the stockholders called for that purpose, or by the approval in writing of seventy-five per cent. of the stockholders of such company. Articles stating the name selected for such consolidated corporation and the terms of such consolidation shall be approved by each corporation by the vote of the stockholders holding seventy-five per cent. of the stock, in person or by proxy, at a regular meeting thereof or a special meeting called for that purpose in the manner provided by the by-laws of the respective consolidating corporations, or by the

Sale or lease  
to be ratified  
by 75% of  
stockholders.

Filing  
articles of  
consolidation.

consent in writing of such seventy-five per cent. of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or consent, duly certified by the respective presidents and secretaries, with the corporate seals of such corporations affixed thereto, shall be filed for record in the office of the secretary of state, and a copy thereof be furnished to the public service commission; and thereupon such consolidating corporations shall be and become one corporation, by the name so selected, which, within this state, shall possess all the powers, franchises, and immunities, including the right of further consolidation with other corporations, and be subject to all the liabilities and restrictions now or hereafter imposed by law: *Provided*, That no railroad or transportation corporation shall consolidate its stock, property, or franchises with any other railroad or transportation corporation owning a competing line, or purchase either directly or indirectly, any stock or interest in a railroad or transportation corporation owning or operating a competing line: *And, provided further*, That nothing in the foregoing provisions shall be held or construed as curtailing the right of this state, or of the counties through which any such road or roads may be located to levy and collect taxes upon the same, and upon the rolling stock thereof, in conformity with the provisions of the laws of this state upon that subject, and all roads or branches thereof in this state so consolidated with, purchased or leased, or aided, or extended into this state, shall be subject to taxation and to regulation and control of its operation by the laws of this state in all respects the same as if constructed by corporations organized under the laws of this state; and any corporation of another state or territory or of the United States, being the purchaser or lessee of a railroad within this state or extending its railroad or any portion thereof into or through this state, shall establish and maintain an office or offices in this state, at some point or points on its line, at which legal process and notice may be served as upon railroad corporations of

Privilege  
inapplicable  
to competing  
lines.

Right of  
taxation not  
curtailed.

Office for  
service of  
legal process.

this state: *Provided, further,* That before any railroad corporation organized under the laws of any other state or territory, or of the United States, shall be permitted to avail itself of the benefits of this act with respect to any railroad constructed, or to be constructed within this state, such corporation shall file with the secretary of state, a true copy of its charter or articles of incorporation, and otherwise comply with the laws of this state respecting foreign corporations doing business within the state: *Provided,* That any such consolidation shall be approved by the public service commission: *Provided, further,* That in no case, shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof.

Approval of  
public service  
commission.

Capital  
stock of  
consolidated  
company.

Passed the Senate February 26, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 137.

[H. B. 7.]

### COLLECTION OF DELINQUENT TAXES ON PERSONAL PROPERTY BY DISTRAINT.

AN ACT relating to assessment and taxation, providing for interest on unpaid personal property taxes, providing methods of collection and distraint, and amending section 9223a of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9223a of Rem. & Bal. Code be amended so as to read as follows:

Section 9223a. On the first Monday in February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid on or before the 15th day of March of such year, he shall forthwith

Amends  
3 Rem.-Bal.  
§ 9223a, as  
to prepara-  
tion of  
distrain  
papers.

Delinquent  
personal tax.

proceed to collect the same. In the event that he is unable to collect the same in due course, he shall prepare papers in distraint, which shall contain a description of the personal property, the amount of the tax, the amount of accrued interest at the rate of fifteen per cent. per annum from March 15th, and the name of the owner or reputed owner, and shall file the same with the county sheriff, who shall immediately without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate of fifteen (15) per cent. per annum from the 15th day of March of such year, together with all accruing costs, and shall immediately proceed to advertise the same by posting written notices in three public places in the county in which such property has been levied upon, one of which places shall be at the county court house, such notices to state the time when and place where such property will be sold. If the taxes for which such property is distrained and the interest and cost accruing thereon are not paid before the date appointed for such sale, which shall not be less than ten (10) days after the taking of such property, such sheriff shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes with interest and costs, and shall pay to the treasurer the money so collected at such sale, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall immediately pay such overplus to the owner of the property so sold, or to his legal representative: *Provided*, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fishtrap, pound-net, reef-net, set-net, drag-seine fishing location, which shall be deemed to have been distrained and taken into possession when the said sheriff shall have, at least thirty (30) days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located, a notice in writing citing that he has distrained such prop-

Penalty.

Distraint  
by sheriff.Standing  
timber and  
fishing ap-  
pliances.

Collection  
in case of  
removal of  
property.

erty, describing it, giving the name of the owner or reputed owner, the amount of tax due with interest, and the time and place of sale. A copy of said notice shall also be sent to the owner or reputed owner at his last known address by registered letter at least thirty (30) days prior to the date of sale: *And provided, further,* That if any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, the county treasurer may demand such taxes without the notice provided for in this section, and if necessary may distrain sufficient goods and chattels to pay the same as provided in this act.

Passed the House February 10, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.

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## CHAPTER 138.

[H. B. 225.]

### FEES OF JUSTICES OF THE PEACE.

AN ACT in relation to fees and compensation of justices of the peace and repealing section 1864 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Docket fee.

SECTION 1. The fees and compensation of justices of the peace shall be as follows, to-wit:

Extra garnishment writs.

When each case is filed the sum of \$2.00 shall be paid by the plaintiff, which said sum shall include the docketing of the cause, the issuing of notice or summons, the trial of the case and the entering of judgment: *Provided,* That no further fee shall be required of either party to the suit for issuing subpoena, for approving any bond, including justification, incident to the case, or for orders and filing of publication of summons, or for any continuance by either party, or for issuing any writ of replevin, attachment and one writ of garnishment. For each additional writ of garnishment a fee of fifty cents shall be charged.

Order, transcript and filings on change of venue, the sum of \$2.00 shall be paid by the party taking the change of venue: *Provided*, That said sum shall include all fees for transcripts of garnishments or other proceedings incident to the main action.

Fee on change of venue.

For transcript of judgment the sum of \$1.00 shall be paid by the party applying therefor, which said sum shall include all fees for transcript of garnishment or other proceedings incident to the main action and for approval of bonds on appeal.

Transcript of judgment.

For order and filings for commission to take depositions...	\$ .50	Schedule of fees.
For issuing writ of venire.....	.50	
For taking affidavits and acknowledgments, each.....	.25	
For taking depositions, each folio.....	.10	
For issuing warrants in criminal cases.....	.50	
For taking recognizance of bail, including justification....	.75	
For committing to jail.....	.50	

SEC. 2. Section 1864 of Rem. & Bal. Code is hereby repealed.

Repeals Rem.-Bal. § 1864.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 17, 1915.

### CHAPTER 139.

[H. B. 229.]

#### ELECTION AND TERM OF OFFICE OF DIKE COMMISSIONERS.

AN ACT relating to diking districts, the election and terms of office of commissioners thereof, and amending section 4096 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4096 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 4096, by changing date of election and regulating term of office.

Section 4096. A general election for the election of a board of dike commissioners for such district shall be

Date of election.

Term of office.

Notice.

Canvassing board.

held upon the first Tuesday after the first Monday in March, 1916, and annually thereafter. The term of office of commissioners shall be for three years and until their successors are elected and qualified, but of the commissioners elected at the first election held under the provisions of this act the commissioner receiving the highest number of votes shall hold office for three years. The commissioner receiving the second highest number of votes shall hold office for two years, and the commissioner receiving the third highest number of votes shall hold office for one year. The term of office shall begin on the first Monday of the following April, 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 two dollars 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.

Passed the House March 5, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 140.

[S. B. 152.]

GRANT OF STATE'S TITLE TO RIVER CHANNELS RE-  
CLAIMED BY JOINT COUNTY ACTION.

AN ACT relating to the transfer by the state of its interest in the abandoned or reclaimed bed, channel or shores of rivers in the State of Washington improved by joint county action.

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

SECTION 1. Whenever two counties of this state, acting under a contract made pursuant to chapter 54 of the Session Laws of 1913, shall make an improvement in connection with the course, channel or flow of a river, thereby causing it to abandon its existing channel, bed, bank or banks for the entire distance covered by said improvement, or for any part or portion thereof, or by said improvement shall prevent a river from resuming at a future time an ancient or abandoned channel or bed, or shall construct improvements intended so to do, all the right, title and interest of the State of Washington in and to said abandoned channel or channels, bed or beds, bank or banks, up to and including the line of ordinary high water, shall be and the same is hereby given, granted and conveyed jointly to the counties making such improvement.

Counties  
as joint  
grantees.

Passed the Senate February 11, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 141.

[S. B. 396.]

VACATION OF MONTLAKE BOULEVARD IN SEATTLE IN  
EXCHANGE FOR LANDS OF NORTHERN  
PACIFIC RAILWAY.

AN ACT relating to the vacation of certain portions of the boulevards in section sixteen (16), township twenty-five (25) north, range four (4) east Willamette Meridian, the widening of other portions thereof, and for an exchange of certain lands in said section with the Northern Pacific Railway Company, a corporation.

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

SECTION 1. That whenever the board of regents of the University of Washington shall have petitioned the city council of the city of Seattle for the vacation of the following described portions of the street heretofore dedicated in section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian, to-wit:

Beginning at the northwest corner of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south no degrees, two minutes, thirteen seconds west (S. 0° 2' 13" W.), a distance of thirty-five (35) feet to a point on the southerly margin of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S. 89° 57' 47" E.) along said southerly margin a distance of two thousand six hundred fifty-five and one one-hundredth (2655.01) feet to the point of tangency with the easterly margin of Montlake boulevard, which point is the true point of beginning; thence westerly and southerly along said easterly margin on a curve to the left having a uniform radius of fifty (50) feet, a distance of eighty-eight and thirty-four one-hundredths (88.34) feet to a point of reverse curve; thence continuing along said easterly margin on a curve to the right having a uniform radius of two thousand nine hundred seventy-four and ninety-three one-hundredths (2974.93) feet a distance of seven hundred forty-eight and thirty-five one-hundredths

Petition for  
vacation.

Description  
of lands.

(748.35) feet; thence southwesterly, westerly and northwesterly on a curve to the right having a uniform radius of twenty and six one-hundredths (20.06) feet a distance of sixty and ten one-hundredths (60.10) feet to a point of reverse curve; thence northerly on a curve to the left having a uniform radius of three thousand seven hundred sixty-seven and eighteen one-hundredths (3767.18) feet a distance of seven hundred forty-four and five one-hundredths (744.05) feet to a point of reverse curve; thence northerly and easterly on a curve to the right having a uniform radius of fifty (50) feet a distance of eighty-five and eighty-one one-hundredths (85.81) feet to a point of tangency on the southerly margin of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S.  $89^{\circ} 57' 47''$  E.), along said southerly margin a distance of twenty-one and sixty one-hundredths (21.60) feet to the true point of beginning, containing fifty-eight one-hundredths (.58) acres;

Also beginning at the northwest corner of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south no degrees, two minutes, thirteen seconds west (S.  $0^{\circ} 2' 13''$  W.) a distance of thirty-five (35) feet to a point on the southerly margin of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S.  $89^{\circ} 57' 47''$  E.) a distance of two thousand three hundred twenty-six and sixty-four one-hundredths (2326.64) feet to a point on the westerly margin of Montlake boulevard, which point is the true point of beginning; thence southerly along said westerly margin on a curve to the right having a uniform radius of two thousand seven hundred fourteen and ninety-three one-hundredths (2714.93) feet a distance of one thousand one hundred eighty-one and eighty-five one-hundredths (1181.85) feet to a point of tangency; thence south eleven degrees, twenty-one minutes, fifty-two seconds west (S.  $11^{\circ} 21' 52''$  W.) a distance of ninety-six and thirty-five one-hundredths (96.35) feet to a point of curvature; thence on a curve

to the left having a uniform radius of twenty (20) feet, a distance of twenty and ninety-four one-hundredths (20.94) feet to a point of tangency; thence continuing on the westerly margin of Montlake boulevard, south forty-eight degrees, thirty-seven minutes, fifty-eight seconds east (S.  $48^{\circ} 37' 58''$  E.) a distance of eighty and eighty-three one-hundredths (80.83) feet; thence north eleven degrees, twenty-one minutes, fifty-two seconds east (N.  $11^{\circ} 21' 52''$  E.) a distance of twenty-five and sixty-nine one-hundredths (25.69) feet to a point of curvature; thence northerly on a curve to the left having a uniform radius of three thousand six hundred seventeen and eighteen one-hundredths (3617.18) feet a distance of one thousand three hundred twenty-one and forty one-hundredths (1321.40) feet to a point on the southerly margin of East Forty-fifth street; thence north eighty-nine degrees, fifty-seven minutes, forty-seven seconds west (N.  $89^{\circ} 57' 47''$  W.) along said southerly margin a distance of ninety-six and thirty-nine one-hundredths (96.39) feet to the true point of beginning, containing two and thirty-six one-hundredths (2.36) acres;

Also beginning at the northwest corner of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south sixty-five degrees, thirty-six minutes, twenty-two seconds west (S.  $65^{\circ} 36' 22''$  W.) a distance of one thousand seven hundred twenty-seven and twenty-seven one-hundredths (1727.27) feet; thence south eighty-three degrees, ten minutes, fifty-five seconds east (S.  $83^{\circ} 10' 55''$  E.) a distance of four thousand fifty-three (4053) feet to a point of tangency on the westerly margin of Northern Pacific Railway Company's present right-of-way and the northeasterly margin of Montlake boulevard, which point is the true point of beginning; thence southerly along the northeasterly margin of said Montlake boulevard on a curve to the left having a uniform radius of fifty (50) feet, a distance of forty-eight and thirty-nine one-hundredths (48.39) feet to a point of tangency; thence south forty-eight degrees,

thirty-seven minutes, fifty-eight seconds east (S.  $48^{\circ} 37' 58''$  E.) continuing on said northeasterly margin a distance of forty-two and sixteen one-hundredths (42.16) feet to a point of curve; thence southerly on a curve to the right having a uniform radius of three thousand six hundred ninety-seven and eighteen one-hundredths (3697.18) feet a distance of one hundred two and sixteen one-hundredths (102.16) feet to a point of tangency; thence south eleven degrees, twenty-one minutes, fifty-two seconds west (S.  $11^{\circ} 21' 52''$  W.) a distance of seventy-one and eighty-eight one-hundredths (71.88) feet to a point on the southwesterly margin of Montlake boulevard; thence north forty-eight degrees, thirty-seven minutes, fifty-eight seconds west (N.  $48^{\circ} 37' 58''$  W.) a distance of fifty-nine and seventy-five one-hundredths (59.75) feet to a point on the westerly margin of the Northern Pacific Railway Company's present right-of-way; thence northerly along said westerly margin on a curve to the left having a uniform radius of four thousand fifty-three (4053) feet a distance of two hundred four and eighty-eight one-hundredths (204.88) feet to the true point of beginning, containing twenty-two one-hundredths (.22) acres;

Also beginning at the northwest corner of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south no degrees, two minutes, thirteen seconds west (S.  $0^{\circ} 2' 13''$  W.) a distance of thirty-five (35) feet to a point on the southerly margin of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S.  $89^{\circ} 57' 47''$  E.) a distance of two thousand four hundred twenty-three and five one-hundredths (2423.05) feet to a point on the westerly margin of the Northern Pacific Railway Company's present right-of-way, which point is the true point of beginning; thence southerly along said westerly margin on a curve to the right having a uniform radius of four thousand fifty-three (4053) feet a distance of one thousand three hundred sixty-seven and thirteen one-hundredths (1367.13) feet to a point on the south-

westerly margin of Montlake boulevard; thence north forty-eight degrees, thirty-seven minutes, fifty-eight seconds west (N.  $48^{\circ} 37' 58''$  W.) along said southwesterly margin a distance of thirty-two and sixty-two one-hundredths (32.62) feet; thence north eleven degrees, twenty-one minutes, fifty-two seconds east (N.  $11^{\circ} 21' 52''$  E.) a distance of twenty-five and sixty-nine one-hundredths (25.69) feet to a point of curvature; thence northerly on a curve to the left having a uniform radius of three thousand six hundred seventeen and eighteen one-hundredths (3617.18) feet a distance of one thousand three hundred twenty-one and forty one-hundredths (1321.40) feet to a point on the southerly margin of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S.  $89^{\circ} 57' 47''$  E.) along said southerly margin a distance of one one-hundredth (.01) foot to the true point of beginning, containing thirty one-hundredths (.30) acres;

Disclaimer  
of railway  
company.

and the Northern Pacific Railway Company, a corporation, shall have filed for record in the office of the auditor of King county, Washington, a good and sufficient instrument, disclaiming any right, title and interest on its part in and to the above described lands or any portion thereof by reason of such vacation, except as hereinafter in this act provided; and such portions of said street shall be regularly vacated; and the said Northern Pacific Railway Company, a corporation, shall have conveyed by deed to the city of Seattle for public park and parkway purposes and as a part of its public park and parkway system, the following described lands, to-wit:

Conveyance  
by Northern  
Pacific  
Railway  
Company.

Description  
of lands.

Beginning at the one-quarter corner on the west line of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south no degrees, forty-two minutes, fifty-four seconds west (S.  $0^{\circ} 42' 54''$  W.) along said section line three hundred thirty-eight and twenty-three one-hundredths (338.23) feet to the center line of the Northern Pacific Railway Company's track; thence south fifty-three degrees, six

minutes, twenty-seven seconds east (S.  $53^{\circ} 6' 27''$  E.) one thousand one hundred thirty-nine and eighty-three one-hundredths (1139.83) feet along said center line of the Northern Pacific Railway; thence south thirty-six degrees, fifty-three minutes, thirty-three seconds west (S.  $36^{\circ} 53' 33''$  W.) forty (40) feet to a point on the southerly margin of the Northern Pacific Railway Company's present right-of-way, said point being the true point of beginning; thence in a northeasterly direction on a curve to the left having a radius of eight hundred four and forty-nine one-hundredths (804.49) feet a distance of one thousand six hundred twenty-two and thirteen one-hundredths (1622.13) feet to a point of tangency; thence north eleven degrees, twenty-one minutes, fifty-two seconds east (N.  $11^{\circ} 21' 52''$  E.) one thousand eight hundred eighty-two and sixty-eight one-hundredths (1882.68) feet parallel to and thirty (30) feet westerly from, measured at right angles to the easterly margin of the Northern Pacific Railway Company's present right-of-way to a point of tangency; thence in a northerly direction on a curve to the left having a radius of three thousand six hundred ninety-seven and eighteen one-hundredths (3697.18) feet, a distance of one thousand three hundred thirty-seven and twenty-three one-hundredths (1337.23) feet to a point on the south line of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S.  $89^{\circ} 57' 47''$  E.) along said south line of East Forty-fifth street, a distance of two one-hundredths (.02) foot to a point on the easterly margin of the Northern Pacific Railway Company's present right-of-way; thence in a southerly direction along said right-of-way line on a curve to the right having a radius of four thousand one hundred thirty-three (4133) feet a distance of one thousand four hundred ninety-nine and eighty-eight one-hundredths (1499.88) feet to a point of tangency; thence south eleven degrees, twenty-one minutes, fifty-two seconds west (S.  $11^{\circ} 21' 52''$  W.) along said right-of-way line a distance of one thousand seven hundred thirty-eight and

eleven one-hundredths (1738.11) feet to a point of curvature; thence continuing along said right-of-way line on a curve to the right having a radius of eight hundred four and forty-nine one-hundredths (804.49) feet, a distance of one thousand six hundred twenty-two and thirteen one-hundredths (1622.13) feet to a point of tangency; thence north fifty-three degrees, six minutes, twenty-seven seconds west (N. 53° 6' 27" W.) thirty-three and twenty-five one-hundredths (33.25) feet to the true point of beginning, containing two and forty-six one-hundredths (2.46) acres; and the city of Seattle by and through its board of park commissioners shall by resolution agree to at its cost and expense maintain the lands hereinabove last described in a suitable manner as part of its public park and parkway system; and upon the Northern Pacific Railway Company, a corporation, filing with the board of regents of the University of Washington an agreement extending to the lands to be conveyed to it all of the terms and conditions of the present contract dated January 30th, 1913, and covering its right-of-way abutting upon the property so to be deeded to it, and covering maintenance, construction of crossings, etc., then and upon the happening of all of such events, the board of regents of the University of Washington be and they are hereby authorized, empowered and directed to convey unto the Northern Pacific Railway Company, a corporation, for railroad right-of-way purposes, the following described lands, to-wit:

Conveyance  
by State  
University  
to railway  
company.

Description  
of lands.

Beginning at the one-quarter corner on the west line of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south no degrees, forty-two minutes, fifty-four seconds west (S. 0° 42' 54" W.) along said section line three hundred thirty-eight and twenty-three one-hundredths (338.23) feet to the center line of the Northern Pacific Railway Company's track; thence south fifty-three degrees, six minutes, twenty-seven seconds east (S. 53° 6' 27" E.) one thousand one hundred thirty-nine and eighty-three one-hundredths (1139.83) feet along said center line of North-

ern Pacific Railway; thence north thirty-six degrees, fifty-three minutes, thirty-three seconds east (N.  $36^{\circ} 53' 33''$  E.) forty (40) feet to a point on the northerly margin of the present right-of-way of the Northern Pacific Railway Company, said point being the true point of beginning; thence in a northeasterly direction on a curve to the left having a radius of seven hundred twenty-four and forty-nine one-hundredths (724.49) feet a distance of one thousand four hundred sixty and eighty-two one-hundredths (1460.82) feet to a point of tangency; thence north eleven degrees, twenty-one minutes, fifty-two seconds east (N.  $11^{\circ} 21' 52''$  E.) one thousand eight hundred eighty-two and sixty-eight one-hundredths (1882.68) feet parallel to and thirty (30) feet westerly from, measured at right angles to the westerly margin of the Northern Pacific Railway Company's present right-of-way, to a point of curvature; thence in a northerly direction on a curve to the left having a radius of three thousand six hundred seventeen and eighteen one-hundredths (3617.18) feet, a distance of one thousand three hundred twenty-one and fifty-three one-hundredths (1321.53) feet to a point on the south line of East Forty-fifth street; thence south eighty-nine degrees, fifty-seven minutes, forty-seven seconds east (S.  $89^{\circ} 57' 47''$  E.) along said south line of East Forty-fifth street, a distance of one one-hundredth (.01) foot to a point on the westerly margin of the Northern Pacific Railway Company's present right-of-way; thence in a southerly direction along said right-of-way on a curve to the right having a radius of four thousand fifty-three (4053) feet a distance of one thousand four hundred eighty-four and eighteen one-hundredths (1484.18) feet to a point of tangency; thence south eleven degrees, twenty-one minutes, fifty-two seconds west (S.  $11^{\circ} 21' 52''$  W.) along said right-of-way line a distance of one thousand seven hundred thirty-eight and eleven one-hundredths (1738.11) feet to a point of curvature; thence continuing along said right-of-way line on a curve to the right having a radius of seven hundred twenty-four and forty-nine one-hundredths

(724.49) feet, a distance of one thousand four hundred sixty and eighty-two one-hundredths (1460.82) feet to a point of tangency; thence north fifty-three degrees, six minutes, twenty-seven seconds west (N.  $53^{\circ} 6' 27''$  W.) thirty-three and twenty-five one-hundredths (33.25) feet to the true point of beginning, containing two and thirty-seven one-hundredths (2.37) acres more or less, excepting therefrom that portion of the described strip of land in Montlake boulevard;

Also beginning at the northwest corner of section sixteen (16), township twenty-five (25) north, range four (4) east, Willamette meridian; thence south sixty-five degrees, thirty-six minutes, twenty-two seconds west (S.  $65^{\circ} 36' 22''$  W.) a distance of one thousand seven hundred twenty-seven and twenty-seven one-hundredths (1727.27) feet; thence south eighty-three degrees, ten minutes, fifty-five seconds east (S.  $83^{\circ} 10' 55''$  E.) a distance of four thousand fifty-three (4053) feet to a point of tangency on the westerly margin of the Northern Pacific Railway Company's present right-of-way and the northeasterly margin of Montlake boulevard, which point is the true point of beginning; thence southerly along the northeasterly margin of said Montlake boulevard on a curve to the left having a uniform radius of fifty (50) feet a distance of forty-eight and thirty-nine one-hundredths (48.39) feet to a point of tangency; thence south forty-eight degrees, thirty-seven minutes, fifty-eight seconds east (S.  $48^{\circ} 37' 58''$  E.) continuing on said northeasterly margin a distance of forty-two and sixteen one-hundredths (42.16) feet to a point of curve; thence southerly on a curve to the right having a uniform radius of three thousand six hundred ninety-seven and eighteen one-hundredths (3697.18) feet a distance of one hundred two and sixteen one-hundredths (102.16) feet to a point of tangency; thence south eleven degrees, twenty-one minutes, fifty-two seconds west (S.  $11^{\circ} 21' 52''$  W.) a distance of seventy-one and eighty-eight one-hundredths (71.88) feet to a point on the southwesterly margin of Montlake boulevard; thence north forty-eight degrees,

thirty-seven minutes, fifty-eight seconds west (N. 48° 37' 58" W.) a distance of fifty-nine and seventy-five one-hundredths (59.75) feet to a point on the westerly margin of the Northern Pacific Railway Company's present right-of-way; thence northerly along said westerly margin on a curve to the left having a uniform radius of four thousand fifty-three (4053) feet a distance of two hundred four and eighty-eight one-hundredths (204.88) feet to the true point of beginning; and further to confirm in the city of Seattle by quit-claim deed for public park and parkway purposes the property so to be deeded by the Northern Pacific Railway Company, a corporation, to the said The City of Seattle.

Quit claim  
to City of  
Seattle.

Passed the Senate March 4, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 142.

[S. H. B. 121.]

### MOTOR VEHICLES.

AN ACT relating to the use of the public highways, and the rights and remedies of persons thereon, and fixing penalties for a violation of the conditions imposed; and providing for the licensing of motor vehicles and the collecting of fees therefor and repealing sections 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573 and 5574 of Remington & Balinger's Annotated Codes and Statutes of Washington.

Repeals  
Rem.-Bal.  
§§ 5562-5574.

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

SECTION 1. Except as otherwise provided by law this act shall be controlling: Scope of act.

(1) Upon the registration and numbering of motor vehicles;

(2) Upon the use of motor vehicles upon the public highways;

(3) Upon penalties for the violation of any of the provisions of this act.

SEC. 2. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of the act or section in which used, shall be construed as follows:

"Motor vehicle" defined.

(1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce or any commodity, except traction engines temporarily upon the public highway, road rollers or road making machines, and motor vehicles that run upon rails or tracks.

"Automobile" defined.

(2) "Automobile" shall mean the ordinary four wheeled motor vehicle, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided;

"Motor cycle" defined.

(3) "Motor cycle" shall mean a motor vehicle of two or three wheels intended for the carrying of one, two or three persons, or operated by one person for the carrying of small parcels or packages;

"Auto stage" defined.

(4) "Auto stage" as distinguished from "automobile" shall mean a motor vehicle used for the purpose of carrying passengers, baggage or freight on a regular schedule of time and rates;

"Motor truck" defined.

(5) "Motor truck" shall mean a motor vehicle intended for the purpose of transporting any commodity, produce or freight;

"Public highway" defined.

(6) "Public highway" or "public highways" shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard or other place built, supported, maintained, controlled or used by the public or by the state, county, district or municipal officers for the use of the public as a highway, or for the transportation of persons or freight, or as a place of travel or communication between different localities or communities;

"Local authorities" defined.

(7) "Local authorities" shall include the officers of counties, cities or towns or other municipal sub-divisions of the state having control, power or authority over any of the subject matter embraced within this act;

(8) "Peace officer" or "peace officers" shall be taken to mean any officer or officers authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statutes relative to the public highways of the state;

"Peace officer" defined.

(9) "Dealer" shall be taken to mean any person, firm or corporation engaged in the sale of new or second-hand motor vehicles.

"Dealer" defined.

(10) "Privately owned" shall include all motor vehicles not offered for hire.

"Privately owned" defined.

(11) "For hire" shall be taken to mean all motor vehicles, other than auto stages, operated for hire.

"For hire" defined.

SEC. 3. The secretary of state, acting through the county auditors of the several counties of the State of Washington, as hereinafter provided, shall have the general supervision of the issuing of motor vehicle licenses and of the collecting of fees therefor and shall have full power to do all things necessary and proper to carry out the provisions of this act; he shall have the power to appoint a deputy and such clerk or clerks as may be required from time to time, and may purchase all materials and make all expenditures as may be necessary hereunder.

Supervision of fees and licenses by secretary of state.

It shall be the duty of the secretary of state to make and furnish to each county auditor, and to such other persons as may be in any manner responsible for the collecting of the motor tax hereinafter provided for, a tabulated list of all motor vehicles, except motor cycles, giving the make, model, the year built, the weight and horse power and setting opposite each such description the license fee charged therefor.

Lists furnished county auditors.

SEC. 4. No person under fifteen years of age shall operate or drive a motor vehicle upon a public highway unless such person is accompanied by his or her parent, guardian or the owner of such vehicle; no motor vehicle shall be operated upon a public highway without a license having been first obtained therefor, except as hereinafter provided.

Operation by person under 15 years of age.

Necessity of license.

License ap-  
plication in  
triplicate.

SEC. 5. Application for a motor vehicle license shall be made in triplicate to the county auditor of the county in which the applicant resides, on blanks to be furnished by the secretary of state.

Attestation  
of signature.

Such application shall be made by the owner of the vehicle, or his duly authorized agent, over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge; such signature shall be attested without charge by the county auditor or by one of his deputies, but it may be attested by a notary public or other officer authorized to administer oaths.

Showing to  
be made by  
applicant.

The application must show:

(1) The name of the owner, with the business or residence address thereof, or both if there be such;

(2) The nature of the license required; whether a license has heretofore been issued for such vehicle, and if so, the number of such license;

(3) The trade name of such vehicle, the factory number thereof and the name and address of the manufacturer;

(4) The kind of vehicle, whether a motor cycle, automobile, auto stage, auto truck or other motor vehicle;

(5) The rated carrying capacity of such vehicle;

(6) The purpose for which the same is to be used, and whether for public or private use; if for public, the nature of the same and the city or community to be served;

(7) The power to be used, whether electric, steam, gas or other power;

(8) The horse power rating, which in case of internal combustion engines, shall be determined in accordance with the formulae of the association of American licensed automobile manufacturers, and in all other engines or motor vehicles, the rating as advertised by the maker thereof, and if two ratings are claimed, the highest one stated shall be given in the application, and in case fractional horse power rating is claimed, the whole number next above such fractional number shall be the one given;

(9) Such other information as shall be required by the secretary of state.

SEC. 6. Upon receipt of such application accompanied by the proper fee, the county auditor shall give one copy to the applicant, retain one for the county files, and immediately forward the original together with the proper fee, to the secretary of state.

Filing application.

The county auditor shall, at the expense of the county issuing the same, furnish the applicant with a temporary number printed upon durable cardboard, which number shall be displayed always on the vehicle and shall entitle the licensee to operate the same for a period of thirty days from and after the date of such application, or until the permanent number shall have been received from the secretary of state at which time it must be replaced by the permanent number, and the temporary number card returned to the county auditor.

Temporary number plates.

All temporary number plates shall contain the name of the county issuing the same; the letters "Wn" and the year in which such license shall expire; and shall be displayed upon said vehicle in the same relative position as is hereinafter provided for the displaying of the permanent number.

SEC. 7. The secretary of state shall, upon receipt of the application for a motor vehicle license accompanied by the required fee, place the original application on file in his office and thereupon issue to such applicant a license for such motor vehicle, stating therein the number to be displayed on such motor vehicle, as hereinafter provided, and authorizing the use of such vehicle upon the public highways until and including the last day of February after the issuance of such license.

License issued by secretary of state.

SEC. 8. No license shall be transferred from one person to another person, but may be transferred from one vehicle to another vehicle, when duly authorized by the secretary of state on application therefor, through the county auditor, accompanied by the proper fee, and in case such vehicle to which it is desired to have such license transferred is of higher horse power rating than the vehicle for which the original license was issued, the appli-

Transfer of licenses to other vehicles.

cant shall accompany such application with the additional amount required to cover the difference between the license fees for the two ratings.

Duty to carry license.

SEC. 9. A license to be valid must have indorsed thereon the signature of the owner or the duly authorized agent of such owner. Such license must be carried upon the vehicle for which it was issued at all times when such vehicle is being operated on the public highways. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any peace officer, or of any representative of the secretary of state's office permit an inspection of the same. Upon application supported by affidavit of loss or destruction of a license and upon payment of a fee required therefor, a duplicate copy thereof shall be issued.

Right of inspection.

Duplicates in case of loss.

Demonstrating license to dealers.

SEC. 10. A demonstrating license shall be issued to an actual dealer only for any make of motor vehicle handled or dealt in by him, and for the fee as hereinafter specified, but shall not be used upon any vehicle while the same is being operated for hire; nor shall more than one vehicle be operated at the same time under such license, except that an additional license may be issued as hereinafter provided.

Right of foreign residents.

SEC. 11. Any person resident of another state or country may bring into this state any motor vehicle and operate the same without obtaining a license therefor for a period of ninety (90) days in any one calendar year: *Provided*, Such person has complied in all respects with the laws of his own state or country as to the registration or licensing of motor vehicles: *And provided further*, That such motor vehicle is not used in this state for hire.

Number plates furnished by secretary of state.  
(Repetition.)

SEC. 12. The secretary of state shall furnish to each licensee of a motor vehicle two number plates containing the number to be displayed on such vehicle [to be displayed upon such vehicle], as hereinafter provided. The number shall be in Arabic numerals not less than four inches in height nor less than one-half inch stroke, and shall be pre-

ceded by the letters "Wn" and followed by the year in which such license shall expire, and such number plates if issued to a dealer shall contain the word "dealer." The secretary of state may put such other marks or characters on such plates or fix the color of same as he may determine to properly identify the kind of license issued or the period for which the same was issued; and the size of the numerals for motor cycles shall be two and one-half inches high and three-eighths inch stroke.

SEC. 13. Upon the sale of any motor vehicle the delivery thereof shall not be deemed to have been made until the vendor shall have removed his number plates therefrom and the vendee shall have secured a license therefor and placed the new number plates thereon.

Removal of number on sale.

SEC. 14. Upon the loss of any number plate or the defacement or destruction thereof, the secretary of state shall be notified without delay. The notice shall be accompanied by the requisite fee and upon receipt of the same the secretary of state shall issue a duplicate of such plate, and in case such duplication cannot be furnished at once the secretary of state shall furnish to such person a certificate stating therein the loss or destruction of such plate and authorizing the applicant to use a temporary number plate until the receipt of such duplicate from the secretary of state, which shall be immediately placed on such vehicle.

Duplicate plates in case of loss.

SEC. 15. All fees herein authorized to be collected shall be as follows:

Schedule of fees.

ANNUAL FEES.

MOTOR CYCLES.

All ..... \$2 50

AUTOMOBILES.

Automobiles—25 horse power, or under..... 3 00  
 Over 25 horse power and under 40 horse power..... 5 00  
 40 horse power and over..... 7 50

AUTOMOBILES FOR HIRE.

Automobiles for hire shall pay at the rate of, per horse power ..... 50

MOTOR TRUCKS.

Under 2 ton capacity.....	\$10 00
2 ton and under 3 ton.....	15 00
3 ton and under 4 ton.....	20 00
4 ton and (not over 5 ton capacity).....	25 00

MOTOR TRUCKS FOR HIRE.

Under 2 ton capacity.....	20 00
2 ton and under 3 ton.....	30 00
3 ton and under 4 ton.....	40 00
4 ton and not over 5 ton.....	50 00

AUTO STAGES.

Auto stages for hire shall pay at the rate of, per horse power .....	50
And in addition thereto \$1.00 per passenger capacity of any such auto stage.	

DEMONSTRATION.

Motor cycles .....	3 00
All other motor vehicles regardless of horse power or capacity .....	5 00
Additional demonstrating license, except motor cycle demonstrating license .....	3 00

GENERAL FEES.

Duplication of number plates, each.....	50
Duplication of motor vehicle license.....	50
Transfer of motor vehicle license, each.....	50
<i>Provided</i> , That the provisions of this section relating to automobiles for hire shall not apply to private automobiles that shall be operated for hire for a period of ten days or less, and for which a special permit so to operate shall have been obtained from the county auditor. The fee for any such permit shall be for each automobile the sum of.....	1 00

SEC. 16. For all motor vehicle licenses except those on motor cycles and privately owned automobiles issued after the first day of September of any year only one-half the rates named in section 15 shall be charged.

Half rates for partial year.

SEC. 17. Motor vehicles owned by any city for the police or fire department thereof, and used exclusively in these departments; and all motor vehicles owned by the United States government and used exclusively in its service, shall be exempt from payment of license fees as herein provided: *Provided, however*, They must be registered as provided for in this act and display the number assigned by the secretary of state upon the machine; nor

Exemption from license.

Necessity of registration and number.

shall the said motor vehicles or any motor ambulance for the relief of sick or injured persons, when the emergencies of the occasion demand, be limited to the speed regulations provided as authorized.

SEC. 18. All fees collected by the secretary of state as herein provided shall be paid into the state treasury as other funds are paid and after returning to the general fund the amounts appropriated therefrom each biennium for the expenses of the issuing of such licenses the surplus shall go to the permanent highway fund, for the maintenance and repair of permanent highways in addition to the fund heretofore provided by law, to be distributed in accordance with the amounts of money paid in to the permanent highway fund by the various counties of the state.

Disposition  
of fees.

SEC. 19. The authorized number plate of each motor vehicle shall be attached conspicuously to both the front and rear of such vehicle, at least two feet above the ground and so fastened as to prevent swinging thereof, and each number plate shall be kept clean so as to be plainly seen and read at all times.

Number  
plates, how  
attached.

SEC. 20. Every motor vehicle, using an internal combustion engine, shall use an exhaust muffler, and the same shall not be cut out or disconnected within the limits of any incorporated city within the state.

Use of  
exhaust  
muffler.

SEC. 21. Every motor vehicle shall exhibit during the hours of darkness, at least two lamps showing white lights visible two hundred feet or more in advance of said vehicle, and one or more lamps in the rear thereof, showing a red light visible at least two hundred feet in the rear of such machine, and the same light or additional light casting white rays of sufficient strength on the rear number plate thereof so that such number plate may be easily read at a distance of at least sixty feet: *Provided*, That motor cycles shall be required to carry only one light in the front thereof, which shall show white rays visible at least 200 feet in advance of such motor vehicle: *Provided, further*, That it shall be unlawful to display any light showing red to the front of any motor vehicle.

Exhibition  
of lights.

SEC. 22. Every motor vehicle shall be provided with good and sufficient brakes, and with a suitable bell, horn or other signal which shall be rung or blown as a signal or warning to any person, or whenever there is danger of collision or accident.

Brakes and  
danger  
signals.

SEC. 23. No person driving or operating any motor vehicle shall drive or operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the way by others, or so as to endanger the life and limb of any person.

Careful  
driving.

SEC. 24. In no case shall any motor vehicle be driven, operated or moved at a rate of speed faster than one (1) mile in five (5) minutes within the thickly settled or business portion of any city or town of the third or fourth class, nor within one hundred yards of any school house, on school days between eight o'clock in the morning and six o'clock in the afternoon within this state, nor outside of such thickly settled or business portion of any city or town on any road, street or public place at a rate of speed faster than one mile in two (2) minutes.

Rate of  
speed.

SEC. 25. The racing of automobiles on the public highways is hereby forbidden: *Provided, however,* Local authorities may designate and set aside certain portions of the public highways for limited periods to be used for speed trials or speed contests.

Racing on  
public  
highways.

SEC. 26. It shall be the rule of the road that every person driving a motor or other vehicle or riding or driving any animal or animals upon the public highway or in any other similar use of such highway shall, upon meeting any other person so using such highway, seasonably turn to the right of the center of the highway so as to pass without interference, and any person so using the highway shall, upon overtaking any other person so using the highway, pass to the left side thereof and the person so overtaken shall as soon as practicable turn to the right so as to allow free passage on the left. Any person operating a motor or other vehicle shall, at the intersection of public

Rule of  
the road.

highways, keep to the right of the intersections of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left: *Provided, however,* A variance from the rules contained in this section in good faith, believing that such variance to be necessary or desirable shall not subject the offender to arrest under the criminal provisions of this act.

SEC. 27. Every person driving or operating a motor vehicle on approaching any vehicle drawn by a horse or horses or any horse upon which any person is riding, shall operate, manage and control such vehicle in such manner as to exercise reasonable precaution to prevent frightening of any such horse or horses and to insure the safety and protection of any person riding or driving the same. If such horse or horses appear frightened, the person in control of said motor vehicle shall reduce the speed thereof, and if requested by the raising of the hand or other signal of the driver of such horse or horses shall bring such motor vehicle to a full stop and shall not proceed further unless such movement be necessary to avoid accident or injury or unless such animal appears to be under the control of its rider or driver.

Precaution  
against  
frightening  
horses.

SEC. 28. In case of accident to a person or property on the public highways due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and upon request of the person injured or of any person present, shall give to such person his name and address, and if not the owner of such vehicle, the name and address of such owner, and the name and address of other persons accompanying him.

Must stop  
on inflicting  
accident.

SEC. 29. Every act or statement required to be made by the owner of any motor vehicle, or by the agent of such owner, shall be made or done by the owner in person unless such owner is a company or corporation or otherwise incapable of acting in person, and if the same is made or done by the agent the necessity thereof shall be stated or shown.

Acts and  
statements  
of owners.

Penalty for misrepresentation, or violations of act.

SEC. 30. Any person who shall make falsely any statement herein required to be made or who shall obtain any license by any misrepresentation or deceit, or who shall display any number or license not authorized by law to be used, or who shall in violation of the provisions of this act, loan or permit to be used any license or number issued to him, or who shall in any manner violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly: *Provided*, That in no event shall the minimum fine be less than fifteen dollars.

Disposition of fines.

SEC. 31. All monies derived from fines assessed for the violation of any of the provisions of this act shall be paid into the permanent highway fund, for the maintenance and repair of permanent highways in addition to the funds heretofore provided by law, to be distributed in accordance with the amounts of money paid in to the permanent highway fund by the various counties of the state.

Arrests by peace officers.

SEC. 32. Any peace officer may make arrests for any violation of this act with or without warrant therefor upon showing his authority as such officer, and for the purpose of enforcing the provisions of this act the secretary of state, or his appointed deputies shall be deemed peace officers and shall have the same power and authority as any peace officer within the county, city or town in which such violation occurs.

Authority of secretary and deputies.

Right of civil action.

SEC. 33. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injury to person or property resulting from the negligent use of the public highways by the driver or operator of any motor vehicle or its owner or his employee or agent, and the owner of such vehicle shall be equally liable for the negligent operation thereof, when at the time of such injury the vehicle was operated by the agent of such owner, or by any person employed by him for the purpose of operating such vehicle.

Restriction on local license taxing.

SEC. 34. The local authorities shall have no power to pass or enforce any ordinance, rule or regulation requir-

ing of the owner or operator of any motor vehicle, any license other than an occupation license or tax which may be levied in only one city or town when such motor vehicle is engaged in inter-city service, or permit to use the public highways except as herein provided or to exclude or to prohibit any motor vehicle whose owner has complied with the provisions of this act from the free use of the public highways, and all such rules, ordinances and regulations now in force are hereby declared to be of no validity or effect: *Provided, however,* That nothing herein shall be construed as limiting the power of the county commissioners or local authorities to make, enforce and maintain ordinances, rules and regulations governing traffic in addition to the provisions of this act affecting motor vehicles.

Conflicting  
local  
regulations  
void.

SEC. 35. That sections 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573 and 5574 of Rem. & Bal. Code, relating to the licensing of automobiles, be and the same is hereby repealed: *Provided, however,* That all licenses granted under this act, and the regulations imposed thereby shall be valid and the compliance with the conditions imposed therein shall be sufficient until this act takes effect, without further payment of any fee or fees.

Repealing  
clause.

Saving  
clause.

SEC. 36. If any portion of this act should be declared unconstitutional, it shall not thereby affect the constitutionality of the remaining portions.

Partial  
invalidity.

Passed the House March 1, 1915.

Passed the Senate March 5, 1915.

Approved by the Governor March 17, 1915.

## CHAPTER 143.

[S. B. 405.]

## COMMISSION OF EDUCATIONAL SURVEY OF WASHINGTON.

AN ACT creating a commission to make an educational survey, defining its powers and duties, appointing the members thereof and making an appropriation therefor.

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

SECTION 1. There is hereby created a commission consisting of six members to be known as "The Commission of Educational Survey of Washington," and it shall be the duty of such commission to make a comprehensive survey of the organization and work of the University of Washington, the State College of Washington and the State Normal Schools at Ellensburg, Cheney and Bellingham, and a general survey of the public school system of the state, both urban and rural, elementary and secondary, and of the educational development and possibilities of the state, and to determine more definitely the purpose, sphere and functions of the University, the State College and the State Normal Schools, and the lines along which each should be encouraged to develop for the better service of the state. In the performance of its duties, said commission shall have power to employ experts and to fix and authorize the payment of their compensation. Upon the completion of such survey and on or before April 30, 1916, said commission shall make and file with the governor a report of its findings and recommendations, which report shall be published for general distribution throughout the state, and shall contain such recommendations to the legislature in regard to the enactment or amendment of the statutes relating to the several institutions as may be found advisable, including any necessary changes in the distribution of the millage tax for the support of such institutions and such additional appropriations as the commission may deem advisable.

Members  
and com-  
pensation.

SEC. 2. The members of the sub-committee of the joint committee on Educational Institutions and Education of

the 14th legislature, to-wit: Senators W. J. Sutton, E. E. Boner, and A. H. Imus, and Representatives Tom Brown, Charles Timblin, and Victor Zednick, are hereby appointed members of said commission, who shall receive as compensation five dollars (\$5.00) for each day while actually engaged in the performance of their duties.

SEC. 3. For the payment of the actual and necessary traveling expenses of the members of the said commission, the compensation of the members of said commission and the experts employed, and expenses incidental to the work of said commission, there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary.

Appropriation, \$5,000.

Passed the Senate March 9, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 144.

[S. B. 270.]

### AUTHORIZING RE-LEASES OF HARBOR AREAS BY LESSEES.

AN ACT relating to the leasing of harbor area of the state, and declaring an emergency.

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

SECTION 1. Upon the expiration of any lease of harbor area heretofore or hereafter executed, if the lessee desires to re-lease the harbor area covered by such lease, he may make application therefor to the board of state land commissioners for a re-lease of such harbor area. Such application shall be made not more than sixty nor less than thirty days prior to the date of the expiration of such lease, and shall be in writing and under oath, setting forth the character and value of all improvements existing on the harbor area, the name and post office address

Application  
by lessee  
for re-lease.

of the owner thereof, the purpose for which he desires to re-lease the harbor area, the amount considered by such lessee as the reasonable annual rental value thereof, and such other and further information as the board of state land commissioners may require. Said application shall be accompanied by a deposit of ten (\$10.00) dollars, which deposit, if the said harbor area be not leased through the failure or refusal of the applicant to accept a lease at the rate fixed by the board of state land commissioners, shall be forfeited to the state and paid to the state treasurer and credited to the general fund of the state. The board of state land commissioners may, upon the filing of such an application, cause the harbor area applied for to be inspected and a careful investigation of such application made; and if said board shall deem it for the best interests of the state, it may issue to said applicant a re-lease of said harbor area upon such terms and conditions conforming to the provisions of the constitution of the state of Washington as shall be determined upon by said board: *Provided*, That every such lessee shall be required to furnish a surety bond as is now provided for in cases of leases of harbor area authorized and executed by said board: *And provided further*, That this act shall not be construed as affecting or relating to the power and authority of port commissions to lease harbor areas belonging to the state of Washington within the territorial limits of port districts.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 25, 1915.

Passed the House March 10, 1915.

Section 1 approved by the Governor March 18, 1915.

Section 2 vetoed by the Governor March 18, 1915.

Deposit fee.

Surety bond  
by lessee.

Inapplicable  
to port  
districts.

Emergency  
vetoed.

## CHAPTER 145.

[S. B. 141.]

RELIEF OF PURCHASERS OF TIDE LANDS ON COLUMBIA  
RIVER WITHIN STATE OF OREGON.

AN ACT for the relief of certain persons, their successors or assigns or those asserting or claiming some right, title or interest by, through or under them to the tide lands sold, contracted or deeded by the State of Washington, which said tide lands are situated in the state of Oregon, providing a method of procedure to secure such relief and making an appropriation therefor.

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

SECTION 1. All persons, firms or corporations to whom the State of Washington has sold, contracted to sell or deeded tide lands along the Columbia river, which said tide lands are located within the State of Oregon and for which contracts or deeds have been issued therefor without right or authority and which conveyed no right, title or interest in and to said tide lands, because such tide lands were situated within the State of Oregon, and all persons, firms or corporations claiming an interest in said tide lands under and by virtue of any such sale, contract or deed of the State of Washington shall, upon the terms and conditions and in the manner hereinafter provided, be entitled to such relief as is provided for in the following sections of this act.

Relief  
authorized.

SEC. 2. Any such person, firm or corporation holding a contract of sale or deed from the State of Washington for any tide lands located within the State of Oregon, or the assigns or the successors in interest of any such person, firm or corporation claiming or asserting any right by, through or under any such contract or deed, may file with the commissioner of public lands an application for the repayment to such person, firm or corporation of all of the moneys paid to the State of Washington pursuant to the provisions of any such sale, contract or deed. Such application shall set forth the name of the person, firm

Application  
by contract  
or deed  
holders for  
repayment.

or corporation demanding the relief herein provided for, an itemized statement of the moneys paid to the State of Washington under and by virtue of any such sale, contract or deed, a description of the tide lands sold or described in any such contract or deed, the date thereof and such other and further information as the commissioner of public lands may require. The applicant shall attach to such application a complete abstract of title of such tide lands, together with a copy of the contract or deed issued by the State of Washington and under and by virtue of which the relief is applied for, together with a waiver of any and all claims of any nature whatsoever against the State of Washington that such applicant may have by reason of any such sale, contract or deed. Such waiver shall be in such form as the commissioner of public lands shall prescribe.

Exhibits  
attached.

Waiver of  
claims.

Examination  
by land com-  
missioner.

SEC. 3. Upon the filing of any such application and papers thereto attached, as above provided, the commissioner of public lands shall examine the same. He shall also examine and compare the records and files of his office, and if after such examination of the application and the papers thereto attached, together with the records of his office relating thereto, he shall be fully satisfied that the lands sold or conveyed do not lie within the State of Washington, but are situated within the State of Oregon, and if he shall be satisfied that the person, firm or corporation presenting such application is the holder of any such contract or deed, or has succeeded to the rights of those to whom such contract or deed was issued, and are entitled to the relief demanded, he shall prepare a certificate setting forth such facts together with a description of the tide lands, the number of the contract or deed, the date thereof, the amount of moneys received by the state under and by virtue of such contract or deed and file the same with the state auditor: *Provided*, That the commissioner's refusal to issue a certificate as herein provided shall be final and conclusive and not subject to review.

Certificate  
to be filed  
with state  
auditor.

Issuance of  
warrants.

SEC. 4. The state auditor shall, when such a certificate is filed in his office by the commissioner of public lands, as

provided for in the preceding section, draw a warrant in favor of the applicant, as shown by the certificate of the commissioner of public lands and in the amount as set forth in such certificate payable to such applicant, and deliver the same to the commissioner of public lands, who shall in turn deliver the same to the applicant, taking his receipt therefor. Such receipt and the waiver heretofore provided for shall be attached together and filed in the office of the commissioner of public lands.

SEC. 5. For the purpose of carrying out the provisions of this act the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any fund in the state treasury not otherwise appropriated.

Appropriation, \$15,000.

Passed the Senate March 2, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 146.

[S. B. 139.]

### EXEMPTION OF SCHOOLS AND COLLEGES FROM TAXATION.

AN ACT relating to the exemption of certain property of schools and colleges from taxation and amending section 9099 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9099 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 9099, by increasing exemption of colleges to 40 acres.

Section 9099. There shall be exempt from taxation in the State of Washington all property, real and personal, owned by any school or college in this state, supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms:

Real and personal property exempt.

Limitation  
on exempt  
real estate.

*Provided*, That said property is used solely for educational purposes (or the revenue therefrom be devoted exclusively to the support and maintenance of such institution): *And provided, further*, That the real estate so exempt shall not exceed ten acres in extent, and shall be used exclusively for college or campus purposes: *Except, however*, That any school of collegiate grade and accredited by the state board of education shall be entitled to an exemption of not more than forty acres of real estate used exclusively for said purposes, but no corporation shall be entitled to more than one such larger exemption, and where the college is under the direction or control of any religious denomination such larger exemption shall be allowed to one college only directed or controlled by such religious denomination: *And provided, further*, That real estate owned or controlled by such institution and leased or rented by them for the purpose of deriving revenue therefrom shall not be exempt from taxation under the provisions of this act: *Provided, further*, That the annual income from such endowment is equal to or exceeds all incomes from tuitions received by said institutions.

No exemp-  
tion from  
local assess-  
ments.

SEC. 2. Nothing in this act will exempt such property from payment of local assessment for improvements made or hereafter to be made.

Filing claim.  
of exemption.

SEC. 3. Any such institution claiming said exemption shall file such claim with the county auditor of the county where such property is located and also with the secretary of state.

Passed the Senate March 2, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

CHAPTER 147.

[S. B. 212.]

SALE, LEASE AND IMPROVEMENT OF STATE LANDS.

AN ACT relating to the selection, survey, management, sale, reclamation, lease and disposition of state, granted, school, tide, shore and other lands and harbor areas, and amending sections 6633, 6667, 6675, 6681, 6685, 6687, 6690, 6750, 6794, 6828, 6829, 6831, 6836 and 6839 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6633 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6633, by adding subd. 9.

