

SESSION LAWS
OF THE
STATE OF WASHINGTON
TWENTY-FIRST SESSION

Convened January 14, Adjourned March 14

1929

Compiled in Chapters by J. GRANT HINKLE, Secretary of State

Marginal Notes and Index

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PUBLISHED BY AUTHORITY

EXPLANATORY

The Twenty-first Legislature of the State of Washington convened at 12 o'clock, noon, January 14, 1929, (being the second Monday in January), and adjourned *sine die* March 14, 1929.

All acts passed by the session approved by the Governor, together with those which were permitted to become laws without his signature take effect ninety days after adjournment, or 12 o'clock, midnight, June 12, 1929, except relief bills, appropriations and other acts declaring an emergency.

J. GRANT HINKLE,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Twenty-First Regular Session

1929

CHAPTER 1.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred fifteen thousand dollars, or so much thereof as may be necessary for the expenses of the twenty-first legislature and declaring an emergency.

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 one hundred fifteen thousand dollars (\$115,000.00) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the twenty-first legislature, of the State of Washington.

Appropriation
\$115,000.00.

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

Effective
immediately.

Passed the Senate January 14, 1929.

Passed the House January 14, 1929.

Approved by the Governor January 17, 1929.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary for the printing of the twenty-first legislature, and declaring an emergency.

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

Appropriation
\$15,000.00.

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 twenty-first legislature, or either branch thereof.

Effective
immediately.

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

Passed the Senate January 14, 1929.

Passed the House January 14, 1929.

Approved by the Governor January 17, 1929.

CHAPTER 3.

[S. B. 3.]

BROADCASTING JOINT LEGISLATIVE SESSION FOR
INAUGURATION.

AN ACT creating a joint committee of the Senate and House to arrange for, and making an appropriation for the expense of broadcasting the joint session of the legislature at the inauguration of the state elective officials and declaring that this act shall take effect immediately.

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

Broadcasting
inaugural
proceedings.

SECTION 1. That a joint committee consisting of three senators to be appointed by the President

of the Senate, and three members of the House, to be appointed by the Speaker is hereby created to arrange for broadcasting the proceedings of the joint session of the legislature at the inauguration of the constitutional elective state officers.

SEC. 2. There is hereby appropriated from the general fund in the state treasury for the purpose of paying the expenses of broadcasting the proceedings of the joint session of the legislature at the inauguration of the elective state officials the sum of two thousand two hundred dollars (\$2,200.00) or so much thereof as may be necessary.

Appropriation
\$2,200.00.

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

Effective
immediately.

Passed the Senate January 14, 1929.

Passed the House January 14, 1929.

Approved by the Governor January 17, 1929.

CHAPTER 4.

[H. B. 69.]

APPROPRIATION FOR REPAIR AND RESTORATION OF CAPITOL BUILDING.

AN ACT making an appropriation for the repair and restoration of Capitol Building and for furniture and equipment, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums, or as much thereof as shall be found necessary, are hereby appropriated out of the general fund in the state treasury for the repair and restoration of capitol building and for furniture and equipment:

Capitol
building
repairs.

Appropriation \$40,000.00.	For repair and restoration of capitol buildings \$35,000.00	
	For furnishings.....	3,000.00
	For equipment	2,000.00
	Total	\$40,000.00

Effective immediately.

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

Passed the House January 23, 1929.

Passed the Senate January 28, 1929.

Approved by the Governor February 6, 1929.

CHAPTER 5.

[S. B. 71.]

APPROPRIATION FOR DEPARTMENT OF AGRICULTURE.

AN ACT making an appropriation for the inspection of nurseries, nursery stock and horticultural commodities and the enforcement of plant quarantine, and declaring that this act shall take effect immediately.

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

Department of Agriculture appropriation \$2,500.00.

SECTION 1. There is hereby appropriated from the general fund in the state treasury, for the department of agriculture, for supplies, material and services, for the inspection of nurseries, nursery stock and horticultural commodities and the enforcement of the plant quarantine law for the biennium ending March 31, 1929, the sum of twenty-five hundred dollars (\$2,500.00).

Effective immediately.

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

Passed the Senate January 24, 1929.

Passed the House January 31, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 6.

[H. B. 1.]

SUGAR BOUNTY.

AN ACT relating to bounties for the production and manufacture of sugar and repealing Chapter LXVIII of the Laws of 1893.

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

SECTION 1. That chapter LXVIII (68) of the Laws of 1893, pages 145 to 147, is hereby repealed. Statutes repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 7.

[H. B. 2.]

MANAGEMENT OF COUNTY AFFAIRS.

AN ACT relating to the economical management of county affairs and repealing Chapter CXXXI of the Laws of 1893.

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

SECTION 1. That chapter CXXXI (131) of the Laws of 1893, pages 427 to 428, (sections 4073 and 4074 of Remington's Compiled Statutes; sections 1708 and 1709 of Pierce's Code) is hereby repealed. Statutes repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 8.

[H. B. 4.]

EXCEPTIONS.

AN ACT relating to exceptions and repealing certain acts relating thereto.

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

Statutes
repealed.

SECTION 1. That chapter XIX (19) of the Code of Washington Territory of 1881, sections 257 to 263; an act entitled "An Act to amend chapter 19 of the Code of Washington Territory. Exceptions", approved February 3, 1886, Laws of 1885/6, pages 70 to 73, and chapter XLVII (47) of the Laws of 1891, pages 85 to 86, are hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 9.

[H. B. 6.]

HOPS.

AN ACT relating to hops and repealing Chapter C of the Laws of 1891.

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

Statutes
repealed.

SECTION 1. That chapter C (100) of the Laws of 1891, page 193, is hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 10.

[H. B. 7.]

LEGAL PUBLICATIONS.

AN ACT relating to legal publications and repealing certain acts relating thereto.

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

SECTION 1. That chapter XXXVIII (38) of the Laws of 1893, page 62, and chapter 61 of the Laws of 1917, page 219, (sections 8463 and 8464 of Pierce's 1919 Code) are hereby repealed. Statutes repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 11.

[H. B. 8.]

GUARANTY OF BANK DEPOSITS.

AN ACT relating to the guaranty of bank deposits and repealing certain acts relating thereto.

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

SECTION 1. That chapter 81 of the Laws of 1917, pages 308 to 323, and chapter 97 of the Laws of 1921, pages 283 to 291, (sections 3293 to 3312 of Remington's Compiled Statutes; sections 333 to 354 of Pierce's Code) are hereby repealed: *Provided*, That this repeal shall not be construed as affecting any rights accrued or obligations incurred under said acts or either of them or the completion of any actions or proceedings begun under the pro- Statutes repealed.

visions thereof, or the collection and distribution of any funds under the provisions of said acts.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 12.

[H. B. 9.]

TRIAL OF CIVIL ACTIONS.

AN ACT relating to the trial of civil actions in the superior court and repealing certain acts relating thereto.

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

SECTION 1. That section 204 of the Code of Washington Territory of 1881, (section 318 of Remington's Compiled Statutes; section 8484 of Pierce's Code) is hereby repealed.

Statutes
repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 13.

[H. B. 11.]

SPECIAL TAXES FOR COUNTY PURPOSES.

AN ACT relating to special taxes for county purposes and repealing certain acts relating thereto.

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

SECTION 1. That sections 2682, 2683 and 2684 of the Code of Washington Territory of 1881, and an act entitled "An Act to amend section 2683 of the Code of Washington Territory", approved February

Statutes
repealed.

3, 1886, Laws of 1885/6, pages 172 to 173, are hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 14.

[H. B. 12.]

MUNICIPAL INDEBTEDNESS.

AN ACT relating to municipal indebtedness and repealing certain acts relating thereto.

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

SECTION 1. That chapter XXXVIII (38) of the Laws of 1887/8, pages 74 to 76, is hereby repealed: *Provided*, That such repeal shall not affect the validity of any act done or obligation incurred under and by virtue of said act repealed.

Statutes
repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 15.

[H. B. 13.]

TAXES OF CITIES AND TOWNS.

AN ACT relating to the assessment, equalization and collection of taxes for cities and towns and repealing certain acts relating thereto.

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

SECTION 1. That sections 127, 133, 163, 164 and 169 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency", approved March 27, 1890, Laws of

Statutes
repealed.

1889/90, pages 190, 192, 207, 208 and 210, respectively; chapter VIII (8) of the Laws of 1891, pages 11 to 12, and section 9 of chapter LXX (70) of the Laws of 1893, page 163, (section 9183 of Remington's Compiled Statutes; section 844 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not affect the validity of any act done or rights accrued under said acts repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 16.

[H. B. 15.]

STATE AUDITOR.

AN ACT relating to the state auditor and repealing certain acts relating thereto.

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

SECTION 1. That chapter CCII (202), sections 2566 to 2587 of the Code of Washington Territory of 1881; an act entitled "An Act to amend section 2575 of the Code of Washington, in relation to salary and incidental expenses of territorial auditor", approved November 22, 1883, Laws of 1883, pages 28 to 29; section 3 of chapter CXIX (119) of the Laws of 1893, pages 281 to 282, (section 4090 of Remington's Compiled Statutes; section 6604 of Pierce's Code) and section 22 of an act entitled "An Act relating to the duties of state auditor, and providing for his salary and assistants, and declaring an emergency", approved March 27, 1890, Laws of 1889/90, page 641, are hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 1, 1929.

Approved by the Governor February 8, 1929.

Statutes
repealed.

CHAPTER 17.

[H. B. 5.]

BILLS OF EXCEPTIONS AND STATEMENTS OF FACTS.

AN ACT relating to settling and certifying bills of exceptions and statements of facts, and amending Section 12 of Chapter LX of the Laws of 1893.

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

SECTION 1. That section 12 of chapter LX (60) of the Laws of 1893, page 116, (section 392 of Remington's Compiled Statutes; section 7820 of Pierce's Code) be amended to read as follows:

Amends § 392
Rem. Comp.
Stat.; § 7820
Pierce's
Code.

Section 12. If the judge before whom the cause was pending or tried shall from any cause have ceased to be such judge or shall die, or shall be absent from the state or shall, by reason of disability, be unable to perform the duties of his office, which death, absence or disability may be shown by affidavit of any attorney in the cause served upon the attorney for the adverse party and filed in the cause, within the time within which a bill of exceptions or statement of facts, in a cause that was pending or tried before him, might be settled and certified under the provisions of this act, and before having certified such bill or statement, such bill or statement may be settled by stipulation of the parties with the same effect as if duly settled and certified by such judge while still in office. But if the parties cannot agree, the successor in office of the judge before whom the cause was pending or tried, or in case there be no successor, any judge of, or assigned to, the county where the cause was pending or tried, if such death, absence or disability shall appear to his satisfaction, shall settle and certify such bill or statement in the manner in this act provided, and in so doing he shall be guided, so far as practicable,

Absence,
death or dis-
ability of
trial judge.

Settlement
by stipula-
tion of
parties or
successor of
judge.

by the minutes taken by the judge before whom the cause was pending or tried, or by the stenographer, if one was in attendance on the court or judge, and may, in order to determine any disputed matter not sufficiently appearing upon such minutes, examine under oath the attorneys in the cause who were present at the trial or hearing, or any of them.

Passed the House January 28, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 18.

[H. B. 16.]

DEFICIENCIES IN PUBLIC INSTITUTIONS.

AN ACT relating to deficiencies in public institutions, offices and departments of the state, providing penalties, and fixing liabilities for violations thereof, and repealing certain acts relating thereto.

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

SECTION 1. That chapter XXXV (35) of the Laws of 1895, pages 58 to 59, (sections 5497 to 5500 of Remington's Compiled Statutes; sections 6571 to 6574 of Pierce's Code) shall be and is hereby repealed: *Provided*, That such repeal shall not be construed to affect any rights accrued, or any liability, either civil or criminal, incurred under the provisions of said act repealed: *And provided further*, That such repeal shall not operate to revive any act repealed thereby.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

Statutes
repealed.

CHAPTER 19.

[H. B. 19.]

WILLS.

AN ACT relating to wills executed outside the state, and repealing
Chapter 8 of the Laws of 1911.

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

SECTION 1. That chapter 8 of the Laws of 1911, Statute
repealed.
page 9, is hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 20.

[H. B. 21.]

SALARIES OF COUNTY OFFICERS.

AN ACT relating to the salaries of certain county officers and
repealing certain acts relating thereto.

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

SECTION 1. That chapter 119 of the Laws of Statute
repealed.
1913, pages 355 to 356, is hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 21.

[H. B. 23.]

WILLS.

AN ACT relating to wills and amending Section 25, and repealing Sections 36 and 37 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 25 of chapter 156 of the Laws of 1917, page 649, (section 1395 of Remington's Compiled Statutes; section 10022 of Pierce's Code) be amended to read as follows:

Amends
§ 1395 Rem.
Comp. Stat.;
§ 10022
Pierce's
Code.

Section 25. Every will shall be in writing signed by the testator or testatrix, or by some other person under his or her direction in his or her presence, and shall be attested by two or more competent witnesses, subscribing their names to the will in the presence of the testator or testatrix by his or her direction or request: *Provided, however,* That nothing herein contained shall prevent any mariner at sea or soldier in the military service from disposing of his wages or personal property, or prevent any person competent to make a will from disposing of his or her personal property of the value of not to exceed two hundred (\$200.00) dollars, by nuncupative will if the same be proved by two witnesses who were present at the making thereof, and it be proven that the testator or testatrix, at the time of pronouncing the same, did bid some person present to bear witness that such was his or her will, or to that effect, and that such nuncupative will was made at the time of the last sickness of the testator or testatrix, but no proof of any nuncupative will shall be received unless it be offered within six months after the speaking of the testamentary words, nor unless the words or the substance thereof be first committed to writing, and in all cases a citation be

Will to be
in writing
and wit-
nessed.

Nuncupative
will.

issued to the widow and/or heirs at law of the deceased that they may contest the will, and no real estate shall be devised by a nuncupative will: *And provided further*, That a last will and testament, executed without the state, in the mode prescribed by law, either of the place where executed or of the testator's domicile shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state.

Will executed outside state.

SEC. 2. That sections 36 and 37 of chapter 156 of the Laws of 1917, pages 651 and 652, (sections 1406 and 1407 of Remington's Compiled Statutes; sections 10033 and 10034 of Pierce's Code) are hereby repealed, but such repeal shall not affect the validity of any nuncupative will heretofore made if the same be proved in accordance with the provisions of this act.

Statutes repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 22.

[H. B. 24.]

LEGISLATIVE DISTRICTS.

AN ACT relating to the boundaries of legislative districts and repealing Chapter 178 of the Laws of 1909.

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

SECTION 1. That chapter 178 of the Laws of 1909, pages 638 to 640, is hereby repealed.

Statutes repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

CHAPTER 23.

[H. B. 27.]

MARRIAGES.

AN ACT relating to marriages and repealing Chapter 174 of the
Laws of 1909.

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

SECTION 1. That chapter 174 of the Laws of
1909, pages 633 to 635, is hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

Statutes
repealed.

CHAPTER 24.

[H. B. 28.]

CRIMINAL INSANE.

AN ACT relating to the criminal insane and repealing certain
acts relating thereto.

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

SECTION 1. That sections 1101, 2065 and 2066 of
the Code of Washington Territory of 1881, and sec-
tion 79 of chapter XXVIII (28) of the Laws of 1891,
page 61, are hereby repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 8, 1929.

Statutes
repealed.

CHAPTER 25.

[H. B. 30.]

ENFORCEMENT OF JUDGMENTS.

AN ACT relating to the execution and enforcement of judgments, and repealing certain acts relating thereto.

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

SECTION 1. When any judgment of a court of record of this state requires the payment of money, or the delivery of real or personal property, the same may be enforced in those respects by execution, as provided in this act. When it requires the performance of any other act, a certified copy of the judgment may be served on the party against whom it is given, or the person or officer who is required thereby, or by law, to obey the same, and a writ shall be issued commanding him to obey or enforce the same. If he refuses, he may be punished by the court as for contempt.

Method of enforcement of judgments.

SEC. 2. The party in whose favor a judgment of a court of record of this state has been, or may hereafter be, rendered, or his assignee, may have an execution issued for the collection or enforcement of the same, at any time within six years from the rendition thereof: *Provided*, That no execution shall issue on any judgment rendered upon a contract made prior to the ninth day of June, 1897, after the expiration of five years from the date of the rendition thereof, unless and until such judgment has been revived in the manner provided by law, except that in case of an appeal the date of the final judgment in the supreme court shall be the time from which said period of five years shall commence to run.

Execution on judgment within six years.

SEC. 3. There shall be three kinds of executions; one against the property of the judgment

Kinds of execution.

debtor, the second for the delivery of the possession of real or personal property, or such delivery with damages for withholding the same, and the third, commanding the enforcement of or obedience to any special order of the court, and in all cases there shall be an order to collect the costs.

SEC. 4. The writ of execution shall be issued in the name of the State of Washington, sealed with the seal of the court, and subscribed by the clerk, and shall be directed to the sheriff of the county in which the property is situated, or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon, and shall require substantially as follows:

1. If the execution be against the property of the judgment debtor it shall require the officer to satisfy the judgment, with interest, out of the personal property of the debtor, and if sufficient personal property cannot be found, out of his real property upon which the judgment is a lien.

2. If the execution be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants of real property, or trustees, it shall require the officer to satisfy the judgment, with interest, out of such property.

3. If the execution be for the delivery of real or personal property, it shall require the officer to deliver possession of the same, particularly describing it, to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party

Issued by
clerk.

Directed to
sheriff.

Against
property.

Against
heirs, tenants
and trustees.

For delivery
of real or
personal
property.

against whom it was rendered, and the value of the property for which the judgment was recovered, shall be specified therein. If a delivery of the property described in the execution cannot be had, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

4. When the execution is to enforce obedience to any special order, it shall particularly command what is required to be done or to be omitted.

For obedience to special order.

5. When the nature of the case shall require it, the execution may embrace one or more of the requirements above mentioned. And in all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

May embrace more than one requirement.

SEC. 5. The sheriff or other officer shall indorse upon the writ of execution the time when he received the same, and the execution shall be returnable within sixty days after its date to the clerk who issued it. No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty per cent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall, immediately after the receipt of any money collected on any judgment, notify the party to whom the same is payable, and pay over the amount to the said party on demand. On failure to so notify and pay over, without any reasonable cause shown for the delay, the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff.

Sheriff's return.

Clerk to notify parties when money collected.

Property
subject to
execution.

SEC. 6. All property, real and personal, of the judgment debtor, not exempted by law, shall be liable to execution.

Assignee and
heirs of
judgment
creditor en-
titled to
execution.

SEC. 7. In all cases in which a judgment heretofore or hereafter recovered in any court of this state, has been or shall be assigned to any person, execution in the name of the assignee, upon the assignment being recorded in the execution docket, by the clerk of the court in which the judgment is recovered, and in all cases in which a judgment has been or shall be recovered in any such court, and the person in whose name execution might have issued, has died or shall die, execution may issue in the name of the executor, administrator or legal representative of such deceased person, upon letters testamentary or of administration, or other sufficient proof being filed in said cause and minuted upon the execution docket, by the clerk of the court in which said judgment is entered, and upon an order of said court or the judge thereof, which may be made on an *ex parte* application.

Statutes
repealed.

SEC. 8. That chapter XXX (30), sections 325 to 334 of the Code of Washington Territory of 1881; an act entitled "An Act to amend section 334 of the Code of Washington Territory, in relation to executions," approved January 30, 1886, Laws of 1885/6, page 75; chapter LII (52) of the Laws of 1887/8, pages 94 to 95, (sections 510 to 519 of Remington's Compiled Statutes; sections 7827 to 7835 and 7841 of Pierce's Code) are hereby repealed: *Provided*, That this repeal shall not affect any rights acquired, or proceedings had or pending, under said acts repealed or either of them, and all such rights and proceedings shall be continued under the provisions of this act.

Saving
clause.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 13, 1929.

CHAPTER 26.

[H. B. 38.]

CIVIL RIGHTS OF CONVICTED PERSONS.

AN ACT relating to the restoration of civil rights to persons convicted of infamous crimes.

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

SECTION 1. It shall be the duty of the superintendent of any penal institution of this state in which any person, heretofore or hereafter convicted of an infamous crime in any superior court of this state, is imprisoned, or shall have been imprisoned and released upon parole as provided by law, to certify to the governor, at any time, upon the written demand of the governor, and not more than sixty nor less than thirty days prior to the time when the maximum term of imprisonment, for which such person was committed, is to expire, a complete transcript of the commitment and of the record of the conduct of such person while imprisoned and on parole: *Provided*, That when any such person imprisoned in the Washington state reformatory or the Washington state reformatory for women shall have been granted an absolute release by the governor as provided by law, such transcript shall not be required prior to the expiration of the maximum term of imprisonment as above provided.

Superintendents of penal institutions to furnish record.

SEC. 2. Whenever the governor shall grant a pardon to a person convicted of an infamous crime, or shall grant an absolute release to any such person imprisoned in the Washington state reformatory as provided by law, and whenever the maximum term of imprisonment for which any such person was committed to the state penitentiary, the Washington state reformatory, or the Washington state reformatory for women, is about to expire or has

Governor may restore civil rights.

expired, the governor shall have the power, in his discretion, to restore to such person his civil rights in the manner as in this act provided.

Form of certificate for restoration of civil rights.

SEC. 3. Whenever the governor shall determine to restore his civil rights to any person convicted of an infamous crime in any superior court of this state, he shall execute and file in the office of the secretary of state an instrument in writing in substantially the following form:

“To the People of the State of Washington Greeting:

I, the undersigned Governor of the State of Washington, by virtue of the power vested in my office by the constitution and laws of the State of Washington, do by these presents restore to his civil rights forfeited by him (or her) by reason of his (or her) conviction of the crime of (naming it) in the Superior Court for the County of on, to-wit: the.....day of....., 19.....

Dated the day of, 19.....

(Signed)

Governor of Washington.”

Secretary of State to transmit copy to clerk superior court.

SEC. 4. Upon the filing of an instrument restoring civil rights in his office, it shall be the duty of the secretary of state to transmit a duly certified copy thereof to the clerk of the superior court named therein, who shall record the same in the journal of the court and index the same in the execution docket of the cause in which the conviction was had.

Certified copies to be issued by Secretary of State and clerk of superior court.

SEC. 5. The secretary of state and the clerk of the superior court, shall, upon demand and the payment of the fee required by law, issue a certified copy of any such instrument restoring civil rights filed in their respective offices, and every such certified copy shall be received in evidence as proof of

the fact therein stated, in any court and by all election officers.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 13, 1929.

CHAPTER 27.

[H. B. 41.]

PASSENGER CARRIERS ON PUBLIC HIGHWAYS.

AN ACT relating to actions for damages resulting from careless, negligent and unlawful acts of common carriers of passengers upon public highways or their agents or employes, and amending and repealing certain acts relating thereto.

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

SECTION 1. That section 3 of chapter 57 of the Laws of 1915, pages 228 to 229, (section 6384 of Remington's Compiled Statutes; section 237 of Pierce's Code) be amended to read as follows:

Amends
§ 6384 Rem.
Comp. Stat.;
§ 237
Pierce's
Code.

Section 3. Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this act, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employes in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers over and along any public street, road or highway 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.

Action
against
passenger
carrier, and
surety on
bond.

Statutes
repealed.

Saving
clause.

SEC. 2. That chapter 161 of the Laws of 1927, pages 151 to 152, is hereby repealed: *Provided*, That such repeal shall not affect any rights acquired, or any proceedings had or pending under said act repealed.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 13, 1929.

CHAPTER 28.

[S. B. 5.]

SURVEYS AUTHORIZED BY CONGRESS.