Section 6633. 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 record, document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, one dollar; (3) for each original contract of sale, lease, or bill of sale, two dollars; (4) for each deed, five dollars; (5) issuance of harbor area lease and approval of bond, five dollars; (6) approval of each assignment of contract, lease or bill of sale, one dollar; (7) for each copy of the plat of a township or any portion thereof, not less than two dollars; (8) for subdivision and issuance of new contracts, after the original has been entered on the records, two dollars for each new contract; (9) for each railroad right of way certificate issued, two dollars.

Fees of land commissioner.

SEC. 2. That section 6667 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6667, by adding proviso as to fire damaged timber.

Section 6667. When application is made for the purchase of timber, fallen timber, stone, gravel or other valuable materials situated upon public lands of the state, except capitol building lands, the same inspection shall be had as upon an application for the appraisalment and sale of lands. No timber, fallen timber, stone, gravel or other

Sale of timber, stone, gravel, etc.

valuable materials shall be sold for less than the appraised value thereof; and such timber, fallen timber, stone, gravel or other valuable materials may be sold separate from the land when, in the judgment of the board, it is for the best interests of the state to sell the same, except when the estimated amount of timber shall exceed one million feet to the quarter section, in which case the timber shall be sold separate from the land: *Provided*, That whenever any public lands except capitol building lands shall lie within the limits of any watershed from or through which is derived the water supply of any city or town in this state and said city or town shall desire to purchase or condemn the same it may do so, and in case of purchase it shall have the right to buy said land with the timber, fallen timber, stone, gravel or other valuable materials with the land and without a separate appraisement thereof. When such timber, fallen timber, stone, gravel or other valuable materials are sold separate from the land, the full purchase price thereof shall be paid in cash: *Provided*, That in all cases where timber, fallen timber, stone, gravel or other valuable materials are sold separate from the land the same shall revert to the state if not removed from the land within five years from the date of purchase thereof, except that in all cases when the purchaser is acting in good faith and endeavoring to remove such timber, fallen timber, stone, gravel or other valuable materials, the commissioner of public lands may extend the time for removal thereof for any further period not exceeding five years upon payment to the state of a sum to be fixed by the commissioner of public lands not less than one dollar nor more than two dollars per acre per annum. And the commissioner of public lands shall certify and pay to the state treasurer all sums received for such extensions and the same shall be credited to the fund to which was credited the original purchase price of the materials so sold. In every appraisement under this act, the board of state land commissioners shall separately appraise all improvements placed upon any land of the state and found on such land at the time of appraisement of the land, and shall also appraise all

Reversion if  
not removed.

Extension of  
time for  
removal.

Appraisement  
of land and  
improve-  
ments.

damages and waste committed or suffered upon said land by the cutting or removal of timber, stone, gravel or other valuable materials by the person or persons owning such improvements or their assignors and the damages so found shall be deducted from the appraised value of the improvements and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisal shall be recorded in the proceedings of the board of state land commissioners: *Provided*, That this section shall not be considered as affecting the right of the state to receive the full value of the land. If the purchaser of such land be not the owner of the improvements, he shall deposit with the officer making the sale, at the time of the sale, the appraised value of such improvements; and if it be found by the board that the owner of such improvements was not holding adversely to the state at the time of making the improvements, or that said improvements were placed upon the land in good faith by a lessee whose lease had not been cancelled or subject to cancellation for any cause, or that such improvements were placed upon the land by mistake, then the board of state land commissioners shall direct the commissioner of public lands to pay and he shall pay to the owner of said improvements the sum so deposited. But if it be found by the board that such improvements were made by persons holding or claiming 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 commissioner of public lands to pay said sum so deposited to the state treasurer, who shall credit the same to the fund into which the proceeds derived from the sale of the land should be paid. If it be found that such improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser of the land from the state, the sum so deposited shall be forfeited to the state and credited as last above provided. For the purpose of determining the value and character of land, timber, fallen timber, stone,

Purchaser  
of land to  
pay for im-  
provements.

Determina-  
tion of  
values.

gravel or other valuable materials or improvements, the commissioner of public lands or the board of state land commissioners may compel the attendance of witnesses by subpoena, at such place as the commissioner or the board may designate, and examine such witnesses under oath as to the value and character of such lands, materials or improvements and waste or damage thereto. When timber or other valuable materials have been sold separate from the land and have actually been removed therefrom, then such lands may be sold for a sum which, added to the price received for the timber or other valuable materials, will not be less than ten dollars per acre. All sales of timber upon state land shall be made subject to the right, power and authority of the board of state land commissioners to prescribe rules and regulations governing the manner of removal of the timber with a view to the protection of the non-merchantable timber against destruction or injury by fire or from other causes; and any such rules or regulations shall be binding upon the purchaser of the timber and his successors in interest and shall be enforced by the commissioner of public lands. When the merchantable timber has been sold and actually removed from any land, the board of state land commissioners may classify the land and such portions thereof as may be found most suitable for reforestation may, by order of the board, be reserved from any future sale and when once so reserved shall not thereafter be subject to sale or other disposition. The commissioner of public lands shall certify to the state fire warden and forester all such reserves so made and thereupon it shall be the duty of the state fire warden and forester to protect such land and the remaining timber from fire and to reforest the same: *Provided, further,* That the board of state land commissioners may order the sale of the timber which has been damaged by fire on any lands of the state, except capitol building lands, without an application having been filed or deposit made as herein provided.

Examination  
of witnesses.

Price of  
land after  
removal of  
valuable  
materials.

Regulations  
for removal  
of timber.

Reforestation.

Sales of tim-  
ber damaged  
by fire.

SEC. 3. That section 6675 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6675.

Section 6675. All state lands shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of issuance of the contract of sale and one-tenth annually thereafter until the full purchase price has been 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 one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date. All remittances for payment of either principal or interest must be forwarded to the commissioner of public lands: *Provided, further*, That the board of state land commissioners may, when they deem it for the best interests of the state, sell any of the granted lands of the state in tracts of not more than eighty acres upon the following terms and conditions: One-twentieth of the purchase price to be paid on the date of sale and one-twentieth on the eleventh year thereafter, and one-tenth annually thereafter until the full purchase price has been paid: *Provided, further*, That before any such lands are offered for sale the board of state land commissioners shall prescribe the extent and character of the improvements that shall be placed upon said lands annually during the first ten years of said contract and said contract shall be subject to forfeiture if the holder thereof shall fail each year to make such improvements as shall be prescribed by said board of state land commissioners before said lands are offered for sale, and the making of such improvements by such contract holder shall, in addition to the payments provided for in said contract, be considered as a part consideration therefor. Every such purchaser shall render to said board between the 10th day of December and the 31st day of December of said years a full and complete statement of the character and cost of

Terms of  
sale.

Maturity of  
interest in-  
stallments.

Sale in tracts  
of not more  
than 80 acres.

Improve-  
ments to be  
made.

Report on  
annual im-  
provements.

the improvements placed upon said land during such year. Any such purchaser shall have the right to improve said lands during any one year to any greater extent than that prescribed by the board of state land commissioners, if he so desires, and he may pay the full purchase price upon said lands at any time prior to the dates of payment as above provided for, if the board of state land commissioners are satisfied that the improvements which he has placed upon said lands are such as to insure the *bona fide* cultivation and use thereof for agricultural, horticultural and dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four percent per annum for the first ten years after the date of sale and thereafter at the rate of six per cent per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes and it shall be construed to be additional to and concurrent with existing laws so far as necessary to the carrying out of such object and purpose. When the entire purchase price of any land shall have been fully paid, such fact shall be certified by the commissioner of public lands 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 state, with the seal of the state attached thereto, and shall be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed or patent of land issued by the governor, other than the fee provided for in this chapter: *Provided, further,* That each and every contract for the sale of any state lands, or deeds or patents to such state lands except deeds or patents issued pursuant to contracts heretofore made shall contain the following saving clause: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description,

Interest on  
deferred  
payments.

Issuance  
and record  
of patents.

Reservation  
by state of  
oils, gases  
and minerals.

and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved;” *Provided, further,* That no rights shall be exercised under this reservation by the state, its successors or assigns, until provision has been made by the state, its successors or assigns to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns or sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land.

Payment of resulting damages to owner.

SEC. 4. That section 6681 of Remington & Ballinger’s Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6681, by changing term of lease from six to five years.

Section 6681. All school and granted lands of the State of Washington may be leased for a term of five years or less to the highest bidder at public auction in the fol-

Lease of school and granted lands.

lowing manner: Any person or persons desiring to lease any of such lands shall make application in writing to the commissioner of public lands of this state; each application shall be accompanied with a deposit of ten dollars, such deposit to be in the form of a draft on some bank, a postoffice or express money order, or may be paid in cash. In case the lands so applied for shall be leased at the time they are offered for lease, then such deposit shall be returned to such applicant by the commissioner of public lands; but if the land shall not be leased when so publicly offered for lease, then such deposit shall be declared forfeited to the state, and the commissioner of public lands shall pay the said deposit over to the state treasurer, who shall place the same to the credit of the general fund of the state.

Term of  
lease.

Deposit fee.

Amends  
Rem.-Bal.  
§ 6685, as to  
remittances  
and receipts.

SEC. 5. That section 6685 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Returns of  
county  
auditors.

Section 6685. When any of such lands shall have been so leased by the county auditor, the said auditor shall at once proceed to certify a list of such lands to the commissioner of public lands, giving the name of the lessee, the postoffice address, term of lease, lease price per annum, amount paid on lease, and any other information required by the commissioner of public lands; the auditor shall also forward to the commissioner one certified check, draft or postal order, payable to the order of the commissioner of public lands, for all moneys so paid to him on leases at the time of their sale. The commissioner shall issue two receipts, one to the auditor for the total amount of money so received, and a receipt to each lessee, which shall be in duplicate, the original receipt to be sent to the lessee and the duplicate thereof kept in the office of the commissioner. The commissioner shall pay the money over to the state treasurer and take his receipt therefor: *Provided*, That lands held under lease shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

Receipts by  
land com-  
missioner.

SEC. 6. That section 6687 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6687, by altering date as to rent notices.

Section 6687. The commissioner of public lands shall keep a full and complete record of all leases so issued and payments made thereon, and not more than forty nor less than thirty days before the time such rental becomes due the commissioner of public lands shall cause to be mailed to each lessee whose rental will become due and payable during said period of forty days a notice stating the date upon which the rental falls due and the amount thereof; and if such rental be not paid on or before the date the same becomes due, according to the terms of the lease, the commissioner of public lands shall declare a forfeiture, cancel the lease and eject the lessee from the land: *Provided*, That the commissioner of public lands may extend the time for payment of annual rental not to exceed one year when, in his judgment, the interests of the state will not be prejudiced thereby:

Notices of rent due.

Forfeiture for delinquency.

Extension of time.

SEC. 7. That section 6690 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6690, by crediting forfeited deposits to general fund.

Section 6690. If, at the expiration of any lease, or any renewal thereof, the lessee desires to re-lease the lands covered thereby, he may make application to the commissioner of public lands for a re-lease. Such application shall be made within thirty days after the expiration of the lease and shall be in writing and under oath, setting forth the character and value of all improvements existing on the land, the name and postoffice address of the owner thereof, the purpose for which he desires to re-lease the land, the amount considered by such lessee as the reasonable annual rental value thereof and such other information as the commissioner of public lands may require, and shall be accompanied with a deposit of ten dollars, which deposit, if the land be not leased, through the failure or refusal of the applicant to accept a lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state

Lessee's right to re-lease.

Deposit.

and by the commissioner paid to the state treasurer and credited to the general fund of the state. The commissioner of public lands may, upon the filing of such application, cause the lands to be inspected by a state land inspector; and if he deems it for the best interests of the state to re-lease said lands, he shall fix the rental value thereof and, upon receipt of the first year's rental, together with the fees required by law, the commissioner of public lands shall issue to the applicant a renewal lease for any period not exceeding five years. The commissioner of public lands shall notify the applicant by mail, of the rental value fixed, and if, within thirty days after the date of such notice, the applicant fails or refuses to pay to the commissioner of public lands the first year's rental together with the statutory fee for issuing a lease, the commissioner of public lands may cause the improvements existing upon the land to be appraised, in the same manner as in the case of the sale of land, offer the land for lease at public auction to the highest bidder, as provided for original leases, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer making the sale the appraised value of the improvements. The amount so deposited as the appraised value of improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands and, upon confirmation of the lease by the commissioner of public lands, the amount so deposited in payment for the improvements shall be disposed of by the commissioner of public lands in the same manner as in the case of the sale of the land: *Provided*, That no bid shall be received for less than the minimum price fixed by the commissioner of public lands.

Forfeiture.

Lessee's failure to renew.

Appraisal of improvements.

Offer of lease to highest bidder.

Amends Rem.-Bal. § 6750.

Rights of abutting owners on first class tide lands.

SEC. 8. That section 6750 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6750. The owner or owners of lands abutting or fronting upon tide or shore lands of the first class shall have the right for sixty days following the filing of the

final appraisal of the tide and shore lands with the commissioner of public lands to apply for the purchase of all or any part of the tide or shore lands in front of the land so owned: *Provided*, That if valuable improvements, and in actual use prior to March twenty-sixth, eighteen hundred and ninety, for commerce, trade, residence or business have been made upon said tide or shore 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. If at the expiration of sixty days from and after the filing of final appraisal with the commissioner of public lands there being no conflicting applications 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 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. 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 claim to a right of purchase of the tract under his application. After such statements have been filed, if it be deemed advisable or necessary by the board of state land commissioners, in order to determine the rights of the parties applying for said tract, said board may order a hearing for such purpose. The board shall determine who has the first right of purchase to the whole or any portion of the lot or tract involved, and shall, unless an appeal be taken from the appraisal or finding to the superior court, proceed to sell or dispose of such lands in accordance with such finding.

SEC. 9. That section 6794 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6794. No lease shall be made by the state for any sum less than twenty-five dollars (\$25.00) per quar-

Amends  
Rem.-Bal.  
§ 6794, by  
reducing  
term of lease  
to five years.

Lease of  
oil and  
gas lands.

Royalty.

ter section of land for each year during the term of said lease, and in addition thereto the said lease shall provide that the state shall be entitled to receive a sum not less than ten per cent of the gross value of all petroleum and natural gas extracted therefrom during the term of the said lease, payable semi-annually during said term. The term of said lease to be any term not to exceed five years.

Amends  
Rem.-Bal.  
§ 6828, by  
conferring  
authority on  
land com-  
missioners.

SEC. 10. That section 6828 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Grant of  
right to over-  
flow state  
lands.

Section 6828. The board of state land commissioners is authorized to grant any person or corporation the right, privilege, power and authority to perpetually back and hold water upon and over any land belonging to the State of Washington, and to overflow any such land and inundate the same, if said board deems it necessary for the purpose of erecting, constructing, maintaining or operating any water power plant, reservoir or works for impounding water for power purposes, irrigation, mining or other public use.

Amends  
Rem.-Bal.  
§ 6829.

SEC. 11. That section 6829 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Conditioned  
on payment  
of damages.

Section 6829. The right, privilege, power and authority herein given and granted by said board of state land commissioners shall not be exercised or enjoyed until the amount of damages appraised and fixed by said board shall have been paid by the person or corporation to whom such right is granted: *Provided*, That if the construction or erection of any such water power plant, reservoir or works for impounding water for the purposes as heretofore specified shall not be commenced and be diligently prosecuted and completed within such time as the board may prescribe at the time such right, privilege, power and authority is granted, the same may be forfeited by the board of state land commissioners by serving written notice of such forfeiture upon the person or corporation to whom the same is granted. Such forfeiture shall become effective upon

Forfeiture  
of grant.

the service of said notice: *Provided, further,* That said board may extend the time within which such work shall be completed if the said board deems it necessary.

SEC. 12. That section 6831 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6831.

Section 6831. Any person, corporation or association engaged in the business of logging and lumbering shall have a right of way over public lands when necessary, for the purpose of hauling or removing timber or ties from other lands. Before, however, any such right of way grant shall become effective, a written application for and a plat showing the location of such right of way, with reference to the adjoining lands, shall be filed with the board of state land commissioners, and all timber on said right of way, together with the damages to said lands, shall be appraised by said board and paid for in cash by the person, corporation or association applying for such right of way. The board of state land commissioners shall then cause to be issued in duplicate to such person, corporation or association a right of way certificate setting forth the conditions and terms upon which such right of way is granted. Whenever said right of way shall cease to be used, for a period of two years, for the purpose for which it was granted, it shall be deemed forfeited, and said right of way certificate shall contain such a provision. One copy of each certificate shall be filed in the office of the commissioner of public lands and one copy delivered to the applicant. The forfeiture of said right of way, as herein provided, shall be rendered effective by the mailing of a notice of such forfeiture to the grantee thereof to his last known postoffice address and by stamping the copy of said certificate in the office of the commissioner of public lands cancelled and the date of such cancellation. For the issuance of such certificate the same fee shall be charged as provided in the case of certificates for railroad rights of way.

Logging  
right of way.

Issuance of  
right of way  
certificate.

Forfeiture.

Fee for  
certificate.

SEC. 13. That section 6836 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6836. Should any improvements made as of right and with license from the State of Washington be upon any of such lands at the time of said appraisal, the board of state land commissioners shall separately appraise the same together with the damage and waste done to said lands by the use and occupancy of the same or to adjacent lands and after deducting from the amount of appraisal for improvements the amount of such damage and waste the balance shall be determined and regarded as the value of said improvements, and the railroad company if not the owner of such improvements shall deposit with the commissioner of public lands the value of the same as shown by said appraisal within thirty days next following the date thereof. The commissioner of public lands shall hold such moneys for the period of three months, and unless a demand and proof of the ownership of such improvements shall be made to the commissioner of public lands within said period of three months the same shall be deemed forfeited to the state and deposited with the state treasurer and paid into the general fund of the state. If two or more persons shall, within said period of three months, file claims of the ownership of the said improvements with the commissioner of public lands, the commissioner shall hold such moneys until a certified copy of a judgment decreeing the ownership of said improvements shall be filed with him. When a certified copy of a judgment has been so filed with the commissioner of public lands, he shall pay to the owner thereof, as decreed by said judgment, the appraised value of said improvements. Where said right of way affects the improvements of any person other than the person owning improvements on said right of way or entitled thereto under existing law the applicant for said right of way shall file with the commissioner of public lands a valid release of damages duly executed by such owner or owners, or a certified copy of

Amends  
Rem.-Bal.  
§ 6836.

Separate  
appraisal of  
improve-  
ments on  
rights of way.

Deposit with  
land com-  
missioner.

Award to  
claimant.

Settlement  
for damages  
to other  
parties.

a judgment of a court of competent jurisdiction showing that the damages resulting to such owner or owners, ascertained in accordance with existing law, has been made or paid into the registry of such court.

SEC. 14. That section 6839 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6839, by adding proviso.

Section 6839. Upon full payment of the value of such easement ascertained as aforesaid, any future grant or lease by the state of the lands affected by said right of way shall be subject to the easements obtained under the provisions of this act: *Provided, however,* That before any such easement shall become effective a right of way certificate shall be issued to said railway company by the commissioner of public lands, in which the terms and conditions of such easement shall be set forth and the lands covered thereby described. Such certificate shall be in such form as the commissioner of public lands may prescribe.

Future grants subject to easement.

Right of way certificate.

SEC. 15. Any cemetery association may purchase, under the provision of law governing the sale thereof, a cemetery site or sites, of not less than one acre nor more than ten acres each, of any school lands of the State of Washington.

Cemetery sites on school lands.

SEC. 16. The board of state land commissioners is hereby authorized to locate in all navigable rivers in this state, which are subject to tidal flow, the line dividing the tide lands in such river from the shore lands in such river, and such classification or the location of such dividing line shall be final and not subject to review.

Location of line dividing tide and shore lands.

SEC. 17. The assistant auditor and cashier of the office of the commissioner of public lands shall enter into a good and sufficient surety company bond, to be approved by and deposited with the secretary of state, in the sum of ten thousand dollars (\$10,000.00), for the faithful discharge of the duties of said office. The premium on said bond shall be paid by the state from the incidental fund provided for the commissioner of public lands.

Bonds of cashier and assistant auditor.

Limit on  
value of im-  
provements  
on leased  
lands.

SEC. 18. The commissioner of public lands, at the time of fixing the rental value of any lands of the state, which are to be offered for lease, shall fix the limit of the value of improvements that may be placed upon said lands by any lessee of the state, and upon the expiration of any such lease the board of state land commissioners shall not appraise said improvements in an amount exceeding the limit so fixed by the commissioner of public lands: *Provided*, That at any time during the life of said lease the commissioner may extend the limit of the value of improvements which may be placed on the lands covered by said lease, if he deems it advisable and for the best interests of the state. Such extension shall be made by written order, which shall be filed with the lease in the office of the commissioner, and unless so made and filed shall not be effective.

Extension  
of limit.

Holding over  
after expira-  
tion of lease.

SEC. 19. No lessee of state lands, after the expiration of his said lease, shall without the written consent of the commissioner of public lands and then only upon such terms and conditions as such written consent shall prescribe, remain in possession of said lands or the improvements thereon after the termination or expiration of said lease. All improvements placed upon state lands under lease, during the term of said lease, which remain upon said lands sixty days from the termination or expiration of said lease, shall become the property of the State of Washington and be considered, except as herein provided, a part of the land upon which they are located: *Provided, however*, That if said lands are sold within a period of three years from the termination or expiration of said lease, then the purchaser at such sale shall pay to the owner of said improvements the appraised value thereof as determined by the board of state land commissioners: *Provided, further*, That at any time within sixty (60) days after the termination or expiration of any such lease the owner of said improvements shall be entitled to remove such of said improvements as can be removed without injury to said lands: *Provided, further*, That any improvements

Time for  
removal of  
improve-  
ments.

Payment to  
owner of im-  
provements,  
when.

Forfeiture  
of im-  
provements.

placed upon any state school or granted lands without written authority or after the expiration of a written lease shall become the property of the State of Washington and be considered a part of the land.

Passed the Senate February 25, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 148.

[S. B. 211.]

### ACCIDENT CLAIMS AGAINST CITIES, THEIR PRESENTATION AND ALLOWANCE.

AN ACT relating to claims for damages against cities and towns and amending sections 7996 and 7998 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7996 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 7996. Nothing in this act shall be construed as in any wise modifying, limiting or repealing any valid provision of the charter of any such city relating to such claims for damages, but the provisions of this act shall be in addition to such charter provision, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions: *Provided*, That if the claimant shall be incapacitated from verifying and filing his claim for damages within the time prescribed by charter or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by any relative or attorney or agent representing the injured person, and no action for damages now pending or hereafter brought shall be defeated by the failure of the person to verify or file the claim in person if action be brought within three years after the taking effect of this act where a claim has heretofore been verified and filed within the time and

Amends Rem.-Bal. § 7996, by provision for claims of minors and incapacitated persons.

Act cumulative with charter provisions.

When claims may be verified and filed by other than claimants.

in compliance with the terms of this act if said claim has been rejected.

SEC. 2. That section 7998 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 7998. All claims for damages against any city or town of the second, third or fourth class must be presented to the city or town council and filed with the city or town clerk within thirty days after the time when such claim for damages accrued: *Provided*, That if the claimant shall be incapacitated from verifying and filing his claim for damages within said thirty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by any relative or attorney or agent representing the injured person, and no action for damages shall be defeated by the failure of the person to verify and file the claim in person if action be brought within three years after the taking effect of this act where a claim has heretofore been filed within the time and in compliance with the terms of this act if said claim has been rejected. No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until such claim has first been referred to the proper department or committee, nor until such department or committee has made its report to the council thereon pursuant to such reference. All such claims for damages must accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when the same occurred, give the residence for six months last past of claimant, contain the items of damages claimed and be sworn to by the claimant or a relative, attorney or agent of the claimant. No action shall be maintained against any such city or town for any claim for damages until the same has been presented to the council and sixty days have elapsed after such presentation.

Passed the Senate February 9, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

Amends  
Item.-Bal.  
§ 7998, by  
adding  
proviso.

Presentation  
of claims in  
other than  
first class  
cities.

When may  
be filed by  
substitute.

Allowance  
of claims.

Contents  
of claim.

Action on  
claims.

## CHAPTER 149.

[S. B. 207.]

CONSTRUCTION OF SIDEWALKS IN CITIES OF THIRD  
AND FOURTH CLASS.

AN ACT relating to the construction of sidewalks in cities and towns of the third or fourth class and providing for the payment of the cost thereof.

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

SECTION 1. In all cities and towns of the third or fourth class the burden and expense of constructing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon.

At expense  
of abutting  
property.

SEC. 2. Whenever in the judgment of the officer or department having the care and superintendence of streets and public places in any such city or town, the public convenience or safety requires that a sidewalk be constructed along either side of any street or other public place in such city or town, said officer or department shall immediately report the fact to the city council, city commission or other legislative body of such city or town, and if such legislative body shall deem the construction of such sidewalk necessary or convenient for the public it shall by resolution order such sidewalk constructed and shall cause a notice in writing to be served upon the owner of each lot, block or parcel of land immediately abutting upon that portion and side of such street or public place where said sidewalk is to be constructed requiring him to construct such sidewalk in accordance with such resolution.

Resolution  
for improve-  
ment.

Notice to  
owner to  
construct.

SEC. 3. The resolution and notice provided for in the preceding section shall describe each lot, block or parcel of land immediately abutting upon that portion of the street or other public place where said sidewalk is ordered to be constructed and shall specify the kind of sidewalk required, the size and dimensions of the same, the method and the material to be used in construction and shall con-

Specifications  
in resolution  
and notice.

tain an estimate of the cost thereof, and the notice shall state that unless the sidewalk is constructed in compliance with the notice and within a reasonable time therein specified said sidewalk will be constructed by the city or town and the cost and expense thereof assessed against the property abutting thereon and described in such notice.

SEC. 4. The notice provided for in the preceding section shall be deemed served if delivered to the owner or reputed owner of each lot, tract or parcel of land affected, or to the authorized agent of such owner, or if a copy thereof be left at the usual place of abode of such owner in such city or town with a person of suitable age and discretion residing therein, or in case such owner is a non-resident of such city or town and his place of residence is known a copy of such notice shall be mailed to such owner addressed to his last known place of residence, or in case the place of residence of such owner is unknown or if the owner of any lot, block or parcel of land affected is unknown then such notice shall be served by publication in two weekly issues of the official newspaper of such city or town or if there be no official newspaper then in any weekly newspaper published in said city or town. Such notice shall specify a reasonable time within which said sidewalk shall be constructed which in the case of publication of the notice shall be not less than sixty days from the date of the first publication of such notice.

SEC. 5. In case the notice provided for in the preceding section shall not be complied with within the time therein specified the officer or department having charge of the care and superintendence of streets and public places in any such city or town, shall proceed to construct said sidewalk forthwith and shall report to the city council, city commission or other legislative body of such city or town at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each lot, block or parcel of land immediately abutting upon said sidewalk, the name of the owner thereof if known, and apportion the cost of said improvement to be assessed against each such lot,

Service of  
notice.

Time allowed  
for con-  
struction.

Construction  
by city.

Assessment  
against  
property.

block or parcel of land and such legislative body shall thereupon set a date for hearing any protests against said proposed assessment roll and shall cause a notice of the time and place of said hearing to be published for two successive weeks in the official newspaper of said city or town or if there be no official newspaper then in any weekly newspaper published in such city or town, the date of said hearing to be not less than thirty days from the date of the first publication of said notice.

Hearing of protests.

SEC. 6. The city council, city commission or other legislative body shall at the time of said hearing or at any adjournment thereof by ordinance assess the cost of constructing said sidewalk against the property immediately abutting thereon in accordance with the benefits thereto and such assessment shall become a lien upon the respective lots, blocks or parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six per cent. per annum from the date of the approval of said assessment thereon.

Lien and collection of assessments.

SEC. 7. For the purposes of this act all property having a frontage on the side or margin of any street or other public place shall be deemed abutting property, and such property shall be chargeable, as provided in this act, with all costs of construction of any form of sidewalk improvement, between the margin of said street or other public place and the roadway lying in front of and adjacent to said property, and the term sidewalk as used in this act shall be construed to mean and include any and all structures or forms of improvement included in the space between the street margin and the roadway known as the sidewalk area:

"Abutting property" defined.

"Sidewalk" defined.

SEC. 8. This act shall not be construed as repealing or amending any law or act relating to the improvement of streets or public places by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and auxiliary thereto and the city council, city commission or other legislative body of any

Act cumulative with existing local improvement laws.

city or town of the third or fourth class before exercising the authority herein granted may by ordinance provide for the application and enforcement of the provisions of this act within the limitations herein specified.

Passed by the Senate March 5, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 150.

[S. B. 231.]

### REMOVAL OF TIMBER FROM STATE, SCHOOL OR GRANTED LANDS.

AN ACT relating to the extension of time in which to remove timber on state, school or granted lands.

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

SECTION 1. The owner or owners of any standing or fallen timber heretofore sold by the State of Washington, may, with the approval of the board of state land commissioners, have the time in which to remove the same extended for a further period of time not to exceed five years from and after the date upon which it may now be removed upon paying annually in advance the sum of one dollar and fifty cents (\$1.50) per acre: *Provided*, That such payment is made before the expiration of the term in which the same was to be removed or before the expiration of any extension heretofore or hereinafter granted: *And, provided further*, That before any such extension is granted the applicant shall furnish to the board satisfactory proof that all state, county and other taxes due or payable upon the said timber have been fully paid.

Passed the Senate February 16, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

Extension of  
time granted.

Conditions.

CHAPTER 151.

[S. B. 337.]

PROTECTION AND PROPAGATION OF GAME BIRDS, FISH,  
AND ANIMALS.

AN ACT relating to game birds, game animals, game fish, the propagation, introduction and protection of the same, amending sections 5395-41, 5395-44, 5391-1, 5364-1, 5363½, 5358, 5349, 5395-4, 5395-23, 5395-24, 5395-25, 5395-26, 5395-27, 5395-28, 5395-31, 5395-33 and 5395-34 of Remington & Ballinger's Annotated Codes and Statutes of Washington and repealing sections 5395-37 and 5395-39 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and making an appropriation.

Amends Rem.-  
Bal. §§ 5349,  
5363½,  
5364-1,  
5391-1,  
5395-4,  
5395-23—  
5395-28,  
5395-31,  
5395-33,  
5395-34,  
5395-41.  
Amendment  
of §§ 5358,  
5395-44, and  
repeal of  
§§ 5395-37,  
5395-39,  
vetoed.

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

SECTION 1. That section 5395-41 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-41. No person shall, within the State of Washington, catch, take, attempt to take, kill, or have in his possession, or have under control for any purpose whatever, except as in this act provided, any of the game fish hereinafter mentioned within the periods mentioned, to-wit: Any variety of trout except Dolly Varden or bull trout, or any species of bass, crappie, perch, sunfish, bream or pike, between the 30th day of November and the 1st day of April of the following year: *Provided*, That the above named fish may be taken from the waters of Lake Chelan, situated in Chelan county, at any season of the year in any lawful manner: *Provided further*, That no person shall take between the 30th day of November and the 1st day of April of the year following more than ten (10) pounds of game fish in any one day or more than twenty (20) pounds in any one week from the waters of Lake Chelan: *Provided further*, That in the county of Pierce no person shall take, catch or kill any bass, perch, crappie, sunfish, bream or pike between the 1st day of May and the 15th day of June: *Provided, further*, That it shall be unlawful to take, catch or kill any bass from

Closed season  
for certain  
game fish.

Limit of  
catch.

Penalty.

Silver Lake, situated in Cowlitz county, between the 15th day of March and the 1st day of June. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Vetoed  
E. L.

SEC. 2. That section 5395-44 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-44. No person shall at any time catch, take, kill, or have in his possession or under his control any trout of any variety whatever, which are less than six (6) inches in length, or any bass which is less than eight (8) inches in length. Any person catching such game fish shall at once return the same to the water from whence they were taken with as little injury as possible, and it shall be unlawful at any time in streams above any waterfall or natural barrier to fish with salmon eggs as bait east of the Cascade mountains. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 3. That section 5391-1 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Notice of closing streams or lakes.

Section 5391-1. Whenever the chief game warden, or the chief deputy or any of the county game commissions of the respective counties of the state shall consider that the protection of the game fishes mentioned in this act shall require it, the chief game warden or the chief deputy game warden, anywhere in the state, or the county game commissions, within their respective counties, may close to fishing any stream, river or lake, or portions thereof, for such time and in such manner as they may declare, in the following manner, to-wit: They shall post in the office of the county auditor of the county or counties in which the stream or streams or lakes desired to be closed are situated, a notice that on a date set out in said notice, which date shall not be less than thirty (30) days from the date of the notice, said stream or streams, or lakes will be closed to public fishing, and shall cause a like notice to be published weekly, in some newspaper published in said county

or counties, for not less than four (4) successive issues. Any person fishing in that part or portion of said lake, stream or streams after it shall have been closed, as by this act provided, shall be guilty of a misdemeanor. Penalty.

SEC. 4. That section 5364-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5364-1. Whenever any species of game birds shall have been liberated in any county of this state by the county game commissions, such commissions may, with the consent of the owners of the land, close all or any portion of the county by giving notice thereof by publication for three successive weeks in a newspaper published in the county and thereafter it shall be unlawful to hunt, take, kill or molest any such species of birds within such designated area for not to exceed three (3) years after the date of the first publication of such notice. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. Liberation of game birds.  
Notice of closing county to hunting.  
Penalty.

SEC. 5. That section 5363½ of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5363½. It shall be unlawful to hunt, pursue, catch, or kill any of the geese, brant, or other waterfowl upon the Columbia or Snake rivers within this state or within one-fourth mile of the shores throughout the following named counties: Klickitat, Walla Walla, Franklin, Yakima, Kittitas, Douglas, Columbia, Garfield, Benton, Grant and Whitman counties. Geese and waterfowl on Columbia and Snake river.

SEC. 6. That section 5349 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5349. The chief game wardens are authorized and empowered to issue permits for the collection of birds, their nests and eggs for scientific purposes only. Before any such permit shall issue the applicant therefor shall file an application in writing stating his name, age, place of residence, which application shall be accompanied by a Permits for collecting birds and eggs for scientific purposes.

certificate signed by the president or the curator of the museum of either the University of Washington or [or] the State College of Washington, certifying that the applicant is a person of good moral character and is possessed of sufficient scientific knowledge of ornithology to warrant the issuance of such permit and the applicant shall file a bond running to the State of Washington with good and sufficient surety to be approved by the state game warden in the penal sum of one thousand dollars, and conditioned for the faithful compliance with all of the provisions of this section: *Provided, however,* That the state game wardens may issue permits to any accredited representative of any museum or institute of natural history of the United States or of any state presenting credentials under the seal of such museum or institute. All permits issued as hereinabove provided shall be valid for a period of one year from the first day of April in the year in which they are issued. It shall be unlawful for any person having a permit issued under the provisions of this section to sell or offer for sale any specimens collected but the holder of any such permit may exchange such specimen with any state university or any museum or institute of natural history of the United States or any state or with any individual holding a similar permit from the authorities of another state.

Sale of  
specimens  
prohibited.

Every person violating any of the provisions of this section shall forfeit his permit and the bond required for the issuance of the same and shall be prohibited from being issued a similar permit for the period of five years.

Penalty.

SEC. 7. That section 5358 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5358. Every person who shall use any sink box or sink boat or sneak boat for the purpose of shooting wild ducks, geese, swan or other water fowl, or who shall use any battery, swivel or pivot gun, or any gun other than one to be held in the hands and fired from the shoulder, at any time, for the purpose of shooting wild ducks,

Vetoed.  
E. L.

geese, swan, brant or other water fowl; or who shall build any structure in any of the waters of this state for the purpose of shooting therefrom wild ducks, geese, swan, or other water fowl; or who shall at any time between sunset and before sunrise fire off any gun or build any fire or flash any light, or burn any powder or other inflammable substance upon the shores of any feeding grounds frequented by wild ducks, geese, swan or other water fowl, with intent thereby to shoot, kill, injure, destroy or disturb any of such water fowl, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 8. That section 5395-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-4. Said county game commission[s] shall enforce the laws of the state within their respective counties involving the protection and propagation of all game birds, game animals, game fish and harmless birds and animals. Said county game commission shall have charge of:

Duties of  
county game  
commission.

1. The propagation and preservation of such varieties of game and game fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all county game and game fish hatcheries, including the control of grounds owned or leased for such purposes: *Provided*, That whenever any county game commission desires to establish a game fish hatchery it shall be the duty of the state fish commissioner to supervise the erection of such hatchery and the planting of any fish fry taken from such hatchery: *And provided further*, That no person in the State of Washington shall plant any fish or fish fry in any of the bodies of water in the State of Washington without the written consent of the state fish commissioner.

4. The receiving from the United States commissioner or other person, and the gathering, purchase and distribution to the waters of this state of all game fish, spawn or fry.

5. The taking of game fish from the public waters of the state for propagation and stocking of other waters therein.

6. The seizure and disposition of all game birds, game animals and game fish, either taken, killed, transported or possessed contrary to law, and of all dogs, guns, seines, nets, boats, lights or other instrumentalities unlawfully used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same.

7. The county game commission[s] in their respective counties shall have the power and authority to set aside any of the state, school or granted lands, all waters lying below extreme low tide, all waters of meandered streams, rivers and lakes lying beyond the outer harbor area, and such other lands as the individual owners thereof from time to time give their consent and approval in writing, as game preserves wherein no game bird or game animal or game fish can be caught or killed within the boundaries thereof, for such time and so long as they may see fit and proper.

8. The county game commisisoners shall be paid out of the county game fund their actual traveling expenses when actually engaged in the transaction of their official duties, the said accounts to be approved by the chief game warden for those counties lying west of the summit of the Cascade mountains, and by the chief deputy game warden for those counties lying east of the summit of the Cascade mountains. The chief game warden and chief deputy state game warden shall also have authority, when occasion demands, each to appoint not more than two (2) deputy state game wardens and assign them to such places in the state as in their judgment they deem necessary. Such special deputies shall receive a per diem of not to exceed three dollars (\$3.00) per day and necessary traveling expenses. Such per diem and traveling expenses shall be

Traveling  
expenses of  
game com-  
missioners.

Appointment  
of deputy  
game wardens

Compen-  
sation.

paid from the state game fund. It shall be unlawful for any county game warden or his deputy to hunt, take, pursue or kill any game bird, game fish or game animal at any time while in the discharge of his official duties. Any such officer violating the provisions of this section shall be guilty of a misdemeanor.

Unlawful hunting and fishing by wardens.

Penalty.

SEC. 9. That section 5395-24 of Remington & Balinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-24. It shall be unlawful at any time (for any person) to set, lay, prepare, or have in his possession, any trap, snare, artificial light, net, bird lime, swivel gun or set gun, or any contrivances whatever for the purpose of catching, taking, or killing any of the game animals, or game birds in this state, except that decoys and blinds may be used in hunting wild ducks, geese or brant: *Provided, however,* That nothing in this act shall be construed to prevent any person from trapping any of the fur-bearing animals which are not protected under the laws of the State of Washington: *Provided, further,* That it shall be unlawful for any person in the State of Washington to use a steel trap of a larger size than what is commonly known and called a number four (4) trap: *Provided,* That every person who sets out a trap of any kind larger than a No. 4 shall post a notice above said trap in plain sight, stating such fact, which notice shall be in English, and on a placard at least (6x10) inches in size: *Provided, further,* That this section shall not apply to the trapping of coyotes: *Provided, further,* That it shall be unlawful to hunt, take or kill game squirrels commonly known as either gray squirrels, fox squirrels or black squirrels at any time in the State of Washington. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Prohibited appliances for taking game.

Posting notice of trap set.

Protection of squirrels.

Penalty.

SEC. 10. That section 5395-25 of Remington & Balinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-25. Every person who shall within the State of Washington, hunt, pursue, take, kill, injure, de-

Hunting grouse, pheasant, quail, etc.

Open season  
for various  
localities.

stroy or possess any ruffed grouse, Hungarian partridge, prairie chicken, sage hen, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, blue grouse, Franklin grouse, wild turkey, scaley partridge, Reeves pheasant, or any species of quail or any species of upland game birds, except as herein provided, shall be guilty of a misdemeanor: *Provided*, That in any of the counties lying west of the summit of the Cascade mountains, it shall be lawful to hunt, pursue, take, kill, and possess ruffed grouse, native pheasant, Chinese pheasant, blue grouse, ptarmigan and any species of quail between the 15th day of September and the 31st day of October, both dates inclusive: *Provided*, That English, Mongolian and Reeves pheasants may be killed in all counties west of the Cascade mountains, except in Mason and Thurston counties, from October 1st to October 15th: *Provided further*, That in the counties lying east of the summit of the Cascade mountains, except in the counties of Walla Walla, Asotin, Garfield and Columbia. it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse between the 1st day of September and the 15th day of November, both dates inclusive: *Provided*, Native pheasants shall not be so taken or killed in Yakima county: *Provided, further*, That in the counties of Walla Walla, Asotin, except in the precincts of Clarkston, South Clarkston and West Clarkston, in said county of Asotin, Garfield and Columbia, it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse from August 15th to October 1st, both dates inclusive of the same year, any species of quail from October 1st to October 10th, both dates inclusive of the same year; prairie chickens from September 15th to November 1st, both dates inclusive, of the same year: *Provided further*, That it shall be lawful to hunt, pursue, take, kill and possess Chinese pheasants in Benton, Yakima and Spokane counties between the 1st day of October and the 15th day of October, both dates inclusive, of the same year; sage hens from October 15th to November 1st, both dates inclusive, of the same year;

and in Kittitas county, Hungarian partridge, Chinese pheasant, sage grouse and sharp tail grouse (western prairie chicken) may be taken from the 1st day of October to the 10th day of October, both dates inclusive, of the same year. In Whitman, Okanogan, Ferry, Lincoln, Walla Walla, Adams, Asotin, Columbia and Garfield counties sharp tailed grouse (western prairie chicken) may be taken from the 15th day of September to the 1st day of November, both dates inclusive, of the same year. In Spokane county, Bob White quail and Hungarian partridges may be taken from the 1st of October to the 15th day of November, both dates inclusive, of the same year. In Douglas county, sharp tailed grouse (western prairie chicken) may be taken from the 1st day of September to the 1st day of November, both dates inclusive, of the same year.

Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor. Penalty.

SEC. 11. That section 5395-26 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-26. Every person who shall, during the season when it is lawful to hunt the same, kill more than five (5) prairie chickens, grouse, partridge, Hungarian partridge, native pheasants, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, or more than ten quail or any or all kinds in any one day, shall be guilty of a misdemeanor: *Provided*, That no person shall in any one day kill more than five (5) of the game birds mentioned in this section, it being the intention thereof to limit the bags of one day to five (5) birds, no matter how many varieties of these protected upland birds are included in the bag: *Provided, further*, That ten (10) quail may be killed in one day during the season when it is lawful to hunt the same, but the limit of upland game birds, if quail are included in the same, for one day shall never exceed ten upland birds, but in no event more than five of the above named birds other than quail, and the limit of the bag for one week shall never exceed twenty-five (25) upland birds: Bag limit for game birds.

*Provided further*, That in Kittitas county the bag limit for Chinese or English pheasants, Hungarian partridges, sage grouse, and sharp tail grouse (western prairie chicken) shall not be more than three (3) birds of any one variety, or three of any mixed bag. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Penalty.

SEC. 12. That section 5395-27 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Closed season for geese, brant and ducks.

Section 5395-27. Every person who shall within the State of Washington hunt, pursue, take, kill, injure, destroy or possess any species of wild goose, brant, wild duck, coot or rail between the 16th day of January and the 1st day of October of the same year, or who shall hunt, pursue, take, kill, injure, destroy or possess any species of plover, snipe, sandpiper, curlews, avocets, stilts, turnstone, oyster-catcher, phalaropes, or other species of birds, except black breasted and golden plover, jack snipe or Wilson snipe, or greater or lesser yellow legs, which may be hunted, pursued, taken, killed and possessed between the 1st day of October and the 15th day of December, both dates inclusive, of the same year, or shall hunt, pursue, take or kill, injure, or destroy, any of the birds mentioned in this section after sunset or before sunrise, shall be guilty of a misdemeanor.

Closed season for shore birds.

SEC. 13. That section 5395-28 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Bag limit for waterfowl and shore birds.

Section 5395-28. Every person who shall, in the State of Washington, during the season when it is lawful to hunt the same, kill more than twenty (20) ducks, geese or brant, any golden plover, jack or Wilson snipe, greater or lesser yellow legs, in any one week, or have in possession or under control more than thirty (30) ducks, geese, or brant at any time, shall be guilty of a misdemeanor, it being the intention hereof to limit bags in any one week to twenty (20) of the above mentioned birds, no matter how

many varieties of those birds are included in said bag; and for the purposes of this act the week shall be deemed to begin at midnight on Saturday night, and any person violating the provisions of this act shall be guilty of a misdemeanor. Penalty.

SEC. 14. That section 5395-31 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-31. Every person who shall at any time have in his possession or under control within this state any game birds, game animals or game fish, or any parts thereof, which have been caught, taken or killed outside of this state at a time when it is unlawful to have in possession or under control such game birds, game animals or game fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside of this state, or unlawfully shipped therefrom into this state, shall be guilty of a misdemeanor: *Provided, however,* That nothing in this act shall prevent the bringing into this state, by a resident of the State of Washington, any elk, mountain goat, mountain sheep, caribou or deer when the same have been lawfully killed in any state, territory, or Canada, if accompanied by an affidavit that the same was lawfully killed, and is not transported for sale or profit, together with the shipping receipt from the originating point. Possession of imported game at unlawful season.

SEC. 15. That section 5395-33 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-33. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person, either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any elk, moose, caribou, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs except as herein pro- Importation of elk, deer, etc., lawfully killed outside state.  
Elk, deer, moose, mountain goat, etc.

Open  
season.

vided: *Provided*, That deer, caribou and mountain goat may be killed in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, between October 1st and November 15th of the same year: *And provided further*, That deer and mountain goat may be killed between September 15th and November 1st of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer, mountain goat or any part thereof, may be had in possession by any person during the said time. No person shall kill or have in possession during said time more than two deer, nor more than one mountain goat, or parts thereof: *And provided further*, That any person who is lawfully in possession of any deer, mountain goat, or any part thereof, may ship, or cause to be shipped, any such deer, goat, or part thereof, from place to place within the state: *And provided further*, That after the year 1925 male antlered moose and elk may be killed between October 1st and 15th of the same year, and any such male elk or moose or part thereof may be had in possession by any person during the time aforesaid, but no person shall kill or have in possession during said time more than one male antlered elk or moose, or part thereof: *And provided further*, That any person desiring to retain any game bird, game animal or game fish, or any part thereof for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging the same.

Male antlered  
elk and  
moose.

Retention in  
closed season  
of game law-  
fully taken.

SEC. 16. That section 5395-34 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5395-34. There is hereby established a fund to be known as the state game fund which shall consist of eighty per cent. (80%) of all moneys received for state hunting and game fish licenses, and all such other sums as the legislature may from time to time appropriate and set aside for the purposes provided for in this act, said state game fund shall also consist of ten per cent (10%) of all moneys received by the county officers for county hunting and game fish licenses, and from fines which shall be paid into the state treasury, and constitute a part of said state game fund, said payments to be made quarterly on the last day of each quarter of the year, beginning on the first day of March. Such state game fund shall be used for the payment of the salaries and expenses of the state game wardens provided for by this act, and their necessary traveling and office expenses, and for propagation, protection, introduction, purchase and distribution of any game animals, birds or fishes and for such other purposes for which the legislature may appropriate the same. Ninety per cent. of all moneys received in any county from the sale of county hunting and game fish licenses, and from fines and costs, and twenty per cent. (20%) of all money received from the sale of state hunting and game fish licenses, shall be expended in the said county from which the same are collected, and shall be so spent in the payment of salaries and expenses of the county game wardens or special deputies appointed in said county by the county game commission and for the protection, introduction, propagation and purchase of animals, birds and game fishes in said county, and in the enforcement of the game and game fish laws within said county from which said moneys are received. All payments made under the provisions of this act shall be made by warrant in the usual manner and shall be audited by the state and county officers in the same manner as other claims against the State of Washington and the various counties are audited.

SEC. 17. For the payment of the salaries of special deputy state game warden and fisheries inspectors and

State game fund.

County game fund.

Appropriation, \$12,000. Salaries.

expenses, there is hereby appropriated from the state game fund the sum of twelve thousand dollars (\$12,000.00), or so much thereof as is necessary.

Act controls  
in case of  
conflict with  
food fish laws.

SEC. 18. The provisions of this act shall apply exclusively to game and game fish and the same shall be enforced regardless of any conflicting provisions of any food fish laws of the State of Washington now in existence or hereafter passed, and no act done under the provisions of this act shall be deemed unlawful in the event that such act conflicts with any provisions of such food fish laws.

Vetoed.  
E. L.

SEC. 19. That sections 5395-37 and 5395-39 of Remington & Ballinger's Annotated Codes and Statutes of Washington be repealed.

Passed the Senate March 1, 1915.

Passed the House March 10, 1915.

Sections 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 approved by the Governor March 18, 1915.

Sections 2, 7 and 19 vetoed by the Governor March 18, 1915.

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## CHAPTER 152.

[S. B. 201.]

### LEASING STATE MINERAL LANDS.

AN ACT relating to the leasing of lands and tide and shore lands of the state, validating certain leases and contracts entered into thereunder and amending section 6782, Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Amends  
Rem.-Bal.  
§ 6782.

SECTION 1. That section 6782 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Authorizing  
lease by land  
commissioner.

Section 6782. The commissioner of public lands of the State of Washington is hereby authorized to execute leases and contracts for the mining of gold, silver, copper, lead, cinnabar or other valuable minerals except coal, from any

land or tide and shore lands belonging to the state or from any lands or tide and shore lands to which the state may hereafter acquire title, subject to the conditions hereinafter provided: *Provided, however,* If said lands are not used for mining and are used for other purposes the lease or contract shall be immediately cancelled.

Cancellation  
of lease.

SEC. 2. That leases and contracts heretofore entered into and executed by the commissioner of public lands for the mining of gold, silver, copper, lead, cinnabar or other valuable minerals except coal, from tide or shore lands be and the same are hereby validated.

Validation  
of existing  
leases.

Passed the Senate February 18, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 153.

[H. B. 172.]

### EMPOWERING DIKING DISTRICTS TO CONSTRUCT DRAINAGE SYSTEM.

AN ACT relating to dikes and drains enlarging the powers of diking districts, providing a method for the construction of a drainage system therein and amending section 4097 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4097 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§ 4097, by  
adding power  
to provide  
drainage  
system.

Section 4097. 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 or commissioners to cause to be condemned and appropriated private property for the use of said organization, in the construction and maintenance of a system of dikes and make just compensation therefor; that the property of private corporations may be subjected to the same rights of eminent

Delegation  
of power of  
eminent  
domain.

Powers of  
districts.

domain as private individuals, and said board of commissioners shall have the power to acquire by purchase all of the real property necessary to make the improvements provided for by this act. All diking districts and the commissioners thereof now organized and existing, and all diking districts hereafter to be organized, and the commissioners thereof shall have in addition to the rights, powers and authority now conferred by any law of this state:

(1st) The right, power and authority to straighten, widen, deepen and improve any and all rivers, water courses or streams, whether navigable or otherwise, flowing through or located within the boundaries of such diking district.

(2d) To construct all needed and auxiliary drains, ditches, canals, flumes, locks and all other necessary artificial appliances, in the construction of a diking system and which may be necessary or advisable to protect the land in any diking district from overflow, or to provide an efficient system of drainage for the land situated within such diking district, or to assist and become necessary in the preservation and maintenance of such diking system.

(3d) In the accomplishment of the foregoing objects, the commissioners of such diking districts are hereby given, in addition to the right and power of eminent domain now conferred by law upon the commissioners of any diking district, the right, power and authority by purchase, or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary or needed rights of way in the straightening, deepening or widening of such rivers, water courses or streams, and such auxiliary drains, ditches or canals hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority, by and with the consent and approval of the United States government, in cases where such consent is necessary, to divert, alter or change the bed or course of any such river, water course or stream aforesaid, or to deepen or widen the same.

Construction  
of drainage  
system.

SEC. 2. Before entering upon the construction of any system of drainage for the land situated within such diking

district, the commissioners thereof shall adopt a resolution which shall contain a brief and general description of the proposed improvement, a statement that the costs thereof shall be paid by warrants drawn and payable in like manner as for the original construction of the dikes of such district, and fixing a time and place within such district for hearing objections to such proposed improvement or for the proposed method of paying the costs thereof. The time so fixed shall be not less than 30 days or more than 60 days from the date said resolution shall be adopted. Such resolution may be adopted by the commissioners upon their own motion and it shall be their duty to adopt such resolution at any time when a petition signed by the owners of sixty per cent or more of the acreage within such diking district is presented, requesting them to do so.

Resolution  
for im-  
provement.

SEC. 3. Notice of such hearing shall be given by posting in three (3) public places within such district a true copy of said resolution signed by the commissioners of the diking district and attested with the seal thereof, which notice shall be posted for at least ten (10) days prior to the day fixed in said resolution for said hearing.

Notice of  
hearing.

SEC. 4. At the time fixed, the commissioners shall meet and if no objections have been made to the proposed improvement or to the proposed method of paying the costs thereof, they shall adopt an order reciting that fact and shall thereupon proceed to construct such system of drainage and pay the costs thereof in accordance with the terms specified in the resolution.

Procedure in  
absence of  
objections.

SEC. 5. But if objections in writing are filed either to the proposed improvement or to the proposed method of paying the costs thereof, the commissioners shall proceed to hear and consider the same and may, thereupon, order that such proposed improvement be abandoned for the time being or may direct such improvement to be constructed and the order of the commissioners in that regard shall be final and conclusive on all parties interested: *Provided, however,* That no such proceeding shall be abandoned unless the owners of at least twenty-five per cent of the acre-

Consideration  
of objections.

age within said district shall have at or prior to said hearing, filed protests against the same. But nothing contained in this act shall be held to forbid the commissioners in their discretion overruling all protests and directing the construction of such improvement.

Commissioners shall likewise hear and consider all objections that may be filed to the proposed method of paying the cost of such improvement.

Assessment  
of benefits.

SEC. 6. In case the commissioners at such hearing shall determine that the benefits accruing to any lot or parcel of lands within said district by reason of the construction of such drainage system are greater or less than the amount theretofore fixed in the original or any subsequent proceeding for the construction of dikes, they shall determine the amount of such benefits to each lot or parcel of land and certify their findings and determination in that regard to the county auditor and the county auditor shall note the same on the transcript of the judgment (and in case there has been any re-adjustment of assessments of such diking district, then upon such transcript as re-adjusted).

Appeal to  
superior  
court.

SEC. 7. Any person deeming himself aggrieved by the assessment for benefits made against any lot or parcel of land owned by him, may appeal therefrom to the superior court for the county in which the diking district is situated; such appeal shall be taken within the time and substantially in the manner prescribed by the laws of this state for appeals from justices' courts and all notices of appeal shall be filed with the said board, and the board of diking commissioners shall at the appellant's expense certify to the superior court so much of the record as appellant may request, and the hearing in said superior court shall be *de novo*. and the superior court shall have power and authority to reverse or modify the determination of the commissioners and to certify the result of its determination to the county auditor and shall have full power and authority to do any thing in the premises necessary to adjust the

Trial de novo.

assessment upon the lots or parcels of land involved in the appeal in accordance with the benefits.

SEC. 8. In all cases wherein it is finally determined that the assessments for the system of drainage differ from the assessment theretofore made, as to any tract or parcel of land within said diking district, the diking commissioners in making their annual estimate shall segregate the amount necessary to be raised for the construction, repair and maintenance of the system of drainage or for the payment of the principal or interest of any bonds issued for drainage purposes from the amount necessary to be raised for all other diking purposes and the county auditor in apportioning said estimate for drainage purposes to the lands in such district shall base such apportionment upon the assessment fixed for drainage purposes and shall apportion the remainder of such estimate upon the basis fixed in the original or any subsequent proceeding for all other diking purposes. But in all other cases, the estimate and apportionment shall be made in accordance with existing laws.

Segregation of assessments for drainage system and diking purposes.

SEC. 9. Authority is hereby given to any diking district heretofore organized, or that may be hereafter organized, to issue bonds of such diking district for the purpose of procuring funds with which to construct a drainage system, such bonds to be issued in accordance with the terms of chapter 156 of the Laws of 1913, entitled "An act providing for the issuance of bonds by diking districts upon petition of 60 per cent in acreage of the property owners of such district to provide for the expense of repairs, improvements, maintenance and the purchase of machinery and other appliances."

Issuance of bonds for drainage system.  
[See 3 Rem.-Bal. §4126-1.]

SEC. 10. Either the dike commissioners or any land owner who has appealed to the superior court in accordance with the provisions of this act shall have a right to appeal to the supreme court within the time and in the manner prescribed by existing law.

Appeals to supreme court.

Passed the House March 1, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 18, 1915.

## CHAPTER 154.

[S. S. B. 245.]

## EMINENT DOMAIN GRANTED TO CITIES AND TOWNS.

AN ACT relating to eminent domain proceedings in cities and towns and amending sections 7768, 7789, 7790, 7797, 7798, 7799, 7801, 7802, 7814 and 7816 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and adding new sections thereto to be known as sections 7801A, 7814A, 7814B, 7814C, 7814D, 7814E, 7814F, 7814G, 7814H, 7814I and 7814J.

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

SECTION 1. That section 7768 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 7768. Every city and town and each unclassified city and town within the State of Washington, is hereby authorized and empowered to condemn land and property, including state, county and school lands and property for streets, avenues, alleys, highways, bridges, approaches, culverts, drains, ditches, public squares, public markets, city and town halls, jails and other public buildings, and for the opening and widening, widening and extending, altering and straightening of any street, avenue, alley or highway, and to damage any land or other property for any such purpose or for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, avenue, alley or highway now ordered to be, or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, or for the purpose of draining swamps, marshes, tide lands, tide flats or ponds, or filling the same, within the limits of such city, and to condemn land or property, or to damage the same, either within or without the limits of such city for public parks, drives and boulevards, hospitals, pest houses, drains and sewers, garbage crematories and destructors and dumping grounds for the destruction, deposit or burial of dead ani-

Amends Rem.-Bal. § 7768, by granting power to all cities and towns.

Power of eminent domain granted all cities and towns.

Purposes of exercise.

mals, manure, dung, rubbish, and other offal, and for aqueducts, reservoirs, pumping stations and other structures for conveying into and through such city a supply of fresh water, and for the purpose of protecting such supply of fresh water from pollution, and to condemn land and other property and damage the same for such and for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed by this act.

SEC. 2. That section 7789 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 7789. All commissioners before entering upon their duties shall take and subscribe an oath that they will faithfully perform the duties of the office to which they are appointed, and will to the best of their abilities make true and impartial assessments according to the law. Every commissioner shall receive compensation at the rate of five dollars per day for each day actually spent in making the assessment herein provided for: *Provided*, That in any city of the first class the superior court of the county in which said city is situated may, by order duly entered in its records, fix the compensation of each commissioner in an amount in no case to exceed seven and one-half (\$7.50) dollars per day for each day actually spent in making the assessment herein provided for. Each commissioner shall file in the proceeding in which he has made such assessment his account, stating the number of days he has actually spent in said proceeding, and upon the approval of said account by the judge before whom the proceeding is pending, the comptroller or city clerk of such city shall issue a warrant in the amount approved by the judge upon the special fund created to pay the awards and costs of said proceeding, and the fees of such commissioner so paid shall be included in the cost and expenses of such proceedings. In case such commissioners are, during the same period, or parts thereof, engaged in making assessments in different proceedings, in rendering their accounts they shall

Amends  
Rem.-Bal.  
§ 7789, by  
enlarging pay  
in first class  
cities.

Commis-  
sioners.

Oath.

Compensa-  
tion.

Rate of pay  
in first  
class cities.

Filing  
account  
of service.

apportion on them to the different proceedings in proportion to the amount of time actually spent by them on the assessment in each proceeding.

SEC. 3. That section 7790 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 7790. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made and the property which will be especially benefited thereby, and to estimate what proportion, if any, of the total cost of such improvement will be a benefit to the public, and what proportion thereof will be a benefit to the property to be benefited, and apportion the same between the city and such property so that each shall bear its relative equitable proportion, and having found said amounts, to apportion and assess the amount so found to be a benefit to the property upon the several lots, blocks, tracts and parcels of land, or other property in the proportion in which they will be severally benefited by such improvement: *Provided*, That the legislative body of the city may in the ordinance initiating any such improvement establish an assessment district and said district when so established shall be deemed to include all the lands or other property especially benefited by the proposed improvement, and the limits of said district when so fixed shall be binding and conclusive on the said commissioners: *And provided further*, That no property shall be assessed a greater amount than it will be actually benefited. That all leasehold rights and interests of private persons, firms or corporations in or to harbor areas located within the corporate limits of any incorporated city or town are for the purpose of assessment for the payment of the awards, interest and costs of any improvement authorized by this act, declared to be real property, and all such leasehold rights and interests may be assessed and re-assessed in accordance with the special benefits received for the purpose of paying the cost of any such improvement heretofore made or which may hereafter be made in accordance with law.

Amends  
Rem.-Bal.  
§ 7790, by  
authorizing  
assessments  
of leasehold  
interests in  
harbor areas.

Special  
benefits.

Apportion-  
ment.

Assessment  
districts.

Leaseholds  
of harbor  
area  
assessable.

SEC. 4. That section 7797 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Amends Rem.-Bal. § 7797, by making assessment judgment superior to all liens except taxes.

Section 7797. The judgment of the court shall have the effect of a separate judgment as to each tract or parcel of land or other property assessed, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. Such judgment shall be a lien upon the property assessed from the date thereof until payment shall be made, and said lien shall be paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created, except a lien for assessments for general taxes.

Effect and lien of judgment.

SEC. 5. That section 7798 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Amends Rem.-Bal. § 7798, by requiring acceptance of awards by city prior to certification of rolls.

Section 7798. The clerk of the court in which such judgment is rendered shall certify a copy of the assessment roll and judgment to the treasurer of the city, or if there has been an appeal taken from any part of such judgment, then he shall certify such part of the roll and judgment as is not included in such appeal, and the remainder when final judgment is rendered: *Provided*, That if upon such appeal, the judgment of the superior court shall be affirmed, the assessments on such property as to which appeal has been taken shall bear interest at the same rate and from the same date which other assessments not paid within the time hereafter provided shall bear. Such copy of the assessment roll shall describe the lots, blocks, tracts, parcels of land or other property assessed, and the respective amounts assessed on each, and shall be sufficient warrant to the city treasurer to collect the assessment therein specified. In no case, however, shall a copy of such assessment roll and judgment be certified to the city treasurer unless and until the awards of the jury shall have first been accepted by the city council or other legislative body as provided by law, or the time for rejecting the same shall have expired.

Certifying judgment and assessment roll.

Necessity of acceptance by city council of jury awards.

Amends  
Rem.-Bal.  
§ 7799.

SEC. 6. That section 7799 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Payment of  
assessments.

Section 7799. Whenever the assessment for any such improvement shall be immediately payable, the owner of any such lot, tract or parcel of land or other property so assessed may pay such entire assessment, or any part thereof, without interest, within thirty (30) days after the notice of such assessment.

Notice by city  
treasurer.

The city treasurer shall, as soon as the certified copy of the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city for two (2) consecutive daily, or two (2) consecutive weekly issues, and then by posting four notices thereof in public places along the line of the proposed improvement, that the said roll is in his hands for collection, and that any assessment thereon, or any part thereof, may be paid within thirty (30) days from the date of the first publication or posting of said notice, without penalty, interest or costs, and if not so paid, the same shall thereupon become delinquent.

SEC. 7. That section 7801 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Enforcement  
of assess-  
ments.

Section 7801. Whenever any assessment payable immediately shall become delinquent and whenever any instalment shall become delinquent, the city treasurer shall forthwith proceed to enforce the collection of such delinquent and unpaid assessment or instalment as in this act provided.

Return of  
assessment  
roll.

Within fifteen days from the expiration of the time limited for the payment of any such assessments or instalments, the treasurer shall return the assessment roll to the comptroller, if there be such officer of the city or town; otherwise, to the city or town clerk, designating thereon the assessments or instalments paid and those unpaid. The comptroller or clerk, as the case may be, shall, upon receipt of said roll, credit the treasurer with the amount of

assessments or instalments collected thereon, and thereupon issue and annex to said roll a warrant directing the treasurer to sell all the property described in said roll upon which assessments are levied, whether in the name of a designated owner or in the name of an unknown owner, to satisfy all delinquent and unpaid assessments or instalments upon said roll, with costs, interest and charges. All assessments or instalments unpaid at the expiration of the time fixed herein for the payment of the same, shall bear interest at the rate of ten per cent. per annum from said date until paid.

Warrant to treasurer to sell.

Interest on delinquencies.

SEC. 8. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7801A and to read as follows:

Section 7801A. The collection and enforcement of such delinquent instalments shall be governed by and conform to the provisions of chapter 153, Session Laws of 1907, of the State of Washington, relating to the collection and enforcement of delinquent assessments, except as otherwise provided in this act.

Law governing enforcement of assessments.

Whenever the word "assessment" or the word "assessments" is used in said chapter 153, the same shall be held and construed to include the word "instalment" or the word "instalments."

SEC. 9. That section 7802 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

[See Rem.-Bal. §§ 7768-7821, for act referred to.]

Section 7802. Such warrant issued for the purpose of making sale of said delinquent property shall be deemed and taken as an execution against said property for the amount of said assessments or instalments with interest and costs, and the treasurer shall, within sixty days from the receipt thereof by him, commence the sale of said property and continue such sale from day to day thereafter, except on Sundays and legal holidays, until all the property described in said assessment roll on which any such assessment or instalment is delinquent and unpaid is sold.

Amends Rem.-Bal. § 7802, by including sale for delinquent instalments.

Sale of delinquent property.

Such sale shall take place at the front door of the building in which the city council holds its sessions. The treasurer shall give notice of such sales by publishing a notice thereof once each week for three consecutive weeks in the official newspaper of the city, or if there be no such newspaper, then by publishing the same for said period in some newspaper published in the same county in which the city is situated, or if no such newspaper is published in such county, then in some newspaper published in the state of daily circulation in such county. Such notice shall contain a list of all property upon which such assessments or instalments are delinquent with the amount of the assessment or instalment, interest and costs to date of sale, including the cost of advertising such sale, together with the names of the owners of such property, or the words "unknown owners," as the same may appear upon said assessment roll, and shall specify the time and place of sale, and that the property therein described will be sold to satisfy the assessment or instalment, interest and costs due upon the same. All of such sales shall be made between the hours of ten o'clock a. m. and four o'clock p. m. Each lot or parcel of land or other property shall be sold separately and in the order in which the same appears on the assessment roll, commencing at the head thereof. If there be no bidder for any lot or parcel of land or other property for a sum sufficient to pay the delinquent assessment or instalment thereon, with interest and costs, the treasurer shall strike the same off to the city for the whole amount which he is required to collect by such sale.

SEC. 10. That section 7814 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 7814. The city council or other legislative body of any city may, in their discretion, provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement authorized by law, by bonds of the improvement district, which bonds shall be issued and sold as herein provided.

Amends  
Rem.-Bal.  
§ 7814.

Issuance  
of bonds.

SEC. 11. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814A, and to read as follows:

Section 7814A. Such bonds shall be issued only in pursuance of ordinances of the city directing the issuance of the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after their date, which latter date may be fixed by resolution or ordinance by council or other legislative body of said city and shall bear interest not exceeding eight per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by resolution or ordinance, and each bond shall have attached thereto interest coupons for each interest payment.

Such bonds shall be in such denominations as shall be provided in the resolution or ordinance authorizing their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon a fac-simile of the signature of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance authorizing the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

SEC. 12. That Remington & Ballinger's Annotated Codes & Statutes of Washington be amended by adding thereto a new section to be know as section 7814B, and to read as follows:

Section 7814B. The bonds issued under the provisions of this act or any portion thereof may be sold by any

Date of maturity.

Interest coupons.

Denominations.

Signatures of officers.

Fund against which issued.

Amount of issue.

Sale.

Application  
of proceeds.

authorized officer or officers of the city at not less than their par value and accrued interest, and the proceeds thereof shall be applied in payment of the awards, interest and costs of the improvement.

SEC. 13. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814C, and to read as follows:

Payment of  
assessment in  
instalments.

Section 7814C. In all cases where any city shall issue bonds as provided for in this act, the whole or any portion of the separate assessments for any such improvement, may be paid during the thirty (30) day period provided for in section 14 of this act, and thereafter the sum remaining unpaid may be paid in equal annual instalments; the number of which instalments shall be less by two than the number of years which the bonds issued to pay for the improvements may run, with interest upon the whole unpaid sum at the bond rate, and each year thereafter one of such instalments, together with the interest due thereon and on all instalments thereafter to become due, shall be collected in the same manner as shall be provided by law and the resolutions and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued.

Applicability  
of act to pro-  
ceedings  
already  
initiated.

In all cases of improvements authorized in this act, where, at the time this act shall become effective, the notice by the city treasurer of the assessment for such improvement shall not have been published, the city council or other legislative body of such city may by ordinance or resolution provide for the issuance and sale of bonds for such improvement and for the payment of such assessments in instalments.

SEC. 14. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814D, and to read as follows:

Section 7814D. Whenever the assessment for any such improvement shall be payable in instalments, the owner of

any lot, tract or parcel of land or other property charged with any such assessment may pay such assessment or any portion thereof, without interest, within thirty (30) days after such notice of such assessment.

The city treasurer shall, as soon as the certified copy of the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city for two consecutive daily or two consecutive weekly issues, that the said roll is in his hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty (30) days from the date of the first publication of said notice without penalty, interest or costs, and the unpaid balance, if any, may be paid in equal annual instalments, or any such assessment may be paid at any time after the first thirty (30) days following the date of the first publication of such notice by paying the entire unpaid portion thereof with all penalties and costs attached, together with all interest thereon to the date of delinquency of the first instalment thereof next falling due.

Notice of  
reception  
of roll.

Instalment  
payments,  
how made.

Such notice shall further state that the first instalment of such assessment shall become due and payable during the thirty (30) day period succeeding a date one (1) year after the date of first publication of such notice, and annually thereafter each succeeding instalment shall become due and payable in like manner.

If the whole or any portion of any assessment remains unpaid after the first thirty (30) day period herein provided for, interest upon the whole unpaid sum shall be charged at the bond rate, and each year thereafter one (1) of said instalments, together with interest due upon the whole of the unpaid balance shall be collected.

Any instalment not paid prior to the expiration of the thirty (30) day period during which such instalment is due and payable, shall thereupon become delinquent. All delinquent instalments shall, until paid, be subject to a charge for interest at the bond rate, and to an additional charge of five per cent (5%) penalty levied upon both

Delinquent  
instalments.

principal and interest due on such instalment or instalments.

Time of  
issuance  
of bonds.

The bonds herein provided for shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days first above mentioned, but may be issued at any time thereafter. In all cases where any sum is paid as herein provided, the same shall be paid to the city treasurer, or to the officer whose duty it is to collect said assessments, and all sums so paid shall be applied solely to the payment of the awards, interest and costs of such improvements or the redemption of the bonds issued therefor.

Application  
of payments.

Selection of  
newspaper  
for publica-  
tion of  
notice.

In case any city has no official newspaper, any publication required under the provisions of this act may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city is located and of general circulation in such city.

SEC. 15. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814E, and to read as follows:

Right of  
bondholders  
to enforce  
collection.

Section 7814E. If the city shall fail, neglect or refuse to pay said bonds or to promptly collect any such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall in addition to the principal of such bonds and interest thereon, recover five per centum of such sum, together with the costs of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

SEC. 16. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814F, and to read as follows:

Section 7814F. Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on each bond so issued.

Remedy of bondholder confined to assessments.

SEC. 17. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814G, and to read as follows:

Section 7814G. Whenever any city has heretofore issued bonds for the purpose of paying the awards, interest and costs of local improvements herein authorized, such city may, with the consent of the holders of such bonds, exchange for them bonds authorized by this act.

Exchange of bonds.

SEC. 18. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814H, and to read as follows:

Section 7814H. The city treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds. Such bonds shall be called in and paid in their numerical order, commencing with number one. Such call shall be made by publication in the city official newspaper in its first publication following the delinquency of the instalment of the assessment or as soon thereafter as is practicable, and shall state that bonds No. . . . (giving the serial numbers of the bonds called) will be paid on the day the next interest coupons

Payment of bond interest.

Calling in bonds.

Publication of notice.

on said bonds shall become due, and interest on said bonds shall cease upon such date: *Provided*, That in any city or town not having an official newspaper, such publication may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city or town is located and of general circulation in such city or town.

SEC. 19. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814I, and to read as follows:

Partial  
invalidity.

Section 7814I. An adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any part thereof.

SEC. 20. That Remington & Ballinger's Annotated Codes and Statutes of Washington be amended by adding thereto a new section to be known as section 7814J, and to read as follows:

"City"  
defined.

Section 7814J. The term "city," when used in this act, means and includes every city and town and each unclassified city and town in the State of Washington.

SEC. 21. That section 7816 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Amends  
Rem.-Bal.  
§ 7816, by  
enlarging  
time within  
which to  
discontinue.

Section 7816. At any time within six months from the date of rendition of the last judgment awarding compensation for any such improvement in the superior court, or if any appeal be taken, then within two months after the final determination of the appeal in the supreme court, any such city may discontinue the proceedings by ordinance passed for that purpose before making payment or proceeding with the improvement by paying or depositing in court all taxable costs incurred by any parties to the proceedings up to the time of such discontinuance. If any such improvement be discontinued, no new proceed-

Discontinu-  
ance of  
proceedings.

ings shall be undertaken therefor until the expiration of one year from the date of such discontinuance.

Passed the Senate March 2, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 155.

[S. B. 54.]

### TAKING MOTOR VEHICLE WITHOUT PERMISSION OF OWNER.

AN ACT providing for the punishment of persons intentionally taking, riding in or upon, or driving away the automobile or motor vehicle of another without the permission of the owner or person entitled to the possession thereof.

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

SECTION 1. Every person who shall without the permission of the owner or person entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity or internal combustion engine, the property of another, shall be deemed guilty of a gross misdemeanor and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of a gross misdemeanor.

Penalty for unlawful taking of another's automobile.

Companion equally guilty.

Passed the Senate February 24, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

CHAPTER 156.

[S. B. 107.]

UNLAWFUL ISSUANCE OF BANK CHECKS OR DRAFTS.

AN ACT making the drawing, or uttering, of a bank check or draft for the payment of money, without funds or credit to meet the same upon presentation, a larceny, and prescribing a penalty therefor.

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

SECTION 1. Any person who shall with intent to defraud make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or depository, to meet said check, in full upon its presentation, shall be guilty of larceny. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be *prima facie* evidence of an intent to defraud.

Drawing checks or drafts on bank in excess of funds.

Penalty.

"Credit" defined.

Evidence of intent to defraud.

Passed the Senate February 8, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

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CHAPTER 157.

[S. B. 113.]

RESERVING CERTAIN STATE LANDS IN COWLITZ COUNTY FROM SALE OR LEASE.

AN ACT relating to the reservation of certain state lands from sale and lease.

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

SECTION 1. That all of the shore lands, beds and waters of Lake Merrill, in sections 8, 9, 16, 17 and 21, in township seven, north of range four east of the Willamette

Bed and shores of Lake Merrill, and adjoining school section.

Meridian, in Cowlitz county; and all of the lands in said section 16, are hereby reserved from sale and lease, and the same shall not be sold or leased.

Passed the Senate February 8, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 158.

[S. B. 281.]

### RELIEF OF PARTIES FURNISHING CONSTRUCTION MATERIAL FOR NORTHERN HOSPITAL FOR INSANE.

AN ACT providing for the relief of the Wheeler Osgood Company, McGoldrick Lumber Company, Union Iron Works, Ludowici-Coladon Company, and F. T. Crowe & Company, for materials furnished the contractor for the administration building of the Northern Hospital for the Insane, and making appropriations therefor.

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

SECTION 1. That the following amounts be and are hereby appropriated out of the state treasury from any funds not otherwise appropriated, to pay the following companies for materials furnished by them to the contractor who built for the state the administration building for the Northern Hospital for the Insane, said companies having lost their claims because of acting on information given through the office of the state board of control as to when said contractors' work was completed and accepted, which information has since been held by the supreme court to be erroneous: The Wheeler Osgood Company, a corporation, four thousand four hundred sixty-one dollars and eight cents (\$4,461.08); the McGoldrick Lumber Co., a corporation, two thousand two hundred and twenty-nine and 7-100 dollars (\$2,229.07); Union Iron Works, a corporation, six thousand two hundred fifty-three dollars and seventy cents (\$6,253.70); Ludowici-Coladon Company,

Appropriation,  
\$15,813.03.

Wheeler  
Osgood Co.

McGoldrick  
Lumber Co.

Union Iron  
Works.

Ludowici-  
Coladon Co.

F. T. Crowe  
& Co.

fifteen hundred dollars (\$1,500.00); and F. T. Crowe & Co., a corporation, one thousand three hundred sixty-nine dollars and eighteen cents (\$1,369.18).

Passed the Senate March 6, 1915.

Passed the House March 9, 1915.

NOTE BY SECRETARY OF STATE.

The above act filed in the office of the Secretary of State, March 18, 1915, and allowed to become a law without the approval of the Governor.

I. M. HOWELL,  
*Secretary of State.*

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CHAPTER 159.

[S. B. 144.]

UNIFORM BILLS OF LADING ACT.

AN ACT relating to bills of lading, the rights, obligations and liabilities thereunder, creating liens thereunder and providing for the enforcement of the same, and providing penalties for the violation thereof.

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

PART I.

THE ISSUE OF BILLS OF LADING.

SECTION 1. *Bills Governed by This Act.*

Bills of lading issued by any common carrier shall be governed by this act.

SEC. 2. *Form of Bills—Essential Terms.*

Every bill must embody within its written or printed terms:

- (a) The date of its issue,
- (b) The name of the person from whom the goods have been received,
- (c) The place where the goods have been received,
- (d) The place to which the goods are to be transported,
- (e) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person,

Bills of  
all common  
carriers.

Essential  
terms of  
bills.

(f) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in section 23, and

(g) The signature of the carrier.

A negotiable bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable. Use of words "order of."

A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section.

**SEC. 3. Form of Bills—What Terms May Be Inserted.**

A carrier may insert in a bill, issued by him, any other terms and conditions, provided that such terms and conditions shall not— Liability of carrier for omissions.

(a) Be contrary to law or public policy, or

(b) In any wise impair his obligation to exercise at least that degree of care in the transportation and safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own. Insertion of additional terms.

**SEC. 4. Definition of Non-Negotiable or Straight Bill.**

A bill in which it is stated that the goods are consigned or destined to a specified person, is a non-negotiable or straight bill. "Straight" or "non-negotiable" bill.

**SEC. 5. Definition of Negotiable or Order Bill.**

A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill, is a negotiable or order bill. "Negotiable" or "Order" bill.

Any provision in such a bill that it is non-negotiable shall not affect its negotiability within the meaning of this act. Provision against negotiability.

**SEC. 6. Negotiable Bills Must Not Be Issued in Sets.**

Negotiable bills issued in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets. Issuance in sets prohibited.

If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to any one Liability if so issued.

who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

SEC. 7. *Duplicate Negotiable Bills Must Be So Marked.*

Duplicate bills to be marked.

When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

Liability for failure.

SEC. 8. *Non-Negotiable Bills Shall Be So Marked.*

Non-negotiable to be marked.

A non-negotiable bill shall have placed plainly upon its face by the carrier issuing it "non-negotiable" or "not negotiable."

Informal memoranda.

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

SEC. 9. *Insertion of Name of Person to Be Notified.*

Effect of insertion of party to be notified.

The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

SEC. 10. *Acceptance of Bill Indicates Assent to Its Terms.*

Acceptance indicates assent.

Except as otherwise provided in this act, where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

## PART II.

OBLIGATIONS AND RIGHTS OF CARRIERS UPON THEIR  
BILLS OF LADING.SEC. 11. *Obligation of Carrier to Deliver.*

A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by—

Delivery of goods to consignee or indorsee of bill.

- (a) An offer in good faith to satisfy the carrier's lawful lien upon the goods,
- (b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and
- (c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

SEC. 12. *Justification of Carrier in Delivering.*

A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is

When carrier justified in making delivery.

- (a) A person lawfully entitled to the possession of the goods, or
- (b) The consignee named in a non-negotiable bill for the goods, or
- (c) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee.

SEC. 13. *Carrier's Liability for Misdelivery.*

Liability for  
misdelivery.

Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

Notice to  
officer or  
agent of  
carrier.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

SEC. 14. *Negotiable Bills Must Be Cancelled When Goods Delivered.*

Cancellation  
of bill on  
delivery  
of goods.

Except as provided in section 27, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

SEC. 15. *Negotiable Bills Must Be Cancelled or Marked When Parts of Goods Delivered.*

Except as provided in section 27, and except when compelled by legal process, if a carrier delivers part of the

goods for which a negotiable bill had been issued and fails either—

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill, to any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

Notation on bills of partial delivery of goods.

SEC. 16. *Altered Bills.*

Any alteration, addition or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

Alteration of bills.

SEC. 17. *Lost or Destroyed Bills.*

Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

Delivery in case of loss of bill.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Rights of bona fide holder.

SEC. 18. *Effect of Duplicate Bills.*

A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is

Warranty of genuineness of duplicate.

not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

SEC. 19. *Carrier Can Not Set Up Title in Himself.*

Carrier's title as excusing delivery.

No title to goods or right to their possession, asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

SEC. 20. *Interpleader of Adverse Claimants.*

Determination of title of adverse claimants.

If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate.

SEC. 21. *Carrier Has Reasonable Time to Determine Validity of Claims.*

Time to determine validity of claims.

If some one other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SEC. 22. *Adverse Title Is No Defense, Except as Above Provided.*

Adverse title no defense for non-delivery.

Except as provided in the two preceding sections and in section 12, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a non-negotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

SEC. 23. *Liability for Non-Receipt or Misdescription of Goods.*

If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to

When carrier liable for non-receipt or misdescription of goods.

- (a) The consignee named in a non-negotiable bill, or
- (b) The holder of a negotiable bill,

Who has given value in good faith relying upon the description therein of the goods, for damages caused by the non-receipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in a bill merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may, also, by inserting in the bill the words "shipper's load and count" or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the non-receipt or by the misdescription of the goods described in the bill.

Description of goods exonerating carrier.

Noting in bill, "shipper's load and count."

SEC. 24. *Attachment or Levy Upon Goods for Which a Negotiable Bill Has Been Issued.*

If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a pur-

Levy or attachment of goods.

chaser for value in good faith would bind the owner and a negotiable bill is issued for them, they can not thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

SEC. 25. *Creditor's Remedies to Reach Negotiable Bills.*

Bills subject to creditors' remedies.

A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

SEC. 26. *Negotiable Bill Must State Charges for Which Lien Is Claimed.*

Extent of carrier's lien under negotiable bill.

If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

SEC. 27. *Effect of Sale.*

Non-liability of carrier under lawful sale of goods.

After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be negotiable.

## PART III.

## NEGOTIATION AND TRANSFER OF BILLS.

SEC. 28. *Negotiation of Negotiable Bills by Delivery.*

A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

Negotiation of bills by delivery.

SEC. 29. *Negotiation of Negotiable Bills by Indorsement.*

A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

Negotiation by indorsement.

SEC. 30. *Transfer of Bills.*

A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby.

Transfer by delivery.

A non-negotiable bill can not be negotiated, and the indorsement of such a bill gives the transferee no additional right.

SEC. 31. *Who May Negotiate a Bill.*

A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

Negotiability of bills.

SEC. 32. *Rights of Person to Whom a Bill Has Been Negotiated.*

A person to whom a negotiable bill has been duly negotiated acquires thereby—

Rights of indorsee.

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser

in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully if the carrier had contracted directly with him.

*SEC. 33. Rights of Person to Whom a Bill Has Been Transferred.*

Rights of transferee.

A person to whom a bill has been transferred but not negotiated acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is non-negotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Effect of levy prior to notification of carrier.

Prior to the notification of the carrier by the transferor or transferee of a non-negotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

What constitutes notification.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

*SEC. 34. Transfer of Negotiable Bill Without Indorsement.*

Transfer of negotiable bill by delivery.

Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferor is essential

for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Specific performance.

SEC. 35. *Warranties on Sale of Bill.*

A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless, a contrary intention appears, warrants—

Warranties on transfer of bills.

(a) That the bill is genuine,  
 (b) That he has a legal right to transfer it,  
 (c) That he has knowledge of no fact which would impair the validity or worth of the bill, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

Liability on assignment.

SEC. 36. *Indorser Not a Guarantor.*

The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

No guaranty on indorsement.

SEC. 37. *No Warranty Implied from Accepting Payment of a Debt.*

A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

Holders of bill as collateral not warrantors.

SEC. 38. *When Negotiation Not Impaired by Fraud, Accident, Mistake, Duress or Conversion.*

The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty

Bona-fide holder not affected by fraud or mistake.

on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion.

SEC. 39. *Subsequent Negotiation.*

Effect of negotiation to innocent third party subsequent to sale of bill or goods to another.

Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

SEC. 40. *Form of the Bill As Indicating Rights of Buyer and Seller.*

Transfer or detention of title as shown by bill.

Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

Goods deliverable to buyer.

(a) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

Goods deliverable to seller.

(b) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(c) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

Possession of bill retained by seller.

(d) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is indorsed in blank or to the buyer by the consignee named therein; one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Attaching bill to draft on buyer.

SEC. 41. *Demand, Presentation or Sight Draft Must Be Paid, but Draft on More Than Three Days Time Merely Accepted Before Buyer Is Entitled to the Accompanying Bill.*

Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

In case of draft with bill attached.

(a) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

Draft on sight or demand, payment necessary in order to retain bill.

(b) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or

Draft on time, buyer may retain bill.

sight (whether such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

Immateriality  
of terms of  
consignment.

The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

SEC. 42. *Negotiation Defeats Vendor's Lien.*

Defeat of  
vendor's lien.

Where a negotiable bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

SEC. 43. *When Rights and Remedies Under Mortgages and Liens Are Not Limited.*

No impair-  
ment of  
mortgage and  
other liens.

Except as provided in section 42, nothing in this act shall limit the rights and remedies of a mortgagee or lienholder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

PART IV.

CRIMINAL OFFENSES.

SEC. 44. *Issue of Bill for Goods Not Received.*

Issuance of  
bill for goods  
not received.

Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such

bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. Penalty.

**SEC. 45. *Issue of Bill Containing False Statement.***

Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. Fraudulent issue of bill.  
Penalty.

**SEC. 46. *Issue of Duplicate Bills Not So Marked.***

Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of section 7, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both. Failure to mark duplicate bill.  
Penalty.

**SEC. 47. *Negotiation of Bill for Mortgaged Goods.***

Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both. Negotiation of bill on goods without title, or subject to liens.  
Penalty.

**SEC. 48. *Negotiation of Bill When Goods Are Not in Carrier's Possession.***

Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued Negotiation when goods are not held by carrier.

the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Penalty.

**SEC. 49. *Inducing Carrier to Issue Bill When Goods Have Not Been Received.***

Any person who with intent to defraud secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent, or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Penalty.

**SEC. 50. *Issue of Non-Negotiable Bill Not So Marked.***

Any person who with intent to defraud issues or aids in issuing a non-negotiable bill without the words "not negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

Fraud in not marking non-negotiable bill.

Penalty.

**PART V.**

**INTERPRETATION.**

**SEC. 51. *Rule for Cases Not Provided for in This Act.***

In any case not provided for in this act, the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

Rules of law in cases not specified.

SEC. 52. *Interpretation Shall Give Effect to Purpose of Uniformity.*

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Rule for interpretation.

SEC. 53. *Definitions.* (1) In this act, unless the context or subject matter otherwise requires—

Terms defined.

“Action” includes counter claim, set-off, and suit in equity.

“Action.”

“Bill” means bill of lading.

“Bill.”

“Consignee” means the person named in the bill as the person to whom delivery of the goods is to be made.

“Consignee.”

“Consignor” means the person named in the bill as the person from whom the goods have been received for shipment.

“Consignor.”

“Goods” means merchandise or chattels in course of transportation, or which have been or are about to be transported.

“Goods.”

“Holder” of a bill means a person who has both actual possession of such bill and a right of property therein.

“Holder.”

“Order” means an order by indorsement on the bill.

“Order.”

“Owner” does not include mortgagee or pledgee.

“Owner.”

“Person” includes a corporation or partnership of two or more persons having a joint or common interest.

“Person.”

To “purchase” includes to take as mortgagee and to take as pledgee.

“Purchase.”

“Purchaser” includes mortgagee and pledgee.

“Purchaser.”

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

“Value.”

(2) A thing is done “in good faith” within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

“Good faith.”

SEC. 54. *Act Does Not Apply to Existing Bills.*

The provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

Act inapplicable to existing bills.

SEC. 55. *Inconsistent Legislation Repealed.*

Repealing clause.

Sections 3385, 3386, 3387, 3388, 3389, 3390 and 3391 of Remington & Ballinger's Annotated Codes and Statutes of Washington and all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 56. *Name of Act.*

Title of act.

This act may be cited as the Uniform Bills of Lading Act.

Passed the Senate March 3, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

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CHAPTER 160.

[S. B. 379.]

VALIDATING ILLEGAL INDEBTEDNESS AGAINST COUNTY ROAD FUNDS.

AN ACT relating to county road funds, validating certain obligations and authorizing the payment thereof.

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

Validation of warrants and obligations.

SECTION 1. If the officials of any county in this state have paid any warrants or incurred any obligations in any of the road funds during the fiscal years of 1913 and 1914, which are in violation of section 5590-5 of Remington & Ballinger's Annotated Codes and Statutes of Washington, said warrants and unpaid obligations in the order as to time that they were paid and incurred are validated to the extent of the tax levy for said particular road funds for the year during which said obligations were incurred and the delinquent taxes of prior years.

Payment and adjustment of validated debt.

SEC. 2. The county treasurer is authorized to pay the warrants heretofore or hereafter issued on said obligations out of any cash in the particular fund, and the balance, if any, of said warrants may be paid out of the 1914 levy, but the amount of such latter payments shall

be added to the obligations incurred during the year 1915 in determining when eighty per centum of the tax levy for the fiscal year has been expended.

Passed the Senate February 26, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 161.

[S. B. 395.]

### TEACHERS' CERTIFICATES TO GRADUATES OF ACCREDITED SCHOOLS AND COLLEGES.

AN ACT relating to accrediting of institutions.

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

SECTION 1. The state board of education shall investigate the character of the work required to be performed as a condition of entrance to and graduation from normal schools, colleges, universities and other institutions of higher education and to prepare an accredited list of those higher institutions of learning of this and other states whose graduates may be awarded teachers' certificates by the superintendent of public instruction without examination except upon the state manual of Washington: *Provided*, That graduates of accredited colleges and universities must present evidence that they have completed satisfactorily twelve semester hours in professional study in an accredited institution or else pass examination in such professional subjects as the state board of education may direct: *And provided further*, That the entrance and graduation requirements of all colleges and universities whose diplomas are accredited must be equal to those of the University of Washington; and the requirements for normal schools shall be equal to the advanced courses of the state normal schools of this state.

Examination and accrediting of institutions.

Evidence of professional study.

Graduation requirements of accredited schools.

Passed the Senate March 6, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

## CHAPTER 162.

[S. B. 350.]

## EXAMINATIONS FOR TEACHERS' CERTIFICATES.

AN ACT relating to teachers' examinations and amending sections 4641 and 4642 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4641 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4641. An examination for the certification of teachers of the State of Washington for third, second, first grade primary and first grade certificates shall be held at the county seat of each county by the county superintendent in accordance with the rules and regulations of the state board of education, on the first Thursday of August, November, and March and the Friday and Saturday next following; and for professional and life certificates on the above named days of August and March only.

SEC. 2. That section 4642 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4642. The county superintendent shall within three days following the close of the examinations provided for in section 1 of this article, transmit to the state superintendent of public instruction all papers written at such examination, together with such other reports as shall by him be required. The superintendent of public instruction shall keep all manuscripts on file for a period of at least sixty (60) days from the date of the examinations.

Passed the Senate March 2, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 18, 1915.

Amends  
Rem.-Bal.  
 §§ 4641, 4642,  
 by changing  
 dates.

Examina-  
tions, when  
and where  
held.

Filing ex-  
amination  
papers with  
state super-  
intendent.

## CHAPTER 163.

[S. H. B. 235.]

## VALIDATING ATTEMPTED ORGANIZATION OF DIKING DISTRICTS.

AN ACT relating to diking districts and validating the organization, establishment and creation of diking districts attempted to be organized, established and created in compliance with sections 4092, 4093, 4094, and 4095 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever a petition for the formation of a diking district, under the provisions of section 4092 of Rem. & Bal. Code, shall have been filed with the board of county commissioners of any county, and such petition shall have conformed to the requirements of said section, except that the description of the proposed system of diking, the route over which the same is to be constructed, and the proposed spurs or branches, and the termini thereof, shall not have been definitely set forth in said petition, or said petition shall have been defective in any particular, and whenever said petition shall have been published, as required in section 4093 of Rem. & Bal. Code, and a hearing shall have been held thereon, and supplemental petitions shall have been filed, and the board of county commissioners shall have, at the final hearing, entered findings and an order granting the prayer of the petitioners, in whole or in part, as provided in said section 4093, and said board of county commissioners shall have given notice of an election to be held in such proposed diking district, and shall have appointed officers of election in the manner prescribed in section 4094 of Rem. & Bal. Code, and such election shall have been held, and the board of county commissioners shall have counted and canvassed the votes cast thereat, and it shall have appeared that a majority of the votes cast were for "Dike Districts Yes," and the board shall have entered an order upon its records declaring the proposed territory duly organized

Validation  
of defective  
districts  
created under  
Rem.-Bal.  
§§ 4092-4095.

as a diking district, and given such district a proper number, followed by the name of the county and state, and declared the three persons receiving respectively the highest number of votes the duly elected dike commissioners of such diking district, and caused a copy of the order entered of record, to be duly certified and filed in the office of the secretary of state, in the manner prescribed in section 4095 of Rem. & Bal. Code, the organization of said diking district so attempted to be organized shall be deemed complete, and the organization of any such diking district so attempted to be organized in the manner hereinabove set forth, is hereby validated, and said diking district is hereby declared to be a duly organized and established diking district.

SEC. 2. This act is necessary for the immediate preservation of the public health, and shall take effect immediately.

Passed the House March 4, 1915.

Passed the Senate March 9, 1915.

Section 1 approved by the Governor March 19, 1915.

Section 2 vetoed by the Governor March 19, 1915.

Emergency.  
Vetoed.  
E. L.

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## CHAPTER 164.

[H. B. 103.]

### CLASSIFICATION OF HIGHWAYS.

AN ACT relating to public highways, classifying the same, and naming and fixing the routes of certain state roads; amending sections 5878-2 and 5901 Remington & Ballinger's Annotated Codes and Statutes of Washington, and adding new sections to be known as sections 5878-2a, 5878-2b, 5878-2c, 5878-2d, 5878-2e, 5878-2f, 5878-2g, 5901a, 5901b, 5901c, 5901d, 5901e, 5901f, 5901g, 5901h, 5901i, 5901j, 5901k, 5901-L and declaring an emergency.

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

SECTION 1. That section 5878-2, Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 5878-2. A primary state highway is established as follows: A highway starting at the international

Amends  
Rem.-Bal.  
§§ 5878-2,  
and 5901, by  
re-classifying  
primary and  
secondary  
highways.

Pacific  
Highway.

boundary line at Blaine, Washington; thence southerly by the most feasible route through the cities of Bellingham, Mt. Vernon, Everett, Bothell, Seattle, Renton, along the easterly side of the White river valley, through Kent, Auburn, Tacoma, Olympia, Tenino, Centralia, Chehalis, to the southern boundary line of the state at the city of Vancouver, Washington, to be known as the Pacific Highway.

SEC. 2. That a new section be added to be known and cited as 5878-2a, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5878-2a. A primary state highway is established as follows: A highway starting from the Pacific Highway at Renton, Washington; thence over the most feasible route through Snoqualmie pass; from Snoqualmie pass southeasterly by the most feasible route by way of Easton and Cle Elum to Ellensburg; thence by the most feasible route to the Columbia river near Vantage; thence by the most feasible route to Wenatchee; thence over the most feasible route, through Waterville and Spokane, to the state boundary which shall be known as the Sunset Highway.

Sunset  
Highway.

SEC. 3. That a new section be added to be known and cited as 5878-2b, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5878-2b. A primary state highway is established as follows: A highway connecting with the Sunset Highway at or in the vicinity of the city of Ellensburg; thence by the way of North Yakima, Kennewick, Pasco, Walla Walla, Dayton, crossing the Snake river in the vicinity of Central Ferry, Colfax, Rosalia, Spokane, Deer Park, Loon Lake, Colville, to the international boundary line at Laurier, which shall be known as the Inland Empire Highway.

Inland  
Empire  
Highway.

SEC. 4. That a new section be added to be known and cited as 5878-2c, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5878-2c. A primary state highway is established as follows: A highway known as the eastern route

Inland  
Empire,  
eastern  
route.

of the Inland Empire Highway, shall commence at or in the vicinity of the town of Dayton, thence over the most feasible route, through the town of Pomeroy, to the Idaho and Washington state line where said line crosses the steel bridge known as the Lewiston and Clarkston bridge, and shall be known as the first division of the eastern route.

Id., second  
division.

The second division of the eastern route shall commence at a point on the Idaho and Washington line where the same crosses the public road known as the Lewiston and Uniontown road, thence over the most feasible route through Pullman, Palouse, and Garfield, thence in a northerly direction through Oakesdale joining the Inland Empire Highway at the most practical point to be determined by the highway commissioner.

SEC. 5. That a new section be added to be known and cited as 5878-2d, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Central  
Washington  
Highway.

Section 5878-2d. A primary state highway is established as follows: A highway connecting with the Inland Empire Highway at Pasco, Washington; thence by the most feasible route through Connell, Ritzville, Sprague, and Cheney, to Spokane, Washington, to be known as the Central Washington Highway.

SEC. 6. That a new section be added to be known and cited as 5878-2e, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

McClellan  
Pass  
Highway.

Section 5878-2e. A primary state highway is established as follows: A highway starting at a connection with the Pacific Highway at Auburn, Washington; thence along the most feasible route through Enumclaw, following the route of former state road No. 1, to North Yakima, Washington.

At a point in Pierce county where said state road No. 1 leaves the main channel of White river, a branch shall take off which shall follow up the White river valley to a connection at the most practicable point with the Rainier national park.

Another branch shall take off where road No. 1 leaves the American river and shall follow said American river

by the most feasible route to a connection with the Rainier national park, this highway and its branches to be known as the McClellan Pass Highway.

SEC. 7. That a new section be added to be known and cited as 5878-2f, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5878-2f. A primary highway is established as follows: A highway starting from the Pacific Highway in the city of Tacoma; running thence southerly by the most feasible route, to or near the town of Elbe, where it will branch, one section connecting with the government road in Rainier national park, at or near Ashford, Pierce county, and the other by the most feasible route through Mineral, Morton, Klickitat, Prairie, Forest, Chehalis, Pe Ell, South Bend, to the ocean beach at Holman, in Pacific county, which shall be known as the National Park Highway.

National  
Park  
Highway.

SEC. 8. That a new section be added to be known and cited as 5878-2g, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5878-2g. A primary state highway is established as follows: A highway starting from the Pacific Highway in Olympia, Washington, combining roads numbers nine (9) and fourteen (14), and completely circling the Olympic peninsula, through the cities of Shelton, Hoodspert, Duckabush, Quilcene, Port Angeles, Hoquiam, Montesano, Elma, and McCleary, re-uniting with the Pacific Highway at Olympia, which shall be known as the Olympic Highway.

Olympic  
Highway.

SEC. 9. That section 5901, Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 5901. A secondary state highway is established as follows: State road No. 23; this road shall begin at the city of Spokane in Spokane county, and run thence by way of Mead to the town of Newport.

State Road  
No. 23.

SEC. 10. That a new section be added to be known and cited as 5901a, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

State Road No. 4.

Sans Poil-Loomis.

Section 5901a. A secondary state highway is established as follows: State road No. 4, or the Sans Poil-Loomis road; this road shall begin at the mouth of the Sans Poil creek on the Columbia river, and run thence as nearly as practicable over the present road to the city of Republic in Ferry county, Washington, and thence from said city of Republic over the present traveled road as nearly as may be practicable to the town of Loomis, in Okanogan county, Washington.

SEC. 11. That a new section be added to be known and cited as 5901b, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

State Road No. 5.

Cowlitz-Natches.

Section 5901b. A secondary state highway is established as follows: State road No. 5, or the Cowlitz-Natches road: This road shall begin at Riffe post office in Lewis county, thence up the Cowlitz river and its tributaries by way of Kosmos and Randle by the most feasible route to a connection with the McClelland Pass Highway.

SEC. 12. That a new section be added to be known and cited at 5901c, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

State Road No. 22.

Section 5901c. A secondary state highway is established as follows: State road No. 22. This road shall begin at Meyers Falls in Stevens county, and run thence through Kettle Falls, Daisy, Gifford, Cedonia and Hunters to Fruitland; thence through and across the Detillion bridge across the Spokane river to a connection with the Sunset Highway at Davenport in Lincoln county.

SEC. 13. That a new section be added to be known and cited at 5901d, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Kettle river extension,

State Road No. 4.

Section 5901d. A secondary state highway is established as follows: Kettle river extension of state road No. 4: This road shall begin at the city of Republic in Ferry county and run thence by the most feasible route to Curlew

in said county; thence by the most feasible route along the east river bank of Kettle river to the international boundary line near the town of Ferry.

SEC. 14. That a new section be added to be known and cited as 5901e, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5901e. A secondary state highway is established as follows: State road No. 8, or the Columbia river road: This road shall begin at the town of Washougal in Clarke county, Washington, and run thence over the line as surveyed for such state road through Clarke and Skamania counties, and thence over the most practicable route to the town of Goldendale, in Klickitat county.

State Road  
No. 8.

Columbia  
river.

SEC. 15. That a new section be added to be known and cited as 5901f, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5901f. A secondary state highway is established as follows: North Central Highway: This road shall begin at the city of Davenport in Lincoln county and run thence southerly and westerly by the most feasible route through Harrington, Odessa, Krupp and Ephrata to a connection with the Sunset Highway.

North  
Central  
Highway.

SEC. 16. That a new section be added to be known and cited as 5901g, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5901g. A secondary state highway is established as follows: State road No. 10, or the Wenatchee-Oroville road: This road shall begin at the lower bridge on the Wenatchee river in Chelan county, Washington, and shall run thence over the present constructed state road to Maple creek; thence by the most practicable route to the town of Pateros, in Okanogan county; thence over the present constructed county road as nearly as practicable through the towns of Brewster and Okanogan, and thence by the most practicable route to the north line of Okanogan county, Washington, near the town of Oroville.

State Road  
No. 10.

Wenatchee-  
Oroville.

SEC. 17. That a new section be added to be known and cited as 5901h, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

State Road  
No. 11.

Skagit river.

Section 5901h. A secondary state highway is established as follows: State road No. 11, or the Skagit river road: This road shall begin at Marblemount in Skagit county, Washington, and shall run thence in a northerly direction up the Skagit river by the most practicable route to make connection with the present wagon road near the mouth of Mill creek; thence by the most practicable route to Barron, in Whatcom county, Washington.

SEC. 18. That a new section be added to be known and cited at 5901-i, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

State Road  
No. 12.

Methow-  
Barron.

Section 5901-i. A secondary state highway is established as follows: State road No. 12, or the Methow-Barron road: This road shall begin in the county road on the south side of and near the mouth of the Methow river and shall follow as nearly as practicable the present surveyed line for such road to the twenty mile post; thence by the most practicable route to the town of Winthrop; thence up the south fork of the Methow river valley and over the summit of the Cascade mountains, by the most practicable route to Barron, in Whatcom county, Washington.

SEC. 19. That a new section be added to be known and cited at 5901j, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

State Road  
No. 19.

Section 5901j. A secondary state highway is established as follows: State road No. 19: This road shall begin at the town of Kelso in Cowlitz county, and run thence by the most feasible route through the towns of Cathlamet and Skamokawa in Wahkiakum county, to the town of Naselle in Pacific county, thence by the most feasible route to a connection with the National Park Highway.

SEC. 20. That a new section be added to be known and cited at 5901k, Remington & Ballinger's Annotated Codes and Statutes of Washington, to read as follows:

Section 5901k. A secondary state highway is established as follows: State road No. 20: This road shall begin at the town of Raymond in Pacific county and run thence by the most feasible route to Aberdeen in Chehalis county.

State Road  
No. 20.

SEC. 21. That a new section be added to be known and cited as 5901-L, Remington & Ballinger's Annotated Codes and Statutes of Washington to read as follows:

Section 5901-L. A secondary state highway is established as follows: State road No. 21: This road shall begin at Kingston, thence by the most feasible route through Port Gamble, Poulsbo and Bremerton to a connection with the Olympic Highway between Shelton and Hoodspport in Mason county.

State Road  
No. 21.

SEC. 22. Nothing herein shall be construed to change or vacate any state road or extension of any road established by any act or statute other than sections 5878-2 and 5901 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Scope of  
amendment.

SEC. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, and the support of the state government and its existing public institutions, and shall take effect April 1, 1915.

Emergency.

Passed the House February 16, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 19, 1915.

## CHAPTER 165.

[H. B. 263.]

## AMENDING CRIMINAL CODE AS TO BARRATRY, INTOXICATION, AND LARCENY.

AN ACT relating to crimes and punishments and amending sections 2370, 2527 and 2601 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 2370 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 2370. *Barratry.*

Every person who shall bring on his own behalf, or instigate, incite or encourage another to bring, any false suit at law or in equity in any court of this state, with intent thereby to distress or harass a defendant therein; and every person, being an attorney or counsellor at law, who shall personally, or through the agency of another, solicit employment as such attorney, in any suit pending or prospective, or, with intent to obtain such employment shall, directly or indirectly, loan any money or give or promise to give any money, property or other consideration to the person from whom such employment is sought; and every person who shall serve or send any paper or document purporting to be or resembling a judicial process, not in fact a judicial process shall be guilty of a misdemeanor; and in case the person offending is an attorney, he may, in addition thereto be disbarred from practicing law within this state.

SEC. 2. That section 2527 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 2527. *Intoxication of Employees.*

Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagman or signalman, or having charge of stations, starting, regulating or running trains

Amends Rem.-Bal. § 2370, by adding provision as to pseudo-judicial process.

Barratry.

Penalty.

Amends Rem.-Bal. § 2527, by including highways and public places with streets.

Intoxication while operating railways, steamers, or driving vehicles.

upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor. Penalty.

SEC. 3. That section 2601 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 2601, by specifying property as "real or personal," in subd. 2.

Section 2601. *Larceny.*

Every person who, with intent to deprive or defraud the owner thereof—

(1) Shall take, lead or drive away the property of another; or

(2) Shall obtain from the owner or another the possession of or title to any property, real or personal, by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check or draft was not authorized or entitled to make or draw the same, or by color or aid of any fraudulent or false representation, personation or pretense or by any false token or writing or by any trick, device, bunco game or fortune-telling; or

Larceny.