AN ACT relating to surveys authorized by Congress and repealing a certain act relating thereto.

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

Statutes
repealed.

SECTION 1. That chapter CXXII (122) of the Laws of 1887/8, pages 214 to 215 (sections 8111 to 8115 of Remington's Compiled Statutes; sections 7116 to 7120 of Pierce's Code) is hereby repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 29.

[S. B. 6.]

EMINENT DOMAIN BY PRIVATE CORPORATIONS.

AN ACT relating to the appropriation of property by corporations
and repealing certain acts relating thereto.

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

SECTION 1. That chapter CLXXXVIII (188), sections 2473 to 2477 of the Code of Washington Territory of 1881; an act entitled "An Act to amend section 2474 of chapter 188 of the Code of Washington relating to condemning and appropriating land by private corporations", approved November 28, 1883, Laws of 1883, pages 35 to 36, and chapter XXX (30) of the Laws of 1887/8, pages 58 to 62, are hereby repealed. Statutes repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 30.

[S. B. 7.]

IDIOTS AND INSANE.

AN ACT relating to idiots and insane and repealing certain acts
relating thereto.

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

SECTION 1. That sections 1, 2, 3 and 4 of an act entitled "An Act to amend chapter CX, of the Code, relating to idiots and insane, and section 2267 of chapter CLXVI, entitled, hospital for the insane" approved November 24, 1883, pages 37-38, and chapter LXIII (63) of the Laws of 1887/8, pages Statutes repealed.

113-114, are hereby repealed: *Provided*, That the repeal of said acts shall not be construed as reviving any act repealed by either thereof.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

No revival
of former
acts.

CHAPTER 31.

[S. B. 8.]

HABITUAL DRUNKARDS.

AN ACT relating to furnishing and posting lists of habitual drunkards and repealing certain acts relating thereto.

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

SECTION 1. That section 1676 of the Code of Washington Territory of 1881; the fifth paragraph of section 1 of an act entitled "An Act to amend chapter CXIII of the Code of Washington entitled 'To declare certain persons habitual drunkards and to protect them and others in person and property'", approved November 28, 1883, Laws of 1883, page 33, and an act entitled "An Act to amend chapter 113 of the Code of Washington Territory as amended by an act entitled 'An Act to declare certain persons habitual drunkards and to protect them and others in person and property' approved November 28, 1883", approved January 15, 1886, Laws of 1885/6, page 160, (section 1714 of Remington's Compiled Statutes; section 9876 of Pierce's Code) are hereby repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

Statutes
repealed.

CHAPTER 32.

[S. B. 9.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways and repealing Chapter LVIII of the Laws of 1887/8.

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

SECTION 1. That chapter LVIII (58) of the Laws of 1887/8, page 106, is hereby repealed. Statute repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 33.

[S. B. 11.]

CONVEYANCES AND ENCUMBRANCES OF REAL ESTATE.

AN ACT relating to conveyances and encumbrances of real estate, authorizing certain officers to take acknowledgments, prescribing forms, and repealing certain acts relating thereto.

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

SECTION 1. That every conveyance of real estate, or any interest therein, and every contract creating or evidencing any encumbrance upon real estate, shall be by deed: *Provided*, That when 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 assignment by the holder thereof by a simple writing or by endorsement on

Conveyance of real estate, interest therein or encumbrance, by deed.

Certificates based on trust deed.

the back of such certificate or evidence of interest or delivery thereof to the vendee, such transfer shall be valid, and 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.

SEC. 2. Every deed shall be in writing, signed by the party bound thereby, and acknowledged by the party before some person authorized by this act to take acknowledgments of deeds.

Deed must be in writing, signed and acknowledged.

SEC. 3. Acknowledgments of deeds, mortgages and other instruments in writing, required to be acknowledged may be taken in this state before a judge of the supreme court, or the clerk thereof, or the deputy of such clerk, before a judge of the superior court, or the clerk thereof, or the deputy of such clerk, or a county auditor, or the deputy of such auditor, or a qualified notary public, or a qualified United States commissioner appointed by any district court of the United States for this state.

Acknowledgments, before whom taken.

SEC. 4. Acknowledgments of deeds conveying or encumbering real estate situated in this state, or any interest therein, and other instruments in writing, required to be acknowledged, may be taken in any other state or territory of the United States, the District of Columbia, or in any possession of the United States, before any person authorized to take the acknowledgments of deeds by the laws of the state, territory, district or possession wherein the acknowledgment is taken, or before any commissioner appointed by the governor of this state, for that purpose, but unless such acknowledgment is taken before a commissioner so appointed by the governor, or before the clerk of a court of record of such state, territory, district or possession, or before a notary public or other officer having a seal of office, the instrument shall have attached thereto a certificate of the clerk of a court of record of the

Acknowledgments outside of state, before whom taken.

county, parish, or other political subdivision of such state, territory, district or possession wherein the acknowledgment was taken, under the seal of said court, certifying that the person who took the acknowledgment, and whose name is subscribed to the certificate thereof, was at the date thereof such officer as he represented himself to be, authorized by law to take acknowledgments of deeds, and that the clerk verily believes the signature of the person subscribed to the certificate of acknowledgment to be genuine.

SEC. 5. Acknowledgments of deeds conveying or encumbering real estate situated in this state, or any interest therein, and other instruments in writing, required to be acknowledged, may be taken in any foreign country before any minister plenipotentiary, secretary of legation, charge d'affaires, consul general, consul, vice consul, consular agent, or commercial agent appointed by the United States government, or before any notary public, or before the judge, clerk, or other proper officer of any court of said country, or before the mayor or other chief magistrate of any city, town or other municipal corporation therein.

Acknowledgments taken in foreign countries, before whom.

SEC. 6. The officer, or person, taking an acknowledgment as in this act provided, shall certify the same by a certificate written upon or annexed to the instrument acknowledged and signed by him and sealed with his official seal, if any he has, and reciting in substance that the person, or persons, known to him as the person, or persons, whose name, or names, are signed to the instrument as executing the same, acknowledged before him that he or they, executed the same freely and voluntarily, on the date stated in the certificate. Such certificate shall be *prima facie* evidence of the facts therein recited.

Certificate of acknowledgment, contents.

Certificate prima facie evidence.

SEC. 7. All instruments in writing purporting to convey or encumber real estate situated in this

Deeds heretofore acknowledged under act validated.

state, or any interest therein, or other instrument in writing required to be acknowledged, heretofore executed and acknowledged according to the provisions of this act are hereby declared legal and valid.

Deeds recorded in auditor's office impart notice.

SEC. 8. Every instrument in writing purporting to convey or encumber real estate situated in this state, or any interest therein, which has been recorded in the auditor's office of the county in which such real estate is situated, although such instrument may not have been executed and acknowledged in accordance with the law in force at the time of its execution, shall impart the same notice to third persons, from the date of recording, as if the instrument had been executed, acknowledged, and recorded, in accordance with the laws regulating the execution, acknowledgment and recording of such instrument then in force.

Validated although improperly acknowledged.

Warranty deeds.

SEC. 9. Warranty deeds for the conveyance of land may be substantially in the following form, without express covenants:

Form.

The grantor (here insert the name or names and place or residence) for and in consideration of (here insert consideration) in hand paid, conveys and warrants to (here insert the grantee's name or names) the following described real estate (here insert description), situated in the county of....., State of Washington. Dated this.....day of, 19.....

Covenants implied.

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a conveyance in fee simple to the grantee, his heirs and assigns, with covenants on the part of the grantor: 1. That at the time of the making and delivery of such deed he was lawfully seized of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same; 2. That the same were

then free from all encumbrances; and 3. That he warrants to the grantee, his heirs and assigns, the quiet and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same, and such covenants shall be obligatory upon any grantor, his heirs and personal representatives, as fully and with like effect as if written at full length in such deed.

SEC. 10. Bargain and sale deeds for the conveyance of land may be substantially in the following form, without express covenants: The grantor (here insert name or names and place of residence), for and in consideration of (here insert consideration) in hand paid, bargains, sells and conveys to (here insert the grantee's name or names) the following described real estate (here insert description) situated in the county of....., State of Washington.

Deeds of bargain and sale, form of.

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

Every deed in substance in the above form when otherwise duly executed, shall convey to the grantee, his heirs or assigns an estate of inheritance in fee simple, and shall be adjudged an express covenant to the grantee, his heirs or assigns, to-wit: That the grantor was seized of an indefeasible estate in fee simple, free from encumbrances, done or suffered from the grantor, except the rents and services that may be reserved, and also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed; and the grantee, his heirs, executors, administrators and assigns may recover in any action for breaches as if such covenants were expressly inserted.

Covenants implied.

SEC. 11. Quit claim deeds may be in substance in the following form: The grantor (here insert the name or names and place of residence), for and in consideration of (here insert consideration) con-

Quit claim deed.

Form.

veys and quit claims to (here insert grantee's name or names) all interest in the following described real estate (here insert description), situated in the county of....., State of Washington.

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

Effect.

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a good and sufficient conveyance, release and quit claim to the grantee, his heirs and assigns in fee of all the then existing legal and equitable rights of the grantor in the premises therein described, but shall not extend to the after required title unless words are added expressing such intention.

Mortgages.

SEC. 12. Mortgages of land may be made in substantially the following form: The mortgagor (here insert name or names) mortgages to (here insert name or names) to secure the payment of (here insert the nature and amount of indebtedness, showing when due, rate of interest, and whether evidenced by note, bond or other instrument or not) the following described real estate (here insert description) situated in the county of....., State of Washington.

Form.

Dated this day of, 19.....

Effect.

Every such mortgage, when otherwise properly executed, shall be deemed and held a good and sufficient conveyance and mortgage to secure the payment of the money therein specified. The parties may insert in such mortgage any lawful agreement or condition.

Certificate of acknowledgment.

SEC. 13. A certificate of acknowledgment, substantially in the following form shall be sufficient: State of }
County of } ss

Form of.

On this day personally appeared before me (here insert the name of grantor or grantors) to me known to be the individual, or individuals described in and who executed the within and foregoing instrument,

and acknowledged that he (she or they) signed the same as his (her or their) free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this day of, 19..... (Signature of officer and official seal)

If acknowledgment is taken before a notary public of this state the signature shall be followed by substantially the following: Notary Public in and for the State of Washington, residing at, (giving place of residence).

SEC. 14. Certificates of acknowledgment of an instrument acknowledged by a corporation shall be in substantially the following form:

Corporate acknowledgment.

State of }
 County of } ss

On this day of, 19....., before me personally appeared, to me known to be the (president, vice president, secretary, treasurer, or other authorized officer or agent, as the case may be) of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Form.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written. (Signature and title of officer with place of residence of notary public.)

SEC. 15. That chapter CLXXI (171), sections 2311 to 2323, both inclusive, of the Code of Washington Territory; an act entitled "An Act concerning conveyances of real estate and providing a form for deeds, mortgages and certificates of acknowledgments, and declaring the effect thereof" approved

Statutes repealed.

January 21, 1886, Laws of 1885-6, pages 177 to 180; chapter I (1) of the Laws of 1887/8, pages 1 and 2; chapter XXV (25) of the Laws of 1887/8, pages 50 and 51; chapter XXVI (26) of the Laws of 1887/8, pages 51 and 52; chapter V (5) of the Laws of 1897, pages 5 and 6; chapter LIII (53) of the Laws of 1901, page 65; chapter 14 of the Laws of 1913, page 29; and chapter 172 of the Laws of 1915, pages 546 and 547, (sections 10550 to 10555, 10558 to 10567 and 10599 of Remington's Compiled Statutes; sections 1909 to 1911, 1914 to 1928 and 4511 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done, or any rights acquired under said acts or either of them.

Repeal not
to affect
prior acts
done.

Passed the Senate January 28, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 34.

[S. B. 13.]

ATTORNEY'S FEES.

AN ACT relating to attorney's fees and repealing certain acts relating thereto.

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

SECTION 1. That an act entitled "An Act to regulate the fees of attorneys in judgments on promissory notes and similar instruments in writing" approved January 29, 1886, Laws of 1885/6, pages 176-177; chapter VIII (8) of the Laws of 1887/8, page 9; and chapter XLIV (44) of the Laws of 1891, page 83, are hereby repealed.

Statutes
repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 35.

[S. B. 14.]

NATURALIZATION OF ALIENS.

AN ACT relating to naturalization of aliens and repealing a certain act relating thereto.

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

SECTION 1. That an act entitled "An Act more specifically defining the jurisdiction and duties of district courts of the Territory of Washington in regard to the naturalization of aliens," Laws of 1885/6, page 113, (section 16 of Remington's Compiled Statutes) is hereby repealed.

Statutes
repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 36.

[S. B. 15.]

BOUNTIES ON WILD ANIMALS.

AN ACT relating to bounties on wild animals and repealing certain acts relating thereto.

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

SECTION 1. That chapter CC (200), sections 2557 to 2562, both inclusive, of the Code of Washington Territory of 1881; an act entitled "An Act to amend sections 2557 and 2558 of the Code of Washington Territory, relating to bounty for killing wild animals," Laws of 1885/6, page 112; chapter 8 of the Laws of 1905, pages 23 to 25; and chapter 63 of the Laws of 1905, pages 121 to 123, (sections 3702 to

Statutes
repealed.

3707 of Remington's Compiled Statutes; sections 7283 to 7288 of Pierce's Code) are hereby repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 37.

[S. B. 16.]

SCHOOL FUNDS.

AN ACT relating to the distribution of certain school funds and repealing a certain act relating thereto.

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

SECTION 1. That an act entitled "An Act to provide for the distribution of the fund arising from the gross earnings law" approved February 3, 1886, Laws of 1885/6, pages 95-96, is hereby repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 38.

[S. B. 17.]

PROCEEDINGS SUPPLEMENTAL TO EXECUTION.

AN ACT relating to proceedings supplemental to execution and repealing certain acts relating thereto.

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

SECTION 1. That chapter XXXV (35), sections 381-387 of the Code of Washington Territory of 1881; an act entitled "An Act to amend section 384 of the Code of Washington Territory, and to secure

Statutes
repealed.

Statutes
repealed.

to the people of the territory the right of trial by jury'' approved January 15, 1886, Laws of 1885/6, page 73, and chapter XXII (22) of the Laws of 1891, pages 39 and 40, are hereby repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 39.

[S. B. 18.]

CRIMINAL PROCESS.

AN ACT relating to criminal process of the superior court, and amending Section 1027 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 1027 of the Code of Washington Territory of 1881, (section 2080 of Remington's Compiled Statutes; section 9175 of Pierce's Code) be amended to read as follows:

Amends § 2080 Rem. Comp. Stat.; § 9175 Pierce's Code.

Section 1027. All criminal process issuing out of * * * * the superior court shall be directed to the sheriff of the county in which * * * * the court is held, and be by him executed according to law * * * * .

Criminal process directed to sheriff.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 40.

[S. B. 19.]

LIVE STOCK KILLED BY RAILROADS.

AN ACT relating to liability of railroad companies for the value of animals injured by trains and repealing a certain act relating thereto.

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

SECTION 1. That an act entitled "An Act to secure to the owners of live stock payment of the full value of all animals killed or maimed by railroad trains" approved November 28, 1883, Laws of 1883, pages 51 and 52, is hereby repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 41.

[S. B. 20.]

COMMENCEMENT OF CIVIL ACTIONS.

AN ACT relating to the commencement of civil actions and repealing certain acts relating thereto.

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

SECTION 1. That chapter IV (4), sections 59 to 72 of the Code of Washington Territory of 1881; section 1 of an act entitled "An Act to correct errors and supply omissions in the Code of Washington" approved November 28, 1883, Laws of 1883, page 44; an act entitled "An Act to amend chapter IV of the Code of Washington Territory, relating to the manner of commencement of civil actions" approved February 4, 1886, Laws of 1885/6, pages 67 to 70; an act entitled "An Act to amend section 59

of chapter 4 of the Code of Washington Territory as amended and approved Nov. 28, 1883" approved January 9, 1886, Laws of 1885/6, page 74; chapter XV (15) of the Laws of 1887/8, pages 24 to 28, and chapter LVIII (58) of the Laws of 1891, pages 99 to 102, are hereby repealed.

Passed the Senate January 25, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 42.

[S. B. 22.]

ELK.

AN ACT relating to elk and repealing Chapter CLXIV of the Code of Washington Territory of 1881.

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

SECTION 1. That chapter CLXIV (164) of the Code of Washington Territory of 1881, sections 2240 and 2241, is hereby repealed. Statute repealed.

Passed the Senate January 25, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 43.

[S. B. 23.]

CIVIL ACTIONS.

AN ACT relating to issues in civil actions and repealing Chapter XIV of the Code of Washington Territory of 1881.

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

SECTION 1. That chapter XIV (14) of the Code of Washington Territory of 1881, is hereby repealed.

Statute
repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 44.

[S. B. 24.]

DISBARMENT OF ATTORNEYS.

AN ACT relating to disbarment of attorneys and repealing Chapter 72 of the Laws of 1909.

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

SECTION 1. That chapter 72 of the Laws of 1909, pages 130-131 is hereby repealed.

Statute
repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 45.

[S. B. 26.]

COUNTY ROADS.

AN ACT relating to county roads and repealing certain acts relating thereto.

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

SECTION 1. That an act entitled "An Act to legalize county roads" approved November 16, 1881, Laws of 1881, pages 11 to 13, and chapter CCXXXVI (236), sections 3041 to 3048 of the Code of Washington Territory of 1881, (sections 6492 and 6496-6502 of Remington's Compiled Statutes; sections 6029-6036 of Pierce's Code) are hereby repealed. Acts repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 46.

[S. B. 27.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways and repealing a certain act relating thereto.

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

SECTION 1. That an act entitled "An Act relating to public highways" approved January 20, 1886, Laws of 1885/6, page 103, (sections 6485 and 6486 of Remington's Compiled Statutes; sections 6020 and 6021 of Pierce's Code) is hereby repealed. Acts repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 47.

[S. B. 32.]

SUPERIOR COURT JUDGES.

AN ACT relating to judges of the superior court and repealing certain acts relating thereto.

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

SECTION 1. That chapter III (3) of the Laws of 1901, pages 4 to 5; chapter XIII (13) of the Laws of 1901, pages 12 to 13; chapter 40 of the Laws of 1903, pages 46 to 47, and chapter 22 of the Laws of 1905, page 43, are hereby repealed.

Statutes
repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 48.

[S. B. 33.]

MUNICIPAL INDEBTEDNESS.

AN ACT relating to the validation of municipal indebtedness and repealing Chapter 221 of the Laws of 1907.

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

SECTION 1. That chapter 221 of the Laws of 1907, pages 512 to 514, is hereby repealed: *Provided*, That this repeal shall not affect the validity of any act done or proceeding had under said act.

Statutes
repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 49.

[S. B. 34.]

CONGRESSIONAL DISTRICTS.

AN ACT relating to congressional districts and repealing Chapter 181 of the Laws of 1907.

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

SECTION 1. That chapter 181 of the Laws of 1907, page 403, is hereby repealed. Statute repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 50.

[S. B. 35.]

PUBLIC ROADS.

AN ACT relating to the location of public roads and repealing Chapter CIX of the Laws of 1887/8.

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

SECTION 1. That chapter CIX (109) of the Laws of 1887/8, page 196, is hereby repealed. Statute repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 51.

[S. B. 36.]

LUMBERING AND LOGGING.

AN ACT relating to roads and chutes for lumbering and logging and repealing Chapter LXXVII of the Laws of 1887/8.

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

SECTION 1. That chapter LXXVII (77) of the Laws of 1887/8, pages 132 to 141, is hereby repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

Statute
repealed.

CHAPTER 52.

[S. B. 38.]

STREET GRADES.

AN ACT relating to damages for change of street grades and repealing certain acts relating thereto.

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

SECTION 1. That an act entitled "An Act to provide for the payment of damages, growing out of the changes of grades in the streets or sidewalks of cities and incorporated villages," approved November 28, 1883, Laws of 1883, pages 63 to 64, is hereby repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

Statute
repealed.

CHAPTER 53.

[S. B. 40.]

GARNISHMENT IN JUSTICE COURTS.

AN ACT relating to garnishment in justice courts, and repealing certain acts relating thereto.

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

SECTION 1. That chapter LVI (56) of the Laws of 1887/8, pages 101 to 105, and chapter 64 of the Laws of 1903, page 82, (sections 1807-1822 of Remington's Compiled Statutes) are hereby repealed. Statutes repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 54.

[S. B. 41.]

PAYMENT OF OBLIGATIONS.

AN ACT relating to the payment of obligations, and repealing Chapter LV of the Laws of 1897.

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

SECTION 1. That chapter LV (55) of the Laws of 1897, pages 91 to 92, is hereby repealed. Statute repealed.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 55.

[S. B. 43.]

DUPLICATE WARRANTS.

AN ACT relating to duplicate warrants and repealing Chapter CXXIX of the Laws of 1887/8.

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

SECTION 1. That chapter CXXIX (129) of the Laws of 1887/8, pages 236 to 237, is hereby repealed: *Provided*, That such repeal shall not affect any right acquired or the validity of any act done under said act repealed.

Statutes repealed.

Repeal not to affect validity of prior acts done.

Passed the Senate January 25, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 56.

[S. B. 54.]

AERONAUTICAL BUILDING.

AN ACT making an appropriation for the equipment and furnishing of an aeronautical building for the University of Washington, 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 the University of Washington fund the sum of fifty thousand dollars, or so much thereof as may be necessary, for the equipment and furnishing of an aeronautical building for the University of Washington.

Appropriation \$50,000.00 for construction of aeronautical building.

Act effective immediately.

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

Passed the Senate January 24, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 57.

[H. B. 65.]

HIGHWAYS IN ISLAND COUNTIES.

AN ACT making appropriations for the construction and maintenance of highways in counties composed entirely of islands, and declaring that this act shall take effect immediately.

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

SECTION 1. For the construction and maintenance of highways in counties composed entirely of islands there is hereby appropriated from any moneys in the state treasury to the credit of Island and San Juan counties, respectively, in the permanent highway fund, the following sums:

Appropriation for construction and maintenance of highways in San Juan and Island counties.

For Island County.....	\$24,483.57
For San Juan County.....	\$9,628.67

Which sums shall be immediately transmitted to the county treasurers of the respective counties.

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

Effective immediately.

Passed the House January 28, 1929.

Passed the Senate February 6, 1929.

Approved by the Governor February 21, 1929.

CHAPTER 58.

[S. B. 12.]

APPEALS FROM JUSTICE COURTS.

AN ACT relating to appeals from justices of the peace in civil actions and proceedings, and repealing certain acts relating thereto.

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

Appeals to superior court permitted.

No appeal unless amount involved exceeds \$20.

Serving and filing notice of appeal.

Bond required.

Amount of bond.

Stay of proceedings.

SECTION 1. Any person considering himself aggrieved by the judgment or decision of a justice of the peace in a civil action may, in person or by his agent or attorney, appeal therefrom to the superior court of the county where the judgment was rendered or decision made: *Provided*, There shall be no appeal allowed unless the amount in controversy, exclusive of costs, shall exceed the sum of twenty dollars.

SEC. 2. Such appeal shall be taken by serving a copy of notice of appeal on the adverse party or his attorney, and filing such notice of appeal with the justice, and, unless such appeal be by a county, city, town or school district, filing a bond or undertaking, as herein provided, within twenty days after the judgment is rendered or decision made. No appeal, except when such appeal is by a county, city, town or school district, shall be allowed in any case unless a bond or undertaking shall be executed on the part of the appellant and filed with and approved by the justice, with one or more sureties, in the sum of one hundred dollars, conditioned that the appellant will pay all costs that may be awarded against him on appeal; or if a stay of proceedings before the justice be claimed, except by a county, city, town or school district, a bond or undertaking, with two or more personal sureties, or a surety company as surety, to be approved by the justice, in a sum equal

to twice the amount of the judgment and costs, conditioned that the appellant will pay such judgment, including costs, as may be rendered against him on appeal, be so executed and filed.