(3) Having any property in his possession, custody or control, as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian or officer of any person, estate, association or corporation, or as a public officer, or a person authorized by agreement or by competent authority to take or hold such possession, custody or control, or as a finder thereof, shall secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto; or

(4) Having received any property by reason of a mistake, shall with knowledge of such mistake secrete, withhold or appropriate the same to his own use or to the use

of any person other than the true owner or person entitled thereto; and

(5) Every person who, knowing the same to have been so appropriated, shall bring into this state, or buy, sell, receive or aid in concealing or withholding any property wrongfully appropriated, whether within or outside of this state, in such manner as to constitute larceny under the provisions of this act—

Steals such property and shall be guilty of larceny.

Passed the House March 6, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 166.

[H. B. 74.]

### RELATING TO HORTICULTURE.

Repeals Rem.-  
Bal. §§ 3075,  
3079, 3080,  
3083-3110,  
3113, 3115-  
3117, 3119,  
3120, 3122-  
3127, 3131,  
3134-3139.

AN ACT relating to horticulture and horticultural plants and products and the protection thereof, prescribing certain rules of evidence, requiring certain contracts to be in writing, authorizing the levy and collection of taxes for horticultural purposes, providing for the enforcement of the provisions hereof by writs of mandate and injunction, authorizing counties and municipalities to aid in the enforcement hereof, validating certain expenditures heretofore made for the protection of horticultural interests, providing penalties for violations of this act and methods of collecting the cost of enforcing the same in certain cases, repealing sections 3075, 3079, 3080, 3083 to 3110 inclusive; 3113, 3115, 3116, 3117, 3119, 3120, 3122 to 3127 inclusive; 3131 and 3134 to 3139 inclusive of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect immediately.

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

SECTION 1. That the term "Commissioner" whenever used in this act shall be held and construed to mean the commissioner of agriculture of the State of Washington, and the term "assistant commissioner" and "assistant" shall be held and construed to mean the assistant commis-

Definition  
of terms  
in act.

sioner of agriculture for the division of horticulture; the term "horticultural inspector" and the term "inspector" wherever used in this act shall be held and construed to mean an inspector of the department of agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose stock, forest and ornamental trees and shrubs (both deciduous and evergreen), florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs, and all other fruit bearing plants and parts thereof and plant products for propagation or planting; the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act shall be held and construed to mean and include being affected by or infested with the disease or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; the terms "disinfect" and its derivatives shall be held and construed to mean and include the cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the commissioner of agriculture, and the term "person" wherever used in this act, shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations.

SEC. 2. The commissioner of agriculture shall have the power and it shall be his duty:

(a) To exercise a general supervisory and directory control over the horticultural interests of the state:

(b) To arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for the demonstration of methods of prevent-

Powers and  
duties of  
commissioner  
of agri-  
culture.

ing diseases of and pests injurious to horticultural plants, fruits and vegetables, and of curing and removing the same:

(c) To publish and distribute circulars and reports upon horticultural subjects, the pests affecting and the diseases of fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables and nursery stock, and the means and methods of controlling, curing, removing, eradicating and disinfecting for such diseases and pests:

(d) To issue licenses to nurserymen and dealers in nursery stock and their agents, salesmen and solicitors and revoke the same for violations of or failure to comply with this act, and to keep in his office a record of all licenses issued, showing the character of the license, name and address of the holder, the date of issue and the date of expiration or revocation:

(e) To furnish to the board of county commissioners of each county, annually, on or before September 1, an estimate of the expenses for the ensuing year of inspecting and disinfecting orchards, vineyard[s], berry farms, vegetable farms and nurseries, and packing houses, ware-houses, store-rooms, depots, docks and other places where fruits, vegetables or nursery stock are grown, packed, stored, shipped or held for shipment or delivery or offered for sale within said county;

(f) To appoint inspectors to enforce and carry out the provisions of this act, which inspectors may be of two classes, inspectors at large and local inspectors: *Provided*, That not more than twenty inspectors at large shall be appointed.

(g) The commissioner may also in his discretion appoint any officer or member of any local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and shall not be required to take the regular examination required of inspectors-at-large and local inspectors.

(h) To make, adopt, issue and publish from time to time and enforce general rules and regulations governing the grading and packing of apples, and other fruits.

The commissioner of agriculture, and under his direction and control the assistant commissioner and the horticultural inspectors, shall have the power and it shall be their duty:

Duties and powers of horticultural inspectors.

(a) To enforce the provisions of this act and all laws relating to horticultural interests:

(b) To inspect orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables, nursery stock and horticultural supplies, and packing houses, dry houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where fruits, vegetables or nursery stock are packed, stored, shipped or held for shipment or delivery or offered for sale, and other property liable to be infected with any disease or pest injurious to horticulture, and to require the disinfection of all such property and premises found to be infected and for that purpose shall have free access to such property and premises at all times.

(c) To inspect and examine orchards, vineyards, nurseries, berry farms, vegetable farms, fruits, vegetables, nursery stock and all other horticultural plants and products, at the request of the owner thereof for the purpose of discovering the existence of any disease or pest, and to report to the applicant the result of such investigation and prescribe proper remedies;

(d) To disinfect orchards, vineyards, berry farms, nurseries, fruit trees, vines and bushes, ornamental trees and shrubbery, horticultural plants, fruits, vegetables and nursery stock, and packing houses, dry houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where nursery stock, fruits or vegetables are packed, stored or shipped or held for shipment or delivery or offered for sale, in case the owner or person having the same in charge shall neglect or refuse so to do, after no-

tice; and in case any infected fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables or nursery stock cannot be successfully disinfected to condemn and destroy the same or cause the same to be destroyed;

(e) To require all partially infected fruit, vegetable and nursery stock shipments to be sorted and repacked and, in case the owner or person having charge of the same shall neglect or refuse so to do after notice, to condemn and destroy the same;

(f) To issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved.

SEC. 3. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the commissioner, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the state treasurer by the state auditor upon vouchers signed and verified under oath by such inspectors and countersigned by the commissioner or the assistant commissioner. In addition to inspectors-at-large the commissioner shall, whenever the board of county commissioners of any county by resolution request it, appoint such number of local inspectors and for such length of time as such resolution shall specify and assign them to duty in such county. The salaries, not to exceed four dollars per day, and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the commissioner or the assistant commissioner, and the county auditor shall issue warrants therefor upon the said county fund. All local inspectors shall be under the direction and control of the commissioner of agriculture and the assistant commissiонер. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or per-

Inspectors-  
at-large.

Local  
inspectors.

Salary and  
expenses.

form any duty initiated by such dismissed or transferred officer.

SEC. 4. It shall be the duty of every person owning, leasing or occupying any land or premises on which there is or shall be growing, grown or situate any nursery stock, fruit trees, vines or bushes, shade trees, ornamental trees or shrubbery, or any horticultural plants, and of the owner or lessee of any such nursery stock, trees, fruit trees, vines, bushes, shrubbery or plants growing or situate on premises leased or occupied by him, and of the owner of any such nursery stock, trees, fruit trees, vines, bushes, shrubbery or plants growing, situate or being at any place within the State of Washington, for sale or delivery, and of every grower, shipper, commission merchant, consignee, dealer in and person in charge of any nursery stock, fruit or vegetables about to be shipped, or shipped, or held for delivery or offered for sale, to take and use sufficient methods and means for the prevention of infection by all pests and diseases to which such nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables may be subject, and to keep the same free from disease and pests, and, in event it is found that any such nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables are infected with any disease or pest, to promptly take and use effective means to control, cure, remove, eradicate and disinfect for the same, and in case such nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables cannot be successfully disinfected, to promptly destroy the same, and it shall be the duty of every owner and of the lessee of any premises upon which there are growing any infected fruit, fruit trees, shade or ornamental trees, vines or bushes, to thoroughly spray the same with a proper solution or emulsion or otherwise disinfect the same for the control, cure or removal of such infection.

Pests and diseases.

Disinfection.

SEC. 5. The pests injurious to and diseases of nursery stock, fruit trees, shade trees, ornamental trees and shrubbery, horticultural plants, fruit and vegetables to be

Pests specified.

guarded against, controlled, treated, removed, eradicated and disinfected for, as in the next preceding section provided, shall be all bacterial diseases, including fire blight of apple, pear and quince, crown gall or root gall, and hairy root; all fungus diseases, including black spot canker, pear scab, apple scab, apple powdery mildew, peach leaf curl, peach mildew, brown rot of peach, cherry and prune, chestnut blight, potato wart, powdery scab of potato and peach twig blight; all insect pests, including chewing insects, such as bud moth, peach twig borer, caterpillars, pear slug, flat headed borer, round headed borer, imported cabbage worm, potato tuber moth, potato nematode or eel worm, Mediterranean fruit fly, lesser apple worm, tussock moth, gypsy moth, brown tail moth, codling moth, and the larva of any thereof, and sucking insects, such as San Jose scale, scurfy scale, oyster shell bark louse, aphids, pear leaf blistermites and red spider; and such other bacterial and fungus diseases and insect pests as may be identified by science and specified and described as injurious to horticulture in the circulars to be issued from time to time by the commissioner of agriculture.

Methods of  
eradication.

The methods and means required to be used for the prevention, control, removal, eradication and cure of the diseases and pests above specified, shall be as follows: For bacterial diseases, eradication by the removal and destruction of the infected plant or part thereof, care being taken to disinfect all tools used in such removal to prevent the spread of the infection or by any other methods that shall have been approved by the insecticide and fungicide board; for fungus diseases, control or cure by spraying with effective fungicides, such as bordeaux solution, lime-sulphur solution, sulphide of iron or other effective fungicides; for chewing insect pests, control or removal by spraying with effective insecticides, such as arsenate of lead solution and arsenite or zinc solution; for sucking insect pests, control or removal by spraying with effective insecticides such as, lime-sulphur solution, crude oil emulsion, tobacco solu-

tion, distillate oil emulsion, kerosene emulsion, soap solution, and sulphur solution, or combinations thereof; and for fungus and insect pests, control, cure or removal by spraying with such other effective solutions and emulsions as may be discovered by science and specified and described in the circulars issued by the commissioner of agriculture.

SEC. 6. There is hereby created a board to be known as the state insecticide and fungicide board, which board shall consist of the commissioner of agriculture or the assistant commissioner, the director of the agricultural experiment station at Pullman and three members of the agricultural experiment station to be appointed by the director, one of whom shall be an entomologist, one a plant pathologist and one a chemist. It shall be the duty of the said board to analyze and report upon any insecticides and fungicides offered for sale to be used in the control and removal of insect pests and fungus and bacterial diseases to which horticultural plants are subject. It shall be the duty of all horticultural inspectors to from time to time procure and submit to such board samples of such insecticides and fungicides offered for sale.

State  
insecticide  
and fungicide  
board.

Duties.

SEC. 7. It shall be unlawful for any person to offer for sale in the State of Washington any horticultural insecticide or fungicide which is adulterated or misbranded within the meaning of this act. The term "insecticide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation. The term "Paris green" as used in this act shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid ( $H_3AsO_4$ ) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or miti-

"Insecticide"  
defined.

"Fungicide"  
defined.

gating any and all fungi that may infest vegetation or be present in any environment whatsoever.

SEC. 8. That for the purpose of this act an article shall be deemed to be adulterated—

Adulterations.

In the case of Paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble form equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid ( $As_2O_5$ ); third, if it contains arsenic in water-soluble form equivalent to more than seventy-five one hundredths per centum or arsenic oxid ( $As_2O_5$ ); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: *Provided, however*, That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used.

That the term "misbranded" as used herein shall apply to all insecticides, Paris green, lead arsenates, or fungicides, or articles which enter into the composition of in-

"Misbranded" defined.

secticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides which are falsely branded as to the state, territory, or country in which they are manufactured or produced.

That for the purpose of this act an article shall be deemed to be misbranded—

In the case of insecticides, Paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Insecticides  
and fungl-  
cides, when  
deemed mis-  
branded.

In the case of insecticides (other than Paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount or arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: *Provided, however,* That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal

properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

Right of  
inspection.

SEC. 9. The commissioner of agriculture, the assistant commissioner and all horticultural inspectors are authorized and empowered to at any time enter upon any premises where any nursery, orchard, vineyard, berry farm or vegetable farm is situate or whereon any nursery stock, fruit trees, shade trees, ornamental trees or shrubbery or horticultural plants are growing, or upon any premises or into any building, packing house, dry house, warehouses, store-room, depot, dock, car, vessel, or other place wherein any nursery stock, fruits, vegetables, or horticultural products are situate, being prepared or packed for shipment, stored, shipped, held for shipment or for delivery upon any shipment or sale, or offered for sale for the purpose of examining and inspecting such premises or property to ascertain whether the same or any thereof are infected, and it shall be unlawful for any person to hinder or prevent or to attempt to hinder or prevent any such officer from entering such premises or inspecting such premises or property or performing any duty required by this act.

Notice of  
condemnation  
of infected  
premises or  
property.

SEC. 10. In case the officer making the inspection provided for in the preceding section shall find that the premises or property inspected is infected, he shall condemn the same and serve upon the owner or upon the person having possession or charge of said premises or of said property a notice in writing that the same is condemned and ordering the disinfection of any and all thereof which is capable of disinfection and the destruction of such property as is incapable of disinfection, which notice shall describe the premises or property ordered to be disinfected or destroyed with reasonable certainty and shall specify the time within which the same shall be so disinfected or destroyed; and shall give notice that unless the premises or property ordered disinfected or destroyed is disinfected or destroyed as directed, in the manner and within the time

specified in said notice, the same will be done by the officer giving the notice and the expense thereof charged against the premises and the owner of said premises or property. In case said premises or property is in the possession or charge of any person upon whom service can be made, the officer making the inspection shall serve a copy of such notice upon such person and, in case the premises or property is in possession or charge of any other person than the owner thereof, or service cannot be had upon any person in possession or charge thereof, the officer shall serve said notice upon the owner of said premises or property by mailing or telegraphing him a copy thereof, if his name or postoffice address are known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice cannot be had upon any person in possession or charge of said premises or property and the name and address of the owner of such premises or property are not known and cannot with reasonable diligence be ascertained, said notice shall be served by posting the same in a conspicuous place upon the premises where the property to be disinfected or destroyed is situated, as the case may be. In case the name and postoffice address of the owner are not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, service of such notice upon the person in possession or charge of said premises or property shall be construed to be substituted personal service upon the owner, and, in case service of such notice upon a person in possession or charge of such premises or property cannot be had and the name and post office address of the owner is not known and cannot with reasonable diligence be ascertained and in the absence of fraud and gross neglect, such posting of the notice upon the premises shall be construed to be constructive personal service upon the owner of such premises or property. Upon the giving of such notice as hereinabove provided it shall become and be the duty of the owner and person having possession or charge of the premises or property described in the notice to, within the time

Service  
of notice.

Posting  
notice.

Shipments of nursery stock, fruit and vegetables.

Segregation, disinfection or destruction.

Manufacture into by-products.

Unlawful sale or shipment.

Disinfection or destruction by inspector.

specified in said notice, disinfect said premises or disinfect or destroy said property, as the case may be: *Provided*, That in the case of nursery stock, fruit or vegetables about to be shipped or any shipment thereof, or which is offered for sale, or held for the purpose of delivery upon any shipment or sale thereof, if the officer making the inspection shall find that only a part thereof is so affected that it cannot be successfully disinfected, he shall state in such notice that the owner or person in charge thereof has the privilege of separating the same into two or more of the following classes, to-wit, such as does not need disinfection, such as can be successfully disinfected, and such as cannot be successfully disinfected, and in such cases it shall be the duty of the owner and person in charge of such property to, within the time specified in said notice, disinfect such nursery stock, fruit or vegetables as can be successfully disinfected and destroy such as cannot be successfully disinfected: *And provided, further*, That in the case of fruit or vegetables that cannot be successfully disinfected the inspector may grant the owner or person in charge thereof the privilege of manufacturing the same into by-products or of shipping the same to a by-product factory and issue a permit in writing so to do, and in such case it shall be unlawful for the person receiving such permit to sell or dispose of such infected fruit without having first manufactured the same into a by-product or shipped the same to a by-product factory, or to divert any such shipment when made, and it shall be unlawful for the consignee of any fruit or vegetables shipped to a by-product factory, to sell or dispose of the same without first manufacturing it into a by-product. It shall be unlawful for any person to ship, deliver, sell, barter, give away or otherwise dispose of or part with the possession of any nursery stock, fruit or vegetable which has been found infected and condemned until all of the requirements of said notice and order have been complied with, and permission given in writing so to do by an inspector.

SEC. 11. In case the owner or person in charge of any premises or property required to be disinfected or de-

stroyed as in the previous section provided, shall fail or neglect to comply with the notice within the time specified therein, the officer giving the notice shall have the right and it shall be his duty to enter upon the premises to be disinfected or where the personal property required to be disinfected or destroyed is situated and perform the acts required in such notice, or cause the same to be performed at the cost and expense of the owner of such premises or property as the case may be. The officer shall keep an accurate account of such cost and expense and the same shall be a lien upon the premises or personal property so disinfected, which lien may be enforced by the methods hereinafter provided. The liens in this section provided for shall in the case of personal property have precedence over all other liens.

SEC. 12. The officer disinfecting any personal property may, in case the owner or person in charge shall not pay such cost and expense, impound and sell such property to enforce the lien of the state and collect such cost and expense. The officer impounding personal property as above provided shall give notice in writing that the property is impounded which notice shall describe the property with reasonable certainty, state where the same is impounded, specify the amount of costs and expense charged against it and state that unless the charges are paid within a time specified in said notice the property will be sold to satisfy the charges against it and the transportation and storage charges accrued, if any, and the cost of making the sale. The officer giving such notice shall post it in a conspicuous place upon the premises where such property is impounded and serve the same upon the owner or upon the person in possession or charge of such impounded property in like manner with like effect as hereinabove in this act provided for service of notice to disinfect. The time within which a sale shall be had after the giving of the notice shall not be less than ten days, *provided* that in the case of perishable fruits or vegetables, the same may be had immediately. Sales may be either at public auction

Right of officer to impound for expenses of disinfection.

Service and posting of notice of impounding.

Time and mode of sale.

or private sale as in the sound discretion of the officer may be for the best interest of the state and the owner of the property to be sold. The proceeds of any such sale shall be applied first to the payment of the cost of making the sale, second to the payment of the cost and expense of disinfection and third to the payment of accrued transportation and storage charges, if any, and the balance, if any, shall be paid the owner or person in charge of the property sold, upon demand. In case the proceeds of such sale be not sufficient to pay the cost of making the sale, and the cost and expense of disinfection, the deficiency may be recovered from the owner of the property disinfected in an action at law in the name of the state on the relation of the commissioner of agriculture, and the prosecuting attorney of the county where the property was disinfected shall, when directed so to do by the attorney general, bring such action for the recovery of such deficiency. The officer making such sale shall make and keep a full and detailed record of all acts done by him with reference to such property, stating the name of the owner or reputed owner of such property when known, the location thereof, the date of inspection, the facts found upon inspection, the date and manner of giving the notice to disinfect, the failure of the owner or person in charge to disinfect, the disinfection by or under the direction of the officer, the cost and expense thereof in detail, the date and manner of giving the notice of impounding and sale, the date, place and manner of sale, the name of the person to whom the property was sold, the amount of the proceeds of the same and the disposition made thereof, which record shall be signed by the officer making the same. Upon demand of the owner or person in charge of such property, the officer making the sale shall furnish him with a copy of such record verified under oath, and shall tender him the balance of said proceeds. If no demand is made upon the officer making such sale within thirty days from the date of sale, or in case the balance of said proceeds is not accepted when tendered, the officer shall file a verified copy of such record with and remit the balance of the proceeds of such sale to

Disposition  
of proceeds.

Action for  
deficiency.

Record of  
acts of  
inspector.

the commissioner of agriculture, who shall retain the same for a period of six months subject to the order of the owner of the property sold, and if at the end of six months such proceeds be not claimed and accepted by the owner or his order, the same shall be turned into the state treasury. The record required to be kept as hereinabove provided and the verified copy thereof shall be *prima facie* proof of the truth of the facts therein stated in any court in any action or proceeding where proof of such facts is competent.

Effect of record as evidence.

SEC. 13. It shall be the duty of the board of county commissioners of each county at the time of making the regular annual tax levy in each year to include a tax upon the taxable property of such county in such an amount as they shall find will produce funds sufficient to meet the expense of inspecting and disinfecting orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, and packing houses, warehouses, dry houses, store-rooms, depots, docks and other places where fruits, vegetables or nursery stock are packed, stored, shipped or held for shipment or delivery or offered for sale within said county, which shall be inspected or disinfected by or under the direction of an inspector, which tax shall be known as the "horticultural tax." In estimating the amount to be levied for such horticultural tax, the county commissioners shall take into consideration the expense of inspecting and disinfecting the above mentioned property within said county for the ensuing year and the amount that will be collected from levies on property disinfected as in this act provided. The horticultural tax shall be levied and collected in the same manner as other general taxes and when collected shall be placed in the current expense fund of said county. Until the collection by any county of the taxes to be levied under the provisions of this section at the next annual tax levy after the taking effect of this act, the county commissioners of such county are authorized and empowered to cause to be paid, by

Levy of horticultural tax.

warrants drawn upon the current expense fund of such county, all expenses for inspecting and disinfecting premises or property within said county properly chargeable to such county under the provisions of this act, and all expenditures made from and warrants drawn upon the current expense fund of any county by order of the board of county commissioners of such county, subsequent to the repeal of section 3133 of Remington and Ballinger's Annotated Codes and Statutes of Washington and prior to the passage of this act for the purpose of paying the cost and expense of inspecting or disinfecting premises or property in such county as provided in this act, are hereby validated.

Inspection expenses prior to collection of "horticultural tax."

Recovery of disinfection expenses.

SEC. 14. The cost and expense of disinfecting any nursery, orchard, berry farm, vineyard or vegetable farm, or any nursery stock, fruit trees, vines or bushes, shade trees, ornamental trees or shrubbery or horticultural plants growing on any premises, or any packing houses, warehouse, dry houses, store-rooms, depots, or other premises where nursery stock, fruits, vegetables or horticultural products are stored, situated or being prepared or packed for shipment or offered for sale or held for the purpose of delivery upon any shipment or sale, may be recovered as in this section provided. The officer disinfecting any premises or property growing upon any premises or causing the same to be disinfected as in this act provided shall make and keep a full and detailed record of all acts done by him with reference to such property or premises, stating the legal description of premises upon which property disinfected was growing, the name of the owner or reputed owner, the date of inspection, the facts found upon inspection, the date and manner of giving of notice to disinfect, the failure of the owner or person in charge to disinfect, the disinfection by or under the direction of the officer, the cost and expense thereof in detail, which record shall be signed by the officer making the same. In case the cost and expense of disinfecting any premises, or the property growing thereon, are not paid within five days

after the completion of the work of disinfection, the officer making such record shall make and file with the county auditor of the county where such premises are situated two verified copies of the record of his acts with reference to said premises and the charge against the same, and shall also file a claim of lien against said premises for the amount of such charges and expenses, which said claim shall refer to said record. Upon the filing of such verified record and claim of lien the county auditor shall record the said claim of lien as other lien claims are recorded. The county auditor shall also, at the time when said record and claim are filed, forthwith issue proper warrants in payment for labor of men employed in the work and fix a day for a hearing upon the report before the board of county commissioners, which date shall not be less than twenty days from the date of said filing and shall prepare a notice of the filing of such record and claim and of the date of hearing upon the same and in all proceedings the county shall be deemed substituted to all the rights of laborers paid as herein provided. Said notice shall be directed to the owner, or reputed owner, and shall give notice of the filing of said record and claim and of the amount thereof and shall also give notice of the time and place when and where the board of county commissioners will hear and determine the same. The county auditor shall deliver said notice, together with a copy thereof, to the sheriff of the county in which said claim is filed and the sheriff shall make service thereof in like manner and with like effect as herein provided for the service of notice to disinfect and shall make return of such service upon the original notice and file the same with the county auditor before the time of hearing of the same, and he shall also certify with said return the amount of his fees for such service, which shall be the same as is provided for service of summons in civil proceedings. In case the amount of said claim, together with the amount of sheriff's fees and auditor's fees, which shall be the same as is charged for the filing and recording of other liens, is paid to the county treasurer on

Lien claim  
for disinfection  
costs.

Hearings by  
county com-  
missioners.

or before the date of said hearing before said board of county commissioners, the auditor shall, upon the presentation to him of a duplicate receipt of said treasurer for the amount above specified, cancel the said lien in the records of his office and notify the board of county commissioners of his action in the premises. The county treasurer shall disburse the fund received by him as above provided to the parties entitled to receive the same according to the record as shown in the office of the county auditor. In case the amount of said claim, together with costs as above provided, is not paid at or before the time of the hearing before the board of county commissioners, the county auditor shall present a verified copy of said claim and record to the said board, which shall proceed with the hearing upon the same and shall, if offered, hear sworn testimony concerning the matter set forth in said record and claim. The record required to be kept by the officer disinfecting, as hereinabove provided, and the verified copy thereof filed with the county auditor, shall be *prima facie* proof of the facts therein stated in any proceedings before the board of county commissioners and in any court in any action or proceeding where proof of such facts is competent or the validity of such charges or any tax levied therefor is questioned. After the hearing as herein provided for, the county commissioners shall make an order fixing the amount of such claim and costs and shall order the amount so fixed paid out of the current expense fund of said county, and the auditor shall draw warrants for the payment of such claim as fixed by the county commissioners. The said order of said board fixing the amount of said claim and costs shall be recorded by the county auditor as are other lien claims and shall stand as a lien in favor of said county against the premises therein described until cancelled as herein provided. In case the amount of said lien, together with interest thereon at the rate of six per cent per annum from the date of said order of said board of county commissioners, is paid to the county treasurer of said county on or before the first Monday in October following the date of said order and a duplicate receipt therefor of

said treasurer is presented to said county auditor, the county auditor shall cancel said claim of lien in the records of his office. Payment to the county treasurer as above set forth shall be made by presenting to said treasurer a statement over the signature of the county auditor of the amount due upon said claim together with the amount of money shown by said statement to be due. Upon said payment being so made the treasurer shall stamp said statement as paid, showing the date of said payment, and shall file said statement so stamped in the records of his office; he shall also issue a duplicate receipt for said payment and shall deliver one of said receipts to the party making payment and immediately transmit one of said receipts to the county auditor. In case the amount of said claim and costs, together with interest at the rate of six per cent. per annum from the date of said order of said board of county commissioners, is not paid as hereinabove provided, on or before the first Monday in October following the date of said order, the board of county commissioners shall, at the regular meeting for the levy of taxes in the month of October following the date of said order, make an order that the amount of such claim, costs and interest, together with a penalty of six per cent. thereon, shall be a tax on the premises described in said claim and collected as other taxes are collected and said last named amount shall be added to the amount of taxes levied against said premises for current expenses. Upon the making of said order the county auditor shall mark the recorded order of said board fixing the amount of said claim of lien "cancelled and amount hereof charged as taxes against the property." Upon the collection of said tax by the county treasurer the same shall be credited to the current expense fund of the county.

Unpaid lien  
claim to be  
charged  
as tax.

SEC. 15. It shall be unlawful for any person to import into this state, sell, barter, or otherwise dispose of or offer for sale or have in his possession for the purpose of sale or barter any fruit which is or has been infected with peach mildew, peach twig borer, San Jose scale or other

Importation  
of infected  
fruit.

insect pests or the larvae of the codling moth or peach twig borer, and the fact that any fruit bears the mark of any such scale insect or is worm eaten by any such larvae, shall be conclusive evidence that the fruit is infected, within the meaning of this section: *Provided*, That nothing in this section shall be construed to prevent the grower of such infected fruit grown within the State of Washington from manufacturing the same into a by-product or selling and shipping the same to a by-product factory.

Fruit boxes,  
how marked.

SEC. 16. It shall be the duty of every person growing or packing and selling, offering for sale or shipping in closed boxes or packages, any fruit grown in this state, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place or locality where grown and the name of the grower, or, in case of sale or shipment through an association or organization of growers, the name of such association and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, and it shall be unlawful for any person to mark, or place upon, any such package the name of any other place or locality than the place where such fruit was grown, except the place to which shipped, or to falsely mark any such package as to variety, name of grower, association or organization, or place where grown, or to obliterate or change the original marks on any such package or to re-mark the same with the name of any other grower or of any other place than that by or in which the contents were grown, or in case such package is marked with the name of an association or organization of growers to re-mark the same with the name of any other association or organization, and it shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit grown in this state and shipped in closed packages, to re-pack the same in the boxes or packages of any other grower or shipper or from any other place, or to sell or offer for sale in closed packages any such fruit except

Alteration  
or misuse  
of labels.

in the original packages, or to pack in or offer for sale from any marked box or package any fruit other than that originally contained or shipped therein. In addition to the marks required to be placed upon any closed package of fruit grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same, may mark upon the outside of such package the grade of the fruit contained therein either as "First Grade," "Grade No. 1," or "Extra Fancy," "Second Grade," "Grade No. 2," or "Fancy," "Third Grade," "Grade No. 3," or "C Grade," or such other designation as will indicate first, second or third quality of fruit and "Washington Standard Pack" and it shall be unlawful for any person to re-mark any such closed package as a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place upon any such closed package not marked with the grade of the contents thereof any mark or brand indicating the grade of such contents. *Provided* that nothing in this section shall be construed to apply to canned or dried fruit.

SEC. 17. It shall be unlawful for any grower thereof or association or organization of growers packing apples to mark the package with the grade of the contents unless such contents shall comply with the general rules and regulations made, adopted, issued and published from time to time by the commissioner of agriculture, which general rules and regulations shall define and establish the standard for (1) "First Grade," "Grade No. 1," or "Extra Fancy," (2) "Second Grade," "Grade No. 2," or "Fancy," (3) "Third Grade," "Grade No. 3," or "C Grade," and (4) "Orchard Run," which general rules and regulations shall be adopted, issued and published within thirty days after the taking effect of this act and the commissioner of agriculture is authorized and directed to in the month of December of each year make, adopt, issue and publish

Apple grades.

Annual publication of regulations for grading and packing.

general rules and regulations governing the packing of apples and establishing and defining the grades thereof for the ensuing calendar year and in adopting the same the commissioner is authorized to consult and advise with fruit growers, the officers of associations or organizations of apple growers or distributors or dealers in apples. Before making the rules and regulations for which provision is made in this section the commissioner of agriculture shall provide for a public hearing of horticulturists thereon, notice of which shall be given by mail to every horticultural society, growers association or marketing organization which shall have filed with him a notice of its existence thirty days before the date of any such hearing, and which shall be a resident of the State of Washington. For the conducting of such hearing the commissioner of agriculture may prescribe all necessary reasonable rules, but said rules must be such as to insure a fair, full and impartial opportunity for all interested districts to be heard. In establishing the grading rules herein mentioned the commissioner of agriculture shall base them on the necessities and proprieties as shown at said hearing, taking into consideration the tonnage of commercial fruit in each district of the state affected by the grading rules to be established.

Time for  
destroying  
infected  
prunings.

SEC. 18. It shall be the duty of every person within forty-eight hours after removing any cuttings or prunings from bacterially infected trees or plants to destroy or disinfect the same by burning or scorching.

Disinfection  
of infected  
trees, etc.,  
on public  
property.

SEC. 19. It shall be the duty of the proper state officials, of the board of county commissioners of each county, of the mayor and council or other governing officials of each city and town and of the officers of each irrigation district and school district to, in compliance with the provisions of this act, cause the disinfecting of all infected trees and shrubbery growing upon the public highways, grounds, canals or other public property of such state, county, city, town or district, and such county commissioners and municipal officers are hereby authorized to expend the funds

of such county or municipal corporation in carrying out the provisions of this section, and in case of the failure or neglect of any of the aforesaid officers to comply with this section, compliance therewith may be compelled by writ of mandate sued out in a superior court of competent jurisdiction in an action begun in the name of the state upon the relation of the commissioner of agriculture.

Enforcement  
by mandamus.

SEC. 20. It shall be unlawful for any person, firm or corporation to engage in, conduct or carry on the business of selling, dealing in or importing into this state for sale or distribution, any nursery stock, or to act as agent, salesman or solicitor for any nurseryman or dealer in nursery stock or to solicit orders for the purchase of nursery stock, without first having obtained from the commissioner of agriculture and having in force a license so to do, and it shall be unlawful for any person to falsely represent that he is the agent, salesman, solicitor or representative of any nurseryman or dealer in nursery stock. No license shall issue until the applicant therefor shall have paid the fee and furnished the bond, as in this act required. The license fee shall be five dollars for nurserymen and dealers in nursery stock and one dollar for agents, salesmen and solicitors. All licenses shall be in the name of the person, firm or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurseryman or dealer licensed or represented by the agent, salesman or solicitor licensed, and no license shall be issued to any agent, salesman or solicitor unless the nurseryman or dealer represented shall be licensed. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue: *Provided*, That all licenses in force at the time of the taking effect of this act shall continue in force during the term for which they were issued, unless sooner revoked, and any holder of such license applying for a license under this act prior to the first day of July next following the expiration of his former license, shall be required to pay therefor only the proportional

Licenses for  
dealers in  
nursery  
stock.

License fees.

Expiration  
of license.

Existing  
licenses.

part of the fee required for an annual license for the remaining portion of the year until the first day of July next following.

Dealer's  
bond.

SEC. 21. Every nurseryman or dealer in nursery stock, applying for a license under this act shall make, execute and file with the commissioner of agriculture a bond running to the State of Washington, in the sum of one thousand dollars with surety or sureties to be approved by the commissioner, conditioned for the faithful compliance by the applicant with all of the provisions of this act and the laws of the State of Washington relating to the sale, disposition, delivery, inspection and disinfection of nursery stock grown, dealt in, imported, sold, handled or delivered by him during the term of the license applied for and the term or terms of any renewal of the same, and conditioned further that all nursery stock sold or delivered by him during said term or terms shall be true to name, age, and variety as represented, and free from the diseases and pests required to be guarded against by this act.

Renewal  
of licenses.

Every licensed nurseryman or dealer in nursery stock who shall have complied with the provisions of this section shall be entitled, upon the expiration of his license or any renewal thereof, by the payment of the fee of five dollars on or before the date of the expiration of his license or any renewal thereof, to have his license renewed for the ensuing year ending July 1st, by the giving of a bond as herein specified.

Suspension  
of license.

The cancellation or revocation of, or the withdrawal of the sureties from, any bond filed in accordance with the provisions of this section, shall *ipso facto* work a suspension of the license of the principal of said bond and the license of all agents, salesmen and solicitors employed by and representing him, until such time as such principal shall furnish a new bond to be approved by the commissioner of agriculture.

Complaints  
against  
licensees.

SEC. 22. Upon complaint in writing, verified under oath by the complainant, being made to the commissioner of agriculture, that the holder of any license in this act

provided for has violated or failed to comply with the provisions of this act or the laws of the State of Washington relating to horticulture, the commissioner, if in his judgment the complaint justifies a hearing thereon, shall serve upon the holder of such license by registered mail, a copy of such complaint and a notice of the time and place of hearing the same, which hearing shall not be less than ten nor more than thirty days from the date of mailing said notice, and shall be at such place to be determined by the commissioner, as shall be most convenient to all the parties to the hearing: *Provided*, In case the nursery and principal place of business is within this state then hearing shall take place in the county where the nursery or principal place of business is located for the attendance of witnesses.

Notice of  
hearings.

The complainant and the person complained of shall have compulsory process to compel the attendance of witnesses at such hearing, to be issued by the commissioner. Hearings may be held by the commissioner in person or by the assistant who shall report in writing a synopsis of the testimony taken and his findings thereon to the commissioner for his decision. If upon such hearing or report it shall appear to the satisfaction of the commissioner that the person complained of has violated or is violating or failing to comply with the provisions of this act or the laws of the State of Washington relating to horticulture, he may revoke the license of such person, and no new license shall issue to such person until it shall be made to appear to the satisfaction of the commissioner that the cause of the complaint has been removed.

Hearings.

Revocation  
of license.

From the decision of the commissioner revoking a license, or refusing to issue a new license, an appeal shall lie to the superior court of the county where the hearing shall have been held.

Appeals.

SEC. 23. It shall be unlawful for any person to deceive or defraud any person on the sale of any nursery stock by substituting inferior or different varieties from those ordered, or to wilfully or intentionally bring into this state

Sales.

Misrepresentation.

or to offer for sale or distribution within this state or to ship, sell or deliver upon any sale any nursery stock that is infected, and in case of any such deceit, fraud or substitution, the person, firm, or corporation damaged or injured thereby shall have recourse against the bond filed by the licensed nurseryman or dealer from whom such stock has been purchased, for all damages sustained, which damages may be recovered at the suit of the party injured against the nurseryman or dealer causing the damage and the sureties on such bond in any court of competent jurisdiction.

Liability on bond.

Sales.

SEC. 24. It shall be the duty of all nurserymen and dealers in nursery stock and all salesmen, solicitors and agents therefor to give to every person ordering any nursery stock a duplicate copy of such order which shall show: (a) the name of the nurseryman from whom ordered and the name of the solicitor, salesman or agent taking such order: (b) the season of the order and the date when delivery is to be made: and, (c) the number, name, and price of each variety of tree or plant ordered.

Duplicate orders.

Shipments of nursery stock.

SEC. 25. It shall be the duty of every person growing or dealing in nursery stock to notify the commissioner of agriculture of his, their or its intention to ship any nursery stock from one point in this state to another or from any point without the state to a point within the state for sale or delivery or for planting or propagation. Such notice shall be made in writing and in duplicate and signed by the person giving the notice and shall show the name and address of both the consignor and consignee, and the name of the person or transportation company from whom the consignee is to receive such goods, and whether such nursery stock has been inspected and approved at the initial point of shipment within this state by an horticultural inspector. Said notice shall be mailed not later than the date of shipment and the duplicate thereof shall be mailed to the horticultural inspector stationed nearest to the point of consignment and all such shipments of nursery stock shall be plainly marked on the outside of the package with

Notice to commissioner of agriculture.

the words "nursery stock." A descriptive invoice of all goods shipped during the season shall be mailed to the commissioner of agriculture before the first of July following shipment.

SEC. 26. In the event of the shipment into this state from any point without this state of any nursery stock by a person, firm or corporation not licensed to do business in this state as in this act provided, it shall be the duty of the purchaser or person receiving such nursery stock to have the same inspected by a horticultural inspector in the same manner as is required upon the delivery of nursery stock sold and delivered by a licensed nurseryman or dealer in nursery stock within this state and to pay an inspector's fee of ten per cent. of the invoice price of such shipment, provided that the minimum fee for such inspection shall be fifty cents and the actual and necessary traveling expense of the inspector making the inspection: *And provided further*, That for the inspection of shipments of nursery stock shipped to nurserymen or dealers in nursery stock licensed under the provisions of this act to do business in this state, no fee shall be required.

Inspection  
of nursery  
stock shipped  
into state.

SEC. 27. Upon the arrival at its point of destination of any nursery stock shipped into this state from another state or country or shipped from one point within this state to another, it shall be the duty of the freight agent, express agent or the agent of the persons or transportation company having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state showing that the same was inspected and approved at the initial point of shipment within this state, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the name of the consignor and consignee and stating that such shipment is ready for inspection and delivery. Said notification may be by telephone or telegraph, or by written notice delivered personally to said inspector or to some person of suitable age and discretion at his residence

Shipments  
received by  
express and  
transporta-  
tion com-  
panies.

Notice to  
inspector.

or office, or by mail addressed to said inspector at his place of residence or at his office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any other person until the same shall have been inspected by a horticultural inspector: *Provided, however,* That such agent shall not be required to hold such shipment more than forty-eight hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event such shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for the delivery of mail to the address of said inspector; *And provided further,* That no inspection at the point of delivery shall be necessary if the shipment is accompanied by a certificate of a horticultural inspector of this state showing inspection and approval at the initial point of shipment within this state as aforesaid, and upon the delivery of such shipment to the consignee, the agent or person making the delivery shall deliver such certificate of inspection to the consignee and retain the duplicate to show his authority for making delivery without inspection. Any nurseryman or dealer in nursery stock within this state may demand the services of an inspector at his place of business or point of shipment during the shipping season by paying four dollars per day for his services.

Demand for  
inspector by  
nurseryman.

Notice to  
inspector of  
shipments of  
imported  
fruit and  
vegetables.

Upon the arrival at its point of destination of any shipment of fruit or vegetables shipped into this state from another state or country, it shall be the duty of the freight agent, express agent or agent or persons or transportation company having such shipment in charge for delivery, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the names of the consignor and consignee, and upon the delivery of such shipment to the consignee or his order, the agent or person making such delivery shall demand and receive from the person to whom such shipment is delivered a receipt therefor showing the name and address of the consignee or his order and the

place to which said shipment is to be removed, and shall thereupon mail said receipt to the horticultural inspector stationed nearest to the point where said shipment is received.

SEC. 28. No inspection of shipments of nursery stock as provided in the last preceding section shall be made until all transportation charges thereon have been paid: *Provided, however,* That the agent or person having such shipment in charge for delivery may waive in writing the payment of such transportation charges prior to inspection, and in case the transportation charges are not paid or waived such shipment shall be held until the same are paid and inspection had.

Payment of shipping charges.

SEC. 29. It shall be the duty of every horticultural inspector upon the inspection of any nursery stock found free from diseases and pests, to deliver to the owner or person in charge thereof a certificate of inspection over his signature, showing the date of inspection and stating that such nursery stock was not infected, which certificate, in case inspection be made at the initial point of shipment, shall be in duplicate, and it shall be unlawful for any person to substitute for any such nursery stock so inspected and approved, any other nursery stock not covered by said certificate, or to ship, sell or dispose of any other nursery stock than that actually inspected and approved, under such certificate of inspection, provided that the inspector may issue certificates of general inspection for shipment to points within this state in addition to the regular certificates of inspection.

Certificate of inspection.

SEC. 30. Every person violating or failing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$25.00. All fines imposed under the provisions of this act shall, when collected, be paid to the treasurer of the county where imposed and remitted to the state treasurer and placed to the credit of the general fund.

Penalty.

Disposition of fines.

Actions to  
restrain  
violations  
of act.

SEC. 31. Whenever any person is about to or threatens to violate any provision of this act, the commissioner of agriculture may, with the advice of the prosecuting attorney of the county where such violation is threatened or of the attorney general, begin an action in the superior court of such county in the name of the state upon the relation of such commissioner to restrain and enjoin such threatened violation, and in case such prosecuting attorney shall fail or refuse to begin such action upon the request of the commissioner, the same may be begun by or under the direction of the attorney general. In such action no bond shall be required for the issuance of a restraining order or injunction, but the state shall be liable for any damages occasioned by the unlawful suing out of such restraining order or injunction.

Authority to  
seize infected  
fruit, etc.

SEC. 32. The commissioner of agriculture, the assistant commissioner and all horticultural inspectors are hereby authorized and empowered to seize and hold for use as evidence any article or thing found in the possession of or used, held for shipment, shipped, offered for sale or sold by any person in violation of any of the provisions of this act or of any law relating to horticulture, and to serve and enforce compliance with any restraining order or writ of injunction or mandate or any other writ issued by any court under the provisions of this act.

Duty of  
common car-  
riers to assist  
commissioner.

SEC. 33. It shall be the duty of all clerks, bookkeepers, express agents, railroad officials, employees, or employees of common carriers to render to the commissioner of agriculture and his inspectors all the assistance in their power in tracing, finding, or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employees, or employees of common carriers to render such friendly aid to assist in the carrying out of the provisions of this act shall constitute a misdemeanor.

Penalty.

SEC. 34. That all acts incorporated and enumerated in the following schedule, and all acts and parts of acts in conflict with the provisions hereof, are hereby repealed.

Repealing  
clause.

## SCHEDULE.

Sections 3075, 3079, 3080, 3083, to 3110, inclusive; 3113, 3115, 3116, 3117, 3119, 3120, 3122 to 3127, inclusive; 3131 and 3134 to 3139, inclusive of Remington and Ballinger's Annotated Codes and Statutes of Washington.

SEC. 35. This act is necessary for the immediate preservation of the public peace, health, and safety and shall take effect immediately. Emergency.

Passed the House March 1, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 19, 1915.

## CHAPTER 167.

[S. H. B. 27.]

ACTIONS ON BONDS OF CONTRACTORS ON PUBLIC WORKS  
FOR SUPPLIES TO SUBCONTRACTORS.

AN ACT relating to contracts upon public work and providing for establishing and enforcing claims for materials, supplies or provisions furnished for use in the construction, performance, carrying on, prosecution and doing of such work.

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

SECTION 1. Every person, firm or corporation furnishing materials, supplies or provisions to be used in the construction, performance, carrying on, prosecution or doing of any work for the state, or any county, city, town, district, municipality or other public body, shall, not later than ten days after the date of the first delivery of such materials, supplies or provisions to any sub-contractor or agent of any person, firm or corporation having a sub-contract for the construction, performance, carrying on, prosecution or doing of such work, deliver or mail to the contractor a notice in writing stating in substance and effect that such person, firm or corporation has commenced to deliver materials, supplies or provisions for use

Supplies to  
subcontractors on  
public works.

Notice to  
contractor  
condition  
precedent  
to action  
on bond.

thereon, with the name of the sub-contractor or agent ordering or to whom the same is furnished and that such contractor and his bond will be held for the payment of the same, and no suit or action shall be maintained in any court against the contractor or his bond to recover for such material, supplies or provisions or any part thereof unless the provisions of this act have been complied with.

Passed the House February 11, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 168.

[H. B. 150.]

### LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns and amending sections 7892-12, 7892-13, 7892-72, 7892-47, 7892-6 and 7892-49 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7892-12 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 7892-12. *Limit of Assessment.*

The council shall have jurisdiction to proceed with any such improvement initiated by petition or resolution: *Provided*, That in any city of the first class or city organized and existing under the commission form of government provided for in chapter 116 of the Laws of 1911, it appears from the certificate of the board, officer, or authority designated by charter or ordinance to determine the same that the proportion of the estimated cost and expense thereof to be assessed against the property in the proposed improvement district does not exceed fifty per cent. (50%) of the valuation of the real estate, exclusive of improvements thereon, within such district, according to the valuation last placed upon it for purposes of general taxation:

Amends  
Rem.-Bal.  
§§ 7892-6,  
7892-12,  
7892-13,  
7892-47,  
7892-49,  
7892-72.

Limit of  
assessment.

*Provided*, That this limit may be exceeded when any such improvement shall be petitioned for in the manner provided in section 7892-9 of Rem. & Bal. Code, and such petition shall be signed by the owners of sixty (60%) per cent. of the lineal frontage upon the improvement to be made and three-fourths of the area within the limits of the proposed improvement district, and shall specify a certain higher percentage up to which the property within such proposed improvement district may be assessed: *Provided, further*, That the jurisdiction of the council or other legislative authority to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the council prior to the awarding of the contract for such improvement signed by the owners of three-fourths of the area within the limits of the proposed improvement district.

Extension of limit.

Effect of protest.

In the absence of fraud or gross mistake, such certificate of such board, officer or other authority shall be final and conclusive.

In computing the valuation of such property, any non-assessable property owned by the United States, state, county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

Valuation of public property.

SEC. 2. That section 7892-13 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 7892-13. *The Improvement District.*

Every ordinance ordering any improvement mentioned in this act, payment for which shall be made in whole or in part by special assessments, shall establish a local improvement district to be called "Local Improvement District No. . . . .," which district shall embrace as near as may be all the property specially benefited by such improvement.

Improvement district.

Except in the cases herein otherwise specifically provided for, and unless otherwise provided in the ordinance ordering such improvement, such district shall include all the property between the termini of said improvement

Property included.

abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance back from the marginal lines thereof to the center line of the blocks facing or abutting thereon: *Provided*, That in any case such distance back shall be at least ninety (90) feet: *And provided, further*, That in case of unplatted property, the distance back shall be the same distance as that included in the assessment of the platted lands immediately adjacent thereto. All property included within such limits of such local improvement district shall be considered and held to be the property and to be all the property specially benefited by such local improvement, and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited in accordance to the special benefits conferred on such property in proportion to area and distance back from the marginal line of the street or other public way or area improved.

Division  
into zones.

Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against such separate lot, tract, parcel of land or other property within said district be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive or parkway, public place or square to be improved, said subdivisions to be numbered respectively first, second, third, fourth, and fifth. The first subdivision shall include all the lands within the district lying between the street margins and lines drawn parallel therewith and thirty (30) feet therefrom. The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty (30) feet and sixty (60) feet respectively from said margins. The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet respectively from such street margins. The

fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet respectively from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty (120) feet from said street margin and the outer limit of said local improvement district as hereinbefore described.

The rate of assessment per square foot in each subdivision shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth, and fifth, respectively, are related to each other as are the numbers 45, 25, 20, 10, and 5, respectively, and shall be ascertained in the following manner: The products of the number of square feet in subdivisions first, second, third, fourth, and fifth respectively, and the numbers 45, 25, 20, 10, and 5, respectively, shall be ascertained, and their sum taken, which sum shall be divided into the total cost and expense of such improvement. The products of the resultant quotient and the numbers 45, 25, 20, 10, and 5, respectively, shall be the separate rates of assessment per square foot for subdivisions first, second, third, fourth, and fifth, respectively. The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property within such district shall be entered upon the assessment roll as the amount to be levied and assessed against each such separate lot, tract, parcel of land, or other property. Any number of disconnected streets or disconnected groups of streets may be included in one local improvement district: *Provided, however,* That such improvement shall be initiated only by petition signed by the owners of sixty (60%) per cent. of the lineal frontage and seventy-five (75%) per cent. of the area of each of the sub-districts comprising such local improvement district.

Basis of  
assessment.

SEC. 3. That section 7892-72 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 7892-72. *Local Improvement Warrants Authorized.*

Issuance of warrants in payment.

Every city and town shall have the power by general ordinance to provide for the issuance of warrants in payment of the cost and expense of any local improvement, such warrants to be payable out of the special fund of such local improvement district, said warrants to bear interest from date thereof at a rate not to exceed eight per cent. (8%) per annum, and to be redeemed either in cash or by local improvement bonds authorized to be issued in the manner prescribed by general ordinance.

Priority of warrants over other claims.

All such warrants sold by the city or town, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the improvement fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to such city or town by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work.

SEC. 4. That section 7892-47 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 7892-47. *Method of Issuance of Bonds.*

Bond issues.

Such bonds shall be issued only in pursuance of ordinances of the city or town issuing the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after the date of the issue of such bonds, which latter date may be fixed by resolution, by council or other legislative body of said city or town and shall bear such interest as may be provided in such ordinance, not exceeding eight (8%) per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by ordinance, and each bond shall have attached thereto interest coupons for each interest payment: *Provided*, That whenever the improvement shall lie wholly or partly within the boundaries of any commercial waterway district organized and existing under the provi-

Maturity and interest.

Maturity in waterway districts.

sions of Chapter 11 of the Laws of 1911 and the acts amendatory thereof, such bonds may be made payable on or before a date not to exceed twenty-two (22) years from and after the date of the issue of such bonds. Such bonds shall be in such denominations as shall be provided in the ordinance ordering their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon a fac-simile of the signatures of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance ordering the same, each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Regulations governing issuance.

SEC. 5. That section 7892-49 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 7892-49. *Assessments Payable in Installments.*

In all cases where any city or town shall issue bonds as provided in this act to pay the cost and expense of any local improvement, the said cost and expense shall be assessed against the lots, tracts, and parcels of land and other property, which under the provisions of law and the charter and ordinances of such city or town shall be liable therefor, but the ordinance levying such assessment shall provide that the sum charged thereby against each such lots, tracts, and parcels of land and other property or any portion of such sum may be paid during the thirty (30) day period provided for in section 7892-50 of Rem. & Bal. Code and that thereafter the sum remaining unpaid may be paid in equal annual installments, the number of which installments shall be less by two than the number of years which the bonds issued to pay for the improvement may

Payment of assessments in installments.

run, with interest upon the whole unpaid sum so charged at a rate fixed by said ordinance, and each year thereafter one of such installments together with the interest due thereon and on all installments thereafter to become due shall be collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued.

SEC. 6. That section 7892-6 of Rem. & Bal. Code be amended to read as follows:

Section 7892-6. Whenever the public interest or convenience may require, the council, or other legislative authority of any such city or town, is hereby authorized and empowered to order the whole or any part of the streets, avenues, lanes, alleys, boulevards, park drives, parkways, public squares, and places within any such city or town to be graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped or otherwise improved and to order sidewalks, drains, sewers, and all sewer appurtenances, culverts, bulkheads, retaining walls, water mains, hydrants or appurtenances, curbing and cross walks, street lighting systems, together with the cost and expense of furnishing electrical energy to said street lighting systems, moving sidewalks or escalators, together with the cost and expense of operating and maintaining moving sidewalks or escalators, auxiliary water system, dikes and embankments, bridges and trestles, and approaches thereto, or other local improvement whatsoever to be constructed, reconstructed, repaired or renewed therein and to order the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; and to order any and all work to be done which shall be necessary to complete any such improvement; and to levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement. The city may require uniform setting out, planting, cultivating, maintenance and re-

Enumeration  
of improve-  
ments in  
power of  
council  
to order.

newal of shade and ornamental trees and shrubbery on any street or highway. Any local improvement payable, in whole or in part, by special assessments, which shall include a charge for the cost and expense of furnishing electrical energy to any system of street lighting or for the cost and expense of operation and maintenance of moving sidewalks or escalators shall be initiated only upon petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district.

Petition  
of property  
owners.

Passed the House March 6, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 169.

[S. H. B. 83.]