SEC. 3. Upon an appeal being taken and a bond filed to stay all proceedings, the justice shall allow the same and make an entry of such allowance in his docket, and all further proceedings on the judgment before the justice shall thereupon be suspended; and if in the meantime execution shall have been issued, the justice shall give the appellant a certificate that such appeal has been allowed.

Proceedings
before
justice
suspended.

SEC. 4. On such certificate being presented to the officer holding the execution, he shall forthwith release the property of the judgment debtor that may have been taken on execution.

Release of
property
held on
execution.

SEC. 5. Within ten days after the appeal has been taken in a civil action or proceeding, the appellant shall file with the clerk of the superior court a transcript of all entries made in the justice's docket relating to the case, together with all the process and other papers relating to the case filed with the justice which shall be made and certified by such justice to be correct upon the payment of the fees allowed by law therefor, and upon the filing of such transcript, the superior court shall become possessed of the cause, and shall proceed in the same manner, as near as may be, as in actions originally commenced in that court, except as in this act otherwise provided. The issue before the justice shall be tried in the superior court without other or new pleadings, unless otherwise directed by the court.

Filing of
transcript on
appeal.

Superior
court
proceedings.

SEC. 6. If upon an appeal being taken, the justice shall fail, neglect or refuse, upon the tender or payment of the fees allowed by law, to make and certify the transcript, the appellant may make application, supported by affidavit, to the superior

Superior
court may
compel pre-
paration and
certification
of transcript.

court and the court shall issue an order directing the justice to make and certify such transcript upon the payment of such fees, and whenever it shall appear to the satisfaction of the superior court that the return of the justice to such order is substantially erroneous or defective it may order him to amend the same. If the justice shall fail, neglect or refuse to comply with any order issued under the provisions of this section he may be cited and punished as for contempt of court.

Appeal not to be dismissed because of defective bond.

SEC. 7. No appeal allowed by a justice of the peace shall be dismissed on account of any defect in the bond on appeal, if the appellant, before the motion is determined, shall execute and file in the superior court such bond as he should have executed at the time of taking the appeal, and pay all costs that may have accrued by reason of such defect.

Judgment in Superior Court.

SEC. 8. In all cases of appeal to the superior court, if on the trial anew in such court, the judgment be against the appellant, in whole or in part, such judgment shall be rendered against him and his sureties on the bond on appeal.

Statutes repealed.

SEC. 9. That chapter CXXVI (126), sections 1858 to 1867 of the Code of Washington Territory of 1881; chapter II (2) of the Laws of 1887/8, pages 2 and 3; sections 1, 2, 3, 4 and 5 of chapter XXIX (29) of the Laws of 1891, pages 66 and 67, and chapter 20 of the Laws of 1905, page 41, (sections 1910-1918 of Remington's Compiled Statutes; sections 9401-9409 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not affect the validity of any act done, or proceedings pending under said acts repealed, or either of them, but this act shall be construed as a continuation of said acts repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 21, 1929.

CHAPTER 59.

[H. B. 37.]

STATE PENITENTIARY.

AN ACT relating to the state penitentiary and repealing certain acts relating thereto.

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

SECTION 1. That chapter CCLI (251), sections 3295 to 3297 of the Code of Washington Territory of 1881; chapter XXIX (29) of the Laws of 1887/8, pages 55 to 57; XCI (91) of the Laws of 1887/8, pages 168 to 171; and act entitled "An Act to amend section three (3) of an act entitled 'An Act to govern the officers of the territorial penitentiary and to provide for their compensation, approved February 2, 1888,' and declaring an emergency", approved March 26, 1890, Laws of 1889/90, pages 501 to 502; section 20 of chapter CXLVII (147) of the Laws of 1891, pages 361 to 362; and chapter LXXIV (74) of the Laws of 1897, pages 201 to 203, (sections 10223, 10224, 10237, 10241 and 10242 of Remington's Compiled Statutes; sections 4378, 4379, 4388, 4411 and 4412 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not affect the validity of any act done under said acts repealed, or either of them.

Statutes
repealed.

SEC. 2. Nothing contained in chapter 38 of the Laws of 1905 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the director of business control may prescribe.

Chap. 38
Laws of 1905
not to ex-
clude min-
isters.

Passed the House January 30, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.

CHAPTER 60.

[H. B. 29.]

JUDGMENTS IN CIVIL ACTIONS.

AN ACT relating to judgments, their duration, lien, assignment and satisfaction and repealing certain acts relating thereto.

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

Real estate held to satisfy judgment.

SECTION 1. The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed six years from the day on which such judgment was rendered: *Provided, however,* That any such judgment rendered upon a contract made prior to the ninth day of June, 1897, any judgment upon, or reviving or continuing such judgment, and any revival thereof, shall cease to be a lien upon the real estate of the judgment debtor at the end of five years from the rendition thereof, and in case of an appeal from any such judgment of the superior court, the date of the final judgment in the supreme court shall be the time from which said five years shall commence to run. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Judgment on contract made prior to June 9, 1897.

Commencement of judgment lien.

Judgments of United States courts.

SEC. 2. The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(a) Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and

judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof;

Superior
Court
judgments.

(b) Judgments of the district court of the United States rendered in any county in this state other than that in which the real estate of the judgment debtor to be affected is situated, judgments of the supreme court of this state, and judgments of the superior court for any county other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such judgment with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this act;

United
States
District
Court
judgments
in counties
in which
real estate
is not
located.

(c) Judgments of a justice of peace rendered in the county in which the real estate of the judgment debtor is situated, from the time of the filing of a duly certified transcript of the docket of the justice of the peace with the county clerk of the county in which such judgment was rendered, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county; and

Judgments
of justice
court.

(d) Judgments of a justice of the peace rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said justice of the peace was originally filed.

In counties
other than
that in
which real
estate
located.

Abstract of
judgment.

SEC. 3. The abstract of a judgment provided for in this act shall contain (1) the name of the party, or parties, in whose favor the judgment was rendered; (2) the name of the party, or parties, against whom the judgment was rendered; (3) the date of the rendition of the judgment; (4) the amount for which the judgment was rendered, and in the following manner, viz: Principal \$.....; interest \$.....; costs \$; total \$.....

Transcript
of docket of
justice
court.

A transcript of the docket of a justice of the peace provided for by this act shall contain an exact copy of the judgment from the justice's docket.

County clerk
to enter
justice
transcript.

SEC. 4. It shall be the duty of the county clerk to enter in his execution docket any duly certified transcript of a judgment of a justice of the peace and any duly certified abstract of any judgment of any court mentioned in this act, filed in his office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he is clerk.

County clerk
to keep
record index.

SEC. 5. It shall be the duty of the county clerk to keep a proper record index, both direct and inverse, of any and all judgments, abstracts and transcripts of judgments in his office, and all renewals thereof, and such index shall refer to each party against whom the judgment is rendered or whose property is affected thereby, and shall, together with the records of judgments be open to public inspection during regular office hours. When any judgment has been assigned, the assignment may be filed in the office of the county clerk in the county where the judgment is recorded and a certified copy thereof may be filed in any county where an abstract of such judgment has been filed and from the time of such filing shall be notice of such assignment.

When
judgment
paid satisfac-
tion to be
entered.

SEC. 6. When any judgment for the payment of money only shall have been paid or satisfied, the

clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. A certificate by such clerk of the entry of such satisfaction by him may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

SEC. 7. After the expiration of six years from the date of the entry of any judgment heretofore or hereafter rendered in this state, it shall cease to be a lien or charge against the estate or person of the judgment debtor, and no suit, action or other proceeding shall ever be had on any judgment rendered in this state by which the lien or duration of such judgment, claim or demand, shall be extended or continued in force for any greater or longer period than six years from the date of the entry of the original judgment, except as in the next section of this act provided.

Ceases to be
lien after
six years.

SEC. 8. If any judgment heretofore or hereafter rendered in this state upon a contract made prior to the ninth day of June, 1897, or any judgment upon, or reviving or continuing such judgment, or any revival thereof, shall remain unsatisfied, in whole or in part, at the end of five years from the date of its rendition, the judgment creditor may sue thereon, or the lien thereof may be revived and continued, as in this section provided:

Revival of
judgment on
contracts
made prior
to June 9,
1897.

Judgment
creditor to
file motion.

(1) The judgment creditor, his assignee, or the party to whom the judgment is due and payable, shall file a motion with the clerk of the court where the judgment is entered, to revive and continue the lien of the same, with leave to issue an execution. The motion shall state the names of the parties to the judgment, the date of its entry, the amount claimed to be due thereon, or the particular property, of which the possession was thereby adjudged to such party, remaining undelivered. The motion shall be subscribed in the same manner as an original complaint.

Notice
served on
judgment
debtor.

(2) At any time after filing such motion, the party filing it may cause notice to be served on the judgment debtor in like manner and with like effect as a summons; said notice shall be attached to a copy of said motion by the clerk of the court, and be served by the sheriff or other officer as an original summons and shall cite the judgment debtor to appear and show cause why said motion should not be allowed. The time in which the judgment debtor shall be required to appear, shall be the same as is prescribed for answer to a complaint and the law applicable to service of a summons, shall apply to the service of such notice. In case the judgment debtor be dead, the notice may be served upon his legal representative.

Answer or
demurrer to
motion.

(3) The judgment debtor, or in case of his death, his legal representative, may file an answer or demurrer to such motion, within the time allowed by law to answer a complaint, alleging any defense to such motion which may exist. If no answer be filed within the time prescribed, the motion shall be allowed as of course. The moving party may demur or reply to the answer. The pleadings shall be subscribed and verified, and the proceedings concluded as in original actions.

(4) The word "representatives" in this section shall be deemed to include any and all persons in whose possession property of the judgment debtor which is liable to be taken and sold or delivered in satisfaction of the execution, may be, and not otherwise.

"Representatives" of judgment debtor.

(5) The order allowing the motion shall specify the amount due upon such unsatisfied judgment for which execution is to issue, or the particular property the possession of which is to be delivered, and shall be entered in the journal and docket as a judgment, and a final record shall be made of the proceedings in the same manner as a judgment.

Order allowing motion.

Such motion shall not be granted unless it is established by the oath of the party, or other satisfactory proof, that the judgment or some part thereof remains unsatisfied. The order of the court allowing the motion and granting leave to issue an execution shall operate as a revival of the judgment for the amount found to be due at the time of such revival and the same shall be and continue a lien upon the real estate of the judgment debtor situated in the county wherein the order is entered, for a period of five years from and after the date of such order, in like manner with the original judgment, and upon the real estate of the judgment debtor situated in any other county upon the filing of a duly certified transcript of such order with the county clerk of the county in which the real estate to be affected is situated. Revival judgments shall bear the same rate of interest and be in all respects similar to original judgments as to lien and enforcement of collection: *Provided, however,* That no judgment upon a contract made prior to the ninth day of June, 1897, and subsequent to the ninth day of June, 1891, nor any judgment upon, or reviving or continuing such judgment, nor any revival thereof, shall be sued upon, or shall be revived or continued unless such

Motion to be granted.

Operates to revive judgment.

Proceedings for revival to be commenced within six years.

In appeal cases time runs from date of final judgment.

suit or proceedings for such revival or continuance shall be commenced within six years after the date of its rendition, and *Provided, further*, That in all cases of an appeal from any judgment mentioned in this section, the date of final judgment in the supreme court of this state shall be the time from which said period of five years, or six years, as the case may be, shall commence to run.

Statutes repealed.

SEC. 9. That chapter XXVIII (28), sections 320, 321, 322, and chapter XXIX (29), sections 323 and 324, and section 753 of the Code of Washington Territory of 1881; an act entitled "An Act relating to the filing and recording of transcripts of judgments rendered in this state by the district or circuit courts of the United States", approved February 19, 1890, Laws of 1889/90, pages 97 to 98; section 5 of chapter XXXVIII (38) of the Laws of 1891, pages 77 to 78; chapter LXXXIV (84) of the Laws of 1891, pages 165 to 166; chapter XLII (42) of the Laws of 1893, pages 65 to 67, and chapter XXXIX (39) of the Laws of 1897, pages 52 to 53, chapter XI of the Laws of 1897, page 10, (sections 445, 446, 447, 450, 451, 452, 453, 454, 455, 456, 458, 459, 460, 461, 462 and 463 of Remington's Compiled Statutes; sections 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8125, 8126, 8163, 8164 and 8165 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting any rights acquired or the validity of any act done or proceeding had or pending under the provisions of any of said acts repealed.

Validity of prior acts and proceedings saved.

Passed the House January 29, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.

CHAPTER 61.

[H. B. 25.]

REVENUE AND TAXATION IN CITIES.

AN ACT relating to revenues, taxation, expenditures and indebtedness of cities and towns, prescribing penalties for violations thereof, and repealing certain acts relating thereto.

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

SECTION 1. It shall be the duty of the council of every city of the fourth class, or town, on or before the second Monday in September of each year, to make estimates of the amount required to meet the public expense for the ensuing year, and to be raised by taxation in such city or town. Such estimates shall be fully itemized, showing under separate heads the amount required for each department, public office, public official, public improvement, maintenance of each public building, structure or institution, the salary of each public officer or employe, the maintenance of public highways, roads, streets, bridges, and the construction, operation and maintenance of each public utility, and shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount proposed to be expended from each separate fund, and the total amount of public expense. Said statement shall also contain an estimate of the receipts for the ensuing year from sources other than direct taxation, and the amount, or amounts, proposed to be raised by taxation upon the real and personal taxable property within such city or town.

Fourth class cities.

Annual estimates of expenses.

Estimate of receipts.

SEC. 2. The estimates required in section one (1) of this act, together with a notice that such city or town council will meet on the first Monday in October for the purpose of making tax levies, as

Notice of meeting to fix tax levy.

stated in said estimates, and naming the time and place of holding such meeting, shall be published for at least two (2) consecutive weeks following the adoption of such estimates, in a newspaper of general circulation in such city or town.

Taxpayers
to be heard.

SEC. 3. It shall be the duty of the city or town council to meet on the first Monday in October, at the time and place designated in said notice, and to hear any taxpayer who may appear in favor of or against any proposed tax levies. When such hearing shall have been concluded, such city or town council shall proceed to make, determine, and decide the amount of taxes to be levied upon the current assessment rolls. All taxes shall be levied or voted in specific sums, and shall not exceed the amounts specified in such published estimates.

Unlawful
for officers
to contract
excessive
indebtedness.

SEC. 4. It shall be unlawful for any city or town council, or any public officer or employe of any city of the fourth class, or town, to contract any indebtedness or incur any liability in behalf of their or his city or town during any current fiscal year more than two per cent in excess of the revenues provided for such year at the public hearing held as required by the preceding section unless authorized by a majority vote of the electors of the city or town, at a general or special election, and any indebtedness contracted or liability incurred in violation hereof shall be void, but nothing herein contained shall be held to modify or change the limitations prescribed by any law limiting the debts of any such city or town to an amount based on a percentage of the assessed valuation thereof.

Penalty for
violation.

SEC. 5. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon a conviction thereof shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars.

SEC. 6. That chapter 138 of the Laws of 1909, pages 531 to 532, and chapter 141 of the Laws of 1917, pages 581 to 582, (sections 11229 to 11233 of Remington's Compiled Statutes; sections 7024 to 7028 of Pierce's Code) are hereby repealed: *Provided*, Such repeal shall not be construed as affecting the validity of any act done or proceeding had or pending under the provisions of any of said acts repealed. Statutes repealed.

Passed the House January 29, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.

CHAPTER 62.

[H. B. 101.]

BRIDGE ACROSS NARROWS IN PIERCE COUNTY.

AN ACT relating to the construction, maintenance and operation of a bridge and approaches thereto across Puget Sound within the County of Pierce, at or near a point commonly known as the Narrows; granting the consent of the State of Washington therefor to Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their survivors and assigns; and granting a right of way therefor through, over and across the submerged and public lands of the State of Washington, and authorizing the filling in thereof.

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

SECTION 1. That Llewellyn Evans, J. F. Hickey and B. A. Lewis (and in case of the death of any thereof, the survivors or survivor thereof) hereinafter called the grantees, and their assigns, be and they are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the County of Pierce, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the Federal Act entitled

Llewellyn
Evans, J. F.
Hickey, B. A.
Lewis
granted
franchise to
construct.

“An Act to regulate the construction of bridges over navigable waters”, approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Plans and specifications to be approved by Secretary of War, Chief Engineer of United States.

SEC. 2. Said bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such maps of the proposed location as may be required for a full understanding of the subject have been submitted to the secretary of war, and chief of engineers of the United States, for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for said bridge have been approved by said chief of engineers and said secretary of war, it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of said chief of engineers and of said secretary of war.

State or any municipality or political subdivision may acquire after completion.

SEC. 3. After the completion of such bridge, as determined by the secretary of war, either the State of Washington, or any municipality or political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such state governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues

Condemnation or expropriation damages not to include good will.

or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

Items of damage.

SEC. 4. A right of way for said bridge and approaches thereto through, over and across the submerged and public lands of the State of Washington, including all tide and shore lands, which have been or may hereafter be established or arise is hereby granted to the grantees and their assigns, together with the right to fill in the same.

Right of way for bridge and approaches over public lands.

SEC. 5. Any and all tolls charged for the transit over said bridge of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers or other passengers shall be reasonable and just, and the secretary of war may, and in case of his failure or refusal to act upon the request of the department of public works of the State of Washington, said department may, at any time and from time to time, prescribe the reasonable rates of tolls for such transit over said bridge and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Toll charges to be reasonable.

SEC. 6. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable

Rate of tolls when taken over by state or municipality.

Sinking fund
for amorti-
zation.

cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Grantees
to file with
secretary
sworn state-
ment of cost.

SEC. 7. The grantees and their assigns, shall within ninety days after the completion of such highway department of the State of Washington, a bridge file with the secretary of war, and with the sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The secretary of war may, and in case of his failure or refusal to act upon the request of the highway department of the State of Washington, said highway department may at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of con-

structing, financing, and promoting such bridge; for the purpose of such investigation the said grantees and their assigns, shall make available all records in connection with the construction, financing and promotion thereof. The findings of the secretary of war, or of said highway department, as the case may be, as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 8. The right to sell, assign, transfer and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Assignment and sale of rights authorized.

SEC. 9. The authority herein granted shall cease and be null and void unless the actual construction of the bridge authorized in this act is commenced within two years and completed within four years from the date of passage of this act.

Franchise to become void unless construction commenced within two years.

SEC. 10. That all acts and parts of acts and/or all resolutions and parts of resolutions of the State of Washington in conflict herewith in any way affecting the use of the stated right-of-way and right to construct and operate a toll bridge as granted and provided herein, are hereby repealed.

Acts and resolutions in conflict are repealed.

Passed the House February 4, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.

CHAPTER 63.

[H. B. 179.]

SWAMP LANDS AND CANALS AND WATERWAYS IN CITIES.

AN ACT relating to cities of the first, second or third class providing for the drainage and filling of low lands, swamp lands, tide lands or tide flats within their borders and in effecting such fill and drainage and to secure material therefor, empowering such cities to construct and control shipping canals and artificial waterways for public use and to acquire, hold, and lease lands abutting upon said canals or waterways for the purpose of erecting public docks, wharves and bridges and to lease said lands to private persons or concerns for manufacturing, shipping and other commercial purposes, and providing for the payment of such improvement by creating special improvement districts assessing the cost of such improvements to the land benefited thereby from the general expense fund or both of such methods and extending to such cities the right of eminent domain for the purpose of carrying into effect the provisions of this act, for the taking or damaging of property and providing a method of making compensation therefor, and amending Sections 9449, 9456, 9460, 9469 and 9470 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 9449 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 9449. Whenever the city council or commission of any city of the first, second or third class in this state shall deem it necessary or expedient on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade or elevation of any marsh lands, swamp lands, tide lands or lands commonly known as tide flats, or any other lands situated within the limits of such city and to clear and prepare said lands for such filling, such city shall have power so to do; and for the

Amends
§ 9449 Rem.
Comp. Stat.

Council or
commission
to determine
necessity for
fill of low
lands,
swamp
lands, etc.

purpose of filling and raising the grade or elevation of such lands, and to secure material therefor and to provide for the proper drainage thereof after such fill has been effected, the city council or commission of such city may, if it deems it advisable so to do, acquire rights of way (and where necessary or desirable, may vacate, use and appropriate streets and alleys for such purposes) and lay out, build, construct and maintain over and across such lowlands, canals or artificial waterways of at least sufficient width, depth and length to provide and afford the quantity of earth, dirt and material required to complete such fill, and with the earth, dirt and material removed in digging and constructing such canals and waterways, fill and raise the grade or elevation of such marsh lands, swamp lands, tide lands or tide flats; and such canals or waterways shall be constructed of such width and depth (provided that all the earth, dirt and other suitable material removed in constructing the same shall be used to fill the lowlands as herein provided) as will make them available, convenient and suitable to provide water frontage for landings, wharves and other conveniences of navigation and commerce for the use and benefit of the city and the public; and when such canals or waterways shall have been constructed as herein provided, such city may construct and maintain the necessary bridges over and across the same; such canals or waterways shall be forever under the control of such city and shall be and become public thoroughfares and waterways for the use and benefit of commerce, shipping, the city and the public generally. The expense of making such improvement and in doing, accomplishing and effecting all the work provided for in this act, including the cost of making compensation for property taken or damaged, and all other cost and expense incidental to such improvement, shall be as-

May acquire rights of way and build canals and waterways.

May construct and maintain bridges.

Expense to be assessed to property benefited.

sessed to the property benefited, except such amount of such expense as the city council or commission, in its discretion, may direct to be paid out of the current or general expense fund. Proceedings for the filling and for changing the grade and elevation of any such lowlands may be had in the manner provided in this act.

SEC. 2. That section 9456 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9456 of
Rem. Comp.
Stat.

Assessments
to be lien
upon real
estate.

Collection of
assessments.

Section 9456. From and after the equalization of the roll, the several assessments in such roll contained, shall become a lien upon the real estate described in such roll, and shall remain such lien until paid, and such lien shall take precedence of all other liens against such property, except the lien of general taxes. The assessments herein provided for shall be collected by the same officers and enforced in the same manner as now provided by law or which may be hereafter enacted for the collection and enforcement of local assessments for street improvements of the class herein described, and all of the provisions of existing laws and ordinances relative to the guaranty, enforcement and collection of local assessments for street improvements including foreclosure in case of delinquency, shall be applicable to the assessments made pursuant to this act.

SEC. 3. That section 9460 of Remington's Compiled Statutes of Washington be amended to read as follows:

Rate of
interest on
assessments.

Section 9460. The local assessments herein provided for shall bear interest at such rate as may be fixed by the council or commission, not exceeding the rate of eight per centum per annum from and after the expiration of thirty days after the equalization of the assessment-roll and shall bear such interest after delinquency as may be provided by

general ordinance of the city. Warrants drawn against any such local improvement district shall bear interest from the date of issuance at the rate of eight per centum per annum.

Warrants
to bear
interest.

SEC. 4. That section 9469 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9469
Rem. Comp.
Stat.