### FIRE AND SANITARY REGULATIONS FOR HOTELS.

AN ACT relating to hotels, inns, and public lodging houses, providing for adequate protection against fire, prescribing health and sanitary rules and regulations for same, prescribing the fees for their inspection and the manner of collecting the same and providing penalties for the violation thereof, and amending sections 6030, 6031, 6032, 6034, 6035, 6038 and 6048 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6030 of Rem. & Bal. Code be amended to read as follows:

Amends  
Rem.-Bal.  
§§ 6030-6032,  
6034, 6035,  
6038, 6048.

Section 6030. Every building or structure kept, used, or maintained as, or advertised as, or held out to the public to be an inn, hotel, or public lodging house, or place where sleeping accommodations are furnished to the public for hire in periods of less than one week in which five or more rooms are used for the sleeping accommodation of its guests, shall for the purpose of this act be defined to be a hotel, and whenever the word hotel shall occur in this act

"Hotel"  
defined.

Tents and  
cottages as  
part of hotel.

it shall be construed to mean and embrace every such structure as is described in this section. Tents or cottages when used in connection with such hotel for the accommodation of its guests shall be taken and considered as being a part of such hotel. Where any room of a hotel contains more than one bed, every bed in excess of one shall for the purpose of this act be counted as an additional room.

SEC. 2. That section 6031 of Rem. & Bal. Code be amended to read as follows:

Regulating  
fire-escapes.

Section 6031. Every hotel that is more than two stories high shall be provided with a hall on each floor extending from one outside wall in such manner that every room upon such floor shall open upon such hall or a cross hall connected therewith. Said hall to contain adequate lights which must be kept burning from darkness to daylight. There shall be equipped at the end of each hall an adequate iron fire escape on the outside of the building. But if one fire escape is not adequate to protect and care for the maximum number of guests to be accommodated on each floor additional fire escapes shall be added; such fire escape or fire escapes to be connected on each floor above the first, with at least one opening, which shall be well fastened and secured with landings not less than six feet in length and three feet in width, guarded by an iron railing not less than three feet in height. Such landing shall be connected by iron stairs not less than two feet wide with steps of not less than six inches tread placed at an angle of not more than forty-five (45) degrees, and protected by a well secured handrail on both sides and reaching to within eight feet of the ground. An option shall be given to substitute a perpendicular iron ladder for the stairs above mentioned, provided such iron ladder is placed at the extreme outside of the platform and at least three feet away from the wall of the building and equipped with rounds not more than fifteen inches apart. The way of egress to such fire escape shall at all times be kept free and clear of obstruction of any kind and nature. Ordinary doors, storm doors and windows shall be considered an

obstruction for the purpose of this act, unless there shall be a glass therein at least twenty-four by thirty-six inches in size, on which there shall be printed in letters at least two inches high the words "fire escape through this door," and such way of egress shall at all times be kept unlocked from the inside and no bars shall be placed across any of the openings filled by such glass. There shall be posted and maintained in a conspicuous place in each hall and in each guest's room except the halls and rooms on the ground floor of such hotel a printed notice in characters not less than two inches high calling attention to and directing the way to such fire escape. The state hotel inspector shall prescribe the form of such notice and the manner in which it shall be posted. Subject to the approval of the state hotel inspector there shall be installed and maintained in a conspicuous place near the fire escape of every hotel a light surrounded by a red globe of at least four inches in diameter.

SEC. 3. That section 6032 of Rem. & Bal. Code be amended to read as follows:

Section 6032. Every hotel which is two stories in height or which is not provided with such fire escapes as are described in Section 2 hereof, shall provide in every outside bed room or sleeping apartment on any floor where the window of such room is more than twelve feet above the ground a manila rope at least five-eighths of an inch in diameter and of sufficient length to reach the ground, with knots or loops not more than fifteen inches apart, and of sufficient strength to sustain a weight and strain of at least five hundred pounds. Such rope shall be securely fastened to the joist or studding of the building as near the window as practicable and shall be kept coiled and in plain sight at all times, nor shall such rope be covered by curtains or other obstructions. Every such hotel shall provide and maintain in a conspicuous place in every bed room or sleeping apartment above the ground floor a printed notice calling attention to such rope and giving directions for its use: *Provided, however,* That nothing in this section

Rope fire-  
escapes.

Automatic  
fire-escapes.

shall be construed to prevent the use of any automatic fire escape, in place of a knotted rope, approved by the state hotel inspector.

SEC. 4. That section 6034 of Rem. & Bal. Code be amended to read as follows:

Section 6034. Each and every hotel shall be provided with an electric gong or gongs at least nine inches in diameter controlled by automatic switches on each floor having bedrooms which shall be placed in the hallway or hallways in such a position that they will be easy of access and so that its or their ringing can be heard in every room; and means for ringing such gongs shall be provided so that they can be operated both from the office and from the location of each gong, and sufficient power shall be provided so as to keep all of such gongs ringing continuously for at least three minutes after being started.

Fire-gongs.

SEC. 5. That section 6035 of Rem. & Bal. Code be amended to read as follows:

Section 6035. Every hotel shall furnish each guest with clean linen or cotton individual towels in each room occupied by such guests. A sufficient supply of clean sheets and pillow slips shall be provided for the bed, bunk or cot to be occupied by a guest, and all sheets and pillow slips after being used by one guest must be washed, ironed and dried before being furnished to another guest. Each sheet used shall be at least ninety-nine inches torn off length by eighty-one inches wide for full size beds, and for narrower beds of sufficient width to completely cover the mattress and springs, but no sheet shall be used that measures less than ninety inches in length after being made and laundered: *Provided* That hotels shall be privileged to use sheets now on hand that comply with the present law.

Towels and bedding.

SEC. 6. That section 6038 of Rem. & Bal. Code be amended to read as follows:

Section 6038. Whenever any room in any hotel shall have been occupied by any person sick with or exposed to any contagious, infectious or communicable disease such room shall be thoroughly fumigated in accordance with

Fumigation and disinfection.

the directions of the local health officer, and all bedding therein thoroughly disinfected before such room shall be occupied by another person. But in any event such room shall not be occupied by any person for at least forty-eight hours after such fumigation and disinfection.

SEC. 7. That section 6048 of Rem. & Bal. Code be amended to read as follows:

Section 6048. The hotel inspector shall collect an annual inspection fee for each hotel which shall be paid according to the following schedule:

Annual  
inspection  
fees.

Hotels containing from five to ten sleeping rooms inclusive, three dollars; hotels containing from eleven to twenty sleeping rooms inclusive, four dollars; hotels containing from twenty-one to sixty sleeping rooms inclusive, seven dollars; hotels containing from sixty-one to one hundred sleeping rooms inclusive, ten dollars; hotels containing over one hundred sleeping rooms, twelve dollars and fifty cents. Such fee shall be collected by the inspector at the time of the inspection and if not paid upon demand the inspector or deputy may sue therefor in his own name for the use of the state in the superior court of the state for the county in which such hotel is situated, and in such case the court shall allow and enter as a part of the judgment against the defendant all the costs of such action, including a reasonable fee for any attorney necessarily employed in such action by the inspector. Such inspection fees shall be a lien on the furniture and equipment of the owners or proprietors of the hotel and shall be paramount to all other liens excepting taxes and such furniture and equipment shall not be exempt from execution in the collection thereof. All moneys collected under the provisions of this act shall be paid into the state treasury in the manner provided by law.

Collection.

Passed the House March 8, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 19, 1915.

## CHAPTER 170.

[S. H. B. 89.]

PUBLIC TERMINAL WAREHOUSES FOR STORAGE AND  
DELIVERY OF GRAIN.

AN ACT relating to the receipt, storage and delivery of grain in public terminal warehouses, providing for the licensing of public terminal grain warehousemen, relating to issuance, registration and cancellation of receipts thereof, prescribing the powers and duties of the public service commission of Washington with reference to public terminal grain warehouses and the fees for weighing and inspecting grain received therein, creating the office of registrar of warehouse receipts and defining its duties, fixing the amount of bonds required of certain officers, prescribing penalties for violations hereof, and declaring that this act shall take effect July 1, 1915.

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

SECTION 1. The term "public terminal warehouse" wherever used in this act shall be held and construed to mean any elevator or warehouse located in the cities of Tacoma, Seattle and Everett, or at any other point in the state which may hereafter be designated as a terminal point by the public service commission of Washington, in which grain is received from the public for storage and the grain of different owners mixed together or stored in special piles or bins and for which receipts are issued covering the grain received.

"Public terminal warehouse" defined.

Classification. Public terminal grain warehouses shall be of two classes, to-wit: "Class A" grain warehouses and "Class B" grain warehouses. Class A grain warehouses shall include all warehouses the proprietors of which shall elect to take licenses under the provisions of this act relative to grain warehouses issuing registered grain warehouse receipts. All other public terminal warehouses shall be known as Class B grain warehouses.

SEC. 2. The proprietor, lessee or manager of every public terminal grain warehouse shall, before transacting any business as warehouseman, procure from the public service commission of Washington, annually, before the first day of July of each year, a license permitting said

Licenses required.

proprietor, lessee or manager to transact business as a public terminal grain warehouseman, which license shall be issued upon a written application therefor, setting forth the location and name of the grain warehouse and the capacity thereof in tons of grain, and the name or names of each person interested as owner or proprietor in the management of the same, or if the warehouse be owned or managed by a corporation the name of the corporation and of the president, secretary and treasurer of such corporation shall be stated. For each license issued under the provisions of this act, the applicant therefor shall pay a fee of \$5.00, and shall execute and file with the public service commission of Washington a bond to the State of Washington, with good and sufficient surety, to be approved by the commission, in a penal sum to be fixed by the commission based upon the capacity of the warehouse, but in no case less than \$10,000., conditioned for the faithful compliance by the principal with all of the provisions of this act, and for the faithful performance of the duties of the principal as a public terminal grain warehouseman, and for the payment of all damages that may be recovered against him for any failure in the performance of his duty as a public terminal grain warehouseman.

Fees.

Bond of  
warehouse-  
man.

All licenses issued under the provisions of this act shall be revocable by the public service commission of Washington, after a full hearing, upon satisfactory proof of any violation of the law governing public terminal grain warehouses, and evidence may be taken at such hearing in such manner as may be directed by and under the rules adopted by the public service commission of Washington. From any decision of the public service commission of Washington refusing to grant or revoking a license, an appeal may be taken by the person aggrieved by such decision to the superior court of the county where the warehouse for which a license was applied for and refused, or the license of which was revoked is situated.

Revocation  
of licenses.Appeals to  
superior  
court.

SEC. 3. It shall be unlawful for any person, firm or corporation to transact the business of a public terminal

Unlawful  
to operate  
without  
license.

grain warehouseman, without first procuring a license, as herein above provided, or to continue to transact business after any such license has been revoked: *Provided*, That a warehouseman whose license has been revoked shall be permitted to deliver grain previously stored in his warehouse.

Grain to be inspected and weighed by state inspector.

SEC. 4. It shall be unlawful for any grain warehouseman to receive in any public terminal grain warehouse any grain that has not been inspected and weighed in by a duly authorized grain inspector of the State of Washington, or to deliver out of any Class A grain warehouse any grain that has not been weighed out by a duly authorized state grain inspector.

Registrar of warehouse receipts.

SEC. 5. The chief clerk in the office of the grain inspector at each terminal point shall be *ex-officio* the registrar of warehouse receipts at that point and shall receive in addition to his salary as chief clerk a salary of \$25.00 per month as registrar of warehouse receipts, and shall execute and file with the secretary of state an official bond in the penal sum of \$5,000.00, the premium for which shall be paid by the state, conditioned for the faithful performance of his duties in compliance with the provisions of this act.

Bond.

Class A warehouse receipts.

SEC. 6. It shall be the duty of every public terminal grain warehouseman conducting a Class A grain warehouse to, upon the receipt of any grain, issue or cause to be issued a receipt therefor in compliance with the "uniform warehouse receipts act" of Washington, and to within thirty-six hours file with the registrar of warehouse receipts, at the terminal point where such warehouse is situated, a report showing the amount of grain received, the name of the owner thereof, the numbers of the receipts issued therefor and the number and initial of the car, or name of the vessel from which the grain was received, accompanied by the warehouse receipts for registration. And it shall be unlawful for any grain warehouseman to limit or modify his responsibility as imposed by law, by any words inserted in any such receipt, or by any contract relative thereto. Upon the receipt of such report and warehouse receipts, it

Form and registration.

shall be the duty of the registrar of warehouse receipts to register such receipts in a book to be kept for that purpose and stamp on each of such receipts the word "Registered," with the date of registration and affix his signature thereto, and return said receipt to the warehouseman for delivery to the owner.

SEC. 7. Whenever the owner or any endorsee of any registered warehouse receipt shall desire to remove the grain represented thereby, or any part thereof, from the warehouse, or shall desire to divide one receipt into two or more receipts, or to consolidate two or more receipts into one, he shall present such receipts to the registrar of warehouse receipts to be registered for cancellation. Upon presentation of any such receipt or receipts for registration for cancellation, the registrar of warehouse receipts shall stamp thereon the words "Registered for Cancellation" with the date of presentation, and affix his signature thereto.

Cancellation  
of receipts.

SEC. 8. It shall be unlawful for any warehouseman conducting a Class A warehouse to deliver from such warehouse any grain except upon the return of the registered receipt therefor stamped with the words "Registered for Cancellation" and bearing the date of registration for cancellation and the signature of the registrar of warehouse receipts. And it shall be the duty of the warehouseman or his duly authorized agent delivering any grain from a Class A grain warehouse to plainly stamp across the face of the receipt therefor the word "Cancelled," sign and date the same and within thirty six hours after the last of the grain has been delivered, file with the registrar of warehouse receipts a report giving the numbers of the receipts cancelled, and the registrar shall upon the receipt of such report enter the fact of such cancellation in the record in his office. In case only a portion of the grain represented by any receipt cancelled shall be delivered out of the warehouse, the warehouseman shall issue a receipt for the balance remaining in the warehouse, which receipt shall bear the same date as the original and shall state on its face

Delivery  
of grain.

Receipts for  
balances un-  
delivered.

that it is the balance of the receipt of the original number, and shall transmit such new receipt to the registrar of warehouse receipts for registration.

Partition or consolidation of receipts.

SEC. 9. Whenever the owner of any grain warehouse receipt shall present the same to the warehouseman stamped "Registered for Cancellation" and demand two or more receipts for the grain represented by one such receipt, the warehouseman, or his duly authorized agent, shall stamp on the face of the receipt presented the word "Cancelled," sign and date the same and issue new receipts which new receipts shall express on their face the fact that they are parts of another receipt and giving the number of the original receipt of which they are parts, and shall bear the same date as the original receipt. Whenever the holder of two or more receipts shall present the same to a warehouseman stamped "Registered for Cancellation" and demand a consolidated receipt for the aggregate amount of such receipts, the warehouseman, or his duly authorized agent, shall stamp on the face of the receipts presented the word "Cancelled" and date and sign the same and issue a new receipt which shall express on its face the fact that it is a consolidation of other receipts, giving the numbers of the receipts so consolidated, and such new receipt shall bear the average date of the receipts cancelled, as near as may be.

Duty to furnish information to registrar.

SEC. 10. It shall be the duty of every warehouseman conducting a Class A grain warehouse, to, upon the demand of the registrar of warehouse receipts for the terminal point where such warehouse is situated, furnish such registrar in such form as he may require such information regarding receipts issued or cancelled, or shipments of grain received or delivered, as may be necessary to enable the registrar to keep a full and correct record of all business transacted by said warehouse.

Class B warehouse receipts.

SEC. 11. It shall be unlawful for any warehouseman conducting a Class B grain warehouse to receive any grain into his warehouse without having the same inspected and weighed in by a state grain inspector, and it shall be the

duty of every such warehouseman, to, upon request, issue or cause to be issued a receipt for each consignment of grain received, showing the weight, kind and grade of such grain, the name of the owner thereof and the date when the same was received, but such receipts shall not be entitled to registration and grain shall be delivered from such warehouse without the supervision of the registrar of warehouse receipts.

Inspection and weighing of grain.

Deliveries.

SEC. 12. The fees for weighing out grain from a Class A grain warehouse and for inspecting out grain in case the owner desires inspection out, shall be fixed by the public service commission of Washington, and the state grain inspectors, may, when requested so to do by persons desiring grain inspected out, issue certificates of inspection in accordance with the names of the grains used in the markets to which the grain is to be shipped.

Fees for inspection and weighing.

Certificates of inspection.

SEC. 13. In case any warehouse receipt issued by a public terminal grain warehouse shall be lost or destroyed, the owner thereof shall be entitled to a duplicate receipt upon executing and delivering to the warehouseman issuing such receipt, a sufficient bond with good and sufficient surety to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and such duplicate receipt shall state that it is issued in lieu of the former receipt, giving the number and date thereof.

Duplicate receipts in case of loss.

SEC. 14. It shall be unlawful for any public terminal grain warehouseman to issue a receipt for grain except on the actual delivery of the grain into the warehouse, or to issue a receipt for a greater amount of grain than that actually received. And it shall be unlawful for any person to remove, or deliver, or direct, assist or permit any person to remove, or deliver any grain from any public terminal warehouse for which a warehouse receipt has been issued and is outstanding without receiving and cancelling the warehouse receipt issued therefor, or to remove, or deliver, or direct, assist or permit any person to deliver, or remove grain from any public terminal grain

Unlawful issuance of receipts or delivery of grain.

warehouse whereby the amount of any grade, or class of grain in such warehouse is reduced below the amount for which warehouse receipts for the particular grade are outstanding. And every person violating any of the provisions of this section, and every grain inspector knowingly permitting any grain to be delivered out of any Class A grain warehouse without written notice, signed by the registrar of warehouse receipts that the receipts for such grain have been registered for cancellation, shall be guilty of a felony.

Penalty.

SEC. 15. Every person violating any provisions of this act, for the violation of which a specific penalty is not provided, and every person failing to comply with the provisions of this act shall be guilty of a gross misdemeanor.

Penalty.

SEC. 16. This act shall not be construed as amending or repealing any act or law relating to the inspection of grain, but shall be considered and held to be additional legislation relating to the inspection and weighing of grain at public terminal grain warehouses.

Act  
cumulative.

SEC. 17. This act shall take effect and be in operation on and after July 1st, 1915.

Date of taking  
effect.

Passed the House March 1, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 19, 1915.

CHAPTER 171.

[S. B. 204.]

TAX LEVY BY COUNTIES FOR ROADS AND BRIDGES.

AN ACT relating to the levy, collection and expenditure of revenues for road and bridge purposes and amending Sections 1 and 4 of Chapter 151 of the Laws of 1913.

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

SECTION 1. That Section 1 of Chapter 151 of the Laws of 1913 be amended to read as follows:

Amends Rem.-Bal. §§ 5590-1, 5590-4, by providing for disbursement in cities by corporate authorities.

Section 1. For the purpose of raising revenue for the construction, maintenance and repair of county roads, bridges and wharves the board of county commissioners shall annually at the time of making the levy for general county purposes make additional levies as follows:

(a) A tax of not more than four mills on the dollar on all taxable property in the county, which tax shall be kept in a fund known as the "General Road and Bridge Fund," and shall be kept separate and distinct from any other funds of the county.

For general road and bridge fund.

(b) A tax of not more than ten mills on the dollar on all taxable property in each road district previously established by the board, which tax shall be kept separate and distinct from other funds of the county in a fund for each road district known as "Road District No. . . . . county." *Provided*, That the county treasurer of each county shall remit to the city or town treasurer of each incorporated city and town within such county, fifteen per cent. of all money collected for the general road and bridge fund in such city or town, and said moneys so remitted shall be expended by the corporate authorities of such city or town on roads and bridges within said city or town connecting with roads leading out into the country known or designated as county roads.

For road district funds.

Fifteen per cent. to be assigned to cities and towns.

SEC. 2. That Section 4 of Chapter 151 of the Laws of 1913 be amended to read as follows:

Section 4. All of the taxes provided for in this act shall be levied and collected by the same officers and in the

General tax laws applicable.

same manner as taxes levied for the county current expense fund and shall be disbursed by the same officers and in the same manner as taxes levied for the county current expense fund except that fifteen per cent. of all taxes levied and collected for the General Road and Bridge Fund within the corporate limits of any incorporated city or town shall be disbursed by the corporate authorities of such city or town as in Section 1 of this act provided.

Passed the Senate March 2, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 172.

[S. B. 73.]

### TRANSFERS OF REAL ESTATE BY DEED AND TRUST CERTIFICATES.

AN ACT relating to deeds and transfers of interests in real estate, validating all deeds and transfers heretofore made in accordance with the provisions of this act and amending section 8746 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8746 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8746. All deeds and voluntary transfers of real estate or any interest therein shall be in writing, signed by the party bound thereby, and acknowledged by the party making it before some person authorized by the laws of this state to take acknowledgments of deeds: *Provided*, That when such real estate, or any interest therein, is held in trust, the terms and conditions of which trust are of record, and the instrument creating such trust authorizes the issuance of certificates or written evidence of any interest in said real estate under said trust, and authorizes the transfer of such certificates or evidence of interest by assign-

Amends  
Rem.-Bal.  
§ 8746, by  
providing for  
transfers by  
trust cer-  
tificates.

Requisites  
of deeds.

Transfer of  
trust estates  
by certificate.

ment by the holder thereof by a simple writing or by endorsement on the back of such certificates or evidence of interest or delivery thereof to the vendee, such transfer shall be valid: *And, provided further*, That all such assignments or transfers hereby authorized and heretofore made in accordance with the provisions of this section are hereby declared to be legal and valid.

Passed the Senate January 27, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 173.

[S. B. 283.]

### PRESENTMENT OF NEGOTIABLE INSTRUMENTS FOR PAYMENT OR ACCEPTANCE.

AN ACT relating to negotiable instruments, amending sections 3475½ and 3536 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

Amends  
Rem.-Bal.  
 §§ 3475½,  
 3536, by  
 abolishing  
 provisions for  
 Saturday  
 maturities  
 and pre-  
 sentments.

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

SECTION 1. That section 3475½ of Remington & Ballinger's Annotated Codes and Statutes of Washington be hereby amended to read as follows:

Section 3475½. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day.

No grace.  
Holidays.

SEC. 2. That section 3536 of Remington & Ballinger's Annotated Codes and Statutes of Washington be hereby amended to read as follows:

Section 3536. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections 3463 and 3475½.

Presentment,  
on what days.

Passed the Senate March 3, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 19, 1915.

## CHAPTER 174.

[S. B. 407.]

## LEGAL EFFECT OF CONTRACTORS' BONDS ON PUBLIC WORKS GIVEN PRIOR TO JUNE 12, 1915.

[For act referred to, see ante, page 61.]

AN ACT relating to contractors and bonds upon public works and to the legal force, meaning, construction and effect of any and all bonds signed and given in conformity and in compliance with the provisions of that certain act entitled, "An act relating to contractors and bonds upon public works, and amending sections 1159 and 1161 of Remington & Ballinger's Annotated Codes and Statutes of Washington," passed the House February 8th, 1915, passed the Senate February 24th, 1915, and passed notwithstanding the Governor's veto on March 3, 1915.

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

Protection accorded under contractors' bonds prior to June 12, 1915.

SECTION 1. That all bonds issued and given prior to June 12, 1915, which embody the terms and provisions prescribed and provided for and which conform to and comply with the terms and provisions of that certain act entitled, "An act relating to contractors and bonds upon public works, and amending sections 1159 and 1161 of Remington & Ballinger's Annotated Codes and Statutes of Washington," passed the House February 8th, 1915, passed the Senate February 24th, 1915, and passed notwithstanding the Governor's veto on March 3, 1915, shall have the same legal force and effect and be construed, and the rights and liabilities of all parties thereto and thereunder shall be the same as though the said act entitled, "An act relating to contractors and bonds upon public works, and amending section 1159 and 1161 of Remington & Ballinger's Annotated Codes and Statutes of Washington" had been in full force and effect at the time any such bond was given, and the courts of this state shall give to such bonds the same force and effect and no other or greater force and effect than would have been given had the said act entitled: "An act relating to contractors and bonds upon public works, and amending sections 1159 and 1161 of Remington & Ballinger's Annotated Codes and

Statutes of Washington" been in force and effect at the time such bond was signed and given.

Passed the Senate March 9, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 175.

[H. B. 106.]

### MUTUAL SAVINGS BANKS.

AN ACT authorizing the incorporation of mutual savings banks, defining their powers and duties, and prescribing penalties for violations hereof.

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

SECTION 1. When authorized by the state bank examiner, as hereinafter provided by this act, not less than nine or more than thirty persons may form a corporation to be known as a "Mutual Savings Bank." Such persons must be citizens of the United States; at least four-fifths of them must be residents of this state, and at least two-thirds of them must be residents of the county where the bank is to be located and its business transacted, they shall subscribe and acknowledge an incorporation certificate in triplicate which shall specifically state

Authority to  
organize.

Incorpo-  
rators.

(1) The name by which the savings bank is to be known, which name shall include the words "mutual savings bank;"

Certificate  
of incor-  
poration.

(2) The place where the bank is to be located, and its business transacted, naming the city or town and county;

(3) The name, occupation, residence and post office address of each incorporator;

(4) The sums which each incorporator will contribute in cash to the initial guaranty fund, and to the expense fund respectively, as provided in sections 7 and 8 of this act.

(5) A declaration that each incorporator will accept the responsibilities and faithfully discharge the duties of

a trustee of the savings bank, and is free from all the disqualifications specified in section 28 of this act.

Notice of  
intention to  
organize.

SEC. 2. At the time of executing the incorporation certificate, the proposed incorporators shall sign a notice of intention to organize the mutual savings bank, which shall specify their names, the name of the proposed corporation, and its location as set forth in the incorporation certificate. The original of such notice shall be filed in the office of the state examiner within sixty days after the date of its execution, and a copy thereof shall be published at least once a week for four successive weeks in a newspaper designated by the state bank examiner, the publication to be commenced within thirty days after such designation. At least fifteen days before the incorporation certificate is submitted to the examiner for examination, as provided in the section next following, a copy of such notice shall be served upon each savings bank doing business in the city or town named in the incorporation certificate, by mailing such copy (postage prepaid) to such bank.

Filing and  
publication.

Submission  
of certificate  
to bank  
examiner.

SEC. 3. After the lapse of at least twenty-eight days from the date of the first due publication of the notice of intention to incorporate, and within ten days after the date of the last publication thereof, the incorporation certificate executed in triplicate shall be submitted for examination to the state examiner at his office in Olympia, with affidavits showing due publication and service of the notice of intention to organize prescribed in section 2.

Examination  
as to neces-  
sity for bank  
and fitness of  
incorporators.

SEC. 4. When any such certificate shall have been filed for examination the state examiner shall thereupon ascertain from the best source of information at his command, and by such investigation as he may deem necessary, whether the character, responsibility and general fitness of the person or persons named in such certificate are such as to command confidence and warrant belief that the business of the proposed bank will be honestly and efficiently conducted in accordance with the intent and purpose of this act, and whether the public convenience and advantage will be promoted by allowing such proposed bank to be incor-

porated and engage in business, and whether greater convenience and access to a savings bank would be afforded by any considerable number of depositors by opening a mutual savings bank in the place designated, whether the population in the neighborhood of such place, and in the surrounding country, affords a reasonable promise of adequate support for the proposed bank, and whether the contributions to the initial guaranty fund and expense fund have been paid in cash. After the state examiner shall have satisfied himself by such investigation whether it is expedient and desirable to permit such proposed bank to be incorporated and engage in business, he shall within sixty days after the date of the filing of such certificate for examination endorse upon each of the triplicates thereof over his official signature the word "Approved" or the word "Refused," with the date of such endorsement. In case of refusal he shall forthwith return one of the triplicates so endorsed to the proposed incorporators from whom such certificate was received. From the state examiner's refusal to issue a certificate of authorization, the applicants or a majority of them, may within thirty days from the date of the filing of the certificate of refusal with the secretary of state, appeal to a board of appeal composed of the governor, the attorney general and the state examiner, by filing in the office of the state examiner a notice that they appeal to such board from his refusal. The procedure upon the appeal shall be such as the board may prescribe, and its determination shall be certified, filed and recorded in the same manner as the state examiner's, and shall be final. In case of approval, he shall forthwith give notice thereof to the proposed incorporators, and file one of the triplicate certificates in his own office, shall transmit another triplicate to the county auditor of the county in which such bank is to be located and shall transmit the third triplicate to the secretary of state. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other incorporation certificates, the county auditor and the secretary

Appeal to  
board of  
appeal.

Filing of cer-  
tificates by  
examiner.

of state shall file said certificate in their respective offices, and the secretary of state shall record the same. Upon the filing of said incorporation certificate in triplicate approved as aforesaid in the offices of the state bank examiner, the secretary of state and county auditor as hereinbefore directed, the persons named therein and their successors shall thereupon become and be a corporation, which corporation shall have the powers and be subject to the duties and obligations prescribed in this act, and its corporate existence shall continue for the period of fifty years from the date of the filing of such certificates, unless sooner terminated pursuant to law, but such corporation shall not receive deposits or engage in business until authorized so to do by the state examiner as provided in the next section following.

Corporate  
existence.

SEC. 5. Before any mutual savings bank shall be authorized to do any business the state examiner shall be satisfied that such corporation has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this act. If satisfied that such corporation has in good faith complied with all the requirements of law, and fulfilled all the conditions precedent to commencing business imposed by this act, the state examiner shall within six months after the date upon which such proposed organization certificate was filed with him for examination, but in no case after the expiration of that period, issue under his hand and official seal in quadruplicate an authorization certificate to such corporation. Such authorization certificate shall state that the corporation therein named has complied with all the requirements of law, that it is authorized to transact at the place designated in its certificate of incorporation, the business of a mutual savings bank. One of the quadruplicate authorization certificates shall be transmitted by the state examiner to the corporation therein named, and the other three authorization certificates shall be filed by the state examiner in the same public offices where the certificate of incorporation is filed, and shall be attached to said incorporation certificate.

Issuance  
and filing of  
authorization  
certificates.

SEC. 6. Before such corporation shall be authorized to receive deposits or transact business other than the completion of its organization, the state examiner shall be satisfied that:

Conditions precedent to reception of deposits.

(1) The incorporators shall have made the deposit of the initial guaranty fund required by this act.

(2) That the incorporators have made the deposit of the expense fund required by section 8 of this act, and if the state examiner shall so require, shall have entered into the agreement or undertaking with the state examiner, and shall have filed the same and the security therefor as prescribed in said section.

(3) That said corporation has transmitted to the state examiner the name, residence and post office address of each officer of the corporation.

(4) That its certificate of incorporation in triplicate has been filed in the respective public offices designated in this act.

SEC. 7. Before any mutual savings bank shall be authorized to do business, its incorporators shall create a guaranty fund for the protection of its depositors against loss on its investments whether arising from depreciation in the market value of its securities or otherwise.

Guaranty fund.

(1) Such guaranty fund shall consist of payments in cash made by the original incorporators and of all sums credited thereto from the earnings of the savings bank as hereinafter required.

(2) The incorporators shall deposit to the credit of such savings bank in cash as an initial guaranty fund at least \$5000.

(3) Prior to the liquidation of any such savings bank such guaranty fund shall not be in any manner encroached upon, except for losses and the re-payment of contributions made by incorporators or trustees as hereinafter provided, until such fund together with undivided profits exceeds 25 per centum of the amount due depositors.

(4) The amounts contributed to such guaranty fund by the incorporators or trustees shall not constitute a liability

of the savings bank, except as hereinafter provided, and any loss sustained by the savings bank in excess of that portion of the guaranty fund created from earnings may be charged against such contributions pro rata.

Expense  
fund.

SEC. 8. Before any mutual savings bank shall be authorized to do business, its incorporators shall create an expense fund from which the expense of organizing such savings bank and its operating expenses may be paid, until such time as its earnings are sufficient to pay its operating expenses in addition to such dividends as may be declared and credited to its depositors from its earnings. The incorporators shall deposit to the credit of such savings bank in cash as an expense fund the sum of \$5000. They shall also enter into such an agreement or undertaking with the state examiner as trustee for the depositors with the savings bank as he may require to make such further contributions in cash to the expense fund of such savings bank as may be necessary to pay its operating expenses until such time as it can pay them from its earnings, in addition to such dividends as may be declared and credited to its depositors. Such agreement or undertaking shall fix the maximum liability assumed thereby which shall be a reasonable amount approved by the state examiner and the same shall be secured to his satisfaction, which security in his discretion may be by a surety bond executed by a domestic or foreign corporation authorized to transact within this state the business of surety. The agreement or undertaking and security shall be filed in the office of the state examiner. Such agreement or undertaking and such security need not be made or furnished unless the state examiner shall require the same. The amounts contributed to the expense fund of said savings bank by the incorporators or trustees shall not constitute a liability of such savings bank except as hereinafter provided.

Security  
for main-  
tenance  
of fund.

Repayment  
of contribu-  
tions to ex-  
pense fund.

SEC. 9. Contributions made by the incorporators or trustees to the expense fund may be repaid pro rata to the contributors from that portion of the guaranty fund created from earnings whenever such payments will not re-

duce the guaranty fund below five per centum of the total amount due depositors.

(1) In case of the liquidation of the savings bank before such contributions to the expense fund have been repaid, any contributions to the expense fund remaining unexpended after the payment of the expenses of liquidation may be repaid to the contributors pro rata.

(2) Whenever the contributions of the incorporators or trustees to the expense fund of such savings bank have been returned to them, the contributions made to the guaranty fund by incorporators or trustees may be returned to them pro rata from that portion of the guaranty fund created from the earnings of the savings bank; *Provided*, That such repayments will not reduce the earned portion of the guaranty fund below five per centum of the amount due depositors. In case of liquidation of the savings bank before such contributions to the guaranty fund have been repaid, any portion of such contributions not needed for the payment of the expenses of liquidation, and the payment of depositors in full, and the repayment of contributions to the expense fund, may be repaid to the contributors pro rata.

Return of  
contributions  
to guaranty  
fund.

SEC. 10. Every mutual savings bank incorporated under this act shall have, subject to the restrictions and limitations contained in this act, the following powers:

Powers of  
bank.

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this act, to declare dividends in the manner prescribed in this act, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

(2) To issue transferable certificates showing the amounts contributed by any incorporator, or trustee, to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate shall show that it does not constitute a liability of such savings bank, except as otherwise provided in this act.

(3) To purchase, hold and convey real property as prescribed in section 11 of this act.

(4) To pay depositors as hereinafter provided, and when requested by them, by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

(5) To borrow money in an emergency for the purpose of repaying depositors, and to pledge or hypothecate securities as collateral for loans so obtained, under the conditions prescribed in this act.

(6) To collect or protest promissory notes or bills of exchange owned by such bank or held by it as collateral, and remit the proceeds of the collections by drafts upon deposits to the creditor of the savings bank in any city in the United States, and to charge the usual rates or fees for such collection and remittance for such protest.

(7) To sell gold or silver received in payment of interest or principal of obligations owned by the savings bank, or from depositors in the ordinary course of business.

(8) To elect or appoint in such manner as it may determine all necessary or proper officers, agents, boards and committees, to fix their compensation, subject to the provisions of this act, and to define their powers and duties, and to remove them at will.

(9) To make and amend by-laws consistent with law for the management of its property and the conduct of its business.

(10) To wind up and liquidate its business in accordance with this act.

(11) To adopt and use a common seal and to alter the same at pleasure.

(12) To do all other acts authorized by this act.

SEC. 11. A mutual savings bank may invest the moneys deposited therein, the sums credited to the guaranty fund thereof, and the income derived therefrom in the following property and securities, and no others, and subject to the following restrictions:

## FIRST—PUBLIC FUNDS.

(a) The bonds or interest bearing notes or obligations of the United States or those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia. Federal bonds and obligations.

(b) The bonds or interest bearing obligations of this state issued pursuant to the authority of any law of this state. State bonds.

(c) The bonds or interest bearing obligations of any other state of the United States upon which there is no default, and upon which there has been no default for more than ninety days; *Provided*, That within ten years immediately preceding the investment such state has not been in default for more than ninety days in the payment of any part of principal or interest of any debt duly authorized by the legislature of such state to be contracted by such state since January 1st, 1878.

(d) The valid bonds of any city, town, county, school district or port district in the State of Washington issued pursuant to law, and for the payment of which the faith and credit of such municipality, county or district is pledged, or valid warrants of such municipality, county or district drawing interest, and for which payment such municipality, county or district is liable. City, county, school and port bonds.

(e) Bonds of any incorporated city situated in any other state of the United States; *Provided*, Such city has a population as shown by the Federal census next preceding the investment, of not less than 45,000 inhabitants, and was incorporated as a city at least twenty-five years prior to the making of the investment, and has not since January 1st, 1878, defaulted for more than ninety days in the payment of any part of principal or interest of any bond, note or other indebtedness, or effected any compromise of any kind with the holders thereof. If at any time the indebtedness of any such city, together with the indebtedness of any district (other than local improvement district) or other municipal corporation or sub-division, Bonds of cities of other states.

except a county, which is wholly or in part included within the bounds or limits of said city, less its water debt and sinking fund, shall exceed seven per centum of the valuation of such city for purposes of taxation, its bonds shall thereafter, and until such indebtedness shall be reduced to seven per centum of such valuation, cease to be an authorized investment of the moneys of mutual savings banks.

Commercial  
waterway  
bonds.

(f) Bonds of any commercial waterway district in this state; *Provided*, The total obligations of such district by bonds, warrants or otherwise do not exceed ten per cent. of the assessed valuation of the lands and improvements within such district; *And provided further*, That this authorization does not extend to the thirty per cent. in amount of such bond issue last callable for payment.

Local im-  
provement  
bonds.

(g) Bonds of any local improvement district of any city or town in this state, excepting as to any given issue the twenty-five per cent. thereof in amount that will be last called for payment: *Provided*, That before any such bonds be purchased or taken as security the property of the district shall be examined and appraised by at least two trustees who shall report in writing their findings and recommendations; and no bonds shall be taken unless such report be favorable, nor in any event if the total assessment securing such issue exceeds fifty per cent. of the value of the assessed property, exclusive of improvements, at the time the improvement was ordered, according to the valuation last placed upon it for general taxation: *And provided further*, That no bonds shall be taken when the improvement consists of grading only. Before investing in any such bonds, the bank shall carefully inquire into the validity thereof.

#### SECOND: THE FOLLOWING BONDS OF RAILROAD CORPORATIONS:

Railway  
mortgage  
bonds.

(a) The mortgage bonds of any railroad corporation incorporated under the laws of the United States or any of the states thereof which actually owns in fee not less than five hundred miles standard gauge railway, exclusive of sidings, within the United States; *Provided*, That at

no time within five years next preceding the date of any such investment such railroad corporation shall have failed regularly and punctually to pay the matured principal and interest of all its mortgaged indebtedness, and in addition thereto regularly and punctually to have paid in dividends to its stockholders during each of said five years, an amount at least equal to four per centum upon all its outstanding capital stock; *And provided further*, That during said five years the gross earnings in each year from the operations of said company, including therein the gross earnings of all railroads leased and operated, or controlled and operated by said company, and also including in said earnings the amount received directly or indirectly by said company from the sale of coal from mines owned or controlled by it, shall not have been less in amount than five times the amount necessary to pay the interest payable during that year upon its entire outstanding indebtedness, and the rentals for said year of all leased lines; *And provided further*, That all bonds authorized for investment by this paragraph shall be secured by a mortgage which is at the time of making such investment, or was at the date of the execution of said mortgage (one) a first mortgage upon not less than seventy-five per centum of the railway owned in fee by the company issuing such bonds, exclusive of sidings at the date of such mortgage, or (two) a refunding mortgage issued to retire all prior lien mortgage debts of such company outstanding at the time of such investment and covering at least seventy-five per centum of the railway owned in fee by such company at the date of such mortgage. But no one of the bonds so secured shall be a legal investment in case the mortgage securing the same shall authorize a total issue of bonds which, together with all outstanding prior debts of such company, after deducting therefrom in case of a refunding mortgage the bonds reserved under the provisions of such mortgage to retire prior debts at maturity, shall exceed three times the outstanding capital stock of such company at the time of making such investment. And no mortgage is to be re-

garded as a refunding mortgage under the provisions of this paragraph unless the bonds which it secures mature at a later date than any bond which it is given to refund, nor unless it covers a mileage at least twenty-five per centum greater than is covered by any one of the prior mortgages so to be refunded.

(b) Any railway mortgage bonds which would be a legal investment under the provisions of paragraph (a) of this sub-division, except for the fact that the railroad corporation issuing such bonds actually owns in fee less than five hundred miles of road; *Provided*, That during five years next preceding the date of any such investment the gross earnings in each year from the operations of said corporation, including the gross earnings of all lines leased and operated or controlled and operated by it, shall not have been less than \$10,000,000.

(c) The mortgage bonds of a railroad corporation described in the foregoing paragraphs (a) or (b) or the mortgage bonds of a railroad owned by such corporation assumed or guaranteed by it by endorsement on such bonds, provided such bonds are prior to and are to be refunded by a general mortgage of such corporation, the bonds secured by which are made a legal investment under the provisions of said paragraph (a) or (b) *And provided further*, That said general mortgage covers all the real property upon which the mortgage securing such underlying bonds is a lien.

Effect of  
consolidation  
or purchase  
of railroad  
by other  
corporation.

Bonds which have been or shall become legal investments for mutual savings banks under any of the provisions of this section shall not be rendered illegal as investments though the property upon which they are secured has been or shall be conveyed to another corporation, if the consolidated or purchasing corporation shall assume the payment of such bonds, and shall continue to pay regularly interest or dividends or both upon the securities issued against, or in exchange for or to acquire the stock of the company consolidated to an amount at least equal to four per centum per annum upon the capital stock (outstanding

at the time of such consolidation or purchase) of the corporation which has issued or assumed such bonds.

Not more than twenty-five per centum of the assets of any savings bank shall be loaned or invested in railroad bonds, and not more than five per cent. of the assets of any savings bank shall be invested in the bonds of any one railroad corporation. In determining the amount of the assets of any savings bank under the provisions of this sub-division its securities shall be estimated in the manner prescribed by section 26 of this act.

Limit of investments in railroad bonds.

Street railroad corporations shall not be considered railroad corporations within the meaning of this act.

Street railroads excluded.

### THIRD—LOANS ON PERSONAL SECURITY.

Promissory notes payable to the order of the savings bank upon demand, secured by the pledge or assignment of any of the bonds, warrants or interest bearing obligations hereinbefore in this section mentioned, or secured by pledge or assignment of one or more real estate mortgages of the class described in sub-division fourth of this section, but no such loan shall exceed ninety per centum of the cash market value of such securities so pledged. Should any of the securities so held in pledge depreciate in value after the making of such loan, the savings bank shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed ninety per cent. of the market value of the securities so pledged for such loan.

Collateral security.

### FOURTH—REAL ESTATE MORTGAGE LOANS.

Investments may be made in loans secured by first mortgage on real estate subject to the following restrictions:

In all cases of loans upon real property, a note or bond secured by a mortgage on the real estate upon which the loan is made, together with a complete abstract of title for such real estate signed by the person or corporation furnishing such abstract of title, (which abstract shall be examined by a competent attorney at law, selected by the bank, and his opinion furnished approving the title and

Mortgage loans on realty.

showing that the mortgage is a first lien) or a policy of title insurance of a reliable title insurance company authorized to insure titles within this state shall be furnished to the savings bank by the borrower.

Regulations  
governing  
loans.

The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof, or reasonable annual rental value thereof in the condition existing at the time of making the loan, is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance, and all accruing charges and expenses. No loan on real estate shall be for an amount greater than fifty per centum of the value of such real estate including improvements. The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be payable in case of loss to the savings bank, and to be deposited with it. A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will be improved to the extent required by this section.

Not more than seventy-five per centum of the assets of any savings bank shall be invested in mortgage loans.

No mortgage loan or renewal or extension thereof shall be made except upon written application showing the date, name of applicant, amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged and recommending the loan, and the application and written report thereon shall be filed and preserved with the savings bank records. Every mortgage and every assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.

## FIFTH: REAL ESTATE AS FOLLOWS:

(a) A tract of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of the business of the savings bank, from portions of which not required for its own use a revenue may be derived. The investment in such tract of land to be subject to the conditions prescribed in section 12 of this act.

Acquisition of real estate.

(b) Such as shall be conveyed to such savings bank in satisfaction of debts previously contracted in the course of its business.

(c) Such as it shall purchase at sales under judgments, decrees or mortgages held by it.

SEC. 12. The cost of the land and building or buildings for the transaction of the business of a savings bank shall in no case exceed twenty-five per centum of the guaranty fund of such savings bank, except with the approval of the state examiner; and before the purchase of such property is made, or the erection of a building or buildings is commenced, the estimate of the cost thereof and completion of the building or buildings shall be submitted to and approved by the state examiner.

Bank building.

All real estate purchased by any such bank, or taken by it in satisfaction of debts due it, shall be conveyed to it directly by name, and the conveyance shall be immediately recorded in the office of the proper recording officer of the county in which such real estate is located.

Conveyances and recordation.

Every parcel of real estate purchased or acquired by any such bank shall be sold by it within five years from the date on which it shall have been acquired (the time of acquisition in the case of real estate subject to redemption being understood to be the date on which the right of redemption expires) unless

Disposal of real estate within five years.

(1) There shall be a building thereon occupied by the savings bank as its offices, or

(2) The state examiner on application of the board of trustees shall have extended the time within which such sale shall be made.

Merchandising prohibited.

SEC. 13. (1) Such bank shall not purchase, deal or trade in any goods, wares, merchandise or commodities whatsoever except such personal property as may be necessary for the transaction of its authorized business.

Dealing in exchange.

(2) Such bank shall not, nor shall any officer thereof in his attendance upon the business of such bank, in any manner buy or sell exchange on other banks or bankers or buy or sell gold or silver except as in this act expressly authorized.

(3) Such bank shall not

Borrowing money.

(1) Borrow money or pledge or hypothecate any of its securities as collateral for the repayment of money borrowed except with the written approval of the state examiner, and in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon their minutes whereon shall be recorded by ayes and noes the vote of each trustee, a certified copy of such minutes being filed with the state examiner;

Certificates of deposit prohibited.

(2) Make or issue any certificate of deposit payable either on demand or at a fixed day.

Depositaries.

SEC. 14. No such bank shall deposit any of its funds with any other monied corporation unless the latter has been designated as a depository for the saving bank's funds by vote of a majority of the trustees of the savings bank, exclusive of any trustee who is an officer, director or trustee of the depository so designated.

Officing with other banks.

SEC. 15. (1) A savings bank shall not do business or be located in the same room with, or in a room connecting with any other bank, trust company or national banking association.

Place of business.

(2) No savings bank or any officer or director thereof shall receive deposits or transact any of its usual business at any place other than its principal place of business.

Wrongful entry of assets.

SEC. 16. (1) No bank shall by any system of accounting, or any device of bookkeeping, directly or indirectly, enter any of its assets upon its books in the name of any other individual, partnership, unincorporated as-

sociation, or corporation, or under any title or designation that is not in accordance with the actual facts.

(2) The bonds, notes, mortgages or other interest bearing obligations purchased or acquired by a savings bank, shall not be entered on its books at more than the actual cost thereof, and shall not thereafter be carried upon its books for a longer period than until the next declaration of dividends, or in any event for more than one year, at a valuation exceeding their present cost as determined by amortization, that is, by deducting from the cost of any such security purchased for a sum in excess of the amount payable thereon at maturity and charging to "profit and loss" a sufficient sum to bring it to par at maturity, or adding to the cost of any such security purchased at less than the amount payable thereon at maturity and crediting to "profit and loss" a sufficient sum to bring it to par at maturity.

Amortization  
of interest  
bearing  
obligations.

(3) No such bank shall enter, or at any time carry on its books the real estate and the building or buildings thereon used by it as its place of business at a valuation exceeding their actual cost to such bank.

Valuation  
of real estate  
on books.

(4) Every such bank shall conform its methods of keeping its books and records to such orders in respect thereof as shall have been made and promulgated by the state examiner. Any officer, agent or employee of any savings bank who refuses or neglects to obey any such order shall be punished as hereinafter provided.

Methods of  
bookkeeping.

SEC. 17. (1) The aggregate amount of deposits to the credit of any individual at any time, including in such aggregate all deposits credited to him as trustee or beneficiary of any trust, and all deposits credited to him and another or others in either joint or several form, shall not exceed \$3,000, exclusive of dividends. Additional accounts may, however, be maintained in the name of parent as trustee for a dependent or minor child, and in the name of a child as trustee for a dependent parent: *Provided, however,* That not more than \$250 shall be deposited to

Limit on  
individual  
deposits.

any such additional account during any six months' period.

Corporate deposits.

(2) The aggregate amounts of deposits to the credit of any society or corporation at any time shall not exceed \$5,000., exclusive of dividends, unless such deposit has been made pursuant to order of a court of competent jurisdiction, and a certified copy of the order filed with the bank.

Refusal and return of deposits.

(3) Every such bank may further limit the aggregate amount which an individual, or any corporation or society, may deposit to such sum as such bank may deem expedient to receive; and may in its discretion refuse to receive a deposit, or may at any time return all or any part of any deposit.

Payment of deposits and dividends.

SEC. 18. The sums deposited with any such bank, together with any dividends credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this and the next following section. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be printed in the pass books or other evidence of deposit furnished by it, and shall be evidence between such bank and the depositors holding the same of the terms upon which the deposits therein acknowledged are made.

Six months' notice.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: *Provided*, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

Pass book to accompany checks.

(2) Except as provided in sub-division (3) of this section the savings bank shall not pay any dividend, or

deposit, or portion thereof, or any cheque drawn upon it by a depositor unless the pass book of the depositor be produced, and the proper entry be made therein at the time of the payment.

(3) The board of trustees of any such bank may by its by-laws provide for making payments in cases of loss of pass book, or other exceptional cases where the pass books cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the state examiner upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

Loss of  
pass books.

(4) If any person shall die leaving in any such bank an account on which the balance due him shall not exceed \$250. and no executor or administrator of his estate shall be appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment shall have been made within one year after the decedent's death, and an action to recover the amount shall have been commenced within one year after the date of payment.

Payments on  
death in  
absence of  
personal rep-  
resentative.

Liability for  
payments.

SEC. 19. (1) When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to the person in whose name the deposit shall have been made, and his receipt or acquittance shall be a valid discharge.

Deposits of  
minors.

Joint  
deposits.

(2) After any deposit shall be made by any person in the names of such depositor and another person and in form to be paid to either or the survivor of them, such deposit and any additions thereto made by either of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same, together with all dividends thereon, shall be held for the exclusive use of such persons and may be paid to either during the lifetime of both or to the survivor after the death of one of them, and such payment and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such deposit prior to the receipt by such savings bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such savings bank or the surviving depositor is a party, of the intention of both depositors to vest title to such deposit and the additions thereto in such survivor.

Payment to  
survivor.

Reserve fund.

SEC. 20. (1) The trustees of every such bank shall as soon as practicable invest the moneys deposited with them in the securities prescribed in section 11 of this act, except as hereinafter provided. For the purpose of paying withdrawals in excess of receipts, and meeting accruing expenses, or for the purpose of awaiting a more favorable opportunity for judicious investment, any such bank may keep on hand, or on deposit in any bank or trust company in this state organized under any law of this state, or of the United States, an available fund not exceeding twenty per centum of the aggregate amount credited to its depositors, but the sum deposited by any such savings bank in any one bank or trust company shall not exceed twenty-five per centum of the paid up capital and surplus of the bank or trust company in which the deposit is made, and no more than five per centum of the aggregate amount credited to the depositors of any such savings

Deposit of  
reserves.

bank shall be deposited in a bank or trust company of which a trustee of such savings bank is a director.

SEC. 21. The contributions of the incorporators or trustees of any such savings bank under the provisions of section 7 hereof, and the sums credited thereto from its net earnings under the provisions of section 24 hereof shall constitute a guaranty fund for the security of its depositors, and shall be held to meet any contingency or loss in its business from depreciation of its securities or otherwise, and for no other purpose except as provided in section 9 hereof, and sub-division 5 of section 25 hereof.

Purpose of  
guaranty  
fund.

SEC. 22. (1) To determine the amount of the guaranty fund of a savings bank its total liabilities due and accrued, its undivided profits and its net earnings since the last declaration of dividends shall be subtracted from its total assets. The value of its assets for the purpose of this calculation shall be stated as follows:

Guaranty  
fund, de-  
termination  
of amount.

(a) Its interest bearing bonds, or other obligations shall not be valued above the estimated market value thereof as last determined by the state examiner.

(b) The value of its real estate shall not in any event be estimated above cost, and if such real estate has been acquired by foreclosure, judgment or decree the value of such real estate so acquired shall not be estimated above its actual cash value as determined by written appraisal signed by at least three trustees of such savings bank and filed with it.

(c) Such assets shall be excluded as have been disallowed by the state examiner or the trustees of such bank and also any debts owing to it which shall have remained due without prosecution and upon which no interest shall have been paid for more than one year, or on which a judgment has been recovered which shall have remained unsatisfied for more than two years, unless the state examiner upon application by such savings bank shall have fixed a valuation at which such debts may be carried as an asset, or unless such debts are secured by first mortgage upon real estate, in which latter case they may be

carried at the actual cash value of such real estate as determined by written appraisal signed by at least three trustees of such savings bank and filed with it.

Determina-  
tion at close  
of dividend  
period.

(2) The amount of the guaranty fund of a savings bank at the close of any dividend period may be determined by adding to the guaranty fund at the beginning of such period any appreciation in the estimated market value of its securities resulting from a re-valuation thereof by the state examiner, the sums recovered on items previously charged to it and any amounts allowed by the state examiner on account of assets previously disallowed and charged to it, and deducting therefrom all losses sustained by the savings bank during such period. In the computation of losses all items shall be included which shall have been disallowed by its board of trustees or by the state examiner, together with any depreciation in the value of its securities below their estimated market value as last fixed by the state examiner, and all debts owing to it upon which no interest shall have been paid for one year or on which a judgment has been recovered which shall have remained unsatisfied for two years, unless the state examiner upon the application of the savings bank shall have fixed a value at which such debts may be allowed or unless such debts are secured by first mortgage upon real estate, in either of which events only the amount by which such debts exceed the value allowed by the state examiner or the cash value of the real estate securing them as determined by written appraisal signed by at least three trustees of such savings bank and filed with it, need be so deducted.

Gross  
earnings.

SEC. 23. (1) *Gross Earnings.* To determine the amount of gross earnings of a savings bank during any dividend period the following items may be included:

(a) All earnings actually received during such period, less interest accrued and unpaid included in the last previous calculation of earnings;

(b) Interest accrued and unpaid upon debts owing to it secured by collateral as authorized by this article, upon which there has been no default for more than one year,

and upon corporate bonds, or other interest bearing obligations owned by it upon which there is no default.

(c) The sums added to the cost of securities purchased for less than par as a result of amortization.

(d) Any profits actually received during such period from the sale of securities, real estate or other property owned by it.

(2) *Net Earnings.* To determine the amount of its net earnings for such dividend period the following items shall be deducted from gross earnings:

(a) All expenses paid or incurred, both ordinary and extraordinary, in the transaction of its business, the collection of its debts and the management of its affairs, less expenses incurred and interest accrued upon its debts deducted at the last previous calculation of net earnings for dividend purposes;

(b) Interest paid or accrued and unpaid upon debts owing by it;

(c) The amounts deducted through amortization from the cost of bonds or other interest bearing obligations purchased above par in order to bring them to par at maturity;

(d) Any losses that may have been sustained by it in excess of its guaranty fund and undivided profits.

The balance thus obtained shall constitute the net earnings of such savings bank for such period.

SEC. 24. If at the close of any dividend period the guaranty fund of any savings bank be less than ten per centum of the amount due to depositors there shall be deducted from its net earnings for such period and credited to its guaranty fund not less than five per centum and not more than ten per centum of its net earnings during the calendar year next preceding, or so much of such percentages as will not compel it to reduce its dividends to depositors below the rate of  $3\frac{1}{2}$  per centum per annum. The amount of net earnings remaining after such deduction for the guaranty fund and its undivided profits shall be available for the declaration of dividends for such period.

Net earnings.

Deficit in guaranty fund.

Replacement from net earnings.

Dividends  
to depositors.

While the trustees of such a savings bank are paying its expenses or any portion thereof the amounts to be credited to its guaranty fund shall be computed at the same percentage upon the total dividends credited to its depositors instead of upon its net earnings. If the guaranty fund accumulated from earnings shall equal or exceed 10 per centum of the amount due to depositors, the minimum dividend shall be 4 per centum: *Provided*, That the net earnings for such period are sufficient therefor.

Rate of  
dividends.

SEC. 25. (1) Every savings bank shall regulate the rate of dividend not to exceed six per centum per annum upon the deposits therewith, in such manner that depositors shall receive as nearly as may be all the earnings of the savings bank after transferring the amount required by section 24 hereof, and such further amounts as its trustees may deem it expedient and for the security of the depositors to transfer to the guaranty fund which to the amount of ten per centum of the amount due its depositors the trustees shall gradually accumulate and hold. Such trustees may also deduct from its net earnings, and carry as undivided profits for the purpose of maintaining its rate of dividends, such additional sums as they may deem wise.

Undivided  
profits.

Classification  
of depositors.

(2) Every savings bank may classify its depositors according to the character, amount or duration of their dealings with the savings bank, and may regulate the dividends in such manner that each depositor shall receive the same ratable portion of dividends as all others of his class.

Dividends  
on initial  
guaranty  
fund.

(3) Unimpaired contributions to the initial guaranty fund and to the expense fund, made by the incorporators or trustees of such savings bank, shall be entitled to have dividends apportioned thereon, which may be credited and paid to such incorporators or trustees. Whenever the guaranty fund of any such savings bank is sufficiently large to permit the return of such contributions, the contributors may receive dividends thereon not theretofore credited or paid at the same rate paid to depositors.

(4) A savings bank shall not

(a) Declare, credit or pay any dividend on any deposit except as authorized by a vote of a majority of the board of trustees duly entered upon their minutes, whereon shall be recorded the ayes and nays upon each vote.

Declaration  
of dividends.

(b) Pay any dividend other than the regular quarterly or semi-annual dividend, or the extra dividend prescribed in sub-division six of this section.

(c) Declare, credit or pay dividends on any deposit for a longer period than the same has been deposited: *Provided, however,* That deposits made not later than the tenth business day of the month commencing any semi-annual dividend period or the third business day of any month, or withdrawn upon one of the last three business days of the month ending any quarterly or semi-annual dividend period, may have dividends declared upon them for the whole of the period or month when they were so deposited or withdrawn: *And provided further,* That, if the by-laws so provide, accounts closed between dividend periods may be credited with dividends at the rate of the last dividend, computing from the 1st dividend period to the date when closed.

(5) Whenever any dividend shall, except as provided in sub-division six of this section, be declared and credited in excess of profits earned and appearing to the credit of the savings bank since the last declaration of dividends, after making the deduction for expenses, for amortization and for the guaranty fund as provided in sections 16, 24 and 25 hereof, the trustees voting for such dividend shall be jointly and severally liable to such savings bank for the amount of such excess so declared and credited.

Liability for  
dividends  
in excess  
of profits.

(6) The trustees of any savings bank whose undivided profits and guaranty fund, determined in the manner prescribed in section 23 hereof, amount to more than twenty-five per centum of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five per centum as an extra dividend to depositors in excess of the regular dividend au-

Extra  
dividends  
out of  
surplus.

thorized. A notice posted conspicuously in a savings bank of a change in the rate of dividends shall be equivalent to a personal notice.

Surplus,  
how de-  
termined.

SEC. 26. In determining the per centum of par value surplus held by any savings bank, its interest bearing bonds shall not be estimated above their par value or above their market value if below par. Its bonds, notes and mortgages on which there are no arrears of interest for a longer period than six months shall be estimated at their face, and its real property at not above cost. But the value of such bonds, notes and mortgages, as are in arrears of interest for six months or more, and of all other investments not herein enumerated, shall be estimated according to the valuation placed thereon by the state examiner as provided in section 22 hereof.

Misleading  
advertisement  
of surplus or  
guaranty.

SEC. 27. No savings bank shall put forth any sign or notice or publish or circulate any advertisement or advertising literature upon which or in which it shall be stated that such savings bank has a surplus or guaranty fund in excess of its market value surplus or guaranty fund as determined under the provisions of this act, unless the nature of the same be clearly made to appear.

Trustees.

SEC. 28. (1) There shall be a board of trustees who shall have the entire management and control of the affairs of the savings bank. The persons named in the certificate of authorization shall be the first trustees. The board shall consist of not less than nine members nor more than thirty members.

Qualifica-  
tions.

(2) A person shall not be a trustee of a savings bank, if he

(a) Is not a resident of this state;

(b) Has been adjudicated a bankrupt or has taken the benefit of any insolvency law, or has made a general assignment for the benefit of creditors;

(c) Has suffered a judgment recovered against him for a sum of money to remain unsatisfied of record or unsecured on appeal for a period of more than three months;

(d) Is a trustee, officer, clerk or other employee of any other savings bank.

(3) Nor shall a person be a trustee of a savings bank solely by reason of his holding public office.

SEC. 29. (1) Each trustee, whether named in the certificate of authorization or elected to fill a vacancy, shall, when such certificate of authorization has been issued, or when notified of such election, take an oath that he will, so far as it devolves on him, diligently and honestly administer the affairs of the savings bank, and will not knowingly violate, or willingly permit to be violated any of the provisions of law applicable to such savings bank. Such oath shall be subscribed by the trustee making it and certified by the officer before whom it is taken, and shall be immediately transmitted to the state examiner and filed and preserved in his office.

Oath of trustee.

(2) Prior to the first day of March in each year, every trustee of every savings bank shall subscribe a declaration to the effect that he is, at the date thereof, a trustee of the savings bank, and that he has not resigned, become ineligible, or in any other manner vacated his office as such trustee. Such declaration shall be acknowledged in like manner as a deed to be entitled to record and shall be transmitted to the state examiner and filed in his office prior to the tenth day of March in each year.

Declarations of incumbency.

SEC. 30. The board of trustees shall elect from their number or otherwise, a president and two vice-presidents and such other officers as they may deem fit.

Officers.

SEC. 31. (1) A quorum at any regular or special or adjourned meeting of the board of trustees shall consist of not less than five of whom the president shall be one, except when he is prevented from attending by sickness or other unavoidable detention, when he may be represented in forming a quorum by the first vice-president, or in case of his absence for like cause, by the second vice-president; but less than a quorum shall have power to adjourn from time to time until the next regular meeting.

Quorum.

Regular meetings of the board of trustees shall be held at least once a month.

Meetings.

Statement  
of transac-  
tions since  
last meeting.

(2) The board of trustees shall by resolution duly recorded in the minutes, designate an officer or officers whose duty it shall be to prepare and submit to each trustee at each regular meeting of the board, or to an executive committee of not less than five members of such board, a written statement of all the purchases and sale of securities, and of every loan, made since the last regular meeting of the board, describing the collateral to such indebtedness as of the date of meeting at which such statement is submitted; but such officer or officers may omit from such statement loans of less than one thousand dollars, except as hereinafter provided. Such statement shall also contain a list giving the aggregate of loans to each individual partnership, unincorporated association or corporation whose liability to the savings bank has been increased one thousand dollars or more since the last regular meeting of the board, together with a description of the collateral to such indebtedness held by the savings bank at the date of the meeting at which such statement is submitted. A copy of such statement, together with a list of the trustees present at such meeting, verified by the affidavit of the officer or officers charged with the duty of preparing and submitting such statement shall be filed with the records of the savings bank within one day after such meeting, and shall be presumptive evidence of the matters therein stated.

Compensa-  
tion of  
trustees.

SEC. 32. (1) A trustee of a savings bank shall not directly or indirectly receive any pay or emolument for his attendance at meetings of the board, or for any other services as trustee, except as provided in this section.

(2) Trustees acting as officers of the savings bank, whose duties require and receive their regular and faithful attendance at the institution, and the trustees appointed as a committee to examine the vouchers and assets pursuant to section 38, to perform the duties required by subdivision 2, of section 31, or to render other special services as members of committees provided for in the by-laws, may receive such compensation as in the opinion of a ma-

majority of the board of trustees shall be just and reasonable; but such majority shall be exclusive of any trustee to whom such compensation shall be voted.

(3) An attorney for a savings bank, although he be a trustee thereof, may receive a reasonable compensation for his professional services, including examinations and certificates of title to real property on which mortgage loans are made by the savings bank; or if the savings bank requires the borrowers to pay all expenses of searches, examinations and certificates of title, including the drawing, perfecting and recording of papers, such attorney may collect of the borrower and retain for his own use and the usual fees for such services, excepting any commissions as broker or on account of placing or accepting such mortgage loans.

Of attorneys.

(4) If an officer or attorney of a savings bank shall receive, on any loan made by the savings bank, any commission which he is not authorized by this section to retain for his own use, he shall immediately pay the same over to the savings bank.

Commissions.

SEC. 33. The board of trustees of every savings bank may, by resolution incorporated in its by-laws, increase or reduce the number of trustees named in the original charter or certificate of authorization.

Changing number of trustees.

(1) The number may be increased to a number designated in the resolution and not exceeding thirty: *Provided*, That reasons therefor are shown to the satisfaction of the state examiner and his written consent thereto is first obtained.

(2) The number may be reduced to a number designated in the resolution but not more than thirty or less than nine. The reduction shall be effected by omissions to fill vacancies occurring in the board.

SEC. 34. (1) A trustee of a savings bank shall not

(a) Have any interest, direct or indirect, in the gains or profits of the savings bank, except to receive dividends upon the amounts contributed by him to the guaranty fund

Restrictions on trustees.

and the expense fund of the savings bank as provided in sections 7 and 8.

(b) Become a member of the board of directors of a bank, trust company or national banking association of which board enough other trustees of the savings bank are members to constitute with him a majority of the board of trustees.

Restrictions  
on officers.

(2) Neither a trustee nor an officer of a savings bank shall

Use of funds.

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds or deposits held by the savings bank, except to make such current and necessary payments as are authorized by the board of trustees.

Retention of  
commissions.

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the savings bank, or any pay or emolument for services rendered to any borrower from the savings bank in connection with such loan, except as authorized by section 32.

Guaranty  
of loans.

(c) Become an indorser, surety or guarantor, or in any manner an obligor, for any loan made by the savings bank.

Borrowing  
funds of  
banks.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds or deposits held by the savings bank, or become the owner of real property upon which the savings bank holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen per centum of the total outstanding stock, or in which he and other trustees of the savings bank hold stock to the amount of twenty-five per centum of the total outstanding stock, shall be deemed a loan to or a purchase by such trustee within the meaning of this section; except when the loan to or purchase by such corporation shall have occurred without his knowledge or against his protest. A deposit in a bank shall not be deemed a loan within the meaning of this section.

Removal  
of trustee.

SEC. 35. (1) Whenever, in the judgment of three-fourths of the trustees, the conduct and habits of a trustee

of any savings bank are of such character as to be injurious to such savings bank, or he has been guilty of acts that are detrimental or hostile to the interests of such savings bank, he may be removed from office, at any regular meeting of the trustees, by the affirmative vote of three-fourths of the total number thereof: *Provided, however,* Proceedings. That a written copy of the charges made against him shall have been served upon him personally at least two weeks before such meeting, that the vote of such trustees by ayes and nays shall be entered in the record of the minutes of such meeting, and that such removal shall receive the written approval of the state examiner, which shall be attached to the minutes of such meeting and form a part of the record.

(2) The office of a trustee of a savings bank shall immediately become vacant whenever he

Vacancies,  
acts or  
omissions  
affecting.

(a) Shall fail to comply with any of the provisions of section 29 hereof, relating to his official oath and declaration;

(b) Shall become disqualified for any of the reasons specified in subdivision 2 of section 28 hereof;

(c) Shall have failed to attend the regular meetings of the board of trustees, or to perform any of his duties as trustee, for a period of six successive months, unless excused by the board of [for] such failure;

(d) Shall violate any of the provisions of section 34 hereof imposing restrictions upon trustees and officers, except paragraph (c) of subdivision two thereof.

(3) A trustee who has forfeited or vacated his office shall not be eligible to re-election, except when the forfeiture or vacancy occurred solely by reason of his

Eligibility  
for re-election  
after  
forfeiture.

(a) Failure to comply with the provisions of section 29 hereof, relating to his official oath and declaration; or

(b) Neglect of his official duties as prescribed in paragraph (c) of subdivision two of this section; or

(c) Disqualification through becoming a non-resident, or becoming a trustee, officer, clerk or other employee of another savings bank, or becoming a director of a bank, trust company or national banking association under the

circumstances specified in paragraph (b) of subdivision one of section 34 hereof; and such disqualification shall have been removed.

Filling  
vacancies.

SEC. 36. A vacancy in the board of trustees shall be filled by the board as soon as practicable, at a regular meeting thereof.

Surety bonds  
of officers  
and em-  
ployees.

SEC. 37. The trustees of every savings bank shall have power to require from the officers, clerks and agents thereof such security for their fidelity and the faithful performance of their duties as the trustees shall deem necessary. Such security may be accepted from any company authorized to furnish fidelity bonds and doing business under the laws of this state, and the premiums therefor may be paid as a necessary expense of said savings bank.

Semi-annual  
examination  
of books  
and assets.

SEC. 38. The trustees of every savings bank, by a committee of not less than three of their number, on or before the first days of January and July in each year, shall thoroughly examine the books, vouchers and assets of such savings bank, and its affairs generally. The statement or schedule of assets and liabilities reported to the state examiner for the first of January and July in each year, as provided in the section next following, shall be based upon such examinations, and shall be verified by the oath of a majority of the trustees making it; and the trustees of any savings bank may require such examination at such other times as they shall prescribe. The trustees shall, as often as once in each six months during each year, cause to be taken an accurate balance of their depositors' ledgers, and in their said semi-annual report to the state examiner they shall state the fact that such balance has been taken, and the discrepancies if any, existing between the amount due depositors, as shown by such balance, and the amount so due as shown by the general ledger.

Semi-annual  
report to  
bank  
examiner.

SEC. 39. (1) Semi-annual report. On or before the first day of February and the first day of August in each year every savings bank shall make written report to the state examiner which report shall be in the form prescribed by the state examiner and shall contain a statement of its

condition on the morning of the first day of January and of the first day of July in the said year, respectively.

(2) Contents of report. Every such report shall state Contents. the amount loaned upon note or bond and mortgage, and a list of all notes, bonds and mortgages upon which money has been loaned that have not been previously reported, which list shall show the location of the mortgaged premises. It shall contain a list of all notes, bonds and mortgages previously reported that since have been paid wholly or in part or have been foreclosed and the amounts of such payments and the proceeds of such foreclosures. It shall state the original cost, date of purchase, date of maturity, stated rate of interest, the present cost after amortization, par value, and estimated market value, of all bond or warrant investments, designating each particular kind of bond or warrant; the amounts loaned upon promissory notes, upon the pledge of the different classes of securities authorized by this act, with a statement of the amount of the securities held as collateral for such loans; the amount invested in real estate, giving the cost of the same, and, in the case of real estate purchased at judicial sale or taken in satisfaction of debts due the savings bank, the actual cash value thereof as appraised by its trustees; the amount of cash on hand, and on deposit in banks or trust companies, and the amount deposited in each.

The present cost of bond investments shall be determined by amortization as provided in section 16 hereof. The estimated market value of the bond investments shall be determined according to current values, subject to correction by the state examiner.

Such report shall state all the liabilities of the savings bank, the amount due to depositors, which shall include any dividend to be credited to them for the six months ending on the day as to which such report is made, and all other debts and claims against the savings bank, which are or may be a charge upon its assets.

Such report shall state the amount deposited and the amount withdrawn during the twelve months immediately

preceding; the whole amount of profits or interest received or earned and the whole amount of dividends credited to depositors, together with the amount of each dividend and the rate at which it was declared, the number of accounts opened or reopened, the number closed during the preceding six months, the number of open accounts at the end of the period for which said report is made, and such other information as may be required by the state examiner.

Verification.

(3) Verification. Every such report shall be verified by the oaths of the two principal officers in charge of the affairs of the savings bank at the time of such verification, which shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and that the usual business of the savings bank has been transacted at the location required by this act and not elsewhere.

Special reports.

(4) Special reports. Every savings bank shall also make such other special reports to the state examiner as he may from time to time require, which shall be in such form and filed at such date as may be prescribed by the state examiner and shall, if required by him, be verified in such manner as he may prescribe.

Penalty for failure to report.

(5) Penalty. If any such savings bank shall fail to make any report mentioned by this section, on or before the day designated for the making thereof, or shall fail to include therein any matter required by the state examiner to be stated, such savings bank shall forfeit to the state the sum of one hundred dollars for every day that such report shall be delayed or withheld, and for every day that it shall fail to report any such omitted matter, unless the time therefor shall have been extended by the state examiner, which extension he may grant, by a written order only, for not exceeding twenty days.

Official communications from bank examiner.

SEC. 40. Each official communication directed by the state examiner or one of his deputies to such savings bank or to any officer thereof, relating to an investigation or examination conducted by the banking department or containing suggestions or recommendations as to the con-

duct of the business of the savings bank, shall be submitted by the officer receiving it to the board of trustees at the next meeting of such board, and duly noted in the minutes of the meetings of such board.

SEC. 41. Every corporation authorized by this act which shall not organize and commence business within one year after the certificate of authorization has been issued, shall forfeit its rights and privileges as a corporation, which fact the state examiner shall certify to the county auditor in whose office the certificate was filed, and to the secretary of state, and the certificate of forfeiture shall be filed in the office of the county auditor and filed and recorded in the office of the secretary of state in the same manner as the certificate of authorization: *Provided*, That the state examiner may for satisfactory cause to him shown by an order under his hand and official seal extend for not more than one year the time within which such organization may be effected, and business commenced, such order to be transmitted to the offices of such county auditor and the secretary of state and filed and recorded therein.

Forfeiture  
for delay in  
organization.

Extension  
of time.

SEC. 42. The secretary of every such bank shall at least once each year send notice by mail to each depositor who has to his credit a sum in excess of the maximum deposit permitted by section 17 of this act, stating the amount of such excess, and notifying the depositor that such excess will not participate in dividends, and requiring him to reduce the amount of such deposit, so that the same shall not exceed the maximum.

Notifying  
depositors  
of excess  
deposits.

SEC. 43. Within two years after organization, and each third year thereafter, every such bank shall call in the books of deposit for verification under rules to be prescribed in its by-laws.

Calling de-  
posit books  
for veri-  
fication.

SEC. 44. No such bank shall in the course of any fiscal year (which fiscal year shall be deemed to expire on the last day of December in each year) pay or become liable to pay either directly or indirectly for expenses of man-

Expenditure  
for manage-  
ment and  
operation.

agement and operation more than  $2\frac{1}{2}$  per centum of its average assets during such year.

SEC. 45. If the trustees of any solvent mutual savings bank shall deem it necessary or expedient to close the business of such bank, they may, by affirmative vote of not less than two-thirds of the whole number of trustees, at a meeting called for that purpose, of which one month's notice has been given, either personally or by mailing such notice to the postoffice address of each trustee, declare by resolution their determination to close such business and pay the moneys due depositors and creditors and to surrender the corporate franchise. Subject to the approval and under the direction of the state examiner, such savings bank may adopt any lawful plan for closing up its affairs, as nearly as may be in accordance with the original plan and objects.

SEC. 46. When the trustees, acting under the provisions of the preceding section, shall have paid the sums due respectively to all creditors and depositors, who, after such notice as the state examiner shall prescribe, claim the money due and their deposits, the trustees shall make a transcript or statement from the books in the bank of the names of all depositors and creditors who have not claimed or have not received the balance of the credit due them, and of the sums due them, respectively, and shall file such transcript with the state examiner and pay over and transfer all such unclaimed and unpaid deposits, credits and moneys to the state examiner. The trustees shall then report their proceedings duly verified, to the superior court of the county wherein the bank was located, and upon such report and the petition of the trustees, and after notice to the attorney general and the state examiner, and such other notice as the court may deem necessary, the court shall adjudge the franchise surrendered and the existence of the corporation terminated, certified copies of which judgment shall be filed in the offices of the secretary of state, state examiner and auditor of the county wherein the bank is located where the same shall be filed, and in the office of the secretary of state recorded.

Dissolution  
and liqui-  
dation.

Transcript  
of unpaid  
depositors  
and creditors.

Transfer of  
balances to  
state  
examiner.

Dissolution  
by order  
of court.

Nothing herein contained shall prevent the superior court from appointing a receiver of any such corporation for any cause authorizing the appointment of such receiver under the laws of the state. Receivers.

SEC. 47. Copies from the records, books and accounts of a mutual savings bank shall be competent evidence in all cases, equal with originals thereof, if there is annexed to such copies an affidavit taken before a notary public or clerk of a court under seal, stating that the affiant is the officer of the bank having charge of the original records, and that the copy is true and correct and is full so far as the same relates to the subject matter therein mentioned. Certified copies of books and records as evidence.

SEC. 48. Any savings bank may make a written application to the state examiner for leave to change its place of business to another place in the same county. The application shall state the reasons for such proposed change, and shall be signed and acknowledged by a majority of its board of trustees. If the proposed place of business is within the limits of the town or city in which the present place of business of the savings bank is located, such change may be made upon the written approval of the examiner; if beyond such limits, notice of intention to make such application, signed by two principal officers of the savings bank, shall be published once a week for two successive weeks immediately preceding such application in a daily newspaper published in the city of Olympia and shall be published in like manner in a newspaper to be designated by the state examiner, published in the county in which the present place of business of such savings bank is located. If the state examiner shall grant his certificate authorizing the change of location, which in his discretion he may do, the savings bank shall cause such certificate to be published once in each week for two successive weeks in the newspapers in which the notice of application was published. When the requirements of this section shall have been fully complied with, the savings bank may, upon or after the day specified in the certificate, remove its property and effects to Changing place of business.

Approval of examiner.

Publication of application and of removal.

the location designated therein, and thereafter its principal place of business shall be the location so specified; and it shall have all the rights and powers in such new location which it possessed at its former location.

"Savings bank" defined.

SEC. 49. The use of the term "savings bank" in this act refers to mutual savings banks only.

Use of term "mutual savings."

The use of the words "mutual savings" as part of a name under which business of any kind is or may be transacted by any person, firm or corporation, except such as are organized and in actual operation at the time of the passage of this act, or may be hereafter organized and operated under the requirements of this act, is hereby prohibited.

Schedule of existing laws applicable.

SEC. 50. The provisions of sections 2640, 2641, 2642, 2810, 2811, 3300, 3301, 3303, 3304, 3305, 3306, 3314, 3331, 3339, and 3340 of Remington & Ballinger's Annotated Codes and Statutes of Washington, shall apply to the corporations authorized under this act.

Penalty.

SEC. 51. Any person who shall do anything forbidden by this act for which a penalty is not provided in this act, or in some other law of the state, shall be guilty of a gross misdemeanor and be punished accordingly.

Scope of act cumulative.

SEC. 52. This act shall not be construed as amending or repealing any other law of the state authorizing the incorporation of banks or regulating the same, but shall be deemed to be additional legislation for the sole purpose of authorizing the incorporation and operation of mutual savings banks as herein prescribed. Savings banks incorporated on the stock plan and other stock banks having savings departments as authorized by sections 3336 and 3337 of Remington & Ballinger's Annotated Codes and Statutes of Washington, or by any other law of the state heretofore or hereafter enacted, shall not be in any manner affected by the provisions of this act, or any amendment thereto.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 19, 1915.

## CHAPTER 176.

[S. B. 165]

## VALIDATING TAX LEVIES BY CITIES OF THIRD CLASS.

AN ACT relating to the validation of certain tax levies in cities of the third class, and providing for their collection.

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

SECTION 1. That the tax levies made by cities of the third class for the years 1913, 1914 and prior years are hereby ratified and validated wherever the only reason of the invalidity of such tax levy or levies is that the same were made in excess of the limitation prescribed by statute, or were not apportioned according to the provisions of chapter 108, Laws of 1913; and upon the taking effect of this act, the proper officers are hereby authorized and directed to proceed with the extension, collection and enforcement of the lien of such taxes; and collections heretofore made are hereby ratified: *Provided*, This act shall not apply to such cities as did not attempt to collect such levies or which cancelled the same.

Levies in excess of limitation, or not apportioned.

Collection.

Passed the Senate February 11, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 19, 1915.

CHAPTER 177.

[H. B. 122.]

AMENDING INSURANCE CODE.

Amends Rem.-Bal. §§ 6059-4, 6059-6, 6059-13½, 6059-14, 6059-24, 6059-26, 6059-36, 6059-44, 6059-45, 6059-57, 6059-73, 6059-106, 6059-182, 6059-186, 6059-202, and adds § 6059-37.

AN ACT relating to insurance, and amending sections 6059-4, 6059-6, 6059-13½, 6059-14, 6059-24, 6059-26, 6059-36, 6059-44, 6059-45, 6059-57, 6059-73, 6059-106, 6059-182, 6059-186 and 6059-202 of Remington & Ballinger's Annotated Codes and Statutes of Washington; and further amending title XLV of volume 3 of Remington & Ballinger's Annotated Codes and Statutes of Washington by adding thereto a section known as section 6059-7½ providing that domestic insurance companies must be licensed in other states before accepting business on risks in such states; and by adding thereto a section known as section 6059-37 requiring insurance adjusters to procure a license.

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

SECTION 1. That section 6059-4 Rem. & Bal. Code be amended to read as follows:

Section 6059-4. *Term of Office—Salary.*

Term of office.

The term of office of the state insurance commissioner, who shall be elected at the next general election for the State of Washington, shall commence on the Wednesday after the second Monday in January after his election and he shall hold his office for the term of four years and until his successor is elected and qualified; and thereafter the term of office of said officer shall commence upon the Wednesday after the second Monday of January following his election. The state insurance commissioner shall receive a salary of three thousand dollars per year, which shall be in full for all services performed by him.

Salary.

SEC. 2. That section 6059-6 Rem. & Bal. Code be amended to read as follows:

Section 6059-6. *Deputy Commissioner — Actuary — Examiner—Salaries.*

Deputy, actuary, and clerks.

The state insurance commissioner may appoint a deputy insurance commissioner, who shall take and subscribe the same oath of office as the state insurance commissioner, which oath shall be endorsed upon the certificate of his appointment and filed in the office of the secretary of state. Said appointment may be revoked at the will of the com-

missioner, who shall be held responsible for all official acts of his said deputy. The deputy insurance commissioner shall receive a salary of two thousand four hundred dollars per year. The commissioner may also appoint an actuary or examiner and such other deputies and employ such additional clerks and stenographers as the public business in his office may require, at an expense not exceeding the amount appropriated by the legislature.

Compensation.

Neither the commissioner nor any deputy, nor any employee in his office, shall be directly or indirectly interested in any insurance company, except as an ordinary policy holder.

SEC. 3. That section 6059-13 $\frac{1}{2}$  Rem. & Bal. Code be amended to read as follows:

Section 6059-13 $\frac{1}{2}$ . *Venue of Action on Insurance Policy.*

Any insurance company may be sued upon a policy of insurance in any county within this state where the cause of action arose, by serving the summons and a copy of the complaint upon the company, if a domestic company, or upon the commissioner, as attorney in fact of the company, if an alien or foreign company. Legal service of process upon an insurance company doing business in this state can only be had in the manner set forth in this and the preceding section.

Service of process.

SEC. 4. That section 6059-14 Rem. & Bal. Code be amended to read as follows:

Section 6059-14. *Annual Statement Blanks.*

The commissioner shall annually, in November or December, furnish to each insurance company authorized to transact business in this state two or more blank forms to conform to the class or classes of insurance which they are authorized to write and commonly known as "convention form blanks," and which blank forms have been approved by the National Convention of State Insurance Commissioners, on which to make its annual statement.

Blank forms for annual statements.

For the purpose of carrying out the provisions of this section, the commissioner is authorized to purchase blanks

Purchase of blank forms.

from any publishing house which makes a specialty of printing the "convention form of blanks" for the different states, and to pay for the same out of the appropriation made for the incidental expenses of his office.

SEC. 5. That section 6059-24 Rem. & Bal. Code be amended to read as follows:

Section 6059-24. *Deposit of Securities.*

Deposits by  
foreign  
companies.

Every foreign insurance company doing business in this state and required by this act to have a cash capital, shall deposit and keep on deposit with the state treasurer, through the office of the insurance commissioner of this state, the same amount and character of securities which a like domestic company is required to deposit with the depository for securities of insurance companies of the state by whose laws such insurance company is incorporated.

When any state shall require insurance companies of other states to deposit with some officer of such other state securities in trust for policy holders of such company as a prerequisite to their transacting business in such state, the treasurer of this state shall receive on deposit from any domestic insurance company the securities required by the laws of such other state.

Deposits by  
domestic  
companies.

Every domestic insurance company required by this act to deposit securities to the amount as provided by this act shall deposit such securities with the state treasurer, through the office of the insurance commissioner, and any domestic insurance company may deposit such securities with the state treasurer, through the office of the insurance commissioner, for the protection of all policy holders of such company.

The funds, securities, and investments so deposited and kept on deposit with the state treasurer, or any trust company designated by him as herein authorized, shall be held as security for the protection of all policy holders having policies duly issued by such company, or by any of its agents.

Interest and  
dividends on  
securities.

During the time such company continues solvent, and complies with the law, it shall be permitted to collect the

interest and dividends accruing on such securities, and such funds, securities, and investments, so deposited, may be exchanged from time to time for other authorized securities of equal amount and value, at the election and upon the request of the company depositing the same: *Providing*, That if any such company now has on deposit, or shall hereafter deposit, with the proper insurance depository, of similar securities in any other state, or district in the United States, or of the United States, in accordance with the laws thereof, the commissioner, upon proper showing and application, to be made by such company, may allow such company credit on account of the amount and value of the deposit required to be made by it in this state, to the amount and value of the securities so kept by it on deposit in such other state or district or government, and may allow such company to withdraw and transfer, of the securities deposited with the state treasurer, the amount so deposited, and kept on deposit in such other state, or district or government.

Credit for deposits in other states.

The state treasurer may appoint and designate any solvent trust company organized under the laws of this state, and doing business in the city where the principal office of any domestic insurance company is located, the state treasurer's depository, to receive and hold on deposit, any funds, securities, and investments provided by this section to be deposited with the state treasurer. All funds, securities, and investments, deposited as provided by this act, shall be registered by the commissioner in accordance with such rules as he may promulgate. No transfer of securities, so held on deposit, shall be valid unless countersigned by the state treasurer, his deputy, or authorized agent.

Designation of state treasurer's depository for securities.

The state treasurer shall keep in his office a book in which shall be entered the name of the company from whose account such transfer of securities is made, the name of the transferee, the par value of the securities transferred and the amount for which every mortgage transfer is held. The state treasurer shall have access at

Record by treasurer of deposits and transfers.

all times, during office hours, to the books and records of the commissioner, for the purpose of ascertaining the correctness of the entries upon the same, of any transfer; and the commissioner shall have access, during office hours, to the books or records herein kept by the state treasurer, to ascertain the correctness of the entries upon same. The state treasurer shall state in his report to the legislature, the total amount of such deposits held by him and of such transfers countersigned by him.

Withdrawal  
of deposits  
to meet  
losses.

Whenever any insurance company making such deposit of its securities with the state treasurer, shall sustain losses in excess of its other resources, the commissioner, upon proper showing and application, may authorize and direct the state treasurer to turn over and deliver so much of the securities of such company, to the commissioner, or such insurance company, or such person as the superior court of this state may appoint for such purpose, as shall be necessary to provide funds sufficient to pay its losses, and such securities shall not be used for any other purpose. The commissioner may allow such insurance company a reasonable time, to be determined by the commissioner, upon proper showing and application, to be made by such company, in which to deposit with the state treasurer, securities authorized by law, equal in amount and value to the securities so withdrawn: *And, provided,* That any company entering into a re-insurance contract, whereby its entire business is to be re-insured as provided in this act, the commissioner may, upon application and proper showing, release the deposit securities held by the state treasurer to the credit of said company upon being satisfied that all outstanding obligations of said company have been paid or assumed by the re-insuring company.

SEC. 6. That section 6059-26 Rem. & Bal. Code be amended to read as follows:

Section 6059-26. *Annual Statement.*

Annual  
statement of  
companies.

All insurance companies now doing business in this state, or that may hereafter do business in this state, unless otherwise provided in this act, must make and file with the commissioner annually, on or before the fifteenth day

of February in each year, a statement under oath, upon a form to be prescribed and furnished by the commissioner, stating the amount of all premiums collected, or contracted for by the company making such statement, in this state, during the year ending December thirty-first, next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance re-insured in other companies authorized to do business in this state, naming them, and the amount of premiums paid therefor; and the amount of insurance re-insured in companies, naming them, not authorized to do business in this state, and the amount of premiums paid therefor; and the amount of re-insurance accepted from admitted companies and the premiums received for such re-insurance on risks located in this state, with the name of the companies so re-insured.

The commissioner shall file a copy of such verified statement or schedule with the state treasurer, and said company shall pay to the state treasurer, through the insurance commissioner's office, a tax of two and one-quarter per centum on all premiums collected, or contracted for: *Provided*, That in the case of companies engaged in fire or marine insurance, or any other lines of insurance, except life insurance, the tax shall be collected on such premiums, after deducting from the gross amount thereof the amounts paid to policy holders as returned premiums and the amounts paid as premiums to admitted companies for re-insurance; and in the case of life insurance the tax shall be collected on the gross amount of premiums, after deducting therefrom the amounts paid as premiums to admitted companies for re-insurance: *And provided, further*, That if any such company, corporation or association shall have fifty per centum or more of its assets invested in any bonds or warrants of this state, or bonds or warrants of any county, city, or district within this state, or in taxable property within this state, or in first mort-

Tax on  
premiums  
collected.

Reduction  
of tax in  
case of local  
investment  
assets.

gages upon improved real estate within this state, then the tax shall be but one per centum on the amount so collected.

The taxes herein provided for shall be due and payable on the first day of March succeeding the filing of the statement provided for herein.

Penalty for failure to pay tax.

Any company, failing or refusing to render such statement and information, and to pay taxes herein specified, for more than thirty days after the time specified, shall be liable for a fine of twenty-five dollars for each additional day of delinquency, and such tax may be collected by distraint, and such fine may be recovered by an action, to be instituted by the commissioner, in the name of the state, the attorney general representing him, in any court of competent jurisdiction. The amount of the fine collected shall be paid to the state treasurer and credited to the general fund; and the commissioner may revoke and annul the certificate of authority of such delinquent company, until such taxes and fine, should any be imposed, are fully paid.

The annual statement made to the commissioner, pursuant to this section, or other provisions of law, shall at least include the substance of that required by what is known as the "convention blank form," adopted from year to year, by the National Convention of Insurance Commissioners, and shall also include such other information as may be required by the commissioner.

SEC. 7. That section 6059-36 Rem. & Bal. Code be amended to read as follows:

Section 6059-36. *Insurance to Be Placed Through Agents.*

Licensed agents for placing insurance.

It shall be unlawful for any insurance company admitted to do business in this state to write, place or cause to be written or placed, any policy of insurance covering risks located in this state, except through or by a duly authorized licensed agent of such company residing and doing business in this state: *Provided*, That where the insured calls at the principal office of the company and requests a policy, the risk may be covered and the policy procured through the duly authorized agent in the territory wherein the risk is located: *And provided, further*, That a license

Non-resident special agents.

may be granted to a non-resident special agent authorizing such agent to work with and assist local agents in this state in writing business, but in all such cases the local agent is to retain his full commissions.

Each non-resident special agent granted a license under this provision shall pay an annual fee of five dollars (\$5.00), and all licenses issued therefor shall expire on the thirty-first day of March subsequent to the date of issue.

License fee.

SEC. 8. That section 6059-44 Rem. & Bal. Code be amended to read as follows:

Section 6059-44. *Agents', Solicitors' and Brokers' License. Must Act for Authorized Companies.*

It shall be unlawful, for any company, corporation, or association to transact the business of insurance in this state, except as provided in section 75 of this act, unless the company, corporation, or association, shall have complied with all the provisions of this act, and shall have obtained a certificate of authority from the commissioner.

Companies must be authorized to do business.

No person, firm, or corporation shall act as agent for any insurance company, in the transaction of any business of insurance within this state, or negotiate for, or place risks for, any such company, or in any way or manner aid such company in effecting insurance, or otherwise in this state, except as provided in section 75 of this act, unless such company shall in all things have complied with the provisions of this act. Every insurance agent, solicitor or broker shall annually, on or before the first day of April, procure a license from the commissioner who shall make and keep a record thereof.

Agents to procure license.

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 gross misdemeanor and shall be subject to a fine of not less than

Penalty.

\$100. nor more than \$500. and imprisonment for a term of not exceeding six months, in the discretion of the court.

SEC. 9. That section 6059-45 Rem. & Bal. Code be amended to read as follows:

Section 6059-45. *Application for and Issuance of License.*

Applications  
for license.

Showing to  
be made.

Refusal of  
license.

No license shall be issued to any applicant for an agent's, solicitor's, or broker's license until such applicant shall have first made and filed in the commissioner's office an application therefor upon a form to be prescribed and furnished by the commissioner, which must show the applicant's name, business and residence address, and in the case of an agent's or solicitor's license, the name of the company or agent to be represented, whether as solicitor, agent, or general agent; present occupation, occupation for last twelve months, portion of time to be devoted to the work, previous insurance experience, and name of employers during five years next preceding, and such other information as the commissioner may require. The statements and answers made in the application shall be warranted by the applicant and shall have the same force and effect as if such statements and answers had been made by the applicant as a sworn witness testifying in a superior court in this state. Applications for agent's or solicitor's license must be approved by some one company or by the agent to be represented; and in the case of an application for a broker's license, it must also show how long applicant has been engaged in the insurance business and in what branches, under whom applicant received his training, what income, if any, applicant has other than that to be derived from such business, and financial condition of applicant. It shall be the duty of the commissioner to withhold any license applied for, or revoke any license to any agent, solicitor or broker when he is satisfied that the principal use of such license is to effect insurance upon the property or liability of such agent, solicitor or broker, or to circumvent or violate the anti-rebate law. Each agent or solicitor shall be required to file but one applica-

tion regardless of the number of companies he represents; *Provided*, That no person shall act as agent for any company which shall not have applied for a license and paid the fee, provided in this act, for such agent, *And; Provided further*, That no solicitor shall hold a license for more than one agent for the same class or classes of insurance at the same time; neither can he be licensed as agent and solicitor for the same class or classes of insurance at the same time.

The insurance commissioner, after notice and hearing, and for cause shown, may revoke the license of any agent, if it is evident that such agent conducts his business in a dishonest manner, or misrepresents the policies or contracts he sells; or misrepresents the policies or contracts of other agents or companies; or is conducting his business in such a manner as to cause injury to the public and those dealing with him. Unless revoked by the commissioner, or unless the company by written notice to the commissioner cancels the agent's authority to act for it, such license and any other license issued to an agent or any renewal thereof shall expire on the 31st day of March next after its issue. But any license issued and in force when this act takes effect or thereafter issued, may, in the discretion of the commissioner, be renewed for a succeeding year or years by a renewal certificate without the commissioner's requiring the detailed information required by this act.

Revocation  
of license.

Renewals.

SEC. 10. That section 6059-57 Rem. & Bal. Code be amended to read as follows:

Section 6059-57. *False Statement in Application for Insurance.*

Any agent, solicitor, broker, examining physician or other person, who makes a false or fraudulent statement, or representation, in or relative to an application for insurance, or who makes any such statement for the purpose of obtaining a fee, commission, money, or benefit in a company, transacting such business under the provisions of this act, shall be guilty of a misdemeanor, and the license

False state-  
ments in  
applications,  
etc.

Penalty.

of such offending agent, solicitor or broker, shall be revoked.

SEC. 11. That section 6059-73 Rem. & Bal. Code be amended to read as follows:

Section 6059-73. *Rating Schedules—Filing—Use.*

Rating  
schedules to  
be filed.

Every insurance company, excepting a marine insurance company, before it shall receive a license to transact the business of making insurance as an insurer in this state, must file in the office of the insurance commissioner its rating schedules. Every such company and its agents shall observe its rating schedules and shall not deviate therefrom when making insurance until amended or corrected rating schedules shall have been filed in the office of the insurance commissioner.

Effect of  
adoption of  
advisory  
rates.

Any company which shall make fire insurance in this state according to the advisory rates, or stated deviation or deviations therefrom, furnished by a rating bureau as provided in the following section, may receive a license to transact the business of making fire insurance in this state, without filing rating schedules, by filing written notice in the office of the insurance commissioner of its adoption of such advisory rates, stating the deviation or deviations therefrom, if any, at which it will make insurance, which deviation or deviations, if any, shall be uniformly applied to all purchasers of insurance from any such company in this state, in the class or classes to which such deviation or deviations apply.

SEC. 12. That section 6059-106 Rem. & Bal. Code be amended to read as follows:

Section 6059-106. *Policy Standard Form—What to Contain.*

Standard  
form of  
policy.

On and after January first, nineteen hundred and twelve, no fire insurance company shall issue any fire insurance policy covering on property or interest therein in this state other than on form known as the New York Standard as now or may be hereafter constituted, except as follows:

First. A company may print on or in its policy its name, location and date of incorporation, plan of operation, whether stock or mutual, and if mutual whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "This policy shall not be valid until countersigned by the duly authorized agent of the company at.....," and, if a mutual company, must state the contingent mutual liability of its policy holders or members for payment of losses and expenses not provided for by its cash funds until it shall have accumulated surplus assets of not less than one hundred thousand dollars, which it must maintain in securities deposited as required of stock companies, and, while it maintains such surplus assets on deposit, it may issue its policies with the statement thereon that the liability of the policy holder is limited to the premium paid, as hereinafter provided. Contents.

Second. A company may print or use in its policies printed forms of description and specifications of the property insured.

Third. A company insuring against damage by lightning may print in the clause enumerating the perils insured against, the additional words, "also any damage by lightning whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other insurance the words, "whether by fire, lightning or both." Lightning insurance.

Fourth. A domestic company may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign or alien company may, with the approval of the commissioner, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this state; but the commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such a way as to affect the question of loss to be appended to the policy by an endorsement or rider as hereinafter provided. Printing provisions required by law or charter.

Filling  
blanks.

Fifth. The blanks in said standard form may be filled in in print or writing.

Sixth. A company may print upon policies issued in compliance with the preceding provisions of this section the words, "Washington Standard Policy."

Insertion of  
additional  
provisions.

Seventh. A company may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the Standard Form; and all such slips, riders, endorsements, and provisions must be signed by the officers or agents of the company so using them.

Mutual  
company  
regulations.

Eighth. If the policy be made by a mutual or other company having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance, such regulation shall apply to and form a part of the policy as the same may be written or printed upon, attached, or appended thereto.

Lloyds'  
policies.

Ninth. If the policy be made by a company operating on the plan known as "Lloyds," it shall have the name and address of each underwriter printed on the back of the policy.

Designation  
of character  
of company  
on policy.

Tenth. Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the company making such insurance be a stock, or mutual company, or "Lloyds," or Inter-Insurers Association.

"Noon"  
defined.

The word "noon" occurring in the policy shall be construed to be the noon of standard time of the place where the property covered by the policy is situated.

SEC. 13. That section 6059-182 Rem. & Bal. Code be amended to read as follows:

Section 6059-182. *Medical Examination Must Be Made.*

Medical  
examination  
for life  
insurance.

No life insurance company organized under the laws of, or doing business in, this state, shall enter into any contract of insurance upon lives within this state, except industrial insurance or where premiums are payable monthly or oftener, without having previously made, or caused to be made, a prescribed medical examination of the insured

by a legally qualified practicing physician: *Provided*, That any regularly commissioned physician of the United States Army or Navy shall be considered as legally qualified to make such examinations.

SEC. 14. That section 6059-202 Rem. & Bal. Code be amended to read as follows:

Section 6059-202. *Annual Financial Statements.*

Every company engaged in part of wholly in said business of insuring or guaranteeing the owners or encumbrancers of real property against loss as hereinbefore specified, shall on or before the first day of February in each and every year make and file with the commissioner a statement verified by oaths of the president and secretary of such company, showing the financial condition of the company on the thirty-first day of December next preceding, and shall show:

Annual statement by title insurance companies.

(1) The total authorized capital of the company and the amount thereof fully paid.

(2) The property and assets of the company, including securities on deposit with the state treasurer as guarantee fund.

(3) The liabilities of the company.

(4) The total income of the company during the calendar year preceding date of statement. Such statement of total income to show, (a) income from title insurance premiums; (b) income from investments and securities; (c) income from all other sources.

(5) The amount and character of risks written; the amount and character of risks expired; amount of losses incurred and paid; and claims for losses presented and pending settlement, all during aforesaid period.

Penalty for failure to file.

If the provisions of this section are not complied with on or before the fifteenth day of February in each year, the commissioner shall revoke the certificate of authority issued to the company.

SEC. 15. That title XLV of Volume 3 Rem. & Bal. Code be amended by adding thereto a section to be known as section 6059-7 $\frac{1}{2}$ , to read as follows:

Section 6059-7 $\frac{1}{2}$ . *Domestic Companies Doing Business in Other States.*

If, upon investigation the commissioner finds that any insurance company incorporated under the laws of this state, is doing business, other than the acceptance of re-insurance, in another state or territory without having first procured a license or authority from such state or territory, if any is required, authorizing it to do business therein, he shall revoke the authority of such company to do business in this state.

Vetoed  
E. L.

SEC. 16. That title XLV of Volume 3 Rem. & Bal. Code be amended by adding thereto a section to be known as section 6059-37, to read as follows:

Section 6059-37. *Adjusters to Secure License.*

Each "adjuster" or "insurance adjuster" shall annually, on or before the first day of April in each year, procure a license from the insurance commissioner, permitting him to adjust losses for authorized insurance companies, and to adjust losses of unauthorized insurance companies on policies written by duly licensed agents for such companies in this state. He shall also secure a license for each separate company for each loss adjusted by him for non-admitted or unauthorized companies on policies which have not been written by or through a regularly licensed agent for such companies in this state: *Provided*, That an agent for a duly authorized insurance company may adjust and settle losses for the company for which he is licensed agent without procuring an "adjuster's" license.

Adjusters'  
licenses.

It shall be the duty of all adjusters, or agents, upon making and completing the adjustment of any loss in excess of one hundred dollars, to at once notify the insurance commissioner, giving full information and stating the name of the assured, the amount of insurance carried, the name of the company or companies issuing the policies and the amount carried by each one, the amount of the

Notifying  
commissioner  
of adjust-  
ments.

loss as adjusted, and any other information in his possession relative to such losses which may be requested by the commissioners.

Each "adjuster" or "insurance adjuster" licensed under the provision of this section shall pay an annual fee of ten dollars (\$10.00), and all licenses issued therefor shall expire on the thirty-first day of March subsequent to the date of issue.

License fee.

Passed the House March 1, 1915.

Passed the Senate March 9, 1915.

Approved, with the exception of section 15, by the Governor March 19, 1915.

Section 15 vetoed by the Governor March 19, 1915.

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## CHAPTER 178.

[S. B. 301.]

### REQUIRING CERTIFICATES OF PUBLIC NECESSITY FOR NEW PUBLIC UTILITIES.

AN ACT amending chapter 117, Session Laws of 1911, being an act entitled: "An Act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violation thereof, making appropriation and repealing certain acts," by adding an additional section thereto, to be known as Section 74A.

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

SECTION 1. Chapter 117 of the Session Laws of 1911, known as the "Public Service Commission Law," is hereby amended by adding thereto an additional section to be known as Section 74A to read as follows:

Amends  
Laws 1911,  
ch. 117,  
Rem.-Bal.  
§§ 8626-1 to  
8626-112, by  
adding § 74A.

Section 74A. No new public utility to render a service similar in character and location to the service rendered by any existing public utility in this state shall be constructed, maintained or operated without first obtaining a certificate of public necessity and convenience from the commission. Upon the filing of an application for such certificate the commission shall give reasonable notice in

Certificate  
authorizing  
competition  
with existing  
public  
utilities.

writing to the owner or operator of such existing public utility of the time and place when such application will be heard and after hearing and investigation if the commission finds from the evidence that public necessity and convenience require additional service the commission shall grant such certificate of public necessity and convenience to such operator as the commission shall determine.

“New public utility” defined.

The term “new public utility” when used in this section includes any public utility, whether municipally or privately owned, now or hereafter operating, or seeking to operate in this state for which no franchise or other authority to operate has been obtained, or any utility which desires to operate in a new territory, not contemplated in any franchise or authority heretofore granted, as well as any public utility which may commence operation without a franchise, or which obtains its franchise after this act takes effect.

“Public utility” defined.

The term “public utility” used in this section, means every street railroad and street railway, interurban railroad and interurban railway, electric, gas, water and steam heating plant and system, now or hereafter constructed, used to serve the public for compensation, and whether municipally or privately owned.

Passed the Senate February 27, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 19, 1915.

CHAPTER 179.

[S. S. B. 247.]

IRRIGATION DISTRICTS: ORGANIZATION, BOND ISSUES, LEVIES, AND CO-OPERATION WITH UNITED STATES.

AN ACT relating to the organization and government of irrigation districts, and the sale of bonds thereof, and facilitating co-operation between irrigation districts and the United States, and amending sections 6416, 6417, 6419, 6426, 6427, 6428, 6430, 6431, 6432, 6433, 6436, 6437, 6438, 6439, 6440, 6444, 6450, 6452, 6456, 6457, 6462, 6466, 6475, 6479, 6480, 6481, 6489, 6490, 6491, 6492, 6493, and 6494 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Amends  
Rem.-Bal.  
§§ 6416, 6417,  
6419,  
6426-6428,  
6430-6433,  
6436-6440,  
6444, 6450,  
6452, 6456,  
6457, 6462,  
6466, 6475,  
6479-6481,  
6489-6494.

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

SECTION 1. Section 6416 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6416. Whenever fifty or a majority of the holders of title to, or of evidence of title to land susceptible of one mode of irrigation from a common source, and by the same system of works, desire to provide for the construction of works for the irrigation of the same, or desire to provide for the reconstruction, betterment, extension, purchase, operation or maintenance of works already constructed, 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.

Authorizing  
formation.

SEC. 2. Section 6417 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6417. For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries

Petition.

of such district, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as an irrigation district. The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case such organization shall not be affected [effected]. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. When the petition is presented, the 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 it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the 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 applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited be included within such district; any lands having a partial or full water right included in any district shall be given equitable credit therefor in the apportionment of the assessments in this act provided: *And provided fur-*

Bond.

Publication of notice.

Hearings.

Exclusion and inclusion of lands.

*ther*, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application of the board at the time of the hearing, be entitled to have such lands included in the district. The board of county commissioners shall, as soon as it has established the boundaries of said proposed district, enter an order establishing and defining such boundaries, and ordering that three directors for such district be elected from the district at large, and designating a name for the proposed district, and calling 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 act, and for the purpose of electing three directors at large. The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as directors of the district: *Provided*, That where in this act publication is required to be made in a newspaper of any county, the same may be made in any newspaper of general circulation in any such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

Calling  
election.

Notice.

Choice of  
newspaper  
for publica-  
tion.

SEC. 3. Section 6419 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Election of directors.