Section 9469. The right of eminent domain is hereby extended to any such city for the condemnation of lands and other property, either within or without the corporate limits of such city, for the purpose of filling and draining such marsh lands, swamp lands, lowlands, tide lands, or tide flats and in so doing constructing said canals or waterways as contemplated in this act; and every such city shall have the right to appropriate real estate or other property for the rights of way of such canals or waterways or whatever property is necessary to be appropriated or damaged for the construction thereof, and the filling and draining of such marsh lands, lowlands, swamp lands, tide lands or tide flats and for other uses provided for in this act; and all the provisions of sections 9215 to 9280, and acts amendatory thereof shall be applicable and used in appropriating and damaging lands as contemplated by this section except in so far as the same may be inconsistent with this act; and the right of eminent domain authorized by this section shall be exercised in the same manner and under the same procedure as is authorized by said sections 9215 to 9280, and acts amendatory thereof.

Right of
eminent
domain.

Real estate
may be
appropriated
for canals.

Procedure
for eminent
domain.

SEC. 5. That section 9470 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9470 Rem.
Comp. Stat.

Section 9470. This act shall not be construed as repealing or in any wise affecting sections 9426 to 9448, or any other existing laws relative to the

Construction
limited.

making of any such improvements as are embraced within this act, but this act shall be considered as concurrent with such existing laws.

Passed the House February 9, 1929.

Passed the Senate February 18, 1929.

Approved by the Governor February 27, 1929.

CHAPTER 64.

[H. B. 18.]

CONSOLIDATION OF MUNICIPAL CORPORATIONS.

AN ACT relating to the consolidation of municipal corporations, and repealing certain acts relating thereto.

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

SECTION 1. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required by this act. When municipal corporations are separated by water and/or tide or shore lands upon which no *bona fide* residence is maintained by any person, they shall be deemed contiguous for all the purposes of this act, and may be consolidated under the terms hereof, and upon such consolidation any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation.

Contiguous municipal corporations may become consolidated.

SEC. 2. The council, or other legislative body, of either of such contiguous corporations, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of such corporation, as shown by the votes cast at the last general municipal election held in such corporation, shall, within ninety days after receiving such petition, submit to the electors of each of such corporations, at a special election to be held for that purpose, the question whether such corporations shall become

Petition presented to council.

consolidated into one corporation, and, in case either but not all of the existing corporations is operating under the commission form of government, shall submit to said electors the question of the form of government under which the new corporation shall be organized and operated, whether the commission form or the councilmanic form: *Provided*, That in all cases wherein cities and towns of the third or fourth classes desire annexation to a city of the first class neither the question of consolidation or form of government shall be submitted to the electors of such city of the first class.

Third and fourth class annexed to first class.

SEC. 3. The legislative body receiving such petition shall designate a day upon which such special election shall be held in each of the corporations proposed to be consolidated to determine whether such consolidation shall be effected, and shall give written notice thereof to the legislative body of each of the corporations proposed to be consolidated, which notice shall designate the name of the proposed new corporation in all cases except the proposed annexation of cities or towns of the third or fourth class to a city of the first class.

Date for special election to be designated.

SEC. 4. Upon the giving and receiving of such notice, it shall be the duty of the legislative body of each of the corporations proposed to be consolidated, except the legislative body of a city of the first class in case of the proposed annexation of cities or towns of the third or fourth class to such city of the first class, to call and give notice of such special election by publication for four weeks prior to such election, in a legal newspaper published in such corporation, or in case no legal newspaper is published therein, then in a legal newspaper published in the county and of general circulation in such corporation. Such notice shall distinctly state the propositions to be submitted, the names of the corporations proposed to be consolidated, the name

Legislative body to give notice of election by publication.

Proposition submitted.

Ballots.

of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing a cross "X" upon their ballots after the words "For consolidation" or "Against consolidation," and, in case the question of the form of government of the proposed new corporation is submitted, to place a cross "X" upon their ballots after the words "For commission form of government" or "For councilmanic form of government."

Canvass of
election
votes.

SEC. 5. In all cases, except the proposed annexation of cities or towns of the third or fourth classes to a city of the first class, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the last United States census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately, and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations were for consolidation, such joint convention, by order entered in its minutes, shall cause the clerk, or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention was held, to make a certified abstract of such vote showing the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon shall be canvassed in like manner as the votes on consolidation, and the result of such canvass shall be included in the abstract, showing the total number of votes cast in all of the corporations

Abstract of
vote.

for the commission form of government and the total number of votes cast in all of the corporations for the councilmanic form of government, and the form of government for which a majority of all the votes cast shall be the form of government of the new corporation. A duly certified copy of such abstract shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state a duly certified copy of the record of such abstract.

Abstract filed with legislative body and secretary of state.

SEC. 6. Immediately after the filing of the abstract, the legislative body of that one of such corporations having the largest population, as shown by the last United States census, shall call a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class and form of government to which such new corporation belongs, which election shall be held within six months thereafter: *Provided*, That if the next regular general election of officers in cities of the class and form of government of such new corporation will be held within one year and not less than two months from the date of such consolidation election, then the officers of such new corporation shall be elected at the said next regular election. Such regular or special election shall be called and conducted in all respects in the manner prescribed, or that may be hereafter prescribed, by law for municipal elections in corporations of the class of such new corporation, and the votes cast shall be canvassed by the legislative body calling the same, who shall immediately declare the result thereof and cause the same to be entered upon its journal, and file certified copies of such result with the legislative body of each of the other corpo-

Officers for consolidated corporation.

Regular or special election called.

rations affected, who in like manner shall cause the same to be entered upon its journal.

Name and style of new corporation.

SEC. 7. From and after the date of such entry such corporations shall be deemed to be consolidated into one corporation under the name and style of "The City, (or town as the case may be) of....." (naming it), with the powers conferred, or that may hereafter be conferred, by law, upon municipal corporations of the class to which the same shall belong, and the officers elected at such election, upon qualifying as provided by law, shall be entitled to enter immediately upon the duties of their respective offices, and shall hold such offices respectively until the next regular general election to be held in such city or town, and until their successors are elected and qualified.

Third and fourth class cities voting for annexation.

SEC. 8. When the electors of any city, or town, of the third or fourth class shall vote upon the question of annexation to a city of the first class, the legislative body of such city or town shall canvass the votes and, if it appear that a majority be in favor of annexation, shall, if said city of the first class is divided into wards and governed by councilmen elected from such wards respectively, forthwith cause a census to be taken by one or more competent persons, of all the inhabitants of such city or town. In such census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in one complete series, and said census shall be verified before an officer authorized to administer oaths. Upon the completion of such census the legislative body of such city or town shall forthwith file a petition, together with a certified abstract of the votes so taken and canvassed and a copy of the census, if one has been taken, with the legislative body of such city of the first class, praying for annexation under the name of such city of the first class.

Census to be taken.

Prayer for annexation.

SEC. 9. At the next regular meeting of the legislative body of such city of the first class following the filing of such petition, or as soon thereafter as practicable, said legislative body shall proceed to hear such petition and abstract, and census if any, and if such legislative body deem it wise and expedient to take and annex such city or town of the third or fourth class, it shall pass an ordinance, in the manner required by law and the charter of such city, declaring such city or town annexed to said city of the first class, which ordinance, in case said city is divided into wards and governed by councilmen elected from such wards respectively and the population of said city or town annexed, as shown by said census, is sufficient to constitute one or more wards of said city of the first class, shall provide that such city or town be annexed as one or more wards according to population, and shall describe the boundaries of and assign a number, or numbers, to such ward or wards. In case the population of such annexed city or town be not sufficient to constitute a ward or wards of the city of the first class, the territory embraced in such annexed city or town shall, by said ordinance, be assigned to and become a part of the ward or wards of such city of the first class contiguous to such annexed city or town. In case said city of the first class be not divided into wards, said ordinance shall simply provide that said city or town be annexed to such city of the first class.

Meeting of legislative body of first class city to consider.

Wards for annexed corporation.

SEC. 10. Upon the taking effect of such ordinance of such city of the first class, such city or town of the third or fourth class shall thereupon become a part of such city of the first class under the name and style of such city and subject to its charter and all of its laws and ordinances then in force. In case such city or town shall have been annexed as a new ward or wards of such city of the first class, the legislative body thereof shall immedi-

Effect of annexation.

Election of
councilman
from new
wards.

ately call a special election to be held in such new ward or wards for the purpose of electing one councilman from each such ward, who shall hold office until the next general election of such city of the first class, and until his successor is elected and qualified: *Provided*, That if such general election will occur within six months after such annexation no special election for the election of councilmen shall be called. Such special election, if one be called, shall be called, held and conducted, and the vote cast thereat shall be canvassed and the result declared, in all respects as provided by law and the charter and ordinances of such city of the first class for holding special elections. It shall be the duty of the clerk, or other officer performing the duties of clerk, of such city of the first class, upon the taking effect of the ordinance annexing such city or town, to forthwith transmit to the secretary of state a certified copy of all proceedings had before and by the legislative body of such city of the first class relating to such annexation.

Clerk to
transmit
copy of
proceedings
to secretary
of state.

Title to
property.

SEC. 11. Upon the consolidation of two or more corporations, or the annexation of any city or town of the third or fourth class to a city of the first class, as provided in this act, the title to all property owned by, or held in trust for, such former corporation, or city or town, shall vest in such consolidated corporation, or city of the first class, as the case may be: *Provided*, That if any such former corporation, or city or town, shall be indebted, the proceeds of the sale of any such property not required for the use of such consolidated corporation, or city of the first class, shall be applied to the payment of such indebtedness, if any exist at the time of such sale.

Existing
claims and
actions.

SEC. 12. Such consolidation, or annexation, shall in no wise affect or impair the validity of claim or chose in action existing in favor of or against,

any such former corporation or city or town so consolidated or annexed, or any proceeding pending in relation thereto, but such consolidated corporation, or city of the first class, as the case may be, shall collect such claims in favor of such former corporation, or cities or towns of the third or fourth classes, and shall apply the proceeds to the payment of any just claims against them respectively, and shall when necessary levy and collect taxes against the taxable property within any such former corporation, or city or town, sufficient to pay all just claims against it.

SEC. 13. All ordinances in force within any such former corporation, at the time of consolidation, not in conflict with the laws governing the consolidated corporation, or with the ordinances of the former corporation having the largest population, as shown by the last United States census, and all ordinances in force within a city or town of the third or fourth class, not in conflict with the laws governing, or the charter or ordinances of, the city of the first class to which it is annexed, shall remain in full force and effect until superseded or repealed by the legislative body of the consolidated corporation, or city of the first class, as the case may be, and shall be enforced by such corporation or city, but all ordinances of such former corporations, or cities or towns of the third or fourth class, in conflict with such laws, charters or ordinances shall be deemed repealed by, and from and after, such consolidation or annexation, but nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former corporation, or city or town of the third or fourth class, incurred prior to such consolidation or annexation.

Ordinances
of former
corporation.

Conflicting
ordinances
deemed
repealed.

SEC. 14. No property within either former corporation so consolidated under the provisions of this

Taxation of
property of
former
corporation.

act, shall ever be taxed to pay any portion of any indebtedness or obligation of either of the other of such former corporations, contracted or incurred prior to the date of such consolidation; no property within any former city or town of the third or fourth class annexed to any city of the first class under the provisions of this act, shall ever be taxed to pay any portion of any indebtedness or obligation of such city of the first class contracted or incurred prior to the date of such annexation, and no property within such former city of the first class shall ever be taxed to pay any portion of any indebtedness or obligation of any city or town of the third or fourth class annexed to such city of the first class under the provisions of this act, contracted or incurred prior to the date of such annexation.

Statutes
repealed.

SEC. 15. That section 10 of an act entitled "An Act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency" approved March 27, 1890, Laws of 1889/90, pages 138 to 140; chapter 167 of the Laws of 1927, pages 180 to 185; and chapter 293 of the Laws of 1927, pages 718 to 721, (sections 8909-8913, both inclusive, of Remington's Compiled Statutes; section 647 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done or proceeding had or rights acquired under either of said acts or any amendment thereof, or to affect any proceeding pending under said acts or either of them, at the time of taking effect of this act, but this act shall be construed as a reenactment and continuation of said acts in so far as it does not conflict therewith.

Saving
clause.

Validation
of attempted
consolidation.

SEC. 16. That the attempted consolidation of two or more contiguous municipal corporations pursuant to the provisions of either chapter 167 of the Laws of 1927 or chapter 293 of the Laws of 1927 be,

and any such consolidation of any such cities or towns, is hereby in all respects validated.

Passed the House February 19, 1929.

Passed the Senate February 18, 1929.

Approved by the Governor February 27, 1929.

CHAPTER 65.

[S. B. 39.]

LOCAL IMPROVEMENTS IN CITIES.

AN ACT relating to local improvements in cities and towns, and repealing certain acts relating thereto.

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

SECTION 1. That chapter XIII (13) of the Laws of 1887/8, pages 16 to 20, is hereby repealed. Statute repealed.

Passed the Senate January 25, 1929.

Passed the House February 20, 1929.

Approved by the Governor February 27, 1929.

CHAPTER 66.

[S. B. 78.]

HIGHWAY THROUGH UNIVERSITY GROUNDS.

AN ACT dedicating certain lands in the State University grounds as a public highway.

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

SECTION 1. That the westerly twenty (20) feet of the State University grounds, lying northerly of East Pacific street and a twenty-five (25) foot strip lying north and parallel to the north line of East Pacific street, between 15th Avenue N. E. and what is known as Pay Streak in the University grounds, Legal description.

more particularly described as follows: That portion of section sixteen (16), township twenty-five (25) north, range four (4) east, W. M., described as follows: Beginning on the northwest corner of section sixteen (16), township twenty-five (25) north, range four (4) east, W. M.; thence south 00 degrees 58' 58" west, a distance of thirty-five and one one-hundredths (35.01) feet; thence south 89 degrees 57' 47" east, a distance of thirty and three one-thousandths (30.003) feet to the true point of beginning; thence south 00 degrees 58' 58" west, a distance of two thousand eight hundred sixty and twenty-two one-hundredths (2860.22) feet; thence south and east on an arc of a curve to the left whose radius is fifty (50) feet, a distance of forty-seven and twenty one-hundredths (47.20) feet; thence south 53 degrees 06' 17" east, a distance of five hundred nine and fifty-seven one-hundredths (509.57) feet; thence north 00 degrees 58' 58" east a distance of thirty and eighty-seven one-hundredths (30.87) feet; thence north 53 degrees 06' 17" west, a distance of four hundred eighty-four and eighty-eight one-hundredths (484.88) feet; thence on an arc of a curve west and north to the right whose radius is fifty (50) feet, a distance of forty-seven and twenty one-hundredths (47.20) feet; thence north 00 degrees 58' 58" east, a distance of two thousand eight hundred forty-three and eighty-three one-hundredths (2843.83) feet; thence to the point of beginning north 89 degrees 57' 47" west, a distance of twenty and two one-thousands (20.002) feet, be and the same are hereby dedicated to the use of the public as a public highway.

Passed the Senate January 31, 1929.

Passed the House February 20, 1929.

Approved by the Governor February 27, 1929.

CHAPTER 67.

[H. B. 33.]

PUBLIC EDUCATION.

AN ACT relating to public education and repealing certain acts relating thereto.

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

SECTION 1. That chapter CCXLV (245), sections 3154 to 3241 of the Code of Washington Territory of 1881; an act entitled "An Act to amend the common school law of the Territory of Washington," approved November 28, 1883, Laws of 1883, pages 3 to 24; an act entitled "An Act to amend the common school law of the Territory of Washington," approved February 4, 1886, Laws of 1885/6, pages 3 to 28; an act entitled "An Act to amend section 18 of an act entitled an act to amend the common school law of the Territory of Washington, approved A. D. 1886," approved February 4, 1886, Laws of 1885/6, page 29; an act entitled "An Act relating to the study of physiology and hygiene in the public schools of Washington Territory and educational institutions receiving aid from the county or territorial treasury," approved December 23, 1885, Laws of 1885/6, pages 29 to 31; an act entitled "An Act to establish a school for the deaf, mute, blind and feeble-minded youth of Washington Territory," approved February 3, 1886, Laws of 1885/6, pages 136 to 141; chapter XIV (14) of the Laws of 1887/8, pages 21 to 24; chapter XLVII (47) of the Laws of 1887/8, pages 86 to 87; chapter CXI (111) of the Laws of 1887/8, page 198; chapter CXII (112) of the Laws of 1887/8, pages 199 to 200; chapter CXIII (113) of the Laws of 1887/8, pages 200 to 202; chapter CXIV (114) of the Laws of 1887/8, pages 202 to 203; an act entitled "An Act

Statutes
repealed.

allowing school districts to borrow money and issue bonds for the building and furnishing of school houses; to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same, and declaring an emergency," approved March 19, 1890, Laws of 1889/90, pages 45 to 51; an act entitled "An Act to amend section one (1) of an act entitled 'An Act allowing school districts to borrow money and issue bonds for the building and furnishing of school houses; to permit the funding of school district bonds heretofore or hereafter to be issued, legalizing the same and declaring an emergency,' and declaring an emergency," approved March 28, 1890, Laws of 1889/90, pages 51 to 52; an act entitled "An Act to create a commission of technical instruction, and to establish a state agricultural college and school of science, and to declare an emergency," approved March 28, 1890, Laws of 1889/90, pages 260 to 266; an act entitled "An Act to establish a state normal school," approved March 28, 1890, Laws of 1889/90, pages 278 to 281; an act entitled "An Act to establish a normal school for the State of Washington in the city of Cheney, in Spokane county, and for the government, management and control of the same," approved March 22, 1890, Laws of 1889/90, pages 281 to 286; an act entitled "An Act to establish a general uniform system of common schools in the State of Washington, and declaring an emergency," approved March 27, 1890, Laws of 1889/90, pages 348 to 385; an act entitled "An Act to establish a system of common schools in cities of ten thousand or more inhabitants, and to provide for properly maintaining, governing and grading the same," approved March 26, 1890, Laws of 1889/90, pages 386 to 395; an act entitled "An Act to provide for the compulsory education of defective youth and providing penalties for violations thereof," approved

March 20, 1890, Laws of 1889/90, pages 497 to 498; chapter CXXVII (127) of the Laws of 1891, pages 237 to 260; chapter CXLV (145) of the Laws of 1891, pages 334 to 341; chapter LXV (65) of the Laws of 1893, page 142; chapter CVII (107) of the Laws of 1893, pages 254 to 263; chapter CIX (109) of the Laws of 1893, pages 265 to 269; chapter V (5) of the Laws of 1895, pages 8 to 9; chapter XII (12) of the Laws of 1895, page 17; chapter XXI (21) of the Laws of 1895, pages 26 to 33; chapter LVI (56) of the Laws of 1895, pages 100 to 101; chapter LXVIII (68) of the Laws of 1895, pages 122 to 124; chapter CI (101) of the Laws of 1895, pages 193 to 194; chapter CXLVI (146) of the Laws of 1895, pages 365 to 366; chapter CXLVII (147) of the Laws of 1895, pages 366 to 368; chapter CL (150) of the Laws of 1895, pages 373 to 378; chapter CXVIII (118) of the Laws of 1897, pages 356 to 449; chapter XIV (14) of the Laws of 1899, pages 18 to 22; chapter LXXXI (81) of the Laws of 1899, pages 130 to 131; chapter CXL (140) of the Laws of 1899, pages 280 to 284; chapter CXLII (142) of the Laws of 1899, pages 306 to 327; chapter XLI (41) of the Laws of 1901, pages 41 to 47; chapter CIV (104) of the Laws of 1901, pages 216 to 217; chapter CXXVI (126) of the Laws of 1901, page 267; chapter CLXXVII (177) of the Laws of 1901, pages 370 to 383; chapter V (5) of the Laws of the Extraordinary Session of 1901, pages 8 to 12; chapter 48 of the Laws of 1903, pages 55 to 58; chapter 104 of the Laws of 1903, pages 157 to 185; chapter 109 of the Laws of 1903, pages 191 to 192; chapter 117 of the Laws of 1903, pages 220 to 221; chapter 140 of the Laws of 1903, pages 266 to 267; chapter 153 of the Laws of 1903, pages 310 to 311; chapter 154 of the Laws of 1903, pages 312 to 314; chapter 156 of the Laws of 1903, pages 325 to 331; chapter 56 of the Laws of 1905, pages 104 to 108; chapter

85 of the Laws of 1905, pages 170 to 173; chapter 142 of the Laws of 1905, pages 260 to 266; chapter 162 of the Laws of 1905, pages 316 to 319; chapter 31 of the Laws of 1907, pages 38 to 42; chapter 58 of the Laws of 1907, pages 96 to 98; chapter 59 of the Laws of 1907, page 98; and chapter 81 of the Laws of 1907, pages 142 to 143, are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done under said acts repealed, or either of them, or as reviving any act amended or repealed by any act repealed hereby.

Not to affect validity of prior acts done.

Passed the House February 4, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 1, 1929.

CHAPTER 68.

[H. B. 36.]

ADMINISTRATIVE BOARD.

AN ACT relating to the powers and duties of the administrative board, and amending Section 15 of Chapter 7 of the Laws of 1921.

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

SECTION 1. That section 15 of chapter 7 of the Laws of 1921, pages 15 to 17, (section 10773 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 10773 Rem. Comp. Stat.

Section 15. The administrative board shall have the power, and it shall be its duty:

Powers and duties.

(1) To, from time to time, systematize and unify the administrative duties of the departments of the state government created by this act, and make such necessary assignments of duties to the

Systematize and unify departments of state government.

departments as it may deem advisable to correlate and coordinate the work of the department;

(2) To, from time to time, classify all subordinate officers and employees of the state offices, departments, and institutions in accordance with the system of classification prepared by the director of efficiency;

Classify subordinate officers and employes.

(3) To, from time to time, determine the salaries and compensations to be paid such subordinate officers and employees in accordance with the classification and scale of salaries and compensations adopted by the board;

Determine salary and compensation.

(4) To fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where the same is not fixed by law;

Fix amount of bond.

(5) To require the giving of an additional bond, or a bond in a greater amount than that provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

Require additional bond.

(6) To, by resolution, exempt subordinate employees from giving bond when in its judgment the powers and duties of such employees are such as not to require the giving of a bond to protect the state.

Exempt employees from giving bond.

Passed the House February 7, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 1, 1929.

CHAPTER 69.

[H. B. 46.]

CO-OPERATIVE MARKETING ASSOCIATIONS.

AN ACT relating to boards of directors of co-operative marketing associations and amending Section 11 of Chapter 115 of the Laws of 1921.

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

SECTION 1. That section 11 of chapter 115 of the Laws of 1921, pages 362 to 363, (section 2888 of Remington's Compiled Statutes) be amended to read as follows:

Section 11. The affairs of the association shall be managed by a board of not less than five directors a majority of whom shall be residents of the State of Washington and who shall be elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such a case the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws shall provide that primary elections shall be held in each district to select the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meeting of the association. The by-laws shall provide that one or more directors shall be appointed by the director of agriculture. The director or directors so appointed need not be members or stockholders of the association, but shall have the same powers and rights as other directors, and shall be regarded as representing the interests of the public. An asso-

Amends
§ 2888 Rem.
Comp. Stat.

Board of
not less
than five
directors.

Districts for
election of
directors.

Director of
agriculture
to appoint
director.

ciation may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district. When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Remuneration for officers.

Vacancy in board filled.

Passed the House January 29, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 1, 1929.

CHAPTER 70.

[H. B. 81.]

TAXATION OF SEVERED TIMBER.

AN ACT relating to taxation, and providing that severed timber assessed as real property may be treated as personal property after its severance.

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

SECTION 1. Whenever standing timber which has been assessed as real estate is severed from the land as part of which it was so assessed, it may be considered by the county assessor as personal property, and the county assessor shall thereafter be entitled to pursue all of the rights and remedies provided by law for the collection of personal property

Considered personal property.

taxes in the collection of taxes levied against such timber: *Provided*, That whenever the county assessor elects to treat severed timber as personalty under the provisions of this section, he shall immediately give notice by mail to the person or persons charged with the tax of the fact of his election, and the amount of tax standing against the timber.

Passed the House February 8, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 1, 1929.

CHAPTER 71.

[H. B. 170.]

INDUSTRIAL LOAN COMPANIES.

AN ACT relating to industrial loan companies, and amending Section 3, Chapter 172 of the Laws of 1923 (section 3862-3 of Remington's 1927 Supplement; 4691-3, Pierce's 1926 Code).

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

SECTION 1. That section 3 of chapter 172 of the Laws of 1923 (section 3862-3, Remington's 1927 Supplement; 4691-3, Pierce's 1926 Code) be amended to read as follows:

Section 3. The supervisor of banking shall collect in advance the following fees:

For filing application for certificate of authority and attendant investigation as required by the law, the cost thereof, but not less than.....\$100.00
 (If the cost of such attendant examination shall exceed \$100.00, the applicant shall pay such excess when ascertained by the supervisor of banking.)

For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office... 10.00

For issuing a certificate of increase or decrease of capital stock 10.00

For issuing each certificate of authority..... 10.00

For furnishing copies of papers filed in his office, per folio .20

Amends
 § 3862-3
 Rem. Comp.
 Stat. 1927
 Sup.;
 § 4691-3
 Pierce's
 1926 Code.
 Supervisor
 of banking
 to collect
 fees.

Schedule.

Every industrial loan company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

To pay secretary of state and county auditor same fees as general corporations.

Passed the House February 8, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 1, 1929.

CHAPTER 72.

[H. B. 171.]

BANKING AND TRUST BUSINESS.

AN ACT relating to banking and trust business and amending Sections 12, 19, 22, 24 and 36 of Chapter 80 of the Laws of 1917 (Sections 3219, 3226, 3229 and 3231 of Remington's 1927 Supplement, and Section 3243 of Remington's Compiled Statutes; Sections 262, 269, 272 and 274 of Pierce's 1926 Supplement; and Section 286 of Pierce's 1926 Code).

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

SECTION 1. That section 12 of chapter 80 of the Laws of 1917, as amended by section 1 of chapter 115 of the Laws of 1923 (section 3219, Remington's 1927 Supplement; section 262, Pierce's 1926 Supplement) be amended to read as follows:

Amends § 3219 Rem. Comp. Stat., 1927 Sup.; § 262 Pierce's 1926 Sup.

Section 12. The supervisor of banking shall collect in advance the following fees:

Fees collected in advance.

For filing application for certificate of authority and attendant investigation as outlined in the law, the cost thereof, but not less than.....\$100.00 (If the cost of such attendant examination shall exceed \$100.00, the applicant shall pay such excess when ascertained by the supervisor of banking.)

Schedule.

For filing application for certificate conferring trust powers upon a state or national bank..... 100.00

For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office... 10.00

For issuing a certificate of increase or decrease of capital stock	10.00
For issuing each certificate of authority	10.00
For furnishing copies of papers filed in his office, per folio	.20

Every bank or trust company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

Also pay same fees as general corporations.

SEC. 2. That section 19 of chapter 80 of the Laws of 1917, as amended by section 2 of chapter 115 of the Laws of 1923 (section 3226, Remington's 1927 Supplement; section 269, Pierce's 1926 Supplement) be amended to read as follows:

Amends § 3226 Rem. Comp. Stat., 1927 Sup.; § 269 Pierce's 1926 Sup.

Section 19. When authorized by the supervisor of banking, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank shall incorporate for less amount nor commence business unless it have a paid-in capital as follows:

Incorporation authorized.

Paid-in capital required for banks.

In cities having a population of less than 5,000.....	\$25,000.00
In cities having a population of 5,000 and less than 25,000	50,000.00
In cities having a population of 25,000 and less than 100,000	100,000.00
In cities having a population of 100,000 or more.....	150,000.00

Provided, That on request of any persons desiring to incorporate a bank in a city having a population of 25,000 or over, the supervisor of banking shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than \$50,000 to be located in such city outside of the central business district of such city

Incorporation in cities of 25,000 or more population.

Central business district defined.

\$50,000 paid-up capital required.

as defined by the order of the supervisor of banking, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. Any such bank incorporated to be located outside the central business district of such city shall not receive deposits to exceed in the aggregate ten times the amount of its paid-up and unimpaired capital stock and surplus. The supervisor of banking may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.

Amount of deposits permitted.

No trust company shall incorporate for a less amount, nor commence business unless it has a paid-in capital as follows:

Trust companies paid-in capital required.

In cities, villages or communities having a population of less than 25,000.....	\$50,000.00
In cities having a population of 25,000 and less than 100,000	100,000.00
In cities having a population of 100,000 or more.....	200,000.00

In addition to the foregoing, each bank and trust company shall before commencing business have subscribed and paid in to it in the same manner as is required for capital stock, an additional amount equal to at least ten per cent of the capital stock above required. Such additional amount shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.

Organization and operation expense.

Amends
§ 3229 Rem.
Comp. Stat.,
1927 Sup.;
§ 272
Pierce's
1926 Sup.

SEC. 3. That section 22 of chapter 80 of the Laws of 1917, as amended by section 5 of chapter 115 of the Laws of 1923 (section 3229, Remington's 1927 Supplement; section 272, Pierce's 1926 Supplement) be amended to read as follows:

Bank super-
visor to
investigate
application.

Section 22. When articles of incorporation complying with the foregoing requirements have been received by the supervisor of banking, together with the fees required by law, he shall 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 persons named in such articles are such as to command confidence and warrant belief that the business of the proposed bank or trust company will be honestly and efficiently conducted in accordance with the intent and purpose of this act, whether the resources in the neighborhood of such place and in the surrounding country afford a reasonable promise of adequate support for the proposed bank and whether the proposed bank or trust company is being formed for other than the legitimate objects covered by this act. After the supervisor shall have satisfied himself of the above facts, and, within sixty days after the receipt of such articles of incorporation for examination, he shall endorse upon each of the quadruplicates 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 quadruplicates, so endorsed, to the person from whom the articles were received, which refusal shall be conclusive, unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of Thurston county, which appeal shall be triable *de novo* in said court: *Provided*, That a copy, certified by the supervisor of banking, of all documents and papers relating to such appli-

"Approved"
or "refused"
by bank
supervisor.

Appeal to
court
authorized.

cation filed with, received or obtained by the supervisor of banking and/or the division of banking shall be deemed received, admitted and considered as evidence by the court in such trial *de novo* in said court. In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the quadruplicate articles of incorporation in his own office, and shall transmit another quadruplicate to the county auditor of the county in which such bank or trust company is located, and another quadruplicate to the secretary of state, and the fourth quadruplicate to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation the secretary of state and county auditor shall file such articles in their respective offices, and the secretary of state shall record the same. Upon the filing of articles of incorporation in quadruplicate, approved as aforesaid by the supervisor of banking, with the secretary of state and county auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this act, and whose existence shall continue for the period of fifty years from the date of the filing of such articles, unless sooner terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein.

Filing of articles with secretary of state.

Before any bank or trust company shall be authorized to do business, the supervisor of banking shall be satisfied that such corporation has a paid-in capital in the amount fixed by its articles of incorporation and by this act, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with

Bank supervisor to be satisfied as to paid-in capital and reserve.

all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this act. When so satisfied and within ninety days after the date upon which such proposed articles of incorporation were filed with him for examination, but in no case after the expiration of that period, the supervisor of banking shall issue under his hand and official seal, in quadruplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact at the place designated in its articles of incorporation the business of a bank or trust company, or both, as the case may be. One of the quadruplicate certificates shall be transmitted by the supervisor to the corporation and the other three shall be filed by the supervisor in the same offices where the articles of incorporation are filed and shall be attached to said articles of incorporation, and the one filed with the secretary of state shall be recorded.

Bank supervisor to issue certificate of authority.

SEC. 4. That section 24 of chapter 80 of the Laws of 1917, as amended by section 6 of chapter 115 of the Laws of 1923 (section 3231, Remington's 1927 Supplement; section 274, Pierce's 1926 Supplement) be amended to read as follows:

Amends § 3231 Rem. Comp. Stat., 1927 Sup.; § 274 Pierce's 1926 Sup.

Section 24. Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

1. To execute all the powers and possess all the privileges conferred on banks.

2. To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

Powers enumerated same as banks.

Fiscal or transfer agent.

3. To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise. To transfer stocks, bonds, etc.
4. To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual, firm, association or partnership, and to accept and execute any municipal or corporate trust. Trustee under mortgage.
5. To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it. Receive sinking fund.
6. To collect coupons on or interest upon all manner of securities, when authorized so to do, by the parties depositing the same. Collect coupons.
7. To accept trusts from and execute trusts for married women in respect to their separate property and to be their agent in the management of such property and to transact any business in relation thereto. Married women trusts.
8. To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court. Receivers or trustees of estates.
9. To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person and to be appointed and to act as guardian of the estate of lunatics, idiots, persons of unsound mind, minors and habitual drunkards; *Provided, however,* The power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive par-

Advertising to furnish legal advice or prepare wills.

ties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state; and *Be it further provided*, That no trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, shall be permitted to act as executor, administrator or guardian; and any trust company or other corporation whose officers or agents shall solicit legal business or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian shall be ineligible for a period of one year thereafter to be appointed executor, administrator or guardian in any of the courts of this state.

Gross misdemeanor to advertise to furnish legal advice or prepare wills.

Any trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, and any officer, agent or employee of any trust company or corporation who shall solicit legal business or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian shall be guilty of a gross misdemeanor.

Trust power of whatever nature.

10. To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted or committed to it by grant, assignment, transfer, devise [devise], bequest or by any other authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate, real or personal, which may be the subject of any such trust or power.

Execute trusts of every description.

11. Generally to execute trusts of every description not inconsistent with law.

12. To purchase, invest in and sell promissory notes, bills of exchange, bonds, debentures and mortgages and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized shall issue such bonds: *Provided*, That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: *And, Provided*, That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: *And, Provided further*, That if for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or before the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond.

SEC. 5. That section 36 of chapter 80 of the LAWS of 1917 (section 3243, Remington's Compiled Statutes; section 286, Pierce's 1926 Code) be amended to read as follows:

Section 36. The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall make any loan or discount on the security of its own capital stock, or be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of, within ninety days from the time of its purchase or acquisition. Nor shall any such corporation subscribe for or purchase the stock of any other banking house or trust company, or of any

Investments.

Amends
§ 3243 Rem.
Comp. Stat.,
1927 Sup.;
§ 286
Pierce's
1926 Code.

Stock
deemed
personal
property.

Loan on
own stock
or ownership
of stock in
other
corporations
prohibited.

domestic or foreign corporation of any character, except a federal reserve bank, of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: *Provided*, That such bank and/or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition.

Passed the House February 8, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 1, 1929.

CHAPTER 73.

[S. H. B. 94.]

EXAMINATION OF BANKS, TRUST COMPANIES AND INDUSTRIAL LOAN COMPANIES.

AN Act relating to the examination of banks, mutual savings banks and trust companies, industrial loan companies, amending Section 8 of Chapter 80 of the Laws of 1917, as amended by Chapter 73 of the Laws of 1921.

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

SECTION 1. That section 8 of chapter 80 of the Laws of 1917, page 273, as amended by chapter 73 of the Laws of 1921, page 211 (section 3215 of Remington's Compiled Statutes) be amended to read as follows:

Section 8. The supervisor of banking shall collect from each bank, mutual savings bank, trust company or industrial loan companies for each examin-

Amends
§ 3215, Rem.
Comp. Stat.

Fees for
examination
by banking
supervisor.

ation of its condition the estimated actual cost of such examination.

Passed the House February 21, 1929.

Passed the Senate February 20, 1929.

Approved by the Governor March 2, 1929.

CHAPTER 74.

[H. B. 49.]

INVESTMENTS AND DEPOSITS BY MUTUAL SAVINGS BANKS.

AN Act relating to and regulating investments and deposits by mutual savings banks.

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

SECTION 1. The words "mutual savings bank" and "savings bank" whenever used in this act, shall mean a mutual savings bank organized and existing under the laws of the State of Washington. Definitions.

The words "its funds" whenever used in this act, shall mean and include, moneys deposited with a mutual savings bank, sums credited to the guaranty fund of a mutual savings bank, and the income derived from such deposits and/or fund.

SEC. 2. A mutual savings bank shall have the power to invest its funds in the manner hereinafter in this act specified and not otherwise. Investments made in accordance with act.

SEC. 3. A mutual savings bank may invest its funds in the bonds or interest bearing notes or obligations of the United States or the Dominion of Canada or those for which the faith of the United States or the Dominion of Canada is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia: *Provided*, That in the case of bonds of the Dominion or those for which its faith is pledged the interest Bonds of United States; Dominion of Canada.

and principal be payable in the United States or with exchange to a city in the United States and in gold coin of the United States or its equivalent.

Bonds of
this state.

SEC. 4. A mutual savings bank may invest its funds in the bonds or interest bearing obligations of this state issued pursuant to the authority of any law of this state.

Bonds of
other states.

SEC. 5. A mutual savings bank may invest its funds in 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 the principal or interest of any debt duly authorized by the legislature of such state to be contracted by such state since January 1st, 1878.

Bonds or
warrants
of city,
town,
county,
school dis-
trict, port
district,
water dis-
trict, or
other muni-
cipal cor-
poration of
Washington.

SEC. 6. A mutual savings bank may invest its funds in the valid interest bearing warrants or bonds of any city, town, county, school district, port district, water district or other municipal corporation 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 and taxes are leviable upon all taxable property within its limits. The bonds of any first or second class city of this state for the payment of which the entire revenue of the city's water system less maintenance and operating costs is irrevocably pledged, even though the bonds are not general obligations of the city.

Bonds of
city,
county,
school
district,
village or
town of
adjoining
state.

SEC. 7. A mutual savings bank may invest its funds in the valid bonds of any incorporated city, county, school district, village or town situated in one of the states of the United States which adjoins the State of Washington. If at any time the indebted-

edness of any such city, school district, town or village, together with the indebtedness of any other district or other municipal corporation or subdivision (except a county) which is wholly or in part included within the boundaries or limits of said city, school district, town or village, less its water debt and sinking fund, shall exceed twelve per centum, or the indebtedness of any such county less its sinking fund shall exceed seven per centum, of the valuation of said city, county, school district, town or village for the purposes of taxation, its bonds shall thereafter, until such indebtedness shall be reduced to the prescribed limitation, cease to be an authorized investment for the moneys of savings banks.

SEC. 8. A mutual savings bank may invest its funds in the 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 forty-five thousand inhabitants, and was incorporated as a city at least twenty-five years prior to the making of the investment, and has not since January 1, 1907, 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, but 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 subdivision, 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 twelve per centum of the valuation of such city for purposes of taxation, its bonds shall thereafter, and until such indebtedness shall be reduced to twelve per centum of such valuation, cease to be an authorized invest-

Bonds of
city of any
state of
United
States.

ment of the moneys of mutual savings banks; or *Provided*, Such city has a population as shown by the last decennial federal census of not less than 150,000 inhabitants, and has taxable real property with an assessed valuation in excess of \$200,000,000, and has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount, its bonds shall be legal for investment by mutual savings banks.

Bonds of
local
improvement
districts.

SEC. 9. A mutual savings bank may invest not to exceed fifteen per cent of its funds in the bonds of any local improvement district of any city or town of this state (except bonds issued for an improvement consisting of grading only) unless the total indebtedness of the district after the completion of the improvement for which the bonds are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceed fifty per cent of the value of the benefited property, exclusive of improvements, at the time the bonds are purchased or taken by the bank, according to the actual valuation last placed upon the property for general taxation. Before any such bonds are purchased or taken as security the condition of the district's affairs shall be ascertained and the property of the district examined by at least two members of the board of investment who shall report in writing their findings and recommendations; and no bonds shall be taken unless such report be favorable, nor unless the executive committee of the board of trustees after careful investigation is satisfied of the validity of the bonds and of the validity and sufficiency of the assessment or other means provided for payment thereof: *Provided*, That, excepting bonds issued by local improvement districts in cities of the first or second class, for improvements or-

dered after June 7, 1927, no local improvement district bonds falling within the twenty-five per cent in amount of any issue last callable for payment, shall be acquired or taken as security.

SEC. 10. A mutual savings bank may invest not to exceed five per cent of its funds in the bonds of any irrigation, diking, drainage, diking improvement, or drainage improvement district of this state, unless the total indebtedness of the district after the completion of the improvement for which the bonds are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceeds forty per cent of the value of the benefited property, exclusive of improvements, at the time the bonds are purchased or taken by the bank, according to the actual valuation last placed upon the property for general taxation.

Bonds of irrigation, diking, drainage, diking improvement, drainage improvement district of Washington.

Before any such bonds are purchased or taken as security the condition of the district's affairs shall be ascertained and the property of the district examined by at least two members of the board of investment of the mutual savings bank, who shall report in writing their findings and recommendations; and no bonds shall be taken unless such report be favorable, nor unless the executive committee of the board of trustees after careful investigation is satisfied of the validity of the bonds and of the sufficiency of the assessment or other means provided for payment thereof: *Provided, however,* That no mutual savings bank shall invest a sum greater than three per cent of its funds, or, in any event, more than three hundred thousand dollars (\$300,000), in the bonds of any one district described in this section.

Affairs and property of district to be examined.

SEC. 11. A mutual savings bank may invest its funds in the following obligations of railroad cor-

Railroad obligations.

Railroad to have 500 miles standard gauge railroad.

Annual operating revenue of \$10,000,000.

porations: Obligations issued, assumed or guaranteed as to principal and interest by endorsement by, or so guaranteed which guaranty has been assumed by, a railroad corporation or a successor railroad corporation thereof, incorporated under the laws of the United States or any state thereof, owning and operating not less than 500 miles of standard gauge railroad, exclusive of sidings: *Provided*, That if the mileage so owned shall be less than 500 miles, the railway operating revenues from the operation of such railroad shall have been not less than \$10,000,000 each year for at least five of the six fiscal years next preceding such investment; or obligations guaranteed as to principal and interest by, or so guaranteed which guaranty has been assumed by, such railroad corporation under the terms of a lease extending to a date not earlier than the maturity of the obligations so guaranteed, which lease shall provide that the rental thereunder shall be not less than twice the fixed charges of the lessor: *Provided further*, That in each year for at least five of the six fiscal years next preceding such investment, the amount of earnings of such railroad corporation after deducting rent for hire of equipment and joint facility rents, if any, from gross income shall have been not less than one and one-half times the remaining deductions from such gross income as defined by the accounting regulations of the interstate commerce commission: *Provided further*, That such railroad corporation each year for at least five out of the six fiscal years next preceding such investment shall have paid dividends in cash upon its capital stock equivalent to at least $\frac{1}{4}$ of such deductions: *Provided further*, That at no time within such period of six years such railroad corporation shall have failed regularly and punctually to pay the matured principal and interest of all its mortgage indebtedness: *Provided further*,

That all obligations so authorized for investment shall be

(a) Fixed interest bearing bonds secured by direct mortgage on railroad operated by such railroad corporation; or

Bonds secured by direct mortgage.

(b) Bonds secured by first mortgage upon terminal, depot, bridge or tunnel property, including lands, buildings and appurtenances, used in the service of transportation by one or more such railroad corporation, provided that such bonds be the direct obligation of, or that payment of principal and interest thereof be guaranteed by endorsement by, or guaranteed by endorsement which guaranty has been assumed by, one or more such railroad corporations; or

Bonds secured by first mortgage on terminals, etc.

(c) Debenture bonds of such railroad corporation secured by irrevocable pledge as collateral under a trust agreement of other railroad bonds that are legal investment for savings banks under this section, have a maturity not earlier than the bonds that they secure and of a total face amount not less than the total face amount of the bonds that they secure; or

Debenture bonds.

(d) Fixed interest bearing mortgage bonds other than those described in paragraph (a) hereof, income mortgage bonds, collateral trust bonds other than those described in paragraph (c) hereof, or unsecured bonds, issued, assumed or guaranteed as to principal and interest by endorsement by, or so guaranteed which guaranty has been assumed by, such railroad corporation, the amount of earnings of which each year for at least five of the six fiscal years next preceding such investment after deducting rent for hire of equipment and joint facility rents, if any, from gross income shall have been not less than twice the remaining deductions from such gross income as defined by the accounting regulations of the interstate commerce commission, in-

Fixed interest bearing mortgage bonds.

cluding interest on such income mortgage bonds, if any, and the net income of which after such deductions shall have been not less than \$10,000,000 each year for at least five of the six fiscal years next preceding such investment, and which railroad corporation shall have made the dividend and principal and interest payments hereinbefore required: *Provided, further*, That not more than twenty-five per centum of the funds of any savings bank shall be invested in the bonds, notes and certificates defined herein and in section 12 of this act, and not more than five per centum of its funds shall be invested in the bonds, notes and certificates of any one such railroad corporation. Street railroad corporations shall not be considered railroad corporations within the meaning of this section.

SEC. 12. A mutual savings bank may invest its funds in the mortgage bonds of any class one railroad, as defined by the interstate commerce commission, meeting the following requirements:

(1) Such railroad shall have carried fifty net revenue ton miles per year each year for the five years next preceding the proposed investment for each dollar of mortgage bonds of the funded debt of the railroad prior or equal in lien to such bonds, and

(2) Such railroad shall have had a traffic density of at least one million net revenue ton miles per mile of line mortgaged to secure such bonds each and every year for a period of at least five years prior to the investment by any mutual savings bank in such bonds, and

(3) The trust indentures of such bonds and of any bonds prior in lien to such bonds secured by mortgages on said railroad and portions thereof shall prohibit the issuance of any additional bonds equal or prior in lien to such bonds except for the purpose of retiring existing prior lien bonds.

Mortgage bonds of class one railroad as defined by Interstate Commerce Commission.

Traffic density.

Bonds must prohibit issuance of equal or prior lien bonds.

SEC. 13. A mutual savings bank may invest not to exceed fifteen per cent of its funds in railroad equipment obligations or equipment trust certificates which comply with the following requirements:

Railroad equipment obligations.

(a) They must be the whole or part of an issue originally made payable within not more than fifteen years in annual or semi-annual installments substantially equal in amount beginning not later than one year after the date of the issue.

Payable in not more than 15 years.

(b) They must be secured by or be evidence of a prior or preferred lien upon or interest in, or of reservation of title to, the equipment in respect of which they have been issued or sold, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchase of such equipment.

Must be secured by prior or preferred lien.

(c) The total amount of principal of such issue of equipment obligations or trust certificates shall not exceed eighty-five per centum of the cost or purchase price of the equipment in respect of which they were issued.

Amount of issue.

(d) The remaining fifteen per centum of said cost or purchase price shall have been paid by or for the account of the corporation so constructing, acquiring, purchasing or leasing said equipment, or by funds loaned or advanced for the purpose by the government of the United States or one of its agencies or instrumentalities but subordinated as to security, in the event of default, to the prior or preferred equipment obligations or equipment trust certificates.

15% of cost of purchase price shall have been paid.

SEC. 14. The words "gross operating revenues" whenever used in this section and in sections 15 and 16 of this act, shall mean and include the total amount earned from the operation of all property owned or operated and/or leased and operated by the corporation as shown by the official reports issued by the corporation.

"Gross operating revenues," defined.

"Operating
expense,"
defined.

The words "operating expenses" when used in this section and in sections 15 and 16 of this act, shall mean and include all expenses of operation; current maintenance; all taxes, other than federal and state income taxes; and proper provision for the retirement of the physical property of the corporation.

"Proper
provision
for the
retirement
of the physi-
cal property
of the
corporation,"
defined.