Section 6419. There shall be elected in each organized irrigation district of this state, a board of three (3) directors who are electors of the district. An annual election to the office of director shall be held on the second Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That in the case of the three directors elected at any organization election called by the board of county commissioners, the three directors so elected shall serve until the first Tuesday of January following the first annual election; and at the first annual election there shall be elected three directors, one to serve for a term ending one year from the first Tuesday of January next following such election, and one to serve for a term of two years from the first Tuesday of January next following such election, and one to serve for a term of three years from the first Tuesday of January next following such election; and an election shall be held in each district thereafter on the second Tuesday in December in each year, at which election one director shall be elected for the full term of three years or until his successor is elected and qualified: *And provided further*, That in any irrigation district organized and existing under any law of this state prior to the taking effect of this act, the directors elected at the last election held therein shall hold office, and their terms of office, shall be as follows: That one of the three receiving the lowest number of votes at the election last aforesaid, shall hold his office until the first Tuesday of January, 1914, the one receiving the next highest number of votes shall hold his office for one year from and after the first Tuesday of January, 1914, and the one receiving the highest number of votes shall hold his office for a term of two years from and after the first Tuesday of January, 1914; and an election shall be held in each of the districts last aforesaid on the second Tuesday of December of the

Term of office.

year 1913, and on the second Tuesday of December in each year thereafter, at which one director shall be elected for the full term of three years, or until his successor is elected and qualified. In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of twenty-five hundred dollars (\$2,500.00), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was affected [effected], and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than twenty-five hundred dollars (\$2,500.00), to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director: *Provided*, That in case any irrigation district is appointed fiscal agent of the United States or is authorized by the United States in connection with any federal irrigation project to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer shall each execute a further additional official bond in such sum, respectively, as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his respective office, and the faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded and filed as

Vacancies.

Oath and bond.

Secretary.

Additional bonds as fiscal agents of United States.

herein provided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; the bonds executed by the said officers shall be secured at the cost of the district.

SEC. 4. Section 6426 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Officers of  
board.

Section 6426. The three directors of the district shall constitute the board of directors of such district, and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the board and principal place of business of the district shall be at some place in the county in which the organization was affected [effected], to be designated by the board. The board of directors shall hold a regular monthly meeting, at its office, on the first Tuesday in every month, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by a majority of the board, but in case the three members of the board do not join in said order, the secretary shall give the member not joining five (5) days' notice of such meeting. The order or notice calling any special meeting shall specify what business shall be transacted, and none other than that specified shall be transacted at such special meeting. All meetings of the board must be public. Two members shall constitute a quorum for the transaction of business, but in all matters requiring action by the board there shall be a concurrence of at least two members of said board. All records of the board shall be open to the inspection of any elector during business hours. The board shall have the power, and it shall be its duty to adopt a seal of the district, to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe

Meetings.

Notice of  
special  
meetings.

Powers and  
duties of  
board.

their duties, and to establish equitable by-laws, rules and regulations for the government and management of the district, and for the equitable distribution of water to the lands within the district, upon the basis of the beneficial use thereof, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter: *Provided*, That all water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of Congress, and rules and regulations of the secretary of the interior until full reimbursement has been made to the United States, and in accordance with the provisions of said contract in relation thereto. The by-laws, rules and regulations must be printed in convenient form for distribution in the district. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby declared to be title to and evidence of title to lands and for all purposes of the assessment and collection of taxes, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: *Provided*, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee simple title of the state or other public ownership. The board of directors shall have the power to sell, lease, or rent the use of water and power or either for delivery to occupants of public or other lands situated within or adjacent to the district, or to municipal corporations, or at such prices and on such terms as it deems best: *Provided*, No water or power shall be furnished for use outside of said district until all demands and requirements for water and power for use in said district are furnished and supplied by said district: *And provided further*, That as soon as any public land situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his proportion of

By-laws.

Rights of  
contract  
holders of  
public lands.Sale or  
lease of  
water and  
power.Public lands  
passing to  
private  
ownership.

water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sum shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

SEC. 5. Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Authority of  
board.

Section 6427. The board, and its agents and employees, shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works, power plants, power sites or power lines and the line for any canal or canals, and the necessary branches or laterals for the same, on any lands which may be deemed best for such location. Said board shall also have the power to acquire, either by purchase or condemnation, or other legal means, all lands, waters, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and irrigation works, including canals and works constructed or being constructed by private owners, or any other person, lands for reservoirs for the storage of needful waters and all necessary appurtenances. The board may also construct the necessary dams, reservoirs and works for the collection of water for said district, and may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done in order to carry out the purposes of this act; and in carrying out the aforesaid purposes the bonds of the district may be used by the board, at not less than ninety per centum of their par value in payment. The board may enter into

any obligation or contract with the United States for the construction, reconstruction, betterment, extension, sale or purchase, or operation and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the federal reclamation act and all amendments or extensions thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply under any act of congress providing for and permitting such contract, or for the collection of money due or to become due to the United States or for the assumption of the control and management of the works; and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the district may be deposited with the United States as payment or as security for future payment at not less than ninety per centum of their par value, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment provided in section 6437 of Remington & Ballinger's Annotated Codes and Statutes of Washington an amount sufficient to meet each year all payment accruing under the terms of any such contract. The board may accept on behalf of the district appointment of the district as fiscal agent of the United States or other authorization of the district by the United States to make collections of money for or on behalf of the United States in connection with any federal reclamation project, whereupon the district, and the county treasurer for the district, shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of

Water project  
contracts  
with United  
States.

Water for  
irrigation  
declared  
public use.

the federal government in regard thereto. The use of all water required for the irrigation of the lands, within any district, together with rights-of-way for canals, laterals, ditches, sites for reservoirs, power plants, sites and lines and all other property required in fully carrying out the purposes of the organization of the district is hereby declared to be a public use; and in condemnation proceedings to acquire any property or property rights for the use of the district, the board of directors shall proceed in the name of the district, in the manner provided in this state in cases of appropriation of lands, real estate and other property by private corporations: *Provided*, That the irrigation district at its option pursuant to resolution to that end duly passed by its board of directors may unite in a single action proceedings for the acquisition and condemnation of different tracts of land needed by it for rights-of-way for canals, laterals, power plants, sites and lines and other irrigation works which are held by separate owners. And the court may on the motion of any party consolidate into a single action separate suits for the condemnation of rights-of-way for such irrigation works whenever from motives of economy or the expediting of business it appears desirable so to do: *Provided, further*, There shall be a separate finding of the court or jury as to each tract held in separate ownership.

Condemna-  
tion pro-  
ceedings.

SEC. 6. Section 6428 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Titles ac-  
quired vest  
in district.

Section 6428. The legal title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, and possess said property as herein provided: *Provided, however*, That any property so acquired by the district may be conveyed to the United States insofar as the same may be needed for the construction, operation and main-

Conveyance  
to U. S.

tenance of works by the United States for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

SEC. 7. Section 6430 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6430. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, 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 fund for any such purpose has been exhausted by, or shall appear to be inadequate to meet, the expenditures herein authorized therefrom, and the board 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 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 chapter governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," and "Bonds

Cost of construction and betterment.

Bond elections.

Notice.

—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; but if contract is made or is to be made with the United States as in section 6427 of Remington & Ballinger’s Annotated Codes and Statutes of Washington provided and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words “Contract with the United States—Yes,” and “Contract with the United States—No,” or words equivalent thereto. 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, or the question of entering into a contract with the United States, 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

Subsequent  
elections  
authorized.

Bonds.  
how paid.

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: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior. 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 the secretary. The signatures of the president and secretary may, however, appear by lithographic fac simile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also 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 plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. 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

Form and contents of bonds.

Assessments levied to meet deficiencies.

Substitution of bonds for previous issues.

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: *Provided, further*, That the board shall have the power to provide for and agree and to include in the stipulations contained in the bonds of the district that no interest payment shall be made on said bonds during the first three (3) years after the date of the issue thereof, and that in lieu thereof the rate of interest shall be increased for a succeeding period of years sufficient to include and cover the interest for said three [year] period, together with interest on the deferred interest payments, but in no case shall the aggregate of interest paid on principal exceed an average of six per cent. during the entire life of the bonds.

Payment  
of interest.

SEC. 8. Section 6431 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6431. The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interests of the district so to do. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor labor and material

Sale of  
bonds, or  
pledge to  
United  
States.

necessary for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three (3) weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: *Provided*, That such bonds shall not be sold for less than ninety per cent of their face value.

SEC. 9. Section 6432 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6432. Said bonds and interest thereon and all payments due or to become due to the United States under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, 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, or the contract with the United States accompanying which bonds have not been deposited with the United States, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements

Payment of  
bonds and  
interest.

Lien of bonds  
and U. S.  
contract on  
plant and  
water rights.

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, or any payment required by the contract with the United States, according to the terms thereof, the holder of said bonds, or any part thereof, or the United States as the case may be, 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 section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district.

SEC. 10. Section 6433 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Assessments,  
how and  
when made.

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion with the benefits accruing to the lands assessed. The secretary must, between the first Monday in March and the first Monday in June, in each year, prepare an assessment book, with appropriate headings, in which must be listed all the lands 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 legal subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres, 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.

*Third.* The ratio of benefits;

*Fourth.* The fourth column shall be left blank for the extension of the assessment.

*Fifth.* 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.

SEC. 11. Section 6436 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6436. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before them; and the board may change the same as may be just. The secretary of the board shall be present during its session, and note all changes made at said hearing; within ten days after the close of the session he shall have the assessment roll completed as finally equalized by the board.

Equalization  
of assess-  
ments.

SEC. 12. Section 6437 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6437. The board of directors shall then levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due the ensuing year to the United States under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, and at the expiration of ten

Levy of  
assessments  
to meet bonds.

years after the issuing of the bonds of any issue, the board must, from year to year, increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as assessments on property therein enumerated. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds as the case may be, to be called respectively the "Bond Fund of . . . . . Irrigation District," the "Contract Fund of . . . . . Irrigation District" and the "Expense Fund of . . . . . Irrigation District." In case of neglect or refusal of the board of directors to cause such assessment or levy to be made as herein provided, then the assessment shall be made, equalized and levied by 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 the said district to be prepared, and the board of county commissioners shall make the levy required by this chapter in the same manner and with like effect as if the same had been made by the said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

Expense fund levy.

Procedure in case of failure.

SEC. 13. Section 6438 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6438. The assessment upon real property shall be a lien against the property assessed, from and after the first Monday in March in the year in which it is levied, but as between grantor and grantee such lien shall not at-

Lien of assessment.

tach until the first day in December of such year, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments and for general taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the lien for all payments due or to become due under any contract with the United States, accompanying which bonds of the district have not been deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

Priorities.

SEC. 14. Section 6439 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6439. On or before the first day of November the secretary must deliver the assessment book to the county treasurer of the county in which the office of the board of directors is situated, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable at the office of said county treasurer, and will become delinquent at five o'clock in the afternoon on the 31st day of December next thereafter, unless sixty per cent. thereof shall then have been paid, and that if thus allowed to become delinquent a penalty of five per cent. will be added to the amount thereof and that if sixty per cent thereof be paid on or before said 31st day of December the remainder thereof will not become delinquent until April 30th next following. The notice shall be published once a week for four successive weeks, and posted for the same length of time in some public place in said district. The county treasurer must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying, and give a re-

Collection of assessments.

Notice.

Penalty for  
non-payment.

ceipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent unless 60% shall have been paid as aforesaid, and thereafter the treasurer must collect thereon for the use of the district the aforesaid penalty of five per cent. The district shall pay to the county from the five per cent. penalties and other costs received by the treasurer in the collection of delinquent taxes, the amounts actually expended by the treasurer in performing the duties of *ex-officio* collector and treasurer of the district.

Payment of  
cost of  
collections.

SEC. 15. Section 6440 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Publication  
of delinquent  
lists.

Section 6440. On or before the first day of February, the county treasurer must publish the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description in all cases where payment of 60% of the assessment has not been made on or before the 31st day of December next preceding; likewise on or before May 15th he must publish the delinquency list of all persons delinquent in the payment of the instalment of 40% as in this act provided. He must append to and publish with the delinquent list a notice that unless the assessments delinquent, together with costs and percentage are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the treasurer.

Date of sale.

SEC. 16. Section 6444 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6444. A redemption of the property sold may be made by the owner or any party in interest within two years 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 treasurer he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignee. In each report the treasurer makes to the board of directors he must name the persons entitled to redemption money and the amount due each. On receiving the certificate of sale the county auditor must file it and make an entry in a book similar to that required of the treasurer. On the presentation of the receipt of the person named in the certificate, or of the treasurer for his use, of the total amount of the redemption money, the auditor 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 two years from the sale the treasurer must make to the purchaser, or his assignees, 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 treasurer shall receive from the purchaser, for the use of the district, one dollar for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents and any person or district holding a duplicate certificate covering more than one tract of land, the several parcels or tracts of land mentioned in the certificate may be included in one deed.

Redemptions  
from sale.

Deeds to  
purchasers.

Fees.

SEC. 17. Section 6450 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6450. Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or

Contracts  
for con-  
struction.

Bond of  
contractor.

for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to said district for its use, for at least 25 per cent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever in the construction of the district canal or canals, or other works, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of said work or the furnishing of said materials, a notice calling for sealed proposals shall be published in a newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let said work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence: *Provided*, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material: *Provided further*, That the provisions of this section shall not apply in the case of any contract between the district and the United States.

Call for bids.

SEC. 18. Section 6452 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Cost of  
construction,  
how paid.

Section 6452. The cost and expense of purchasing and acquiring property, and construction, reconstruction, extension, and betterment of the works and improvements

herein provided for, and the expenses incidental thereto, and indebtedness to the United States for district lands assumed by the district, and for the carrying out of the purposes of this chapter, may be paid by the board of directors out of the funds received from bond sales. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portions of said canal and works as are completed and in use, the board may either fix rates or tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes, or they may provide for the payment of said expense by a levy of assessment therefor, or by both said tolls and assessment; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll each year, and the board shall have the same powers and functions for the purpose of said levy as possessed by it in case of levy to pay bonds of the district. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this chapter, relating to the payment of principal and interest of bonds herein provided for, and shall be made at the same time.

Operating expenses.

Tolls or assessments to meet.

SEC. 19. Section 6456 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6456. 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 6430. 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 election the ballots shall

Special assessments.

contain the words "Assessment, yes," and, "Assessment, no." If a majority of the votes cast are "Assessment, yes," the board shall, at the time of the annual levy thereunder, levy an assessment to raise the amount voted. The rate of assessment shall be ascertained by adding fifteen per cent for anticipated delinquencies to the whole amount required, as it appears on the assessment roll. 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 of the county to the credit of said district, for the purposes specified in the notice of such special election.

How levied.

SEC. 20. Section 6457 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6457. 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 chapter; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except for the purpose of irrigation and in cases of emergency the board of directors may incur any indebtedness not exceeding in the aggregate a sum equal to fifteen per centum of the total amount fixed as rates, tolls, charges and assessments for the current year for the care, operation, management, repair and improvement of the irrigation works of the district pursuant to section 6452 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and may cause warrants of the district to issue therefor, bearing interest at a rate not to exceed eight per cent per annum.

Excess indebtedness void.

Emergency exceptions.

SEC. 21. Section 6462 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6462. The boundaries of any irrigation district now or hereafter organized under the provisions of

Change of boundaries.

this chapter may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made, except as hereinafter expressly in section 6475 of Remington & Ballinger's Annotated Codes and Statutes of Washington prescribed: *Provided*, That in case contract has been made between the district and the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, no change shall be made in the boundaries of the district, and the board of directors shall make no order changing the boundaries of the district until the secretary of the interior shall assent thereto in writing and such assent be filed with the board of directors.

Consent of  
U. S. neces-  
sary, when.

SEC. 22. Section 6466 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6466. The board of directors to whom such petition to include other lands in the district is presented, shall require, as a condition precedent to the granting of the petition, that the petitioners shall severally pay, or give approved security upon such terms as may be prescribed by the board to pay, to such district such respective sums as shall be determined by the board at the hearing above provided for, which sums shall be such equitable amount as such land shall pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Payments  
required on  
lands subse-  
quently in-  
corporated.

SEC. 23. Section 6475 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Exclusion of  
lands from  
district.

Effect.

Section 6475. The boundaries of any irrigation district, now or hereafter organized under the provisions of this chapter, may be changed, and tracts of land which were included within the boundaries of such district, at or after its organization under the provisions of this chapter, may be excluded therefrom in the manner herein prescribed; but neither such change of the boundaries of the district, nor such exclusion of lands from the district, shall impair or affect its organization or its rights in or to property, or any of its rights and privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made, or had not any land been excluded from the district, unless the holders of such lien, obligation, charge or contract right chargeable against the district, consent to such exclusion in the manner hereinafter provided in section 6480 of Remington & Ballinger's Annotated Codes and Statutes of Washington for the consent of the bondholders.

SEC. 24. Section 6479 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Action of  
board on  
petition for  
exclusion.

Section 6479. The board of directors, if they deem it not for the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district shows cause, in writing, why the said lands, or some portion thereof, should not be excluded from the district, or if having shown cause withdraws the same, and also, if there be no outstanding bonds of the district, and no contract between the district and the United States, then the board may order that the lands mentioned in the petition, or some defined portion thereof, be excluded from the district.

SEC. 25. Section 6480 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6480. If there be outstanding bonds of the district, or if the district shall have entered into a contract with the United States, then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can readily be traced. The holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the board may make an order by which the lands mentioned in the resolution may be excluded from the district, and in case contract has been made with the United States the secretary of the interior may assent to such change. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgement shall have the same force and effect, as evidence, as the acknowledgment of such conveyance, except the assent of the secretary of the interior need not be acknowledged. The assent shall be filed with the board, and in the office of the county clerk in each county comprised within the district and must be recorded in the minutes of the board; and said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent of the bondholders, and in case of contract with the United States such assent of the secretary of the interior, be not filed, the board shall deny and dismiss said petition.

Assent of  
bond holders  
or of United  
States.

How given.

SEC. 26. Section 6481 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6481. If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing

Election to  
exclude land.

cause as aforesaid, which have not been withdrawn, then the board may order an election to be held in said district to determine whether an order shall be made excluding said land from the district as mentioned in said resolution. The notice of such election shall describe the boundary of all lands which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election, in a newspaper published within the county where the office of the board of directors is situated; and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of such counties. Such notice shall require the electors to cast ballots, which shall contain the words "For exclusion," and "Against exclusion," or words equivalent thereto. Such election shall be conducted in the manner prescribed in this act for the holding of special elections on the issuance of bonds.

Notice.

SEC. 27. Section 6489 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6489. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have not then been sold, may be judicially examined, approved, and confirmed, or in case a contract shall have been made by any irrigation district for the payment of moneys to the United States and bonds be not deposited with the United States as in section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington: *provided*, the board may commence a special proceeding whereby the proceedings of said district providing for and authorizing the said contract, whether or not the same shall already have been executed, may be judicially examined, approved and confirmed.

Special proceedings to confirm bonds.

To confirm contract with United States.

SEC. 28. Section 6490 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6490. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved, and confirmed by the court. The petition shall state the facts, showing the proceedings had for the issue and sale of said bonds, or for the authorization of contract with the United States; and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Petition to superior court.

What to contain.

SEC. 29. Section 6491 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6491. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, or for the authorization of contract with the United States, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of.....irrigation district (giving its name), praying that the proceedings for the issue and sale of the bonds of said district, or for the

Notice of hearing.

authorization of contract with the United States, may be examined, approved, and confirmed by said court.

SEC. 30. Section 6492 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Pleadings  
and practice  
applicable.

Section 6492. Any person interested in said district, or in the issue or sale of said bonds or in the making of contract with the United States, may demur to or answer said petition. The statutes of this state respecting the demurrer, and the answer to a verified complaint, shall be applicable to a demurrer and answer to said petition. The person so demurring to or answering said petition shall be the defendant to said special proceeding, and the board of directors shall be the plaintiff. Every material statement to the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the statutes of this state, which are not inconsistent with the provisions of this chapter, are applicable to the special proceeding herein provided for. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issue to be re-examined on such new trial, and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

SEC. 31. Section 6493 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Power and  
duty of  
court.

Section 6493. Upon the hearing of such special proceedings, the court shall have power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the

order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of the contract with the United States. The court, in inquiring into the regularity, legality, or correctness of said proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other and subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all parties, in the discretion of the court.

SEC. 32. Section 6494 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6494. An appeal from an order granting or refusing a new trial, or from the judgment, must be taken by the party aggrieved within thirty days after the entry of said order or said judgment.

Passed the Senate February 27, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 19, 1915.

Costs.

Appeals,  
time for  
taking.

CHAPTER 180.

[H. B. 84.]

REGISTRATION OF BIRTHS AND DEATHS, AND PERMITS FOR BURIAL OR REMOVAL OF CORPSES.

AN ACT relating to the system of registration and the method of reporting births and deaths, the issuance of permits for burial, removal or transportation of bodies of deceased persons, prescribing certain rules of evidence and amending sections 5424, 5425, 5426, 5427, 5429, 5430, 5432, 5436, 5439, 5440, 5441, 5442, 5443 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

Amends Rem.-Bal. §§ 5424-5427, 5429, 5430, 5432, 5436, 5439-5443.

SECTION 1. That section 5424 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Division of state into registration districts.

Section 5424. That for the purposes of this act the state shall be divided into registration districts as follows: Each city of the first, second and third class shall constitute a primary registration district, and each county, exclusive of the portion included within cities of the first, second and third class, shall be subdivided by the state registrar into districts in such manner as may appear necessary for the convenience of the people, and each such district shall constitute a primary registration district, and each primary registration district shall be numbered by the state registrar.

SEC. 2. That section 5425 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Local registrars and deputies.

Section 5425. The health officer of each city of the first, second and third class shall be the local registrar in and for such primary registration district, and shall perform all the duties of the local registrar as hereinafter provided. The state registrar shall appoint a suitable person in and for each registration district not included in the cities of the first, second or third class, who shall hold such position during the pleasure of the state registrar, and shall perform all of the duties of local registrar, as herein-

after provided. Each local registrar shall appoint in writing a deputy who shall be authorized to act in case of the absence, death, illness or disability of the local registrar, and shall certify the appointment of such deputy to the state registrar.

SEC. 3. That section 5426 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5426. That it shall be unlawful for any person to inter, deposit in a vault, grave or tomb, cremate or otherwise dispose of, or disinter or remove from one registration district to another or hold for more than seventy-two hours after death, the body or remains of any person whose death occurs in this state or any body which shall be found in this state, without obtaining, from the local registrar of the district in which the death occurred or in which the body was found, a permit for the burial, disinterment or removal of such body: *Provided*, That any licensed embalmer of this state may temporarily remove any such body of a person dying in this state from the place where death occurred outside of the corporate limits of any city of the first, second or third class to another registration district for the purpose of preparing the same for burial without having first obtained a removal permit, but in such case the embalmer shall at the time of securing a burial, removal or transit permit for such body, filed with the registrar from whom such permit is secured, upon a blank to be furnished by the state registrar, a certificate in writing of such temporary removal, signed by the embalmer, and it shall be unlawful for any person to bring into or transport within the state or inter, deposit in a vault, grave or tomb, or cremate or otherwise dispose of the body or remains of any person whose death occurred outside this state unless such body or remains be accompanied by a removal or transit permit issued in accordance with the law and health regulations in force where the death occurred or unless a special permit for bringing such body into this state shall be obtained from the state registrar.

Burial and removal permits.

Removal for embalming.

Permits for transfer of bodies from other states.

SEC. 4. That section 5427 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Registration  
of stillborn  
children.

Section 5427. That stillborn children or those dead at birth shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician or midwife, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, and if born prematurely, the period of uterogestation in months, if known; and a burial or removal permit in usual form shall be required: *Provided*, That a certificate of birth or death shall not be required for a stillborn child that has not advanced beyond the seventh month of uterogestation.

SEC. 5. That section 5429 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Death with-  
out medical  
attendance.

Section 5429. That in case of any death occurring without medical attendance, it shall be the duty of the undertaker, or any person acting as such, to notify the local registrar of the registration district where such death occurs, or the coroner, if in a county of the first class, of such death, and the local registrar shall at once investigate the circumstances of the case and make a certificate and return of death noting upon the certificate the fact that such death occurred without medical attendance: *Provided*, If the local registrar is not a qualified physician and the cause of death is obscure or uncertain, the local registrar shall refer the case to the health officer having jurisdiction over the locality where the death occurred, for certification: *And provided, further*, That if the circumstances of the case render it probable that the death was caused by unlawful means, the local registrar shall refer the case to the coroner, if the death occurred in a county of the

Investigation  
and cer-  
tification.

first class, or to the prosecuting attorney, if the death occurred in any county other than a county of the first class, for certification.

SEC. 6. That section 5430 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5430. That it shall be the duty of every undertaker or person acting as undertaker, to obtain a certificate of death and file the same with the local registrar, and secure a burial or removal permit, prior to any permanent disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, over the signature and address of such person or state over his own signature that after careful inquiry he could not obtain such particulars. In case such deceased be a stranger whose identity cannot be determined it shall be the duty of the undertaker having such body in charge to have a photograph taken of such deceased and a copy of such photograph shall be filed with the secretary of the state board of health. He shall then present the certificate to the attending physician, if any, or in case the death occurred without any medical attendance, to the proper official for certification as hereinabove provided, for the medical certificate of the cause of death and other particulars necessary to complete the record as hereinabove provided. And he shall state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar, for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring the body; or shall attach the transit permit containing the local registrar's removal permit, to the box containing the corpse, when shipped by any transportation company, and said permit shall accompany the corpse to its destination, provided that when a body is removed from one registration district in Washington to another for interment, cremation or other

Burial and  
removal  
permits.

Certificate  
of death.

Transit  
permits.

Record of  
casket sales.

permanent disposition not requiring the use of a common carrier or the issuance of a transit permit, the registrar's removal permit from the district where the death occurred may be accepted as authority for burial in the other district. It shall be the duty of every person, firm or corporation selling a casket to keep a record showing the name and post office address of the purchaser, the name of the deceased and the date and place of death of the deceased, which record shall be open to inspection of the state registrar at all times, and it shall be the duty of every person, firm, or corporation selling caskets to, on the first day of each month, report to the state registrar each sale for the preceding month, on a blank provided for that purpose: *Provided, however,* That no person, firm, or corporation selling caskets to dealers or undertakers only shall be required to keep such record. It shall be the duty of every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, to inclose within the casket a notice furnished by the state registrar calling attention to the requirements of the law, a blank certificate of death, and a copy of the rules and regulations of the state board of health concerning the burial or other disposition of dead bodies.

SEC. 7. That section 5432 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Burials with-  
out permits  
unlawful.

Section 5432. It shall be unlawful for any person in charge of any premises in which bodies of deceased persons are interred, cremated or otherwise permanently disposed of, to permit the interment, cremation or other disposition of any body upon such premises unless it is accompanied by a burial, removal or transit permit as hereinabove provided. It shall be the duty of the person in charge of any such premises to, in case of the interment, cremation or other disposition of a body therein, endorse upon the permit the date and character of such disposition, over his signature, to return all permits so endorsed to the local registrar of his district within ten days from the date of

Indorsement  
and return  
of permit.

such disposition, and to keep a record of all bodies disposed of on the premises under his charge, stating, in each case, the name of the deceased person, if known, the place of death, the date of burial or other disposition, and the name and address of the undertaker, which record shall at all times be open to public inspection, and it shall be the duty of every undertaker, or person acting as such, when burying a body in a cemetery or burial grounds having no person in charge, to sign the burial, removal or transit permit, giving the date of burial, write across the face of the permit the words "no person in charge," and file the burial, removal or transit permit within ten days with the registrar of the district in which the cemetery is located.

SEC. 8. That section 5436 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5436. It shall be the duty of every local registrar when any certificate of birth of a living child is presented without statement of the given name, to make out and deliver to the parents of such child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the registrar as soon as the child has been named.

Names of  
children  
born.

SEC. 9. That section 5439 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5439. That the state registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars,

Duties of  
state  
registrar in  
compiling  
vital  
statistics.

and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be attached to and filed with the certificate. He shall furnish, arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; the cards to show the name of the child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all local registrars of the diseases which are to be considered as infectious to the public health, as decided by the state board of health, in order that, when death occurs from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases. If any cemetery company or association, or any church or historical society or association, or any other company, society, or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this state, such company, society, association, or individual may file such record or a duly authenticated transcript thereof with the state registrar, and it shall be the duty of the state registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the state registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the state registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of fifty cents per hour or fraction of an hour necessarily consumed in making such transcript, which fee shall be paid by the applicant.

SEC. 10. That section 5441 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5441. That each local registrar shall be paid the sum of twenty-five cents for each birth or death certificate properly and completely made out and registered with him and by him returned to the state registrar on or before the 10th day of the following month, which sum shall cover and include the making out of the burial permit and copy of the certificate to be filed and preserved in his office. And in case no births or deaths were registered during any month, the local registrar shall be paid the sum of twenty-five cents for each report to that effect, properly made out in accordance with the directions of the state registrar: *Provided*, That all local registrars who receive regular compensation as health officers shall not be entitled to the fee of twenty-five cents, above mentioned, but the duties of the local registrar shall be considered as a part of their duty as local health officer. All fees payable to local registrars under the provisions of this act shall be paid by the treasurer of the county, or city, as the case may be, properly chargeable therewith, out of the funds of such county or city, upon warrants drawn by the auditor, or other proper officer of such county or city. No warrant shall be issued to any local registrar except upon a certificate, signed and verified under oath by the state registrar, stating the names and post office address respectively of the local registrars entitled to fees from such county or city, and the number of certificates and reports of births or deaths, properly returned to the state registrar, by each such local registrar, during the three preceding calendar months prior to the date of such certificate, and the amount of fees to which each local registrar is entitled, which certificate the state registrar shall file with the proper officers during the months of January, April, July and October of each year. Upon the filing of such certificates, it shall be the duty of the auditor or other proper officer of the county or city to issue warrants for the

Compensation  
of local  
registrars.

How paid.

amount due each local registrar and mail the same to the local registrars at their respective post office addresses, as given in such certificate of the state registrar.

SEC. 11. That section 5442 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5442. It shall be the duty of the state registrar to, upon request, furnish any applicant with a certified copy of the record of any birth or death, registered under the provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional part of an hour employed in such search, to be paid by the applicant. But the state registrar and all local registrars shall furnish upon application certificates of the age of children to be used in attending the public schools or in obtaining employment permits without fee or compensation. The state registrar shall keep a true and correct account of all fees received by him under the provisions of this act, and turn the same over to the state treasurer on the first day of January, April, July and October. Local registrars in cities of the first, second and third class shall be entitled to charge for certified copies of records of births and deaths and for searching of records when no certified copy is made, the same fee as hereinabove provided for the state registrar, but such fees, if any collected, shall be paid into the treasury of the city where collected.

SEC. 12. That section 5443 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5443. Every person who shall violate or wilfully fail, neglect or refuse to comply with any provisions of this act shall be guilty of [a.] misdemeanor and for a second offense shall be punished by a fine of not less than twenty-five dollars, and for a third and each subsequent

Certified  
copies of  
records and  
searches.

Fees.

Violations  
of act.

offense shall be punished by a fine of not less than fifty dollars or more than two hundred and fifty dollars or by imprisonment for not more than ninety days, or by both fine and imprisonment, and every person who shall wilfully furnish any false information for any certificate required by this act or who shall make any false statement in any such certificate shall be guilty of a gross misdemeanor. Penalties.

Passed the House February 11, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 19, 1915.

## CHAPTER 181.

[S. B. 367.]

### PICKETING OF BUSINESS ESTABLISHMENTS AND HOMES PROHIBITED.

AN ACT defining picketing, prohibiting the same, and providing  
a penalty for the violation thereof.

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

SECTION 1. Whoever shall, for the purpose of carrying on, calling attention to, or advertising, directly or indirectly, any controversy, disagreement or dispute between any labor union or organization, or member or members thereof, and any person engaged in any lawful business, or his employe, or for the purpose of hindering or preventing such person from conducting his business in any lawful way, or employing or retaining in his employ any person who may lawfully engage in such business. "Picketing" defined.

(1) Stand or continuously move back and forth, on the sidewalk, street, public place or private property, in front of or within five hundred feet of, any place in which any lawful business is conducted by such other person, or home or place of abode of such other person or his employe, or

(2) Openly maintain, carry or transport on any sidewalk, street, public place or private property, any banner, sign, transparency, writing or printing, or

(3) Cause any person to do any of the foregoing acts for any of the foregoing purposes:

Shall be guilty of picketing.

Penalty.

SEC. 2. Any person who shall engage in picketing shall be guilty of a misdemeanor.

Terms defined.

SEC. 3. The singular number when used in this act shall include the plural, and the word "person" shall include individuals, firms, partnerships, associations and corporations.

Partial invalidity.

SEC. 4. An adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any part thereof.

Passed the Senate March 4, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 182.

[H. B. 78.]

### CONSOLIDATION OF SCHOOL DISTRICTS.

Amends  
Rem.-Bal.,  
§§ 4440,  
4444, 4447.

AN ACT relating to consolidated school districts, the election, powers and duties of directors thereof, the acquisition and disposition of property thereof, and amending sections 4440, 4444, and 4447 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4440 of Rem. & Bal. Code be amended to read as follows:

Submission to vote.

[Section 4440.] Upon receipt of a petition signed by five heads of families requesting the consolidation of two or more adjoining districts in the same county, the county superintendent shall call a special election of the voters of such school districts at some convenient place, by posting written or printed notices in like manner as is provided for calling annual school district elections, and said notices shall state the object for which the election is called.

Notice of special election.

If a majority of the voters of each district shall vote to consolidate, the clerk of each district so proposing to consolidate, shall within ten days after the election notify the county superintendent of the holding of and the result of the election and the county superintendent shall, immediately after receipt of said notice organize and establish a consolidated school district and when such consolidated district shall have been established no new district shall be established out of any portion thereof, or any portion thereof changed to another district within five years from such consolidation.

Establishment by county superintendent.

SEC. 2. That section 4444 of Rem. & Bal. Code be amended to read as follows:

Section 4444. The county superintendent of any county in which new districts are formed by the uniting of ten [two] or more districts, or by the incorporating of any city or town lying partly in two or more school districts, shall upon being notified of such action by the board of directors of such new district, proceed to designate such new district by a number not the same as that of either component district or of any existing district, and to make a record of the boundaries thereof, and he shall certify such facts to the board of county commissioners, to the county treasurer, and to the clerk of the new district formed. The county superintendent shall also divide such consolidated district into three directors' districts which shall each comprise as nearly as possible one-third of the population of the consolidated district, and thereafter one director shall be elected from among the qualified electors of each such directors' district by the qualified electors of the consolidated district.

Designating consolidated district by new number.

Directors' districts.

SEC. 3. That section 4447 of Rem. & Bal. Code be amended to read as follows:

Section 4447. When two or more school districts shall be united by the provisions of this act, the board of directors of the several districts shall, within thirty days thereafter, meet and organize the new board by the election of one of their number as president of the board. The board

Organization of board.

Election  
of clerk.

shall elect a clerk for said district, and the clerks of the several districts so united shall deliver to said clerk all books, papers and records belonging to their respective offices. The board may in its discretion require the superintendent, if there be one, of such consolidated district to act as clerk. The clerk of the new district thus formed shall immediately notify the county superintendent of the organization of the board of the new district.

Passed the House March 1, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 19, 1915.

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## CHAPTER 183.

[S. B. 162.]

### FUNDING MUNICIPAL INDEBTEDNESS INCURRED IN EXTENSION OR OPERATION OF PUBLIC UTILITIES.

AN ACT relating to cities, excepting cities of the first class, and towns authorizing the ratification, validation and funding of certain warrants issued for the construction, extension, maintenance and operation of public utilities, and the issue and disposal of bonds therefor, and declaring that this act shall take effect immediately.

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

Authority  
for ratifying  
and funding  
unauthorized  
indebtedness.

SECTION 1. Whenever any city, excepting cities of the first class, or town owning or operating any public utility mentioned in section 8005 of Remington and Ballinger's Annotated Codes and Statutes of Washington, shall have heretofore issued and has outstanding any warrants drawn upon any special fund or funds derived from the earnings of and maintained for such public utility, issued for any extension to, or betterment, or enlargement of the plant or system of such utility, or issued for the maintenance or operating expenses of such utility by reason of the fact that the funds derived from the earnings of such utility have been expended in constructing such extensions, betterments or enlargements, and the said extension to, bet-

terment or enlargement shall not have been fully authorized by the electors of said city or town, said warrants and the indebtedness for which the same were issued, may be validated, ratified and funded, and the bonds of such city or town, or bonds payable out of the gross revenues of such public utility issued and exchanged therefor, or sold and the proceeds applied to the payment thereof in the manner hereinafter provided.

SEC. 2. The council, commission or other legislative authority of such city or town shall provide by ordinance for the submission of the questions of validating, ratifying and funding such warrants and indebtedness, and the issue and the exchange or sale of bonds therefor to the qualified voters of said city or town in the same manner prescribed in section 8006 of Remington and Ballinger's Annotated Codes and Statutes of Washington, for submitting the question of incurring indebtedness. If a general indebtedness is authorized by the qualified voters, general city or town bonds may be issued in the manner prescribed in section 8007 of Remington & Ballinger's Annotated Codes and Statutes of Washington. If no general indebtedness is authorized by the qualified voters, or if the legislative authorities shall not desire to incur a general indebtedness, bonds payable out of the gross earnings of such utility may be issued in the manner prescribed in section 8008 of Remington & Ballinger's Annotated Codes and Statutes of Washington. No irregularity in the form of any such warrants or in their manner of issue, shall be deemed to preclude such city or town from acting under the provisions of this act.

Assent of voters to bond issue for general indebtedness.

Bonds against gross earnings.

SEC. 3. That this act is necessary for the immediate preservation of the public health and safety, and shall take effect immediately.

Emergency vetoed.  
E. L.

Passed the Senate February 11, 1915.

Passed the House March 9, 1915.

Sections 1 and 2 approved by the Governor March 19, 1915.

Section 3 vetoed by the Governor March 19, 1915.

CHAPTER 184.

[S. B. 386.]

GOVERNMENT OF THIRD CLASS CITIES.

Repeals  
Rem.-Bal.  
§§ 7671-7704.

AN ACT relating to the government, powers and duties of cities of the third class.

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

Rights,  
powers and  
privileges.

SECTION 1. Every municipal corporation of the third class shall be entitled "The City..... (naming it)," and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

Officers.

SEC. 2. The government of said city shall be vested in a mayor and a city council, to consist of seven members, a treasurer, a city attorney, a clerk, and such subordinate officers as are hereinafter provided for; and whenever a free public library and reading room is established therein, five trustees thereof, and whenever a public park is maintained, three commissioners therefor.

Election  
and terms.

SEC. 3. The mayor, councilman-at-large, treasurer, city attorney and clerk shall be elected in the year 1915 for the term of one year. Such officers shall be elected in the year 1916 and biennially thereafter for terms of two years. Three councilmen, other than councilman-at-large, shall be elected in the year 1915 for terms of three years. Three councilmen, other than councilman-at-large, shall be elected in the year 1916 and biennially thereafter for terms of four years. All such elections shall be by the qualified electors of such city at a general municipal election to be held therein on the first Tuesday after the first Monday in December. All elective officers shall hold office from and after the first Tuesday in January next succeeding the date of election and until their successors are elected

and qualified. The mayor shall appoint a chief of police, police judge, city engineer, street superintendent, health officer and such other officers as shall be provided by ordinance. The term of every appointive officer shall expire at the same time as that of the mayor appointing him unless such officer be sooner removed by the mayor by and with the consent of not less than four councilmen.

Officers  
appointed  
by mayor.

SEC. 4. All appointments of officers and employees made by virtue of this act, shall be subject to confirmation by the city council. Final action on any appointment shall be taken by the city council not later than the second regular meeting after the submission of the same by the mayor to the city council: *Provided, however,* That failure by the city council to take such action on any appointment made by the mayor, within the time aforesaid, shall be deemed a confirmation. If the city council shall refuse to confirm any appointment of the mayor, then he shall at or before the next meeting of the council thereafter, appoint another person to fill the office or position, and he may continue to appoint until his appointment is confirmed. In case the mayor fails to make another appointment within one week from the rejection of the appointment for the same office or position, then the city council may elect a suitable person to fill the office or position during the term.

Confirmation  
of appoint-  
ments.

SEC. 5. The treasurer, city attorney, clerk, police judge, chief of police and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute a bond to the city in such penal sum as the council shall determine, conditioned upon the faithful performance of his duties and otherwise conditioned as may be provided by ordinance.

SEC. 6. Any vacancy occurring in any of the offices provided for in this chapter shall be filled by appointment by the mayor, but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the

Vacancies,  
how filled.

city council shall absent himself for three consecutive regular meetings thereof, unless by permission of the city council, his office may be declared vacant by the city council, and any vacancies in the city council or in the office of mayor shall be filled by a majority vote of such city council.

Compensation  
fixed by  
ordinance or  
estimates.

SEC. 7. The members of the city council shall receive no compensation whatever. The treasurer, clerk, city attorney and health officer shall severally receive, at stated times, a compensation, to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the city council from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed by the city council at the time the estimates are made as provided by law.

Election  
regulations.

SEC. 8. All elections shall be held in accordance with the general election laws of the state insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election. The city council shall give such notice of each election as may be provided by ordinance, appoint boards of election, fix their compensation, establish election precincts and polling places, change the same from time to time so that the boundaries of such election precincts shall conform to the boundaries of precincts established pursuant to the general election laws.

Eligibility  
to office.

SEC. 9. No person shall be eligible to hold any elective office in such city, unless he be a citizen of and a legal resident therein.

Meetings  
of council.

SEC. 10. The city council, together with the mayor, shall meet on the first Tuesday in January next succeeding the date of each general municipal election, shall take the

oath of office, and shall hold regular meetings at least once in each month, but not to exceed one regular meeting in each week, at such times as they shall fix by ordinance. Such meetings may be called at any time by the mayor, by written notice delivered to each member at least three hours before the time specified for the proposed meeting: *Provided, however,* That no ordinance shall be passed, or contract let, or entered into, or bill for the payment of money allowed, at any special meeting. All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance and shall be public. The members of the council shall, at their first regular meeting after each general municipal election and thereafter whenever a vacancy occurs, elect from among their number a mayor *pro tem.* who shall hold office at the pleasure of the council and shall, in case of the absence or disability of the mayor, perform the duties of mayor, except that the mayor *pro tem.* shall have no power to appoint or remove any officer nor to veto any ordinance.

Mayor  
pro tem.

SEC. 11. At any meeting of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence, the mayor *pro tem.* shall preside, and in case of the absence of the clerk, the mayor or the mayor *pro tem.* shall appoint one of the members of the city council as clerk *pro tem.*, but the appointment of a councilman as mayor *pro tem.*, or as clerk *pro tem.*, shall not in any way abridge his right to vote upon all questions coming before such council. Every ordinance which shall have passed the city council shall be, before it becomes valid, presented to the mayor; if he approves he shall sign it, but if not, he shall return it, with his written objections to the city council and the council shall cause such written objections to be entered at large upon the journal of its proceedings. Upon receipt

Quorum.

Passage of  
ordinances.

Veto.

of the mayor's objections the council shall proceed to reconsider the vote by which the ordinance was passed. After such reconsideration, five members of the city council present and voting may, by an affirmative vote, pass the ordinance over the mayor's veto; such vote shall be taken by a call of the yeas and nays. If the mayor shall fail, for the period of ten days, to approve or veto an ordinance, it shall become valid without his approval.

Requisites  
for ordi-  
nances and  
franchises.

SEC. 12. No ordinance and no resolution granting any franchise for any purpose shall be passed by the city council, on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, nor without being first submitted to the city attorney. All ordinances shall be published in a newspaper printed within said city; said publication shall be made by the newspaper designated as the official newspaper of said city, if there be one. If there be no official newspaper nor other newspaper published in said city, then publication shall be made in such manner as the city council may direct. No franchise or valuable privilege shall be granted unless by the vote of at least five members of the city council. No ordinance and no resolution or order shall have any validity or effect, unless passed by the votes of at least four councilmen. No ordinance shall take effect until five days from and after the date of its publication. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. No ordinance or any section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

Contested  
elections.

Rules and  
journal of  
proceedings.

SEC. 13. The city council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all the city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of any member shall cause the ayes and nays to be taken on any question, and entered on the journal.

SEC. 14. The city council of such city shall have power—

(a) To pass ordinances not in conflict with the constitution and laws of this state or of the United States;

(b) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(c) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits: *Provided* That in all local improvement districts abutting property shall not be liable for any greater amount than the estimate of the city engineer plus ten per cent. for any purpose;

(d) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within 200 feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within 200 feet thereof 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 served thereby the costs and expenses thereof;

(e) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

General powers.

Ordinances.

Restraint of animals.

Bridges and highways.

Drains and sewers.

Fire apparatus.

Licensing  
dogs.

(f) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city; to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

Licensing  
business  
and shows.

(g) To license, for purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, 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;

Improvement  
of streams  
and water  
front.

(h) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the waters of any bay, except such filling over tide or shore lands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

Control  
of water  
supply.

Municipal  
buildings.

(i) To erect and maintain buildings for municipal purposes;

Franchises  
for public  
utilities.

(j) To permit, under such restrictions as they may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or sub-ways in the public streets, and to construct

and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(k) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of such general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from such ward, apportioning the same in proportion to the population of such wards. And thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by a general vote of the whole city as may be designated in such ordinance: *Provided, further*, That when additional territory is added to the city that it thereafter, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous divisions. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

Division into wards.

(l) To impose fines, penalties and forfeitures for any 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 nor the term of such imprisonment exceed the term of three months;

Fines and imprisonment.

(m) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city;

Forced labor on streets.

(n) To establish fire limits, with proper regulations;

Fire limits.

(o) To establish and maintain a free public library;

Public library.

(p) To establish and regulate public markets and market places;

Public markets.

(q) To punish the keepers and inmates and lessors of houses of ill-fame, gamblers and keepers of gambling tables,

Disorderly and gambling houses.

patrons thereof or those found loitering about such houses and places ;

General  
welfare.

(r) 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 corporation 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, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws ;

Licensing  
boats and  
vessels.

(s) To license steamers, boats and vessels used in any bay or other water course in the city and to fix and collect such license ; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other water craft ; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the water front, except in municipalities in counties in which there is a city of the first class.

Regulation  
of landings  
and water-  
front.

Acquisition  
of property  
for municipal  
purposes.

SEC. 15. The city council of such city shall have power to purchase, lease, or otherwise acquire real estate and personal property necessary or proper for municipal purposes and to control, lease, sub-lease, convey or otherwise dispose of the same ; to acquire and plat land for cemeteries and parks and provide for the regulation thereof ; to lease any waterfront and other lands adjacent thereto owned by it for manufacturing, commercial or other business purposes ; to lease for wharf, dock and other purposes of navigation and commerce such portions of its streets which bound upon or terminate in its waterfront or the navigable waters of such city, subject, however, to the written consent of the lessees of a majority of the square feet frontage of the harbor area abutting on any street proposed to be so leased. No lease of streets or waterfront shall be for longer than ten years and the rental therefor shall be fixed

Lease of  
waterfront  
and street  
terminals.

by the city council. Every such lease shall contain a clause that at intervals of every five years during the term thereof the rental to be paid by the lessee shall be readjusted between the lessee and the city by mutual agreement, or in default of such mutual agreement that the rental shall be fixed by arbitrators to be appointed one by the city council, one by the lessee and the third by the two thus appointed. No such lease shall be made until the city council shall have first caused notice thereof to be published in the official newspaper of such city at least fifteen days and in one issue thereof each week prior to the making of such lease, which notice shall describe the portion of the street proposed to be leased, to whom, for what purpose, and the rental to be charged therefor. The city may improve part of such waterfront or street extensions by building inclines, wharves, gridirons and other accommodations for shipping, commerce and navigation and may charge and collect for service and use thereof reasonable rates and tolls.

SEC. 16. The city council of such city shall have power to contract for supplying the city with water, light, power and heat for municipal purposes; to acquire, construct, repair and manage within or without such city, pumps, aqueducts, reservoirs, plants or other works necessary or proper for irrigation purposes or for supplying water, light, power or heat or any by-product thereof for the use of such city or the inhabitants thereof or any other person within such city, and to dispose of any excess of any such supply to any person within or without such city: *Provided*, That when such works or systems are owned by any city after being placed in operation no taxes shall be imposed for maintenance or operation, but such charges shall be paid from the earnings of such works or systems. Maintenance and operation herein mentioned shall include all necessary repairs, replacements, interest on any debts incurred in acquiring, constructing, repairing or operating such plants or departments, and all depreciation charges, also four per cent. per annum on the cost of such

Light,  
water,  
power,  
and heat.

Systems  
operated  
by city.

plant or system, which shall be determined by the bureau of inspection, to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid. General bonds may be issued to pay the original cost of such plants or systems, such bonds to be retired by general tax levies against all property of the city within its then present limits or such limits as thereafter extended, or such cost may be paid for by the issuance and sale of utility bonds as provided by sections 8006 to 8008, both inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington or as the same may be amended, but no such issue shall be authorized by the vote of less than three-fifths of the qualified electors voting at an election as therein provided. Extensions to plants may be made either by general bond issue, general tax levies, or in accordance with the statutes now in force or that may hereafter be enacted relative to local improvements. Rates shall be fixed by ordinance for supplying light, power, heat or water for commercial, domestic and irrigation purposes sufficient to pay all operating and maintenance charges hereinbefore referred to, and when a greater amount is produced than is necessary to meet said operating and maintenance charges the rates to the consumer may be reduced. Complete separate accounts for such municipal utilities shall be kept under the system and on forms prescribed by the bureau of inspection and supervision of public offices.

Issuance of bonds for cost of plant.

Rates.

Limit of tax levy.

SEC. 17. In making up the budget for current expense the total levy therefor shall not exceed twelve (12) mills in any one year.

Enacting clause of ordinances.

SEC. 18. The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . . do ordain as follows:" Every ordinance shall be signed by the mayor, attested by the clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein.

Publication.

SEC. 19. All demands against such city shall be presented to and audited by the city council, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand, the clerk shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the mayor, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

Audit of demands.

Warrants.

SEC. 20. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of Washington, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance, may be imprisoned in the city jail, or if the city council by ordinance shall so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county and against such city.

Violation of ordinances.

Prosecution and punishment.

SEC. 21. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

Nuisances.

SEC. 22. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of securing rights of way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of water fronts, or any other public purpose, and the city council cannot agree with the owner thereof as to the price to be paid, the city council may proceed to acquire, take or damage the same in the manner provided

Condemnation of private property.

by sections 921-936, or by sections 7768 to 7821, both inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, and acts amendatory thereof.

Power of  
mayor to  
administer  
oaths.

SEC. 23. The mayor and mayor *pro tempore* shall have power to administer oaths and affirmations, and take affidavits, and certify the same under their hands. The mayor or in the absence of the mayor the mayor *pro tempore* shall sign all conveyances made by said city, and all instruments which shall require the seal of the city, and shall have power to administer oaths and affirmations, take affidavits and certify the same under their hands.

Duties of  
treasurer.

SEC. 24. The treasurer shall receive and safely keep all moneys which shall come into his hands as such treasurer, for all of which he shall give triplicate receipts, one of which shall be filed with the city clerk. He shall receive all moneys due the city and disburse the same on warrants issued by the clerk and countersigned by the mayor, and not otherwise. He shall make monthly settlements with the city clerk, and at the same time deliver to the clerk duplicate receipts issued for money received, and all cancelled warrants as evidence of money paid.

Duties  
of clerk.

SEC. 25. The city clerk shall keep a full, true record of every act and proceeding of the city council; keep such books, accounts and make such reports as may be prescribed or required by the state bureau of inspection and supervision of public offices; record all city ordinances with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy and giving the number and title of said ordinance and stating the same has been published and posted according to law. Said record copy with said certificate, shall be *prima facie* evidence of the contents of said ordinance, and of the passage and publication thereof, and shall be admissible as such evidence in any court or proceeding. He may appoint a deputy for whose acts he and his bondsmen shall be held responsible and he and his deputy shall have the power to take all necessary affidavits to demands against the city and certify the same without charge. He shall be cus-

today of the seal of said city and shall have power to acknowledge the execution of all instruments by said city which require to be acknowledged. He shall perform such other duties as this act, the state laws and the ordinances of the city shall require.

SEC. 26. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city and to approve all ordinances as to form. He shall represent the city in all actions brought by or against the city or against city officials in their official capacity. He shall perform such other duties, as the city council may by ordinance direct.

Duties of  
city attorney.

SEC. 27. The department of police of said city shall be under the direction and control of the chief of police, subject to the direction of the mayor. For the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions the chief of police shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection. His lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid when required, for the arrest of offenders and maintenance of public order. He shall have power to pursue and arrest outside of the city limits, if necessary, all or any violators of the city ordinances. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute, before the police justice, all breaches or violations of, or noncompliance with, any city ordinance which shall come to his knowledge. He shall have charge of the city prison and prisoners, and of any chain gang which may be established by the city council. He shall for service of any process, receive the same fees as constables. He may also, with the concurrence of the mayor, when the same may be by them deemed necessary for the preservation of public order, appoint additional

Powers and  
duties of  
chief of  
police.

policemen who shall discharge the duties assigned them for one day only. He shall perform such other services as this chapter and the ordinances of the city council shall require, and shall receive such compensation as shall be fixed by ordinance.

Additional  
duties and  
compensation.

SEC. 28. The city council shall, by ordinance not inconsistent with the provisions of this chapter, prescribe additional duties of all officers and fix their compensation.

Police judge.

SEC. 29. At the time he shall make his other appointments, the mayor shall appoint a police judge, who shall be the regular elected justice of the peace in all cities of the third class having a population of five thousand or more. Said police judge shall, before entering upon the duties of his office, give such additional bond to the city for the faithful performance of his duties as the city council may by ordinance direct, and shall receive such salary in addition to his salary as justice of the peace as the council shall by ordinance direct. The police judge so appointed, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of three hundred dollars, or imprisonment not to exceed ninety days, or by both such fine and imprisonment. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

Jurisdiction.