The words "proper provision for the retirement of the physical property of the corporation" when used in this section and in sections 15 and 16 of this act, shall mean that for five years next preceding the proposed investment, the amount which the corporation shall have appropriated for retirement reserve, together with any part of the earnings not appropriated for dividends or other purposes but retained as a corporate surplus, shall have averaged per year not less than four per cent of the book value of all physical assets other than land or interest in lands, where such segregation of such assets is available, or shall have averaged per year not less than two and one-half per cent of the book value of all physical assets: *Provided, however,* That in the case of assets utilized in supplying water, the words "proper provision for the retirement of physical property of the corporation" shall mean, that for the five years next preceding, the amount which the corporation shall have appropriated for retirement reserve together with any part of the earnings not appropriated for other purposes but retained as a corporate surplus shall have averaged per year not less than one per cent of the book value of all physical assets, other than land, used in water supply.

"Book value
of physical
assets,"
defined.

Book value of all physical assets wherever used in this section and in sections 15 and 16 of this act shall mean the book cost of the fixed capital of the corporation, less the balance retained in the retirement reserve and less the earned surplus of the

corporation not appropriated for dividends or other purposes, but retained as corporate surplus.

The words "fixed charges" whenever used in this section and in sections 15 and 16 of this act, shall mean and include all rentals for property operated under lease, interest on all indebtedness, guaranteed and assumed interest and dividends, and an amount sufficient to amortize any discount on outstanding securities within a reasonable time.

"Fixed charges," defined.

The words "net earnings of the corporation" whenever used in this section and in sections 15 and 16 of this act, shall mean the balance obtained by deducting from the gross operating revenue the operating expenses of the corporation as herein defined, and by adding to this balance the income of the corporation from securities and miscellaneous sources, but not to exceed, however, fifteen per cent of such balance.

"Net earnings of the corporation," defined.

Corporations supplying water chiefly for the purpose of irrigation shall not be deemed to be engaged in the business of supplying water within the meaning of this section and of sections 15 and 16 of this act.

Corporation supplying water for irrigation.

SEC. 15. A mutual savings bank may invest not to exceed fifteen per cent of its funds in the mortgage bonds of corporations incorporated under the laws of the United States or of any states thereof, and engaged in the business of supplying telephone service, electric energy, artificial gas, and/or water, meeting the following requirements:

Mortgage bonds of telephone, electrical energy, artificial gas, or water companies.

(1) At least seventy-five per cent of the gross operating revenues of such corporation shall be derived from such business and shall have been derived from such business each year for the five years next preceding the proposed investment, unless the corporation shall be engaged in the business of furnishing telephone service or electrical energy and

75% of gross operating revenue to be derived from business.

shall meet the requirements of section 16 of this act.

Corporation to be subject to regulation of public service commission.

(2) The corporation shall be subject to regulation by a public service commission or other similar regulatory body duly established by the laws of the United States or of the states in which such corporation transacts such business.

Official reports of corporation to show operating revenue of one million dollars, regular payment of indebtedness, and net earnings.

(3) For a period of at least five fiscal years next preceding the investment by any mutual savings bank in the bonds of any such corporation the official reports issued by the corporation shall show:

(a) Gross operating revenues of at least one million dollars for each of said years;

(b) That such corporation has paid regularly and promptly the matured interest and matured principal of all its indebtedness, direct, guaranteed or assumed; and

(c) That the net earnings of such corporation shall have averaged per year not less than twice the average annual fixed charges and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the fixed charges for the full year:

Provided, however, That where any such corporation shall have acquired its property or any substantial part thereof within the period of the five fiscal years next preceding, either by purchase from or merger or consolidation with any other corporation or corporations, the gross operating revenues, net earnings and fixed charges of the several predecessor or constituent corporations shall be consolidated and adjusted for the purpose of determining the qualifications of the bonds under the requirements of this section.

Bonds to be part of original issue.

(4) The bonds of such corporation shall comply with the following requirements:

(a) The bonds shall be part of an original issue of not less than one million dollars, and

(b) The bonds shall be either

(1) Mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them, or

Bonds secured by first or refunding mortgage.

(2) Senior mortgage bonds secured by property owned and operated by the corporation issuing or assuming them, and which such senior mortgage bonds have been authorized to be refunded and retired by a junior mortgage authorizing refunding bonds which comply with the requirements of this section. Such senior mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage.

Senior mortgage bonds.

(c) The aggregate principal amount of bonds described in this paragraph, secured by first or refunding mortgages, plus the principal amount of all outstanding bonds issued under senior mortgages shall not exceed sixty per cent of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt.

Bonds not to exceed 60% of value of physical property.

(d) If the bonds are secured by a refunding mortgage such mortgage shall provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property.

Refunding mortgage bonds to provide for retirement.

(5) Not more than five per cent of the funds of any mutual savings bank shall be invested in the bonds of any one such telephone, electric, gas and/or water corporation.

Not more than 5% of bank funds to be so invested.

SEC. 16. A mutual savings bank may invest not to exceed five per cent of its funds in the bonds of corporations engaged in the business of furnishing telephone service or electrical energy, meeting the following requirements, even though less than

Five per cent of funds may be invested in telephone and electrical companies deriving less than 75% from operation of property.

seventy-five per cent of the gross revenues is derived from the operation of such property:

(1) Such corporation shall be subject to regulation by the interstate commerce commission or by the public service commission or similar regulatory body of the states in which it operates;

(2) The official reports issued by the corporation for a period of ten fiscal years next preceding the investment in any such bonds shall show annual gross revenues of not less than \$50,000,000.00 during any year;

(3) Such corporation shall have paid regularly and promptly each and every year for ten years next preceding the investment the matured interest and matured principal of all its indebtedness, direct, guaranteed or assumed;

(4) The net earnings of the corporation available for fixed charges for the ten year period next preceding such investment shall have been not less than three times such fixed charges during any year;

(5) Such bonds shall be part of an original issue of at least \$5,000,000.00; and

(6) Not more than two per cent of the funds of any mutual savings bank shall be invested in such bonds of any one such corporation.

SEC. 17. A mutual savings bank may invest not to exceed twenty per cent of its funds in bankers' acceptances and bills of exchange of the kind and character following:

(1) Bankers' acceptances, and bills of exchange made eligible by law for rediscount with federal reserve banks, provided the same are accepted by a bank or trust company which is a member of the federal reserve system and which has a capital and surplus of not less than two million dollars.

(2) Bills of exchange drawn by the seller on the purchaser of goods and accepted by such purchaser,

Corporation to be subject to regulation of Interstate Commerce Commission and Public Service Commission.

Annual gross revenue of \$50,000,000.

Regular payment of indebtedness for 10 years.

Net earnings for ten years.

Part of original issue of \$5,000,000.

Investment limited to 2% of funds.

Bankers' acceptances and bills of exchange.

Eligible by law for rediscount with federal reserve banks.

Bills of exchange for purchase of goods.

of the kind made eligible by law for rediscount with federal reserve banks, provided the same are indorsed by a bank or trust company which is a member of the federal reserve system and which has a capital and surplus of not less than two million dollars.

The aggregate amount of the liability of any bank or trust company to any mutual savings bank, whether as principal or indorser, for acceptances held by such savings bank and deposits made with it, shall not exceed twenty-five per cent of the paid up capital and surplus of such bank or trust company, and not more than five per cent of the funds of any mutual savings bank shall be invested in the acceptances of or deposited with a bank or trust company of which a trustee of such mutual savings bank is a director.

Amount of liability of bank or trust company for acceptances to be limited.

SEC. 18. A mutual savings bank may invest its funds in promissory notes payable to the order of the savings bank upon demand, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by a savings bank, or secured by pledge or assignment of one or more real estate mortgages of the class described in sections 20 and 21 of this act, 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.

Promissory notes secured by bonds, warrants, etc.

SEC. 19. A mutual savings bank may invest its funds in promissory notes made payable to the order of the savings bank on demand, secured by the pledge and assignment of the pass book of the

Promissory notes secured by pledge of pass book.

mutual savings bank as collateral security for the payment thereof. No such loan shall exceed the balance due the holder of such pass book as shown herein.

75% in loans secured by first mortgages on real estate.

SEC. 20. A mutual savings bank may invest not to exceed seventy-five per cent of its funds in loans secured by first mortgages on real estate subject to the following restrictions:

Note from borrower required.

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

Abstract of title to be furnished.

(a) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

Policy of title insurance.

(b) A policy of title insurance; or

Certificate of ownership.

(c) A duplicate certificate of ownership issued by a registrar of titles.

Real estate to be improved.

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.

Loan not to exceed 50% of value of real estate.

No loan on real estate shall be for an amount greater than fifty per cent of the value of such real estate, including improvements.

Mortgage to require mortgagor to maintain insurance.

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 deposited with the savings bank and to be payable to it in event of loss: *Provided, however,* That the savings bank may, at its option, forego insurance in either of the following cases:

(a) A loan upon agricultural land, or

(b) A loan upon a feehold interest in urban property subject to an outstanding lease.

Insurance waived in loan of agricultural land or urban property.

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.

Real estate to be improved by building.

No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the 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.

Loan or mortgage for more than year only on conditions.

Every mortgage and 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.

Mortgage or assignment taken in name of bank.

A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

Deemed first mortgage although outstanding lease.

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of

foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

Outstanding non-delinquent taxes and assessments.

(2) There are outstanding non-delinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed fifty per cent of the value of the property.

First mortgages upon leasehold estates.

SEC. 21. A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

Note and first mortgage to be taken.

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

Abstract of title to be furnished.

(a) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien upon the leasehold estate; or

Policy of title insurance.

(b) A policy of title insurance; or

Certificate of ownership.

(c) A duplicate certificate of ownership issued by a registrar of titles.

Leasehold on property in city of 100,000 population.

The leasehold estate subject to such mortgage must be an interest in real estate in a city which has a population in excess of 100,000 according to the latest federal decennial census.

Mortgage to require insurance.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as shall be stipulated in the mortgage, the policy to be payable to the mutual savings bank in case of loss.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the 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 upon such application according to their best judgment the value of the leasehold interest to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

No mortgage or renewal for more than six months, except on conditions.

Every leasehold mortgage and every assignment of a leasehold 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 property under lease is situated.

Mortgage and assignment to be taken in name of bank.

No mutual savings bank shall loan upon a leasehold interest in real estate unless,

(a) The lease contains a provision requiring the feeholder or his successors in interest to notify, in writing, the holder of any mortgage on the leasehold estate of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default shall have occurred and unless the lease also provides that in the event of default of the lessee of the performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the holder of the mortgage on the leasehold estate shall have been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease, or

Lease to contain provisions for notice after default and before forfeiture.

(b) In event the lease does not contain the provisions above described, the savings bank, prior to such loan, shall have obtained an agreement from the owner of the feehold to notify the savings bank

Owner may agree to notify bank of default.

of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default shall have occurred, and that in event of default of the lessee in performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the savings bank shall have been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease. Such agreement shall be signed by the owner of the feehold estate and by all other persons or corporations holding a mortgage or other interest in the feehold estate, and shall be in such form as to bind their successors in interest, and shall be immediately recorded in the office of the county auditor of the county in which the property is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of ten years, or in any case where the lease is to expire in less than twenty years, nor upon a leasehold interest where the lease has run less than five years at the date of making or purchasing the loan.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semi-annual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least ten years prior to the expiration of the lease.

Whenever used in this section the words "annual gross income" of the leasehold estate shall mean the sum remaining after deducting all of the expenses of operation, repairs, maintenance, cost of management, taxes, assessments and insurance premiums, for a given year, from the gross revenue of that year.

Whenever used in this section the words "minimum gross income" shall be the least annual gross

No loan on leasehold for more than 10 years.

Loan to require equal periodical payments.

"Annual gross income," defined.

"Minimum gross income," defined.

income, as above defined, actually obtained during the three-year period preceding the date of the loan.

Whenever used in this section the words "standard annual rental" shall mean the maximum rental to be paid under the lease during the life of the loan and for a period ending three years after the maturity of the loan. In event the rental during the life of the loan, and including a period ending three years after the maturity of the loan, is uniform, then such uniform rental shall be the standard annual rental.

"Standard annual rental," defined.

Whenever used in this section the words "standard net income" shall mean the remainder obtained by deducting the standard annual rental from the minimum annual gross income as above defined.

"Standard net income," defined.

Whenever used in this section the words "appraised value of the leasehold estate" shall mean the sum obtained by a summation of the present values of a series of annual payments each equal in amount to the standard net income for the unexpired period of the leasehold estate. In the calculation of present value of future income such income shall be subjected to compound discount at a rate not less than eight per cent per annum.

"Appraised value of the leasehold estate," defined.

No savings bank shall make any loan upon a leasehold estate unless the standard net income thereof as above defined shall be equal to or greater than the standard annual rental.

Income to be equal or greater than rental.

In event the standard net income is greater than, but less than twice, the standard annual rental, the savings bank may loan not to exceed thirty-five per cent of the appraised value of the leasehold estate as defined herein.

When income is less than twice rental 35% of value may be loaned.

In event the standard net income is greater than twice but less than four times the standard annual rental, the savings bank may loan not to exceed forty per cent of the appraised value of the leasehold estate as defined herein.

When income is less than 4 times rental 40% of value may be loaned.

When income less than 8 times rental 45% of value may be loaned.

In event the standard net income is greater than four times but less than eight times the standard annual rental, the savings bank may loan not to exceed forty-five per cent of the appraised value of the leasehold estate as defined herein.

When income is greater than 8 times rental 50% of value may be loaned.

In event the standard net income is greater than eight times the standard annual rental, the savings bank may loan not to exceed fifty per cent of the appraised value of the leasehold estate as defined herein.

Not more than 75% of funds may be invested in real estate mortgages or leaseholds.

Not more than seventy-five per cent of the funds of a mutual savings bank shall be invested in mortgage loans upon real estate and/or real estate leaseholds.

Real estate investments.

SEC. 22. A mutual savings bank may invest its funds in real estate as follows:

Home office buildings.

(1) 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 revenue may be derived: *Provided*, That the cost of the land and building or buildings for the transaction of the business of the savings bank shall in no case exceed twenty-five per centum of the guaranty fund of the savings bank, except with the approval of the supervisor of banking; 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 the cost of the completion of the building or buildings, shall be submitted to and approved by the supervisor of banking;

Acquired in payment of debts.

(2) Such lands as shall be conveyed to such savings bank in satisfaction of debts previously contracted in the course of its business;

Purchased at sales under judgments or mortgages held by it.

(3) Such lands as such savings bank shall purchase at sales under judgments, decrees or mortgages held by it.

All real estate purchased by any such savings 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 situated.

Purchases and conveyances for debts taken in name of bank.

Every parcel of real estate purchased or acquired by any such savings bank, shall be sold by it within five years from the date on which it was purchased or acquired, or in case it was acquired subject to a right of redemption, within five years from the date on which the right of redemption expires, unless:

Real estate to be sold within five years, unless—

(1) There shall be a building thereon occupied by the savings bank as its offices, or

Building occupied as offices of bank.

(2) The supervisor of banking, on application of the board of trustees of the savings bank, shall have extended the time within which such sale shall be made.

Time extended by supervisor of banking.

SEC. 23. No mutual savings bank shall deposit any of its funds with any bank, trust company or other monied corporation or concern which has not been approved by the supervisor of banking as a depository for the savings bank's funds and designated a depository by vote of a majority of the trustees of the savings bank, exclusive of any trustee who is an officer, director or trustee of or who is interested in the depository so designated.

Funds to be deposited only in depository approved by supervisor of banking.

SEC. 24. A mutual savings bank may deposit securities owned by it, for safe keeping, with any duly designated depository for the bank's funds. The written statement of the depository that it holds for safe keeping specified securities of a savings bank may be taken as evidence of the facts therein shown by any public officer or any officer of the bank or committee of its trustees whose duty it is to examine the affairs and assets of the bank.

Securities may be deposited with designated depository for bank's funds.

Trustees to
make invest-
ments as
soon as
practicable.

SEC. 25. The trustees of every mutual savings bank shall as soon as practicable invest the moneys deposited with it in the securities prescribed in this act: *Provided*, That 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 one or more banks or trust companies in this state or in the city of New York, state of New York, the city of Chicago, state of Illinois, the city of Portland, state of Oregon, or the cities of San Francisco or Los Angeles, state of California, 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 bank shall be deposited in a bank or trust company of which a trustee of such savings bank is a director.

Passed the House February 22, 1929.

Passed the Senate February 21, 1929.

Approved by the Governor March 4, 1929.

CHAPTER 75.

[H. B. 34.]

JUSTICE COURTS.

AN ACT relating to justice courts, fixing the venue of civil actions therein and the jurisdiction of justices of the peace in relation thereto, prescribing duties of justices of the peace, and repealing certain acts relating thereto.

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

SECTION 1. All civil actions commenced in a justice court against a defendant, or defendants, residing in a city or town of more than one thousand inhabitants shall be brought in a justice court in the city or town in which one or more of the defendants reside. In all other cases the action shall be commenced in the precinct in which one or more of the defendants reside, or in the nearest incorporated city or town, or before a justice of the peace of the county seat of the county.

In cities of 1,000 or more action to be brought in city of residence of defendants.

SEC. 2. Should any civil action be filed or commenced in any justice court other than as provided in the preceding section, no jurisdiction over the defendant shall be acquired thereby, and no judgment shall be entered therein against such defendant; and if, the action having been commenced before a justice court not having jurisdiction over the defendant, the defendant appears either specially or generally and objects to the jurisdiction of the court, the justice of the peace shall dismiss the action and enter judgment against the plaintiff in favor of the defendant for an attorney's fee of twenty-five dollars; and any such dismissal shall be a bar to any future action on the same cause of action until such attorney's fee shall have been paid.

Action commenced in wrong court, to be dismissed.

Attorney's fee allowed defendant.

SEC. 3. All fees paid to a justice of the peace not having jurisdiction of the defendant in accord-

Fees paid justice not having jurisdiction.

ance with section 1 of this act shall be paid, by the justice of the peace receiving the same, into the current expense fund of the county treasurer of the county in which such justice court is located, as soon as it shall be ascertained that such justice is without jurisdiction of the defendant.

Jurisdiction
except in
certain cases,
co-extensive
with limits
of county.

SEC. 4. The jurisdiction of justices of the peace in all civil actions, except as provided in the foregoing sections of this act, shall be co-extensive with the limits of the county in which they are elected or appointed, and no other or greater, but every justice of the peace shall continue to reside and perform all the duties of his office in the precinct for which he was elected or appointed, during his continuance in office.

Vetoed.

SEC. 5. That chapter XL (40) of the Laws of 1899, page 53; chapter LXV (65) of the Laws of 1901, page 105; chapter 53 of the Laws of the Extraordinary Session of 1925, pages 48 to 49, and chapter 264 of the Laws of 1927, pages 614 to 615 (sections 1755 and 1757 of Remington's Compiled Statutes; sections 9559 and 9560 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done or proceeding had or pending under said acts repealed, or either of them.

Passed the House February 19, 1929.

Passed the Senate February 18, 1929.

Approved by the Governor February 27, 1929, with the exception of section 5, which is vetoed.

CHAPTER 76.

[H. B. 63.]

PROTECTION OF BIRDS IN PORTION OF KITSAP COUNTY.

AN ACT relating to and for the protection of birds in portions of Kitsap county and providing penalties for violations thereof.

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

SECTION 1. That it shall be unlawful to fire any gun or to kill, shoot, entrap, ensnare, maim, or destroy any wild birds at any season of the year in that portion of Kitsap county, Washington, described as section eight (8), township twenty-five (25) north, range two (2) east W. M.: *Provided*, That this section shall not apply to persons holding permits giving the right to take birds and nests, or eggs, for scientific purposes.

Unlawful to shoot, etc., in certain area.

SEC. 2. Any person violating any provisions of this act shall, upon conviction thereof, be subject to a fine of not less than ten dollars, nor more than one hundred dollars, together with the costs of prosecution, or imprisonment in the county jail where the offense is committed, for not less than five days nor more than thirty days, or by such fine and imprisonment in the discretion of the court.

Penalty for violation.

Passed the House February 26, 1929.

Passed the Senate February 25, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 77.

[H. B. 83.]

PUBLIC SCHOOLS AT PUBLIC UTILITY PLANT.

AN ACT relating to the public schools; authorizing cities operating public utilities having plants for the generation of electricity located in school districts outside of the corporate limits of such cities to provide for educating the children of their employees at such plants and to enter into contracts with such school districts therefor; and declaring an emergency.

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

SECTION 1. Any city operating a public utility pursuant to the provisions of section 9488 of Remington's Compiled Statutes of Washington, with a plant for the generation of electricity located within the limits of any school district in the state outside of the corporate limits of such city is hereby authorized and empowered to provide for educating the children of its employees at such plant, and to pay to such school district the cost and expense, including cost and expense heretofore expended, of educating the children of its employees residing at such plant, and any such city may contract with any such school district therefor.

When utility plant inside school district, city may pay school district for education of children of plant employees.

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

Effective immediately.

Passed the House February 4, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 78.

[H. B. 84.]

PUBLIC LANDS.

AN ACT relating to certain public lands and providing for the sale thereof.

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

SECTION 1. The commissioner of public lands is hereby authorized to offer for sale and sell in the manner hereinafter provided, all, or any portion of, the following described lands:

Commissioner of Public Lands authorized to offer for sale certain lands.

All lands owned by the state bordering on the Pacific Ocean from the southerly point of Damon's Point on the north side of the entrance to Gray's Harbor to the mouth of the Queets river and from the line between Pacific and Grays Harbor counties on the south to a point 300 feet southerly from the south line of the government jetty on Peterson's Point on the north and lying above and on the land side of the inner boundary of the highway reservations made by chapter CV and chapter CX, Laws of 1901, same being a line of ordinary high tide as the same is now located or as it may hereafter exist.

Lands bordering on Pacific Ocean.

SEC. 2. Whenever application is made to purchase any of such lands, or whenever the commissioner of public lands shall deem it for the best interest of the state to offer any of such lands for sale, he shall cause a notice to be personally served upon the abutting upland owner if he be a resident of this state, or if the upland owner be a non-resident of this state, shall mail to his last known post office address, a copy of a notice notifying him that application has been made for the purchase of such lands or that the commissioner deems it for the best interest of the state to sell the same, as the case

Before sale upland owner to be notified.

may be, giving a description and the value thereof as the same may be determined by an appraisal thereof made by the commissioner of public lands, and in no case less than five dollars (\$5.00) per lineal chain frontage, and notifying such upland owner that he has a preference right to purchase such lands at the appraised value thereof thirty days from the date of the service or mailing of said notice; and no such lands shall be offered for sale, or sold to any other person than the abutting upland owner until after the expiration of said thirty days from the date of the service or mailing of such notice. If the upland owner is a non-resident of this state and his address is unknown to the commissioner of public lands, notice to him shall not be necessary or required. If at the expiration of the thirty days from the service or mailing of the notice, as above provided, the abutting upland owner has failed to avail himself of his preference right to purchase and has failed to pay to the commissioner of public lands the appraised value of the lands described in such notice, then in that event said lands may be offered for sale and sold in the manner provided for the sale of state lands, other than capitol building lands.

Preference right to purchase given upland owner.

After 30 days sale to be made unless preference right exercised.

Passed the House February 7, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 79.

[H. B. 95.]

PUBLIC SCHOOL TEXT BOOKS.

AN ACT relating to public schools, and providing for the sale to pupils of text books used therein.

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

SECTION 1. In any school district in the State of Washington in which free text books are provided by the district for all the children attending the schools thereof, the board of directors shall have the power to sell to any of said children, for cash, any of the text books used in said schools, under such regulations as said board may make, and at such price for each book so sold as the text book commission of said district, or if the district is a second division district having no text book commission, then at such price as the county board of education, may set as the then fair value of such book, but in no case at a greater price than the cost of said book to the district.

School district providing free text books may sell books to pupils.

Provided, That no such sales of text books shall be made except on the voluntary application of the child wishing to purchase, which application must be made while such child is attending a school of said district or within thirty days after his graduation therefrom.

No sale to be made except upon voluntary application of child while child is attending school.

Passed the House February 4, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 80.

[H. B. 115.]

MOTOR VEHICLE LICENSES.

AN ACT relating to motor vehicle licenses and amending Section 16 of Chapter 96 of the Laws of 1921.

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

SECTION 1. That section 16 of chapter 96 of the Laws of 1921, page 263, as amended by section 2 of chapter 181 of the Laws of 1923, page 594, (section 6328 of Remington's Compiled Statutes) be amended to read as follows:

Section 16. For all motor vehicles registered between the first day of July and the thirtieth day of November of any year only one-half of the rate named in section 15 of this act (section 6326 of Remington's Compiled Statutes) shall be charged.

Passed the House February 4, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 81.

[H. B. 126.]

COMMENCEMENT OF CIVIL ACTIONS.

AN ACT relating to the commencement of civil actions in the superior courts and the service of summons by publication, and amending Section 228 of Remington's Compiled Statutes.

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

SECTION 1. That section 228 of Remington's Compiled Statutes be amended to read as follows:

Section 228. Service of summons by publication. When the defendant cannot be found within the state (of which the return of the sheriff of the

Amends
§ 6328 of
Rem. Comp.
Stat.

Registration
between July
1st and No-
vember 30
one-half rate.

Amends
§ 228 Rem.
Comp.Stat.

Summons
may be
published.

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 (these) 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:

Defendant cannot be found sheriff's return.

Mailing.

1. When the defendant is a foreign corporation, and has property within the state;

Foreign corporation.

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;

Defendant departs or conceals himself.

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;

Defendant has property in state.

4. When the action is for divorce in the cases prescribed by law;

Divorce action.

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;

Action involving real or personal property.

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;

Foreclose mortgage or lien.

Officers of corporation cannot be found.

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;

Action to determine conflicting claims to property.

8. When the action is brought under sections 199 and 200 of Remington's Compiled Statutes to determine conflicting claims to property in this state.

Passed the House February 9, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 82.

[H. B. 197.]

SALE OF CAUSTIC OR CORROSIVE SUBSTANCES.

AN ACT relating to the disposition and sale of caustic or corrosive substances and providing penalties for violation thereof.

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

SECTION 1. That in this act, unless the context or subject matter otherwise requires,

Definitions.

A. The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and substances named below: (a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten per centum or more; (b) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid (H₂SO₄) in a concentration of ten per centum or more; (c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO₃) in a concentration of five per centum or more; (d) Carbohc acid (C₆H₅OH), otherwise known as phenol, and any preparation containing carbohc acid in a

concentration of five per centum or more; (e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ($H_2C_2O_4$) in a concentration of ten per centum or more; (f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten per centum or more; (g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ($HC_2H_3O_2$) in a concentration of twenty per centum or more; (h) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime; (i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of ten per centum or more; (j) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of ten per centum or more; (k) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate ($AgNO_3$) in a concentration of five per centum or more, and (l) Ammonia water and any preparation yielding free or chemically uncombined ammonia (NH_3), including ammonium hydroxide and "hartshorn," in a concentration of five per centum or more.

B. The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker, containing (a) the name of the article; (b) the name and place of business of the manufacturer, packer, seller, or distributor; (c) the word "POISON," running parallel

Misbranded packages.

Label or sticker on packages.

with the main body of reading matter on said label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24 point size, unless there is on said label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker, and (d) directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance; *Provided*, That such directions need not appear on labels or stickers on parcels, packages or containers at the time of shipment or of delivery for shipment by manufacturers or wholesalers for other than household use. *Provided further*, That this act is not to be construed as applying to any substance subject to the act, sold at wholesale or retail for use by a retail druggist in filling prescriptions or in dispensing, in pursuance of a prescription by a physician, dentist, or veterinarian; or for use by or under the direction of a physician, dentist, or veterinarian; or for use by a chemist in the practice or teaching of his profession; or for any industrial or professional use, or for use in any of the arts and sciences.

Directions
for treat-
ment.

Wholesale or
retail sale to
druggist not
included.

Sale in mis-
branded
package.

SEC. 2. No person shall sell, barter, or exchange, or receive, hold, pack, display, or offer for sale, barter, or exchange, in this state any dangerous caustic or corrosive substance in a misbranded parcel, package, or container, said parcel, package, or container being designed for household use; *Provided*, That household products for cleaning and washing purposes, subject to this act and labeled in accordance therewith, may be sold, offered for sale, held for sale and distributed in this state by any dealer, wholesale or retail; *Provided further*, That no person shall be liable to prosecution and conviction under this act when he establishes a guaranty bearing the signature and address of a vendor

residing in the United States from whom he purchased the dangerous caustic or corrosive substance, to the effect that such substance is not misbranded within the meaning of this act. No person in this state shall give any such guaranty when such dangerous caustic or corrosive substance is in fact misbranded within the meaning of this act.

SEC. 3. Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use, that is being sold, bartered, or exchanged, or held, displayed, or offered for sale, barter, or exchange, shall be liable to be proceeded against in any superior court within the jurisdiction of which the same is found and seized for confiscation, and if such substance is condemned as misbranded, by said court, it shall be disposed of by destruction or sale, as the court may direct; and if sold, the proceeds, less the actual costs and charges, shall be paid over to the state treasurer; but such substance shall not be sold contrary to the laws of the state: *Provided, however,* That upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such substance will not be unlawfully sold or otherwise disposed of, the court may by order direct that such substance be delivered to the owner thereof. Such condemnation proceedings shall conform as near as may be to proceedings in the seizure, and condemnation of substances unfit for human consumption.

Misbranded packages subject to condemnation by courts.

Sale or destruction.

SEC. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Penalty for violation.

SEC. 5. The director of agriculture shall enforce the provisions of this act, and he is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of this act as may be submitted to him for

Director of Agriculture to enforce.

that purpose and as may in his judgment conform to the requirements of this statute: *Provided, however,* That in any prosecution under this act the fact that any brand or label involved in said prosecution has not been submitted to said director for approval, or if submitted, has not been approved by him, shall be immaterial.

SEC. 6. Every prosecuting attorney to whom there is presented, or who in any way procures, satisfactory evidence of any violation of the provisions of this act shall cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the penalties as in such cases herein provided.

SEC. 7. This act may be cited as the Washington Caustic Poison Act of 1929.

SEC. 8. This act shall take effect on the first day of January, 1930.

Passed the House February 14, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 83.

[H. B. 199.]

STATE PARKS AND PARKWAYS.

AN ACT relating to and authorizing the improvement of state parks and parkways, and lands under the care, charge, control, and supervision of the state parks committee.

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

SECTION 1. The state parks committee shall have the power to grant permits to improvement clubs or voluntary associations, or committees representing such clubs or associations, to improve, without expense to the state, any state park or park-

Prosecuting attorney to prosecute violations of act.

Cited as Washington Caustic Poison Act of 1929.

Effective January 1, 1930.

State Parks Committee has power to grant permits for improvement.

way, or any lands belonging to the state and withdrawn from sale under the provisions of chapter 149 of the Laws of 1921.

SEC. 2. Any such club, association, or committee, desiring to obtain such permit, shall make application therefor in writing to the state parks committee, describing the lands proposed to be improved and stating the nature of the proposed improvement, and the name and general purpose of the club or association, and the names and places of residence of its officers, and, in case the application is made by a committee, the names and places of residence of the members thereof.

Clubs or association may apply for permit.

Application, contents.

Such application shall be accompanied by a certificate of a judge of the superior court of the county in which the lands are situated, to the effect that he is acquainted with the officers of the club or association, or the members of the committee, making the application, and that he knows them to be persons of good repute in the community in which they reside.

Accompanied by certificate of judge.

SEC. 3. If the state parks committee shall determine that the proposed improvement will be of benefit to the public, it shall require the applicant to submit detailed plans and specifications of the proposed improvement, which, as submitted, or as modified by the state parks committee, shall be incorporated in the permit when granted.

Committee shall require plans and specifications.

SEC. 4. Before any such permit shall be granted, the applicant shall execute and file with the secretary of state a bond payable to the State of Washington, in such penal sum as the state parks committee shall require, with good and sufficient sureties to be approved by the state parks committee, conditioned that the grantee of the permit will make the improvement in accordance with the plans and specifications contained in the permit, and will

Surety bond to be filed with Secretary of State.

Conditions.

pay all cost of such improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and, in case the improvement is made upon lands withdrawn from sale under the provisions of section 4 of chapter 149 of the Laws of 1921, will pay into the state treasury to the credit of the fund to which the proceeds of the sale of such lands would belong, the appraised value of all merchantable timber and material on the land, destroyed, or used in making such improvement.

Passed the House February 14, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 84.

[H. B. 215.]

CANCELLATION OF BENTON COUNTY STATE TAXES.

AN ACT providing for the cancellation of certain state taxes payable by Benton County.

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

SECTION 1. That whereas taxes payable to the State of Washington in the amount of \$1,682.54 for the year 1927 and \$4,853.49 for the year 1928 were levied against certain lands belonging to irrigation districts in Benton county, which taxes were thereafter adjudged by the supreme court to be void for the reason that the property upon which the same were so levied was exempt from taxation, and whereas such taxes have not yet been paid by Benton county or its officers into the state treasury, *Now, therefore,* The obligation of Benton county and its officers, except for this act, to pay said respective amounts to the state treasurer and to the

1927-1928
tax obliga-
tion to state
cancelled.

State of Washington is hereby cancelled, and the state treasurer and state auditor are hereby authorized and directed to cancel upon the account books in their respective offices, to the extent of \$1,682.54 as to the year 1927, and \$4,853.49 as to the year 1928, the state tax which would, except for this act, be payable by Benton county and its officers to the state treasurer.

State Treasurer and State Auditor to cancel tax on account books.

Passed the House February 18, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 85.

[H. B. 198.]

PUBLIC WATER SYSTEM BONDS.

AN ACT relating to public water bonds of cities payable out of water revenues of such cities and to their exchange for the bonds of local improvement districts previously issued for the construction of the water system and amending Section 9154-1 of Remington's Compiled Statutes of Washington, 1927 supplement.

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

SECTION 1. That section 9154-1 of Remington's Compiled Statutes of Washington, 1927 supplement, be amended to read as follows:

Amends § 9154-1 Rem. Comp. Stat. 1927 Sup.

Section 9154-1. Whenever any public water system shall have been constructed within any local improvement district of any city or town of any class for the construction of which bonds of such local improvement district have been issued and are outstanding and unpaid, and such city shall have taken over such system or shall be operating the same as a public utility, or shall have incorporated or connected such system into or with any system operated by such city as a public utility, and from the opera-

Construction bonds in local improvement district.

Issuance of
refunding
bonds
authorized.

tion of which such city derives a revenue, such city may by resolution of its city council authorize the issue of bonds to an amount not exceeding the amount of the local improvement bonds issued for the construction of such water systems then outstanding and unpaid with interest due and unpaid, and may redeem such outstanding local improvement bonds by exchanging therefor an equal amount at par of the bonds authorized by this act.

Passed the House February 14, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 86.

[S. B. 65.]

FIREMEN'S RELIEF AND PENSION.

AN ACT relating to city firemen in certain cities and towns of the state, creating a relief, retirement and pension fund for such firemen and their widows, children, parents and dependents, providing for the maintenance and distribution thereof, and amending Sections 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 19 of Chapter 196, Laws of 1919.

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

Amends
§ 9561 Rem.
Comp. Stat.

SECTION 1. That section 3 of chapter 196, Laws of 1919, (section 9561 of Remington's Compiled Statutes) be amended to read as follows:

Board to
hold semi-
monthly
meetings.

Section 3. The board herein provided for shall hold semi-monthly meetings on each and every month of each year at which meetings it shall pass upon claims to the said fund and shall direct payment from said fund to those entitled thereto under the terms of this act, and shall cause pay warrants to be issued on the regular semi-monthly city pay day. The board of trustees shall meet upon the call of its chairman at such other times as the chairman

deems necessary. It shall issue vouchers, signed by its chairman and secretary, to the persons entitled thereto, for the amount of money ordered paid to such persons from such fund by said board, which voucher shall state for what purpose such payment is to be made. It shall keep a record of its proceedings, which record shall be public. It shall, at each semi-monthly meeting, send to the treasurer of such city or town, a written or printed list of all persons entitled to payment from the fund herein provided for, stating the amount of such payment and for what granted, which list shall be certified to and signed by the chairman and secretary of such board, attested under oath.

Vouchers signed by chairman and secretary.

The treasurer of such city or town shall thereupon enter a copy of said list upon a book to be kept for that purpose, which shall be known as "The Firemen's Relief and Pension Fund Book", and the said board shall direct payment of the said amounts to the persons named therein. A majority of all the members of said board herein provided for shall constitute a quorum and have power to transact business: *Provided, however,* No money belonging to said fund shall ever be disbursed for any purpose without a vote of a majority of all the members of the board of trustees, which shall be taken by the yeas and nays, and the vote of each member so voting entered upon the proceedings of the board.

"The Firemen's Relief and Pension Fund Book."

Majority of board constitutes quorum.

Money disbursed by vote.

SEC. 2. That section 4 of chapter 196, Laws of 1919, (section 9562 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 9562 Rem. Comp. Stat.

Section 4. Whenever any person, at the time of taking effect of this act, or thereafter, shall have been duly appointed and has served for a period of twenty years or more and shall have reached the age of fifty-five (55) years as a member in any capacity of the regularly constituted fire department of any such city or town which may be subject to

20 years service entitles member to retirement.

Monthly payment equal to 50% of salary.

Upon death paid to widow.

If no widow paid to children.

Physically or mentally defective children.

Members of police and fire alarm system.

Amends § 9563 Rem. Comp.Stat.

Physical or mental disability to cause retirement.

the provisions of this act, the board shall be empowered to order and direct that such person may be retired from such fire department, and the board shall retire any member so entitled as hereinabove provided for, upon his written request for same, and such member so retired shall be paid from such fund a monthly pension which shall be equal to fifty per cent of the amount of salary received by such retired member at the date of such retirement. Upon the death of any such retired member the amount of the pension which he would have received had he lived shall be paid to his widow, if such widow was his wife at the time of his retirement, such payment to be made to such widow during her life, or until she shall again marry; and if there be no such widow, then such payment shall be made to his minor child, or children, until such child or children shall have arrived at the age of eighteen years, or shall prior thereto have married; and if any child or children of such deceased fireman shall be eighteen years of age, or over, and by reason of physical or mental defects unable to work or earn any income, and shall be without any means of support, such payment shall be made to such child or children so long as such disability exists. The terms "member of the fire department" and "firemen" shall be deemed and held to include members of any police and fire alarm system whose time is occupied jointly in connection with the police and fire alarm systems of any city.

SEC. 3. That section 5 of chapter 196, Laws of 1919, (section 9563 of Remington's Compiled Statutes) be amended to read as follows:

Section 5. Whenever any person, when serving in any capacity as a member of the regularly constituted fire department of any such city or town, shall become physically or mentally disabled while in the performance of, or the result of his duty or duties:

as defined in this act, said board of trustees may, upon his written request, or without such request if it deems it for the good of said fire department, retire such person from active service, and if so retired, shall order and direct that he shall be paid from such fund a monthly pension which shall be equal to fifty per cent of the amount of salary received by such retired member immediately preceding such retirement: *Provided*, That whenever such disability shall cease such pension shall cease and such retired person shall be restored to active service in the same rank he held at the time of his retirement: *Provided, further* upon the death of any member so retired the amount of pension which he would have received had he lived shall be paid to his widow, if such widow was his wife at the time of his retirement, such payment to be made to such widow during her life as hereinafter provided, or if there be no such widow, then such payment shall be made to his minor child, or children, until they shall have reached the age of eighteen years; and if any such child or children of such deceased fireman shall be eighteen years of age, or over, and by reason of physical or mental defects unable to work or earn any income, and shall be without any means of support, such payment shall be made to such child or children so long as such disability exists: *Provided, further*, If any such widow, or child, or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

Restored to duty when disability ceases.

Upon death paid to widow.

If no widow to minor child.

Mentally or physically defective children.

Marriage of widow terminates payment.

SEC. 4. That section 6 of chapter 196, Laws of 1919 (section 9564 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 9564 Rem. Comp.Stat.

Section 6. No person shall be retired under this act, or receive any pension from said fund, except for length of service, unless there shall be filed with the board of trustees, certificate of his disability or

Certificate of physician before retirement for disability.

cause for retirement which certificate shall be subscribed and sworn to by said person, or member of the board of trustees, and by the firemen's relief and pension fund physician and attending physician, if there be one, and the board may require other evidence of disability or cause before ordering such retirement and payment of pension as provided for in this act.

SEC. 5. That section 7 of chapter 196, Laws of 1919, (section 9565 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9565 Rem.
Comp.Stat.

Hospital,
nurse, and
sick benefits
provided.

Section 7. Whenever any member of the fire department of any city or town shall, on account of temporary physical disability or sickness, in consequence of the performance of his duty or duties, as defined in this act, be confined to any hospital or to his bed, or unable to perform his duties as such member on account of such temporary disability or sickness, and shall require nursing and medical care, the board of trustees shall provide a professional nurse and pay all necessary hospital and professional nursing expenses of such member out of the said fund; the salary of such member shall be paid out of said fund while he is necessarily confined to such hospital or bed, or unable to perform his duties as a fireman on account of such temporary disability or sickness, for a period of not exceeding six months, after which period the other provisions of this act shall apply. If, however, the pension fund physician after an examination shall decide the member will be incapacitated for a period extending beyond six months, then, in that event the board shall have the power and authority to retire such member after the first month: *Provided*, That in cases of accident or sickness as herein defined, disabling the member, he shall receive from said fund an allowance equal to his full salary for the period of six months even though such member is sooner retired;

Retirement
if incapacity
extends be-
yond six
months.

Full salary
for six
months.

and after six months the provisions of section 5 shall apply.

SEC. 6. That section 8 of chapter 196, Laws of 1919 (section 9566 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9566 Rem.
Comp. Stat.

Section 8. Whenever any member of the fire department of any city or town shall lose his life, or die from the direct result of injuries received while in the performance of his duty or duties as herein defined, and shall not have been retired under the provisions of this act, and shall leave a widow, who was his wife at the time that he received the injuries from which he died, or child or children under the age of eighteen years, then, upon satisfactory proof of such facts made known to the board of trustees, said board shall order and direct that a monthly pension, which shall be equal to fifty per cent of the amount of salary received by such deceased member at the time of his death, shall be paid to his widow during her life, or if there be no such widow, then to his minor child or children until they shall have reached the age of eighteen years; and if any such child or children of such deceased firemen shall be eighteen years of age, or over, and by reason of physical or mental defects unable to work or earn any income, and shall be without any means of support, such payment shall be made to such child or children so long as such disability exists; and if there be no such widow or child or children then to his parents or either of them if it be proven to the satisfaction of the board of trustees that said parents or either of them were dependent upon said son for their support at the time of his death: *Provided*, If such widow, child or children or said parents shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

Upon death
50% of
salary paid
to widow.

If no widow
paid to
minor
children.

Physically
or mentally
defective
children.

Parents to
be paid.

Marriage
terminates
pension.

SEC. 7. That section 9 of chapter 196, Laws of 1919, (section 9567 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9567 Rem.
Comp. Stat.

Death from
natural
causes.

Widow to
be paid.

Children to
be paid.

Mentally or
physically
defective
children.

\$1,000 pay-
ment.

15 years of
service.

Section 9. Whenever any member regularly and actively employed in the fire department of any such city or town shall, after one year of service in said fire department die from natural causes, or accident not caused in the performance of his duty or duties as herein defined, and for which no pension is provided for in this act, and who has not been retired for length of service or disability prior to his death, then in that event his widow, if she was his wife at the time he was stricken with his last illness, or at the time he received the injuries from which he died; or, if there be no such widow, then his child, or children under eighteen years of age, or physically or mentally incompetent child or children of such deceased fireman, which child or children shall be eighteen years of age, or over, and who by reason of such physical or mental defect is unable to work or earn any income and who is without any means of support; or if there be no such widow, or child or children, then his parents, or either of them, if it be proven to the satisfaction of the board of trustees, that said parents, or either of them, were dependent upon said son for their support at the time of his death, shall be entitled to the sum of one thousand dollars (\$1,000.00) from said fund: *Provided*, In case of death as above stated before one year of service an amount proportionate to the time of service shall be paid to above mentioned beneficiaries: *Provided*, If the member at the time of his death had served fifteen years in the fire department his beneficiaries herein named shall have the option on request to receive said one thousand dollar payment or a monthly pension which shall be equal to one-third of the amount of salary received by such member of such fire department at the time of his

death, until such time as the beneficiaries shall marry or the child or children become eighteen years of age, or overcomes the physical or mental defect or secures means of support, when the pension shall cease. Whenever a member shall have been regularly and actively employed in the fire department of any such city or town for a period of one year, or more, and less than fifteen years, and shall sustain a permanent disablement rendering him unable to continue his employment in said fire department, which disablement was not caused in the performance of his duty or duties as herein defined, and for which no pension is provided in this act, and who has not been retired for length of service or disability prior thereto, he shall be paid from said fund a sum equal to all sums he has paid into said fund, plus four per cent interest on the amount of such payments; and whenever such member has served in said fire department fifteen years or more and shall sustain a disability rendering him unable to continue his employment in said fire department, which disablement was not caused in the performance of his duty or duties as defined in this act, he shall be retired and be paid a pension from said fund which shall be equal to one-third of the salary paid to such member in said department at the time he suffered his disability; *Provided*, That whenever such disability shall cease, such pensioner shall be restored to active duty in the rank held by him at the time of his retirement, and such pension herein provided for shall cease.

One year
and less than
15 years
service.

More than
15 years
service
retirement on
one-third
salary.

Pensioner
restored to
duty.

SEC. 8. That section 10 of chapter 196, Laws of 1919, (section 9568 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9568 Rem.
Comp.Stat.

Section 10. All members of the fire department who may be retired for disability under the provisions of this act, except for length of service or permanent disability, may be summoned before the

Physical
examination
of retired
member.

board of trustees any time and shall submit himself thereto for examination, as to his fitness for duty, and shall obey and abide the decisions and orders of such board, and shall report for examination to the firemen's relief and pension fund physician whenever directed to do so by the board, or he may be required by the board to report for examination to some physician designated by the board of trustees, at any place where the pensioner may be, at such times as the board may direct. Whenever any pensioner shall fail or refuse to report to the board, or submit himself for examination to some physician, as required by the board, or who shall disobey any order or requirement made by the board under this act, the board may suspend or stop further payments to the pensioner under this act.

Refusal to submit.

Amends
§ 9570 Rem.
Comp. Stat.

SEC. 9. That section 12 of chapter 196, Laws of 1919, (section 9570 of Remington's Compiled Statutes) be amended to read as follows:

Resigned or dismissed member not to receive pension.

Section 12. No person who has resigned or been dismissed from such fire department shall be deemed entitled to any relief or pension from said fund, except in cases where such person has rendered twenty years of service in such fire department, or where disability exists which was incurred while in the performance of, or as the result of his duty or duties as defined in this act.

Amends
§ 9571 Rem.
Comp. Stat.

SEC. 10. That section 13 of chapter 196, Laws of 1919, (section 9571 of Remington's Compiled Statutes) be amended to read as follows:

Board powers.

Section 13. The board herein provided shall, in addition to other powers herein granted, have power, to-wit:

Compel attendance of witnesses.

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this act, and in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its chairman or any

member of said board may administer oaths to such witnesses.