Limit of fine  
and im-  
prisonment.

Review by  
superior  
court.

SEC. 30. Every officer collecting or receiving any moneys belonging to or for the use of such city shall settle for the same with the clerk, and immediately pay the same into the treasury, on the order of the clerk for the benefit of the funds to which such moneys respectively belong.

Disposition  
of moneys  
collected.

SEC. 31. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in or about streams, bays or waterfronts or in or about embankments, or other works for protection against overflow and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the city council may reject all bids presented, and readvertise, in their discretion, or if in the judgment of the council such work can be performed or supplied or materials furnished by the city independent of contract cheaper than under the lowest and best bid submitted, it may cause such work to be performed or supplies or materials to be furnished independent of contract. The city council shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder after notice as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all the other printing.

Bids for  
contracts.

City printing  
and ad-  
vertising.

SEC. 32. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any person who is resident agent for, or local dealer in, the goods and supplies of any person,

Officers not  
to be inter-  
ested in  
contracts.

firm or corporation furnishing such goods and supplies for the use of such city, or to any officer thereof in his official capacity, or to any contractor for use in the performance of any contract with such city, shall be ineligible to hold office in said city; and any officer of such city who shall be resident agent for, or local dealer in, the goods and supplies of any person, firm or corporation, furnishing such goods and supplies for the use of such city, or to any officer thereof in his official capacity, or to any contractor for use in the performance of any contract with such city, shall be deemed to be interested as contemplated herein. Any wilful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Penalty.

Sinking funds.

SEC. 33. The city council shall have the power to provide by ordinance for the establishment of sinking funds and to levy taxes therefor, for payment of indebtedness and to provide for the investment thereof in county, city or school district warrants and municipal public utilities or local improvement securities of such, or other municipal corporations subject to approval of the state bureau of inspection and supervision of public offices.

Codifying ordinances.

SEC. 34. Said city shall have the power to codify its ordinances and to adopt by general title such codified ordinances as the official code of ordinances for said city. Any ordinances now in effect in cities of the third class, not inconsistent with the provisions of this act, are hereby continued in effect.

Repealing clause.

SEC. 35. Sections 7671, 7672, 7673, 7674, 7675, 7676, 7677, 7678, 7679, 7680, 7681, 7682, 7683, 7684, 7685, 7686, 7687, 7688, 7689, 7690, 7691, 7692, 7693, 7694, 7695, 7696, 7696½, 7697, 7698, 7699, 7700, 7701, 7702, 7703, 7704, of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all other acts in conflict with the provisions of this act so far as they affect cities of the third class are hereby repealed; but this act shall not be construed to abrogate the power of cities of the third class to proceed, nor to limit, or modify its rights and lia-

bilities under any general statutes now in effect, which are applicable to such cities, nor shall this act be construed in any way to affect chapter 116 of the Laws of 1911: *Provided*, That sections 8061-8077, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington relating to firemen's pension fund, shall not be applicable to cities of the third class. Section 7685 of Remington & Ballinger's Annotated Codes and Statutes of Washington and all amendments thereof, are hereby repealed and section 5131 of said Remington & Ballinger's Codes and Statutes as amended by the Laws of 1913, shall have no application to cities of the third class so far as placing any limitation on the tax levy of such cities is concerned.

Commission  
form of  
government.

Firemen's  
pension fund  
inapplicable.

Limitation  
on tax levy.

SEC. 36. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Partial  
invalidity.

Passed the Senate March 1, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 20, 1915.

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## CHAPTER 185.

[H. B. 249.]

### REDEMPTION FROM SALE FOR CITY TAXES OR ASSESSMENTS.

AN ACT to provide for the redemption of real estate sold for taxes or assessments by any city or town, at any time before the issuance of tax deed.

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

SECTION 1. Any real property sold for any tax or assessment by any city or town, may be redeemed by the party entitled to make redemption, at any time before the issuance of the tax deed, on payment of the amount required to redeem said property from the sale, with ac-

crued interest at the rate provided for redemption from such sale and costs.

Passed the House March 5, 1915.

Passed the Senate March 9, 1915.

Approved by the Governor March 20, 1915.

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## CHAPTER 186.

[S. B. 329.]

### FUNDS OF THIRD CLASS CITIES AND LEVY OF TAXES THEREFOR.

AN ACT relating to levies, taxes and funds of cities of the third class.

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

SECTION 1. Every city of the third class having an outstanding indebtedness at the time of levying its taxes for the year 1916 shall levy for said year, and each year thereafter until all outstanding indebtedness has been paid shall levy, a tax of six mills on the dollar of the assessed valuation of property in such city, unless in any year a lesser levy will be sufficient to pay all outstanding indebtedness, in which event such lesser levy sufficient for such purpose shall be made. The proceeds of such tax together with all moneys received from licenses, street poll tax, fines, penalties and forfeitures and together with all taxes levied for the year 1915 or any previous year for the current expense fund, old indebtedness fund, general fund, street fund, sewer fund, library fund, park fund or other like fund and paid on or subsequent to January 1, 1916, shall be paid into a fund to be known as the "indebtedness fund": *Provided*, That all tax levies and validated tax levies and all parts of each thereof made for the payment of the current expenses of any such city for the fiscal years 1914 and 1915 shall when collected be paid into a separate fund to be known as the 1914 and 1915 current expense fund and applied primarily to the pay-

Levy for  
outstanding  
indebtedness.

Indebtedness  
fund, moneys  
payable to.

1914 and  
1915 current  
expense fund.

ment of the current expenses of such city for the fiscal year for which the same were levied or validated. In computing such outstanding indebtedness all indebtedness of every character shall be included excepting indebtedness for the payment of which special provision is made by law and by said city and bonded indebtedness for the payment of which an adequate sinking fund is provided.

SEC. 2. Except as otherwise provided in section 1, all indebtedness outstanding upon January 1, 1916, shall be paid out of said indebtedness fund, all outstanding warrants to be paid out of said indebtedness fund in the order of their issuance and if issued upon the same day and the order of issuance does not appear they shall be paid in the order of their presentation: *Provided*, That if there be outstanding on said date a general fund indebtedness and a current expense fund indebtedness of any such city the moneys derived from the six mill levy herein provided for shall, so long as any indebtedness remains against both said funds, be apportioned between said funds and applied to the payment of the outstanding warrants against the same in proportion to the outstanding indebtedness against said funds in the order above provided. Whenever all indebtedness of such city which was outstanding upon January 1, 1916, has been paid, any surplus remaining in said indebtedness fund shall be paid into the "current expense fund" of such city, and thereafter all receipts of said city which would theretofore have been paid into said indebtedness fund shall be paid into said current expense fund.

SEC. 3. There shall be in each city of the third class a fund to be known as the "current expense fund." Each such city shall levy for the year 1916 and for each year thereafter a tax upon the property in such city for the payment of current expenses in an amount equal to the estimate by the city council of the current expenses for the ensuing year less the amount of revenues from all other sources payable into such current expense fund, the proceeds of which tax shall be paid into such current ex-

Payment of  
outstanding  
indebtedness

Apportion-  
ment of  
moneys be-  
tween funds.

Disposal of  
moneys after  
liquidation  
of outstand-  
ing indebt-  
edness.

"Current  
expense  
fund"  
created.

Levy of tax  
for current  
expenses.

pense fund except as otherwise provided in this act. All moneys in the general fund, old indebtedness fund, old "current expense fund" if such shall have been continued, street fund, sewer fund, library fund, park fund or other like fund upon January 1, 1916, which were paid into any such fund prior to said day, shall be transferred to the current expense fund created by this act and thereafter every such general fund, old indebtedness fund, old "current expense fund," street fund, sewer fund, library fund, park fund or other like fund shall be discontinued and abolished.

Abolition  
of former  
funds.

Passed the Senate February 26, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 22, 1915.

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## CHAPTER 187.

[S. B. 406.]

### SUPPLEMENTAL GENERAL APPROPRIATION.

AN ACT making appropriations for the purchase of land for the construction of buildings at, the maintenance and sundry expenses of, the various state institutions, schools and state offices; for sundry civil expenses of the state government and for miscellaneous purposes for the fiscal term beginning April 1, 1915, and ending March 31, 1917, except as otherwise provided; for certain deficiencies and the relief of certain persons and officers, and providing when this act shall take effect.

*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 monies in the several funds of the state treasury hereinafter named for the purchase of land, the construction of buildings, the maintenance of, and sundry expenses at, the various state institutions and schools, for the payment of salaries of state officers and employees and the expenses of such officers, and for other and divers purposes hereinafter expressed, for the fiscal term beginning

April 1, 1915, except as otherwise provided, and except as hereinafter otherwise particularly specified the amount appropriated for all buildings and the purchase of land for state institutions whether penal, charitable, educational or reformatory shall be expended under the direction of the governing body thereof, to-wit:

FROM THE GENERAL FUND:

SUPREME COURT.

For salaries of stenographers and clerk hire in addition to amounts heretofore appropriated at this session .....	\$14,400 00	Supreme Court.
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STATE BAR EXAMINERS.

In addition to amount heretofore appropriated at this session .....	500 00	
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TAX COMMISSION.

For salaries of commissioners, secretary, clerk hire, incidental expenses, postage, supplies, traveling expenses, cost of suits, witness fees, expert assistance [assistants], printing etc., in addition to amount heretofore appropriated at this session.....	35,000 00	Tax Commission.
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FOR INSTITUTION FOR FEEBLE MINDED.

For purchase of land at Medical Lake, the S½ of NW¼ and N½ of SW¼ section 24, township 24, range 40, east Willamette Meridian, known as the Zeigler place .....	16,000 00	Institution for Feeble Minded.
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SECRETARY OF STATE.

Automobile Department.

For number plates for autos, trucks, motor cycles, etc., deputy, clerk hire, traveling expenses, supplies and incidentals .....	53,600 00	Secretary of State.
Postage .....	15,000 00	
Printing .....	2,000 00	
All in addition to amounts heretofore appropriated therefor at this session.		
For advertising amendments to constitution.....	10,000 00	

INDUSTRIAL INSURANCE COMMISSION.

For clerk hire, traveling auditors, adjustors, special examiners and other assistants in addition to amounts heretofore appropriated at this session...	10,000 00	Industrial Insurance Commission.
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STATE LIBRARY.

For postage, freight, telephone, telegraph, express, incidentals, and miscellaneous matters in addition to the amount heretofore appropriated at this session .....	1,000 00	State Library.
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## LAW LIBRARY.

Law Library. For purchase of books in addition to amounts heretofore appropriated at this session..... \$10,000 00

## TRAVELING LIBRARIAN.

Vetoed. For books and clerk hire in addition to amounts heretofore appropriated at this session..... 1,800 00  
E. L.

## STATE AUDITOR'S OFFICE.

Vetoed. Salary of secretary of board of finance..... 600 00  
E. L.

## BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Vetoed. For printing in addition to amount heretofore appropriated at this session..... 4,000 00  
E. L.

## STATE HUMANE BUREAU.

Humane General expenses ..... 1,000 00  
Bureau. For compensation and expenses of the committee appointed by the Governor to draft a measure on first aid for submission to the 14th legislature to be paid on vouchers approved by the Governor..... 750 00

## WASHINGTON ASSOCIATION FOR THE PREVENTION AND RELIEF OF TUBERCULOSIS.

Tuberculosis Salary, traveling and office expenses of the executive Association. officers and assistants of the Washington Association for the Prevention and Relief of Tuberculosis to be deducted and paid from the appropriation of \$50,000.00 heretofore made at this session for state aid of tuberculosis hospitals..... 5,000 00

## STATE BANK EXAMINER.

Bank Salary of assistant secretary to be deducted from the Examiner. appropriation of \$15,000.00 heretofore made at this session for traveling expenses, postage and incidentals ..... 600 00

## STATE BOARD OF PHARMACY.

Board of For salary of secretary at the rate of \$125.00 per month Pharmacy. to be deducted from and paid out of the appropriation of \$10,000.00 heretofore made at this session.. 3,000 00

## RELIEF BILLS.

Relief Bills. For the payment of the balance due on the Manning Plumbing Co. contract for construction of the heating plant at Medical Lake in 1911..... 993 70  
For relief of C. A. Christopher on account of cancellation of land contract..... 215 00  
For relief of Faith V. Perry..... 750 00  
For relief of F. M. Fortune..... 300 00  
For relief of J. S. Huntington..... 360 00  
For relief of the Public Service Commission to pay sundry small bills contracted prior to April 1, 1913 35 60

JUDGMENTS.

On state lands in Benton county for drainage tax for the years 1913 and 1914.....	\$123 44	Judgments.
Alfred B. Conrad vs. State of Washington.....	19 44	
State vs. Frank Z. Heuston.....	86 50	
For Henry M. Ramey, Jr., account of adjudicated claim in the estate of Anna O. Miller No. 8775, Superior Court of King County in addition to the sum of \$329.00 heretofore appropriated at this session..	103 12	

FROM THE STATE GAME FUND.

For the erection and maintenance of rearing ponds at the state fish hatchery at Walla Walla to be expended at the discretion of the state fish commissioner .....	2,000 00	Fish Hatchery.
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FROM THE MILITARY FUND.

For repairs and fire protection at state armories in addition to amounts heretofore appropriated at this session .....	5,500 00	Fire protection at State Armories.
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SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect April 1, 1915. Emergency.

Passed the Senate March 9, 1915.

Passed the House March 10, 1915.

Approved by the Governor, except items marked "vetoed," March 22, 1915.

CHAPTER 188.

[S. B. 364.]

RELATING TO COMPENSATION OF INJURED WORKMEN.

AN ACT relating to the compensation of injured workmen in our industries, and the compensation of their dependents where such injuries result in death, providing for the collection and disbursement of funds for such purpose, and amending sections 6604-4, 6604-5, 6604-8, 6604-13, 6604-14 and 6604-17, and repealing section 6604-25, and adding sections 6604-12a, 6604-21a and 6604-24a to Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6604-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to January 15th of each year, pay into the state treasury, in accordance with the following schedule, a sum equal to a percentage of his total payroll for that year, to-wit: (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard):

CONSTRUCTION WORK.

Amends Rem.-Bal. §§ 6604-4, 6604-8, 6604-13, 6604-14, 6604-17, and by adding §§ 6604-12a, 6604-21a, 6604-24a.

Schedule of contribution.

Construction work.

Tunnels; bridges; trestles; sub-aqueous works; ditches and canals (other than irrigation without blasting); dock excavations; fire escapes; sewers; house moving; house wrecking .....	.065
Iron, or steel frame structures or parts of structures.....	.080
Electric light or power plants or systems; telegraph or telephone systems; pile driving; steam railroads.....	.050
Steeple, towers or grain elevators, not metal framed; dry-docks without excavation; jetties; breakwaters; chimneys; marine railways; water works or systems; electric railways with rock work or blasting; blasting; erecting fireproof doors or shutters.....	.050
Steam heating plants; tanks, water towers or windmills, not metal frames.....	.040
Shaft sinking .....	.060

Concrete buildings; freight or passenger elevators; fire-proofing of buildings; galvanized iron or tin works; gas works, or systems; marble, stone or brick work; road making with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys ..... .050

Excavations not otherwise specified; blast furnaces..... .040

Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings..... .035

Ship or boat building or wrecking with scaffolds; floating docks ..... .045

Carpenter work not otherwise specified ..... .035

Installation of steam boilers or engines; placing wire in conduits; installing dynamos; putting up belts for machinery; marble, stone or tile setting, inside work; mantle setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; ship or boat rigging; concrete laying in floors, foundations or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified..... .030

Drilling wells; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems; glass setting; building hot houses; lathing; paper hanging; plastering; inside plumbing; wooden stair building; road making..... .020

OPERATION (INCLUDING REPAIR WORK) OF

(All combinations of material take the higher rate when not otherwise provided.)

Operation and repair work.

Logging railroads; railroads; dredges; interurban electric railroads using third rail system; dry or floating docks.. .050

Electric light or power plants; interurban electric railroads not using third rail system; quarries..... .040

Street railways, all employes; telegraph or telephone systems; stone crushing; blasting furnaces; smelters; coal mines; gas works; steamboats; tugs; ferries..... .030

Mines, other than coal; steam heating or power plants..... .025

Grain elevators; laundries; water works; paper or pulp mills; garbage works ..... .020

FACTORIES USING POWER DRIVEN MACHINERY

Stamping tin or metal..... .045 Factories.

Eridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; saw mills; shingle mills; staves; veneer; box; lath; packing cases; sash, door or blinds; barrel, keg, pail; basket; tub; wooden ware or wooden fibre ware; rolling mills;

making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement; stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile treating works..... .025

Excelsior, iron, steel, copper, zinc, brass or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware; tile; brick; terra cotta; fire clay; pottery; earthen ware; porcelain ware; peat fuel; brickettes ..... .020

Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified..... .020

Cordage; working in foodstuffs, including oils, fruits and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified .015

Making jewelry, soap, tallow, lard, grease, condensed milk. .015

Creameries; printing; electrotyping, photo-engraving; engraving; lithographing ..... .015

MISCELLANEOUS WORK.

Miscellaneous. Stevedoring; longshoring ..... .030

Operating stock yards, with or without railroad entry; packing houses ..... .025

Wharf operation; artificial ice, refrigerating or cold storage plants; tanneries; electric systems not otherwise specified ..... .020

Theater stage employee..... .015

Fire works manufacturing..... .050

Powder works ..... .100

The application of this act as between employers and workmen shall date from and include the first day of October, 1911. The payment for 1911 shall be made prior to the day last named, and shall be preliminarily collected upon the payroll of the last preceding three months of operation. At the end of each year an adjustment of accounts shall be made upon the basis of the actual payroll. Any shortage shall be made good on or before February 1st, following. Every employer who shall enter into business at any intermediate day, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the commission of such fact, accompanying such notification with an estimate of his payroll for the initial year or por-

Employer commencing or resuming operations.

Premium on estimated payroll.

tion thereof, and shall make payment of the premium on such estimated payroll for the first three months of operations. An adjustment upon such payroll shall be made as in other cases. Every employer who shall fail to furnish an estimated payroll and make payment as above provided, shall be liable to a penalty in three times the amount of the premium on such payroll, to be collected in a civil action in the name of the state, and paid into the accident fund. The commission may waive the whole or any part of such penalty.

Penalty  
for failure  
to pay.

For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. There shall be collected from each class as an initial payment into the accident fund as above specified on or before the 1st day of October, 1911, one-fourth of the premium of the next succeeding year, and one-twelfth thereof at the close of each month after December, 1911: *Provided*, Any class having sufficient funds credited to its account at the end of the first three months or any month thereafter, to meet the requirements of the accident fund, that class shall not be called upon for such month. In case of accidents occurring in such class after lapsed payment or payments said class shall pay the said lapsed or deferred payments commencing at the first lapsed payment, as may be necessary to meet such requirements of the accident fund. The fund thereby created shall be termed the "accident fund" which shall be devoted exclusively to the purpose specified for it in this act.

Accident  
fund.

In that the intent is that the fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the industrial insurance department, in accordance with any relative increase or decrease in hazard

Adjustment  
of classes  
and funds.

shown by experience, and if in the judgment of the industrial insurance department the moneys paid into the fund of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Deduction of premiums from wages.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid from the wages or earnings of his workmen or any of them, and the making or attempt to make any such deduction shall be a gross misdemeanor. If, after this act shall have come into operation, it is shown by experience under the act, because of poor or careless management, any establishment or work is unduly dangerous in comparison with other like establishments or works, the department may advance its classification of risks and premium rates in proportion to the undue hazard. In accordance with the same principle, any such increase in classification or premium rate, shall be subject to restoration to the schedule rate. Any such change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the year shall, at the time of the annual adjustment be adjusted by the department in proportion to its duration in accordance with the schedule of this section. If, at the end of any year, it shall be seen that the contribution to the accident fund by any class of industry shall be less than the drain upon the fund on account of that class, the deficiency shall be made good to the fund on the 1st day of February of the following year by the employers of that class in proportion to their respective payments for the past year.

Deficiencies made good.

Classification of industries.

For the purpose of such payment and making good of deficit the particular classes of industry shall be as follows:

**CONSTRUCTION WORK.**

Construction work.

- Class 1. Tunnels; sewer; shaft sinking; drilling wells.
- Class 2. Bridges; mill wrighting; trestles; steeples,

towers or grain elevators not metal framed; tanks; water towers, windmills not metal framed.

Class 3. Sub-aqueous works; canal other than irrigation or docks with or without blasting; pile driving; jetties; breakwaters; marine railways.

Class 4. House moving; house wrecking; safe moving.

Class 5. Iron or steel frame structures or parts of structures; fire escapes; erecting fireproof doors or shutters; blast furnaces; concrete chimneys; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin work; marble, stone or brick work; roof work; slate work; plumbing work; metal smokestack or chimneys; advertising signs; ornamental metal work in buildings; carpenter work not otherwise specified; marble, stone or tile [tile] setting; mantle setting; metal ceiling work; painting of buildings or structures; concrete laying in floors or foundations; glass setting; building hot houses; lathing; paper hanging; plastering; wooden stair building.

Class 6. Electric light and power plants or systems, telegraph or telephone systems; cable or electric railways with or without rock work or blasting; water works or systems; steam heating plants; gas works or systems; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; installation of automatic sprinklers; covering steam pipes or boilers; installation of machinery not otherwise specified; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems.

Class 7. Steam railroads; logging railroads.

Class 8. Road making; street or other grading; concrete laying in street paving; asphalt laying.

Class 9. Ship or boat building with scaffolds; shipwrighting; ship or boat rigging; floating docks.

#### OPERATION (INCLUDING REPAIR WORK) OF

Class 10. Logging; saw mills; shingle mills; lath Operation. mills; masts and spars with or without machinery.

Class 12. Dredges; dry or floating docks.

Class 13. Electric light or power plants or systems; steam heat or power plants or systems; electric systems not otherwise specified.

Class 14. Street railways.

Class 15. Telegraph systems; telephone systems.

Class 16. Coal mines.

Class 17. Quarries; stone crushing; mines other than coal.

Class 18. Blast furnaces; smelters; rolling mills.

Class 19. Gas works.

Class 20. Steamboats; tugs; ferries.

Class 21. Grain elevators.

Class 22. Laundries.

Class 23. Water works.

Class 24. Paper or pulp mills.

Class 25. Garbage works; fertilizer.

Factories.

FACTORIES (USING POWER-DRIVEN MACHINERY).

Class 26. Stamping tin or metal.

Class 27. Bridge work; making steam shovels or dredges; tanks; water towers.

Class 28. Railroad car or locomotive making or repairing.

Class 29. Cooperage; staves; veneer; box; packing cases; sash, door or blinds; barrel; keg; pail; basket; tub; wood ware or wood fibre ware; kindling wood; excelsior; working in wood not otherwise specified.

Class 30. Asphalt.

Class 31. Cement; stone with or without machinery; building material not otherwise specified.

Class 32. Canneries of fruits or vegetables.

Class 33. Canneries of fish or meat products.

Class 34. Iron, steel, copper, zinc, brass or lead articles or wares; hardware; boiler works; foundries; machine shops not otherwise specified.

Class 35. Tile; brick; terra cotta; fire clay; pottery; earthenware; porcelain ware.

Class 36. Peat fuel; brickettes.

Class 37. Breweries; bottling works.

Class 38. Cordage; working in wool, cloth, leather, paper, brush, rubber or textile not otherwise specified.

Class 39. Working in foodstuffs, including oils, fruits, vegetables.

Class 40. Condensed milk; creameries.

Class 41. Printing; electrotyping; photo-engraving; engraving; lithographing; making jewelry.

Class 42. Stevedoring; longshoring; wharf operation.

Class 43. Stock yards; packing houses; making soap; tallow, lard, grease; tanneries.

Class 44. Artificial ice, refrigerating or cold storage plants.

Class 45. Theater stage employes.

Class 46. Fireworks manufacturing; powder works.

Class 47. Creosoting works; pile treating works.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the payroll of each occupation if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employes and the relative hazards. In computing the payroll the entire compensation received by every workman employed in extra hazardous employment shall be included, whether it be in the form of salary, wage, piece work, overtime, or any allowance in the way of profit-sharing, premium or otherwise, and whether payable in money, board, or otherwise.

Different risk classes comprised in one establishment.

SEC. 2. That section 6604-5 of Remington & Balinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Vetoed.  
E. L.

Section 6604-5. That beginning on the eleventh day after the injury each workman who shall be injured whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and,

except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

(a) Where death results from the injury the expenses of burial shall be paid in all cases, not to exceed seventy-five dollars (\$75) in any case, and

(1) If the workman leaves a widow or invalid widower, a monthly payment of twenty dollars (\$20) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur; and the surviving spouse shall also receive five dollars (\$5) per month for each child of the deceased under the age of sixteen years at [the] time of the occurrence of the injury until such minor child shall reach the age of sixteen years, and for each invalid child until such invalid child shall recover, but the total monthly payment under this paragraph (1) of subdivision (a) shall not exceed thirty-five dollars (\$35). Upon remarriage of a widow she shall receive, once and for all, a lump sum equal to twelve times her monthly allowance, viz.: The sum of two hundred forty dollars (\$240), but the monthly payment for the child or children shall continue as before.

(2) If the workman leaves no wife or husband, but a child or children under the age of sixteen years, a monthly payment of ten dollars (\$10) shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed thirty-five dollars (\$35), and any deficit shall be deducted proportionately among the beneficiaries.

(3) If the workman leaves no widow, widower, or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed twenty dollars (\$20) per month. If any dependent is under the age of sixteen

years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty dollars (\$20) per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of sixteen years, the sum he or she shall be receiving on account of such child or children shall be thereafter, until such child shall arrive at the age of sixteen years, paid to the child increased one hundred per cent, but the total to all children shall not exceed the sum of thirty-five dollars (\$35) per month.

(b) Permanent total disability means the loss of both legs or both arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of twenty dollars (\$20).

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of twenty-five dollars (\$25). If the husband is not an invalid, the monthly payment of twenty-five dollars (\$25) shall be reduced to fifteen dollars (\$15).

(3) If the workman have a wife or husband and a child or children under the age of sixteen years, or, being a widow or widower, have any such child or children, the

monthly payment provided in the preceding paragraph shall be increased by five dollars (\$5) for each such child until such child shall arrive at the age of sixteen years, but the total monthly payment shall not exceed thirty-five dollars (\$35).

(4) If the nature of the injuries sustained by any workman is such as to cause permanent total disability, and to render such workman helpless and require the constant services of an attendant, the monthly payment for such workman shall be increased twenty dollars (\$20) a month.

(c) If the injured workman die during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower or child under the age of sixteen years, the surviving widow or invalid widower shall receive twenty dollars (\$20) per month until death or remarriage, to be increased five dollars (\$5) per month for each child under the age of sixteen years until such child shall arrive at the age of sixteen years; but if such child is or shall be without father or mother, such child shall receive ten dollars (\$10) per month until arriving at the age of sixteen years. The total combined monthly payment under this paragraph shall in no case exceed thirty-five dollars (\$35). Upon remarriage the payments on account of a child or children shall continue as before to the child or children.

(d) When the total disability is only temporary, the schedule of payment contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply so long as the total disability shall continue, increased fifty per cent for the first six months of such continuance, but in no case shall the increase operate to make the monthly payment exceed sixty per cent of the monthly wage (the daily wage multiplied by twenty-six) the workman was receiving at the time of his injury. As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury the payments shall cease. If and so long as the present earning power is only

partially restored the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

(e) For every case of injury resulting in death or permanent total disability it shall be the duty of the department to forthwith notify the state treasurer, and he shall set apart out of the accident fund a sum of money for the case, to be known as the estimated lump value of the monthly payments provided for it, to be calculated upon the theory that a monthly payment of twenty dollars (\$20), to a person thirty years of age, is equal to a lump sum payment, according to the expectancy of life as fixed by the American Mortality Table, of four thousand dollars (\$4,000), but the total in no case to exceed the sum of four thousand dollars (\$4,000). The state treasurer shall invest said sum at interest in the class of securities provided by law for the investment of the permanent school fund, and out of the same and its earnings shall be paid the monthly installments and any lump sum payment then or thereafter arranged for the case. Any deficiency shall be made good out of, and any balance or overplus shall revert to the accident fund. The state treasurer shall keep accurate account of all such investments of the accident fund, and may borrow from the main fund to meet monthly payments pending conversion into cash of any security, and in such case shall repay such temporary loan out of the cash realized from the security.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments are severed, or any other injury known in surgery to be permanent partial disability. For any permanent partial disability resulting from an injury, the workman shall receive compensation in a lump sum in an amount equal to the extent of the injury, to be decided in the first instance by the department, but not in any case to exceed the sum of fifteen hundred dollars (\$1500). The loss of

one major arm at or above the elbow shall be deemed the maximum permanent partial disability. Compensation for any other permanent partial disability shall be in the proportion which the extent of such disability shall bear to the said maximum. If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded the minor workman.

(g) Should a further accident occur to a workman already receiving a monthly payment under this section for a temporary disability or who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjusted according to the other provisions of this section and with regard to the combined effect of his injuries, and his past receipt of money under this act.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated in any case the department may, upon the application of the beneficiary or upon its own motion, readjust for future application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payments.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act.

(j) If a beneficiary shall reside or remove out of the state the department may, in its discretion, convert any monthly payments provided for such case into a lump sum payment (not in any case to exceed four thousand dollars (\$4,000) upon the theory, according to the expectancy of life as fixed by the American Mortality Table, that a monthly payment of twenty dollars (\$20) to a person thirty years of age is worth four thousand dollars (\$4,000), or, with the consent of the beneficiary, for a smaller sum. If a beneficiary shall remove permanently from the

United States, any such lump sum settlement shall not exceed one-half of the reserve for the particular case at the time of such removal.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

SEC. 3. That section 6604-8 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-8. If any employer shall default in any payment to the accident fund hereinbefore in this act required, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In respect to any injury happening to any of his workmen during the period of any default in the payment of any premium under section 6604-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington, the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or the husband, wife, child or dependent of such workman in case death result from the accident), as he would have been prior to the passage of this act. In any suit brought by an employee it shall not be necessary to plead or prove that a demand for payment of any premium has been made by the commission.

Default in payments.

All delinquent payments due the accident fund as herein required shall bear interest at the rate of twelve per cent per annum from the date of delinquency, and in all cases of insolvency, assignment for the benefit of creditors of bankruptcy, the claim of the state for premiums due herein shall be a claim prior to all other claims except taxes. All actions for the recovery of such premiums shall be brought in the superior court, and in any recovery by action instituted for the collection of such payments, a reasonable attorney's fee shall be allowed as costs of suit.

Interest on delinquent premiums.

Action for premiums.

In any action or proceeding brought for the recovery of premiums due upon the payroll of any employer, the certi-

Evidence.

ificate of the industrial insurance department that an audit has been made of the payroll of such employer pursuant to the direction of the department, and of the amount of such payroll for the period stated in the certificate, shall be *prima facie* evidence of such fact.

Recovery  
in action  
by injured  
workman.

In case the recovery actually collected in such suit shall equal or exceed the compensation to which the plaintiff therein would be entitled under this act, the plaintiff shall not be paid anything out of the accident fund; if the said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section to sue shall have the choice (to be exercised before suit) of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the state for the benefit of the accident fund. In any suit brought upon such cause of action the defense of fellow servant and assumption of risk shall be inadmissible, and the doctrine of comparative negligence shall obtain. Any such cause of action assigned to the state may be prosecuted or compromised by the department in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Compromise  
of suit.

SEC. 4. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as 6604-12a as follows:

Testimony of  
physicians.

Section 6604-12a. In all hearings, actions or proceedings before the commission, or before any court on appeal from the commission, any physician having theretofore examined or treated the claimant may be required to testify fully regarding such examination or treatment, and shall not be exempt from so testifying by reason of the relation of physician to patient.

SEC. 5. That section 6604-13 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-13. Any workman entitled to receive compensation under this act is required, if requested by the department, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period; or, if any injured workman shall persist in unsanitary or injurious practices, which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the commission may reduce or suspend the compensation of such workman.

Medical examination and treatment.

Effect of refusal to submit to.

SEC. 6. That section 6604-17 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-17. Whenever the state, county, any municipal corporation or other taxing district shall engage in any extra hazardous work in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality or other taxing district. If said work is being done by contract, the payroll of the contractor and the sub-contractor shall be the basis of computation, and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total payroll. The contractor and any sub-contractor shall be subject to the provisions of the act, and the state for its general fund, the county, municipal corporation or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor, in turn shall be entitled to collect from the sub-contractor his proportionate amount of the payment. The provisions of this section shall apply to all extra hazardous work done by contract, except that in pri-

Public and contract work.

Owner of property surety for contractor in private work.

vate work the contractor shall be responsible, primarily and directly, to the accident fund for the proper percentage of the total payroll of the work and the owner of the property affected by the contract shall be surety for such payments. Whenever and so long as, by state law, city charter or municipal ordinance, provision is made for municipal employes injured in the course of employment, such employes shall not be entitled to the benefits of this act and shall not be included in the payroll of the municipality under this act.

Exclusion of municipal employes, when.

SEC. 7. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as 6604-21a, as follows:

Attendance of witnesses and production of papers.

Section 6604-21a. The superior court shall have power to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records before the industrial insurance department.

SEC. 8. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as 6604-24a, as follows:

Violation of rules.

Section 6604-24a. Every person, firm or corporation who shall violate or fail to obey, observe or comply with any rule of the department promulgated under authority of this act, shall be subject to a penalty of not to exceed two hundred and fifty dollars (\$250). Such penalty may be recovered in a civil action in the name of the state, and shall be paid into the accident fund.

Penalty.

SEC. 9. That section 6604-14 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Accidents to be reported.

Section 6604-14. Whenever any accident occurs to any workman it shall be the duty of such workman or some one in his behalf to forthwith report such accident to his employer, superintendent or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department and also to any local representative of the department.

SEC. 10. Section 6604-25 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby repealed. Repeals  
Rem.-Bal.  
§ 6604-25.

Passed the Senate March 5, 1915.

Passed the House March 10, 1915.

Sections 1, 3, 4, 5, 6, 7, 8, 9, and 10 approved by the Governor March 22, 1915.

Section 2 vetoed by the Governor March 22, 1915.

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## CHAPTER 189.

[S. B. 387.]

### VOTING BY ELECTORS ABSENT FROM HOME PRECINCTS.

AN ACT authorizing qualified electors absent from their resident precincts to vote at general elections, and providing the method and manner of casting and recording such vote.

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

SECTION 1. Any elector of the state unavoidably absent from his home county and more than twenty-five miles distant from the precinct in which he is qualified to vote, may vote in any polling place at which he may present himself during polling hours, at general elections to be held, for Federal, United States Senatorial and Congressional, state, or legislative officers, or propositions, in the manner as in this act provided.

Authorizing  
absent  
voting.

SEC. 2. Any elector who shall present himself at any polling place within the state during the hours of voting thereat, presenting to the election officers of said polling place a certificate from the registration officer of the home precinct of said elector certifying that said registration officer is personally acquainted with said elector; that said elector is duly registered and qualified to vote in said home precinct, stating the place of residence of said elector; that said elector has in the presence of said registration officer affixed his signature to said certificate at a place to be designated for "Signature of Absent Voters,"

Certificate  
of home  
registration  
officer.

Provided that said certificate shall be executed and signed in duplicate, the registration officer retaining one in his permanent files; the elector shall likewise present to the election officers a blank affidavit, to which he shall subscribe and swear before the inspector or one of the judges of said election. The oath to be subscribed to shall be as follows:

State of Washington, }  
County of..... } ss.

Oath of voter.

I, ....., do solemnly swear (or affirm) that I am a resident and qualified elector in the.....precinct (or ward) of..... city, in the county of....., State of Washington, duly registered as such, and am entitled to vote at any election held therein on this day; that the polling place within said precinct or ward is not in this county and is more than twenty-five miles herefrom; that this election is common in its main features to both my home precinct and this precinct; that I have had no opportunity to vote thereat; that I will be unable to reach my home voting precinct this day; that I shall lose my vote by reason thereof unless permitted to vote herein, and that I have not voted and will not vote elsewhere at this election.

.....  
Subscribed and sworn to before me this.....day of..... 19....

.....  
.....of election precinct (or ward) of..... city.....County, Washington.

Method of voting.

SEC. 3. Upon the elector taking such oath he shall be given an official ballot taken from the highest numbers, which he shall take to a voting booth and mark the same as any resident voter may, except that he shall vote only for Federal, United States Senatorial and Congressional, state and legislative officers, and for which he might vote in his home precinct, and for this purpose he may write in

the names of any candidate or candidates under the proper headings in such ballot, and after marking the same shall fold such ballot and hand it to one of the judges or inspector of election, but such ballot shall not be deposited in the ballot box of such precinct nor entered upon the poll books of such precinct among the names of resident voters. The ballot shall have attached thereto the affidavit made by said voter, and together they shall be securely sealed in an envelope to be presented to the election officers by the elector, and upon which envelope shall be printed the following, and which statement shall be properly filled out and signed by the election officers, to-wit:

Preservation  
of ballot.

“ABSENT VOTERS’ BALLOT:

Name .....  
 Residence, (street or house).....  
 Home precinct (or ward).....  
 City .....  
 County .....  
 Date .....

We, the election officers of.....  
 precinct (or ward), city of.....  
 County of....., state of Washington,  
 hereby certify that the ballot, together with the oath of the  
 above named voter, was received by us and sealed in this  
 envelope at the election held on the date aforesaid.

.....  
 Inspector  
 .....  
 Judge  
 .....  
 Judge”

SEC. 4. Such envelope when so sealed and certified shall be returned by the officers of election where such vote was cast to the County Auditor of the county in which such voter cast his vote, along with the other election returns, and upon receipt of such envelopes the county auditors shall forward the same to the county auditor where the voter claims residence, and which envelopes shall be filed

Return of  
ballot to  
voter's home  
county.

Canvass  
with votes  
of home  
precinct.

and kept securely locked until the time for canvassing of the votes of such county. Upon the canvassing of the votes by the canvassing board of such county, whenever any precinct is called in which there shall be on file one or more such envelopes, the board shall cause such envelopes to be opened, and shall canvass and count the same for such precinct as nearly as possible in the same manner as such votes would have been counted had they been cast in such precinct, entering the same in the poll book as absent voters, and shall modify the election returns of such precinct accordingly. Such ballot shall become a part of the returns of such precinct, and shall be kept or destroyed accordingly.

Challenges.

SEC. 5. The vote of any absent member [voter] may be challenged for any cause at the time the same is canvassed by the canvassing board of the county, and the said canvassing board shall have all the power and authority given by law to officers of election to determine herein the legality of such ballot.

Election  
supplies  
for absent  
voting.

SEC. 6. The officers or persons who are now, or may hereafter, be required by law to furnish supplies to officers of registration, shall furnish therewith a supply of blank affidavits, envelopes, and certificates, as herein required, and there shall be provided also in each election poll book a separate registration for absent voters. Any elector receiving the certificate required in Section 2 of this act shall also receive a blank affidavit and envelope, as required by this act, from the registration officer, and which affidavit and envelope the elector will present to the election officers at the time he offers to vote.

Penalty.

SEC. 7. Any person who violates any of the provisions of this act, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment of not more than five years.

Passed the Senate March 4, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 23, 1915.

## CHAPTER 190.

[S. B. 112.]

## LIABILITY AND PROTECTION OF HOTEL-KEEPERS.

AN ACT to protect hotel keepers, innkeepers and lodging house keepers and to prescribe their duties and liability toward their guests and prescribing a penalty for its violation.

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

SECTION 1. Any building held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations are furnished for hire to transient guests whether with or without meals in which 15 or more rooms are used for the accommodation of such guests shall for the purposes of this act only, be defined to be a hotel, and whenever the word hotel shall occur in this act it shall be construed to mean a hotel as herein described.

"Hotel"  
defined.

SEC. 2. Every hotel defined as such in this act shall keep a record of the arrival and departure of its guests in such a manner that the record will be a permanent one for at least one year from the date of departure.

Record  
of guests.

SEC. 3. No hotelkeeper, whether individual, partnership or corporation, who constantly has in his hotel a metal safe or suitable vault in good order and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers and bullion, and who keeps on the doors of the sleeping rooms used by guests, locks or bolts, and who keeps posted in each of said sleeping rooms a notice of liability as hereinafter specified, shall be liable for the loss or injury to such property suffered by any guest unless such guest has offered to deliver the same to such hotelkeeper for custody in such metal safe or vault and such hotelkeeper has omitted or refused to take it and deposit it in such safe or vault for custody and to give such guest a receipt or claim check therefor: *Provided, however,* That the keeper of any hotel shall not be obliged to receive from any one

Liability  
for loss of  
property of  
guests.

Limit of  
liability.

guest for deposit in such safe or vault any property hereinbefore described exceeding a total value of one thousand dollars, and shall not be liable, for any excess of such property, whether received or not: *Provided further*, Such hotelkeeper may by special arrangement with a guest receive for deposit in such safe or vault any property upon such terms as they may agree to in writing, but every hotelkeeper shall be liable for any loss of the above enumerated articles of a guest in his inn or hotel after said articles have been accepted for deposit, if caused by the theft or negligence of the hotelkeeper or any of his servants.

Liability  
for loss of  
baggage.

Limit of  
liability.

Storage of  
abandoned  
baggage.

SEC. 4. The liability of the keeper of any hotel, whether individual, partnership, or corporation, for loss of, or injury to personal property placed by his guests under his care, other than that described in the preceding sections, shall be that of a depository for hire: *Provided, however*, that in no case shall such liability exceed the sum of one hundred and fifty dollars for each trunk and its contents, fifty dollars for each valise or suitcase and its contents, and ten dollars for each box, bundle or package, and contents, so placed under his care, and all other miscellaneous effects including wearing apparel and personal belongings, fifty dollars, unless he shall have consented in writing with such guest to assume a greater liability: *And provided further*, whenever any person shall suffer his baggage or property to remain in any hotel after leaving the same as a guest, and after the relation of hotelkeeper and guest between such guest and the proprietor or manager of such hotel has ceased, or shall forward the same to such hotel before becoming a guest thereof and the same shall be received into such hotel, such keeper may at his option hold such baggage or property at the risk of such owner and when any personal property has been kept and stored by such hotelkeeper for one year after the relation of hotelkeeper and guest has ceased or when it does not exist, the hotelkeeper may if he so desires and acting as the agent of the owner deliver said property to a reliable storage or warehouse company for further storage. In the event the

warehouseman declines to accept such property for storage and the hotelkeeper not desiring to retain it longer in his possession, he may sell the same at public auction after paying the expenses incurred by advertisement and sale, as well as any storage that may have accrued, and he shall hold the remaining money arising from such sale subject to the demand of the owner or his legal representatives.

Sale at  
public  
auction.

SEC. 5. The keeper of any hotel, whether individual, partnership or corporation, shall have a lien on all personal property brought into such hotel, belonging to his guest for the proper charges due him from such guest for accommodation, board and lodging, and for such extras as are furnished at their request, and for all money paid for or advanced to them, and said hotelkeeper shall have the right to retain and hold possession of such personal property until the amount of such charges be paid, and such personal property shall be exempt from attachment or execution until such hotelkeeper's lien and the cost of satisfying it are satisfied.

Lien on  
property  
of guest.

SEC. 6. The hotelkeeper shall retain the personal property upon which he has a lien as above mentioned for a period of ninety days, at the expiration of which time if such lien is not satisfied, he may proceed to sell such personal property, or any part thereof, at public auction, after giving ten days' notice of the time and place of sale by posting said notice in three conspicuous places in the city or town, one of which shall be the postoffice and another the court house door, if the town be the county seat, and by mailing a notice of the time and place of sale to the person, guest or boarder at the place of residence registered by him on the register of said hotel, and after satisfying the lien and any expense of selling the property that may accrue, any residue remaining shall on demand be paid to such guest or boarder: *Provided, however,* That should the guest fail or refuse to register from any particular town or city, the notice herein required to be mailed shall be addressed to the name of the guest at the city or town wherein the hotel is located.

Sale to  
satisfy lien.

Notice.

Obtaining  
hotel accom-  
modations  
by fraud.

Penalty.

Evidence  
of fraud.

Posting  
notice of act  
in rooms.

SEC. 7. Any person who shall wilfully obtain food, money, lodging or accommodation at any hotel with intent to defraud the owner or keeper thereof, shall be guilty of a gross misdemeanor. Proof that lodging, food or other accommodations were obtained by a false pretense or by false or fictitious show or pretense of any baggage or other property or that the person refused or neglected to pay for such food, lodging or other accommodation on demand, or that he gave in payment for such food, lodging or other accommodations negotiable paper executed by himself on which payment was refused or that he absconded without paying or offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his property or baggage, shall be *prima facie* evidence of the fraudulent intent hereinbefore mentioned.

SEC. 8. It shall be the duty of every hotelkeeper within this state to keep posted in each guest or sleeping room of said hotel a notice, printed in plain type, to the effect that the liability of said hotelkeeper is as defined by this act, giving the title of this act and the date of its approval and stating that a copy of this act may be seen or secured by any guest at the office of said hotel, and it shall be the further duty of the hotelkeeper to furnish a copy of this act to any guest on request. No hotelkeeper who fails to comply with the provisions of this section shall have any benefit from or protection under this act.

Passed the Senate February 15, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 23, 1915.

## CHAPTER 191.

[S. B. 158.]

## RELATING TO CAPITOL BUILDINGS AND GROUNDS.

AN ACT relating to the capitol buildings and grounds, the powers and duties of the state capitol commission, and the issuance of bonds for state capitol purposes, providing for a tax levy for the payment of interest, validating certain purchases of land and making appropriations.

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

SECTION 1. For the purpose of refunding the warrants outstanding against the capitol building fund, and interest accrued thereon, acquiring additional lands for a site, and erecting and completing buildings for the state capitol, and otherwise carrying out the plans and projects set forth in chapter 59 of the laws of 1911, and returning to the general fund advancements made therefrom for capitol building purposes, the state capitol commission may, in its discretion, issue coupon or registered bonds of the State of Washington payable only from the capitol building fund in an amount not exceeding four million dollars. Such bonds shall bear interest at a rate not to exceed five per cent per annum. Such bonds may be sold in such manner and in such amounts and at such times as the state capitol commission shall determine, at the best price obtainable, but not for a sum so low as to make the net interest return to the purchaser exceed five per cent. per annum, as computed by standard tables, upon such sum, or such commission may exchange any of such bonds at par for capitol building warrants. The state capitol commission may allow a brokerage commission of not to exceed one-fourth of one per cent on the bonds issued, said commission to be paid from the proceeds of the sale of such bonds. None of the proceeds from the sale of such bonds shall be used for erecting new buildings other than the Temple of Justice until after the warrants outstanding against the capitol building fund have been paid or moneys with which to pay the same are available and the funds provided and contract let for the completion of the Temple of Justice.

Issuance  
of capitol  
building  
bonds.

[For act  
referred to,  
see Rem.-Bal.  
 §§ 6704-1 to  
6704-9.]

Sale of  
bonds.

Application  
of proceeds.

Denomina-  
tion and  
payment.

Amount  
of issue.

Registration.

Tax levy  
for capitol  
building in-  
terest fund.

Repayment  
of expendi-  
tures from  
general  
fund.

SEC. 2. Bonds issued under the provisions of this act shall be in such denominations, and shall be payable in such manner and at such place or places and time or times, not longer than twenty years from their date, as shall be fixed by the state capitol commission, and the interest thereon shall be payable semi-annually at such place or places, and shall contain such option to redeem, if any, as the commission shall prescribe. The commission may agree and so provide in the bonds that the total amount of bonds issued under the provisions of this act shall not exceed a designated sum until such bonds shall have been paid, but in no event shall such sum be less than two million five hundred thousand dollars. Such bonds shall be signed by the governor and state auditor under the seal of the state, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereupon may be in fac-simile. Any bonds may be registered in the name of the holder on presentation to the state treasurer, or at the fiscal agency of the state of Washington in New York, as to principal alone, or as to both principal and interest under such regulations as the state capitol commission may prescribe.

SEC. 3. The state capitol commission shall annually, at any meeting next preceding the annual meeting of the state board of equalization, report to such board the estimate of the amount of money necessary to pay all interest charges that may accrue during the ensuing year upon any of the obligations outstanding against the capitol building fund, and the state board of equalization is hereby authorized and required to levy a tax sufficient to raise such amount in the same manner that other state tax levies are made. All moneys thus raised shall constitute a special fund to be known as the capitol building interest fund. All expenditures made from the capitol building interest fund shall be deemed a loan from the general funds of the state, and shall be repaid to the general fund from the proceeds of the sales or leases of capitol building lands and the timber and materials thereon after all other claims against the capitol building funds shall have been paid.

SEC. 4. For the purpose of carrying out the provisions of this act, and of chapter 59 of the laws of 1911, there is hereby appropriated from the capitol building fund the sum of one million five hundred thousand dollars.

Appropriation,  
\$1,500,000.

SEC. 5. The State Capitol Commission may, before selecting the stone to be used in surfacing any building in the state capitol group plan, enter into an agreement or agreements with the owner or proprietor of any quarry, that such owner or proprietor will furnish like stone for the buildings to be erected in the future on the state capitol site, at the price and upon the terms stated in such agreement.

Stone for  
capitol  
buildings.

SEC. 6. Bonds authorized by this act shall be acceptable by State, counties, cities, towns, school districts and other municipal corporations of this state as security for the deposit of any of their funds in any banking institution in this state.

Bonds as  
security for  
deposits of  
public funds.

SEC. 7. The State Capitol Commission shall have power in the name of the state to acquire by gift, donation, purchase or condemnation for capitol building purposes, any or all of the following described property: All of blocks one, two, three and four, and lots T, O, P and R, all that part of lot one lying east of the Northern Pacific Railway Company's right of way, all that part of lot eleven lying south of the Northern Pacific Railway Company's right of way and lots twelve, thirteen, fourteen and fifteen, all in block five, Patterson's Capitol Addition to Olympia; blocks eighty-six, eighty-seven and eighty-eight in Sylvester's Plat of the city of Olympia; also that parcel of land lying in the Sylvester Donation Land Claim, bounded on the south by the "old capitol site," on the west by Water Street, on the north by Thirteenth Street and on the east by lot ten of William's Capitol Addition to Olympia, said parcel of land being thirty feet east and west by fifty-four and eighty-six hundredths feet north and south; also a tract of land, bounded on the north by Patterson's Capitol Addition to Olympia, on the east by the "old capitol site," on the south

Acquisition  
of lands for  
capitol  
buildings.

by the southerly line of the "old capitol site" extended to the government meander line and on the west by the government meander line; and all acquisitions of land for state capitol purposes heretofore made are hereby validated. Said commission shall have power to enter into any agreement and take all necessary steps to remove or cause to be removed the high school building now situated on block eighty-six to block eighty-eight of Sylvester's Plat or to such other site as the commission may decide upon that will be acceptable to the original donor of the present site of said high school and school board of Olympia and there re-erected, and to dedicate said site to high school purposes.

Passed the Senate February 17, 1915.

Passed the House March 8, 1915.

NOTE BY SECRETARY OF STATE.

The above act filed in the office of the Secretary of State, March 23, 1915, and allowed to become a law without the approval of the Governor.

I. M. HOWELL,  
*Secretary of State.*

## CHAPTER 192.

[S. B. 45.]

## BREACH OF WARRANTY IN NEGOTIATING INSURANCE.

AN ACT to regulate the insurance business, and to amend section 34 of an act entitled: "An Act to provide an insurance code for the State of Washington to regulate the organization and government of insurance companies and insurance business, to provide penalties for the violation of the provisions of this act, to provide for an insurance commissioner and define his duties, and to repeal all existing laws in relation thereto," approved March 10, 1911, and known as the Insurance Code, and also as section 34 of chapter 49 of the Session Laws of 1911.

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

SECTION 1. That section 34 of the Insurance Code, otherwise known as section 34 of chapter 49 of the Session Laws of 1911, approved March 10, 1911, be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6059-34;  
Laws 1911,  
page 197,  
§ 34.

Section 34. No oral or written misrepresentation or warranty made in the negotiation of a contract or policy of insurance, by the assured or in his behalf, shall be deemed material or defeat or avoid the policy or prevent it attaching, unless such misrepresentation or warranty is made with the intent to deceive. If any breach of a warranty or condition in any contract or policy of insurance shall occur prior to a loss under such policy, such breach shall not avoid the policy nor avail the insurer to avoid liability, unless such breach shall exist at the time of such loss under such contract or policy.

Not to avoid  
policy, when.

Passed the Senate March 3, 1915.

Passed the House March 9, 1915.

Approved by the Governor March 23, 1915.

## CHAPTER 193.

[S. B. 394.]

ADDITIONAL APPROPRIATION FOR LEGISLATIVE  
EXPENSES.

AN ACT appropriating the sum of twelve thousand dollars, or so much thereof as may be necessary, for the expenses of the Fourteenth Legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary, to be used for the purpose of paying the expenses of the Fourteenth Legislature of the State of Washington.

SEC. 2. This act is necessary for the support of the State Government and shall take effect immediately.

Passed the Senate March 2, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 23, 1915.

AUTHENTICATION.

OFFICE OF THE SECRETARY OF STATE,  
STATE OF WASHINGTON.

I, I. M. Howell, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the foregoing published laws, passed by the Legislature of the State of Washington, at its fourteenth session, from January 11th to March 11th, 1915, inclusive, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies of said originals with the exception of such corrections in spelling and use of words as indicated by the use of brackets, thus [     ], in each case as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Done at Olympia, this 3rd day of May, A. D. 1915.

I. M. HOWELL,  
*Secretary of State.*

[SEAL]



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