Second—To provide for the payment from said fund of all its necessary expenses and printing. No compensation or emoluments shall be paid to any member of said board of trustees for any duties performed under this act, as a trustee: *Provided*, The board shall have the power and authority to appoint an assistant secretary in any city or town where the secretary is unable owing to his other duties to properly devote his time to the pension fund affairs. It shall be the duty of the assistant secretary to perform all clerical work and such duties as prescribed by the board of trustees, but he shall have no vote unless he be a member of the board of trustees; the board may pay such assistant secretary such salary as they deem just from the fund, and such salary shall be in addition to any salary he may receive from the city or town as regular employee, or any pension allowed to any retired or pensioned member from the pension fund.

Expenses
and printing.

Assistant
secretary.

Salary.

Third—To make all needful rules and regulations for its guidance in conformity with the provisions of this act.

Rules and
regulations.

Fourth—To appoint one or more regularly licensed practicing physicians of such city or town who shall be known as the firemen's relief and pension fund physicians, who shall examine and report to the board of trustees, upon all applications for relief and pension under this act. They shall visit and examine all sick and temporary disabled members, when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board of trustees. They shall perform all operations on sick and injured members and render all medical aid and care necessary for the recovery of the member on account of sickness or temporary disability received while in the perform-

Physicians
appointed.

Duties of
physicians.

ance of his duty or duties as defined in this act. And such appointed physicians shall be paid their fees from said fund, the amount of said fees or salary to be set and agreed upon by the board of trustees and the pension fund physicians. No other physician or surgeon not a regularly appointed pension fund physician, or a specially appointed and employed physician or surgeon, as hereinafter provided for, shall receive or be entitled to any fees or compensation from said fund as private or attending physician to sick or injured member of fire department, and should any sick or injured member refuse the services of the pension fund physicians, or the specially appointed and employed physician or surgeon, he shall be liable for the fees to any other physician or surgeon. No person shall have a right of action against the board of trustees or the pension fund for negligence of any physician or surgeon employed by it. The board shall have the power and authority to select and employ besides the regular pension fund physicians, such other physicians, surgeons or specialists for consultation with, or assistance to the regular pension fund physicians, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this act, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board.

Action
against
board.

Specialists
employed.

Decision of
board final.

Amends
§ 9572 Rem.
Comp. Stat.

Fund to
consist of
bequests,
fees, etc.

SEC. 11. That section 14 of chapter 196, Laws of 1919 (section 9572 of Remington's Compiled Statutes), be amended to read as follows:

Section 14. Said fund shall consist of all bequests, fees, gifts, emoluments or donations given or paid to the firemen's relief and pension fund, or any of its members, except otherwise designated by

the donor, and a monthly fee which shall be paid into the fund by each member of said fire department, including substitutes and temporarily appointed members, amounting to not less than two (2) per cent or more than four (4) per cent of his regular monthly salary, the exact percentage to be determined as hereinafter provided, and the proceeds of the tax levy as provided for in this act, and the interest on investment of any portion of said fund.

2% to 4%
of firemen's
monthly
salary.

SEC. 12. That section 15 of chapter 196, Laws of 1919 (section 9573 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9573 Rem.
Comp. Stat.

Section 15. The city council or city commissioners of each city or town are hereby authorized and empowered to, and shall, when requested in writing by two-thirds of the members of said board of trustees of the firemen's relief and pension fund, at the same time other levies of taxes are made as provided by the charter or laws, and in addition to the levy authorized by the charter or laws, levy a tax for an amount estimated to be required by the pension fund board of trustees, not to exceed one-half mill on each dollar of the assessed valuation of the property in such city or town not exempt from taxation, which taxes shall be credited to the firemen's relief and pension fund. Should the amount in the fund at any time be exhausted by unforeseen circumstances, the board of trustees shall be empowered to obtain a loan from the general fund or any other fund available or budget allowance of such city or town, until the firemen's relief and pension fund can be replenished and the loan returned to the other fund. The board of trustees by a two-thirds vote shall have power to invest all funds, or any part thereof not required for immediate use, in government, county or city bonds, to be taken in the name of the firemen's relief and

City council
or commis-
sioners to levy
tax.

Fund ex-
hausted, loan
from general
fund.

pension fund of such city or town and deposited in such bank or banks or vaults together with other securities of such city or town; by the same vote the board shall have the power to sell and dispose of any securities.

SEC. 13. That section 16 of chapter 196, Laws of 1919 (section 9574 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9574 Rem.
Comp. Stat.

Section 16. Payment provided for in this act shall be made semi-monthly upon proper vouchers and in such manner as provided by the board of trustees in conformity with the procedure in other disbursements of such city or town: *Provided*, That no warrants shall be drawn upon said fund except by order of the board of trustees which shall be duly entered upon the records of the proceedings of the board.

Payment to
be made
semi-monthly
on vouchers.

SEC. 14. That section 17 of chapter 196, Laws of 1919 (section 9575 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9575 Rem.
Comp. Stat.

Section 17. It shall be the duty of the auditor or city comptroller, or officer whose duty it is to draw warrants, in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each member of the fire department, including substitutes and temporarily appointed members two per cent of such monthly salary during all the time such member may be in the employ of the fire department: *Provided, however*, That should the board of trustees of the firemen's relief and pension fund cause a tax to be levied pursuant to the provisions of section 15 of this act, the following amounts shall be deducted from the monthly salaries of all members of the fire department during the year in which said tax is levied: Two per cent of said monthly salary where the tax levy is less than one-half mill on each dollar of assessed valuation of property in such city or town, not exempt from taxa-

City auditor
or city
comptroller
to draw
warrants.

Salary
deductions
determined
by amount
of tax levy.

tion; four per cent of said monthly salary where said tax levy is one-half mill. It shall be the duty of the auditor or city comptroller to draw a warrant for the full amount so withheld from the firemen's salaries payable to the city treasurer and by him credited to the firemen's relief and pension fund.

SEC. 15. That section 18 of chapter 196, Laws of 1919 (section 9576 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9576 Rem.
Comp. Stat.

Section 18. Upon the death of any active or retired member of the fire department, the board of trustees shall appropriate from the fund the sum of one hundred dollars (\$100.00) to assist in defraying the funeral expenses of such member.

Funeral
expense.

SEC. 16. That section 19 of chapter 196, Laws of 1919 (section 9577 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9577 Rem.
Comp. Stat.

Section 19. That words "performance of duty and duties" whenever and wherever mentioned in this act, shall be held and construed to mean and include the performance of any work required in or about company quarters of any fire station or any other place under the direction or general orders of the chief, acting chief, or any officer having authority to so order such member to perform such work, working at or returning from an alarm of fire, drill, exercise or physical practice, responding to an alarm of fire when off duty in accordance with the rules and regulations of the fire department.

"Perform-
ance of duty
and duties"
defined.

SEC. 17. Nothing contained in this act shall affect, or be construed as affecting, the validity of any act done, obligation entered into or rights accrued, or any proceeding had or pending, under the act of which this act is amendatory.

Validity of
acts under
prior act.

SEC. 18. If any section or portion of this act shall be held to be unconstitutional and void, such

Saving
clause if part
held uncon-
stitutional.

holding shall not affect the remaining portions of the act.

Passed the Senate February 6, 1929.

Passed the House February 20, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 87.

[S. B. 109.]

EMINENT DOMAIN COMMISSIONERS.

AN ACT relating to the compensation of eminent domain commissioners, and amending Section 9236 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 9236 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 9236. 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 record, fix the compensation of each commissioner in an amount in no case to exceed twelve and one-half 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 ap-

Oath of office.

Compensation \$5.00 per day.

First class city \$12.50 per day.

Account showing number of days spent.

proval 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 expense 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 apportion them to the different proceedings in proportion to the amount of time actually spent by them on the assessment in each proceeding.

Warrant
issued.

Passed the Senate February 5, 1929.

Passed the House February 28, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 88.

[S. B. 115.]

HIGHWAYS.

AN ACT relating to public highways, providing for the classification, laying out, construction and/or improvement thereof, providing revenues therefor, and for the closing and restricting the use thereof in certain cases, defining the powers and duties of certain officers in relation thereto, making appropriation, prescribing penalties, and providing when the act shall take effect.

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

SECTION 1. On or before the first day of August, 1929, the county commissioners of each county in this state shall make a survey of the highway situation in their respective counties, and shall prepare a master plan for the construction and/or improvement of the county roads of their respective counties. In preparing such master plan the board shall make

County com-
missioners to
prepare mas-
ter plan.

a special study of the needs of its county for roads leading to and connecting directly or indirectly with state highways, including "farm to market" roads, roads connecting trade centers and connecting with each other and with the county seat, roads and highways required for transportation of school children to the various school houses within the county and roads and highways required for rural mail routes. The board shall in its plan classify certain streets, roads and highways in its county both inside and outside of the corporate limits of cities and towns within the following classes:

State high-
ways defined.

(a) State highways, which shall include only such highways as shall have been established as state highways by legislative enactment, and

Lateral high-
ways defined.

(b) Lateral highways, which shall include such other streets and roads within the county not classified as state highways, but which lead to and connect directly or indirectly with state highways, and which can be constructed and/or improved to the standard hereinafter provided for lateral highways with the revenues which will be provided by and available for expenditure under the provisions of this act within a period of ten years from the first day of August, 1929. The plan proposed by the board shall be sketched upon a map which shall be on a scale of at least one inch to the mile, and which shall have designated upon it all the roads in the county in accordance with the classification herein required upon such map in colors appropriate as to make them readily distinguishable; and which said map shall also show the location of the various school districts of the county and the location of the different school houses in such districts.

Public
hearing on
master plan.

SEC. 2. During the month of September, 1929, the board shall hold a public hearing at the county seat to consider the adoption of the classification and master plan as proposed by the board and as shown

on such map, and shall give notice of such hearing by publication in the official county paper at least two successive weeks preceding the date fixed for such public hearing. As soon as said map and master plan is prepared, the same shall be placed on display in the office of the county auditor for study and information of interested citizens of the county. Following the hearing the board shall finally adopt a master plan and map, as proposed by it or in accordance with changes the board may desire to make following such hearing. After said master plan and map shall have been finally adopted by the board, a copy of the same shall be furnished to the state highway engineer and shall be kept on file in the office of the state highway engineer; and thereafter no changes shall be made in such master plan or map except by the unanimous vote of the members of the board of county commissioners and the approval of the state highway engineer.

Map to be displayed.

State highway to receive copy.

SEC. 3. That in addition to the excise tax required to be paid by each distributor of liquid fuel under the provisions of chapter 173 of the Laws of 1921, as amended by chapter 81 of the Laws of 1923, or heretofore, or hereafter, otherwise amended, there shall be paid to the state treasurer by every such distributor, in the manner and at the times of paying the excise taxes provided for by said acts, an excise tax of one cent per gallon on all liquid fuel sold by him.

One cent additional gas tax on distributor.

SEC. 4. Every person, firm, or corporation, including distributors, who shall use liquid fuel for the purpose of operating motor vehicles, including motor trucks, upon the public highways of the state, or the political subdivisions thereof, upon the sale or use of which liquid fuel the additional one cent excise tax imposed by this act has not been theretofore paid, shall pay a tax of one cent per gallon in addition to the tax imposed by section 2 of chapter 81

One cent additional gas tax on user.

of the Laws of 1923, or any amendments heretofore or hereafter made to said chapter, upon all such liquid fuel so used, and, insofar as such liquid fuel is concerned, shall make the same reports and pay the same taxes as and be subject to all the other provisions of this act relating to, distributors of liquid fuel: *Provided*, That any tourist or traveler coming into the state in a motor vehicle may transport, for his own use only, not more than twenty gallons of liquid fuel at one time and use the same for the purpose of operating such motor vehicle without the payment of said tax.

SEC. 5. Said excise tax of one cent additional per gallon shall be paid on or before the fifteenth day of each month to the state treasurer of the State of Washington, who shall issue a receipt therefor, and on the next business day after the receipt of any such excise taxes, deposit in the state treasury the balance of moneys received for such excise taxes remaining on hand at the close of the preceding business day, after making all deductions and refunding all overpayments and all other sums required to be refunded by law in the following manner: Such balance to be placed in a fund which is hereby created in the state treasury, to be known as the lateral highway fund, to the credit of each county of the state in the following manner: One-half of such fund to be credited and divided equally among all the counties of the state: and one-fourth of such fund to be credited to the respective counties in proportion to the number of registered motor vehicles in such county in the last preceding calendar year; and one-fourth of such fund to be credited to the respective counties in the proportion which the number of farms in each county bears to the total number of farms in the state as defined and enumerated in the last preceding federal census, and *Provided*, That one-third of any moneys to which

Gas tax paid
before 15th
of each
month.

Distribution
of tax.

One-half
equally
among
counties.

One-fourth
in proportion
to number of
farms.

any first class county is entitled under the provisions of this act shall be placed in the lateral highway fund to the credit of and may be expended by the first class cities within such county, such credit to be given to and expenditure to be made by such cities in proportion to the assessed valuation of the property within such cities, and such expenditures to be made by the governing authorities of such cities for the construction and/or improvement of any arterial street or highway within such city, which leads to and connects directly or indirectly with any state highway, such expenditures to be made either independently or in conjunction with any other moneys that may be provided by such cities. All plans and specifications for any such work shall be submitted to the state highway engineer for his approval and all payments for such work shall be made upon vouchers drawn upon the lateral highway fund approved by the governing authorities of such cities and the state highway engineer, and in case of final payment to be accompanied by certificate of approval of the state highway engineer.

First class cities in first class counties may expend.

SEC. 6. On or before the tenth day of July in the year 1929, the state treasurer shall prepare and file with the board of county commissioners of each county an estimate of the receipts of the lateral highway fund which will be credited to such county for the ensuing year; and annually thereafter between the first and tenth days of July the state treasurer shall prepare and file with the board of county commissioners of each county a statement of the receipts of said lateral highway fund credited to such county for the preceding year.

State treasurer to estimate receipts.

SEC. 7. All moneys collected under the provisions of this act and credited to the respective counties shall be used and expended for the construction and/or improvement of lateral highways

Expended for construction of lateral highways.

Class "A"
counties may
expend for
bridge.

only, under the provisions of this act, and shall not be expended or obligated until and unless budgeted at the time and in the manner required by law for other county road funds, and the amount budgeted shall be based upon the statement of the state treasurer: *Provided*, That in Class "A" counties the board of county commissioners may, by unanimous vote, expend such proportion of the funds in the lateral highway fund to the credit of such county as the commissioners shall deem advisable, either by itself or in conjunction with other state, county, city or town or federal funds, for the construction and/or improvement of any bridge, viaduct, or highway in any city or town in such county, which will lead to and connect directly or indirectly with a state highway, but such expenditure from such fund for such purpose shall not be made unless the plans and specifications for such work shall have been submitted to and approved by the state highway engineer; and such expenditure shall not exceed such portion of moneys in said fund estimated to be available for expenditure by such county during the year the expenditure is to be made, as the assessed valuation of the property in such city or town bears to the total assessed valuation of the property in such county.

Character of
construction
required.

SEC. 8. Every lateral highway constructed and/or improved under the provisions of this act shall be uniformly graded to a width of not less than nine feet, shall have proper bridges, drains, culverts and shall be surfaced with macadam, stone, gravel or other suitable material at least as permanent and durable, and not less than seven feet in width. No highway shall be constructed under the provisions of this act with a grade exceeding five per cent, except where, by reason of physical conditions it is not feasible nor practicable to obtain such grades,

but in no case shall such highway be constructed with a grade greater than ten per cent.

SEC. 9. The county engineer, if there be one, shall perform all engineering work in connection with, and supervise any construction and/or improvement work prosecuted under the provisions of this act, unless the board of county commissioners shall employ a construction engineer for that purpose: or, if there be no county engineer, the board of county commissioners shall employ a construction engineer for that purpose: *Provided*, That where any construction and/or improvement work under this act is done within any first class city in any first class county, the city engineer of such city shall perform all engineering work in connection therewith and supervise such construction and/or improvements.

County engineer to do engineering work.

SEC. 10. Whenever the board of county commissioners shall have passed a resolution for the construction and/or improvement of any highway, under the provisions of this act, and the same shall have received the approval of the state highway engineer, a certified copy thereof shall be transmitted to the county engineer, or construction engineer appointed as aforesaid, who shall thereupon make the necessary surveys and prepare profiles, maps, plans and specifications and an estimate of the cost of construction and/or improvement of the highway or section thereof described in the resolution, making such recommendations concerning deviations from existing lines as he shall deem advisable to obtain a shorter and more direct route, or to otherwise improve such highway.

County engineer to prepare plans and make surveys.

SEC. 11. Upon the completion of such profiles, maps, plans, specifications and estimate, a copy thereof shall be transmitted to the state highway engineer, who shall thereupon examine the same and

Approval of plans and specifications by State Highway Engineer.

return the same to the board of county commissioners, making such changes therein or recommendations with reference thereto as he may deem advisable, and certifying his approval thereof. Upon the receipt of such profiles, maps, plans, specifications and estimate, the board of county commissioners may pass a resolution adopting the same, and that such highway or section thereof shall be improved under the provisions of this act. No resolution thereafter adopted by said board shall have the effect of rescinding or annulling the resolution so adopting such profiles, plans, specifications and estimate, unless approved by the state highway engineer. The profiles, maps, plans, specifications and estimate as finally adopted by the board of county commissioners shall be filed in its office and become a permanent record of the board, and certified copies thereof shall be transmitted to the state highway engineer and to the county engineer or construction engineer, as the case may be.

Profiles, plans, specifications filed with county commissioners.

SEC. 12. Whenever the board of county commissioners shall find it necessary for the purpose of constructing and/or improving any highway, straightening it or lessening the gradients thereof, or otherwise improving the same, to acquire or appropriate lands, real estate or other property, such board is hereby authorized to acquire the same by condemnation proceedings in the manner provided by law for the appropriation of lands, real estate or other property by private corporations authorized to exercise the right of eminent domain.

Power of eminent domain authorized.

SEC. 13. When the board of county commissioners shall have finally adopted the profiles, maps, plans, and specifications for the improvement and/or construction of any highway or section thereof, under the provisions of this act, said board shall advertise for bids for three successive weeks in the official newspaper of such county, and if it deem

Bids advertised for by county commissioners.

advisable in such other newspaper or publication as it shall determine, for the construction and/or improvement of such highway or section thereof according to such profiles, maps, plans and specifications, and shall award the contract to the lowest responsible bidder, save that the board shall have the right to reject any or all bids. All contracts shall be on a form approved by the state highway engineer and shall be let on a lump sum or unit price basis. Before entering into any contract for such construction and/or improvement, it shall require a corporate surety bond in the full amount of the contract, or if the contract is to be awarded on a unit price basis, in the full amount of the total cost of said work, as determined by the unit prices bid and the estimated quantities, conditioned that the party thereto will perform the work upon the terms, within the time and in accordance with the contract, profiles, maps, plans and specifications, and that such party will indemnify the county against any direct or indirect damages that shall be suffered or claimed for injuries to persons or property during the construction and/or improvement of such highway and until the same is accepted. Each bid shall be accompanied by a certified check in a sum equal to five per cent of the amount of such bid if upon a lump sum basis, and if upon the unit price basis five per cent of the total cost as determined by the unit prices and the estimated quantities, payable to the county, which shall be forfeited to the county upon the failure of the party, for a period of twenty days after any contract is awarded to such party, to enter into a proper contract and furnish satisfactory bonds as required by this act. The contract shall provide for payment and reserve from moneys earned in accordance with the provisions of chapter 166 of the Laws of 1921. No final payment shall be made until the state highway

Contract form approved by State Highway Engineer.

Surety bond required.

Conditions.

Certified check to accompany bid.

Reserve payments.

Final payment.

engineer shall have examined the work or caused the same to be examined and certify to the state auditor that such work has been fully completed in accordance with the contract and profiles, maps, plans and specifications governing such work. All payments to be made by the state upon contracts, entered into in accordance with the provisions of this act shall be made by the state treasurer from the lateral highway fund created by this act by the additional one cent excise tax upon the warrants of the state auditor issued upon the presentation of proper vouchers by the person entitled thereto, said vouchers to be approved by the board of county commissioners, and the state highway engineer and in case of final payment, to be accompanied by the certificate of the state highway engineer as aforesaid. Payments on such contracts may be made for lateral highways from the lateral highway fund in conjunction with money from the county general road and bridge fund, or from the road district fund of any road district in which the improvement or any part thereof is located, or any fund created by donation and placed in the possession of the county treasurer as a trust fund, for expenditure in connection with such improvement. Whenever any such funds are to be used in conjunction with the lateral highway fund in paying for such improvement, the county commissioners shall adopt a resolution to that effect, and shall set aside from such funds the amount to be expended from said funds on such contract, and such funds so set aside shall be held and expended for that purpose and shall not be otherwise expended or used until the completion of the work and final payment on such contract. All payments from county funds, or from funds donated and placed in the possession of the county treasurer shall be paid by the county treasurer upon warrants drawn by the county auditor,

Payments
made by
State
Treasurer.

Combination
payments
from differ-
ent funds.

upon presentation of proper vouchers, approved by the board of county commissioners, and the state highway engineer. The state auditor shall issue no warrant for any purpose against the lateral highway fund unless there be sufficient money to pay such warrant in the fund on which it is drawn to the credit of the county affected. No changes or additions, or payments therefor, shall be made during the progress of the work, unless the same shall have been approved by the board of county commissioners by resolution and a copy of said resolution shall have been transmitted to and approved by the state highway engineer. Whenever any contract is awarded upon the unit price basis, all extras and overruns, after having been approved by the board of county commissioners and state highway engineer shall be paid from the lateral highway fund, if there be sufficient money unobligated in said fund, or from county funds, as heretofore provided.

No warrant to be issued without funds for payment.

Unit price contract.

SEC. 14. Whenever a contract has been let for the construction and/or improvement of any highway in accordance with the provisions of this act, the contractors may and are hereby authorized to, whenever the engineer in charge of the work shall certify to the necessity thereof in writing, close any such highway or section thereof to the public, or limit the speed of vehicles thereon, by putting up a sufficient obstruction and notice to the effect that such highway is closed or that the speed of vehicles is limited thereon. When such highway shall have been so closed to the public, or the speed of vehicles limited, any person disregarding such obstruction or notice and driving, riding or walking over any portion of such highway so closed, or in case the speed of vehicles is limited, exceeding of such speed limit, shall be deemed guilty of a misdemeanor. Nothing herein contained however shall relieve the contractors of the burden of keeping highways under

Closing highways for construction purposes.

Violation of closing regulations is misdemeanor.

construction at all times open to the public until the engineer in charge of the work shall have certified to the necessity for closing such highway or limiting the speed of vehicles thereon, and shall have filed such certificate in the office of the county auditor of the county within which such highway or section thereof is located.

Ditches and drains for highways.

SEC. 15. Whenever during the construction and/or improvement of any highway under this act, or after its completion, it may be necessary for the proper construction or maintenance thereof to open or maintain ditches or drains for the purpose of properly draining such highway, the county commissioners of the county within which such highway or section thereof is located, shall have the right to enter upon the lands adjacent thereto and to open any existing ditch or drain for the free passage of water for the purpose of draining such highway. Said county commissioners shall also be empowered to agree with the owner of any such lands upon the amount of damages, if any, sustained by him in consequence of such entry upon his lands and performance of the work hereby authorized, and the amount of damages so agreed upon shall be a road district charge and shall be audited and paid the same as other road district charges. If the county commissioners are unable to agree with such owner upon the amount of damages so sustained, the amount thereof shall be ascertained and determined and paid in the same manner as damages are ascertained, determined and paid by private corporations exercising the right of eminent domain.

Right to use may be acquired by eminent domain.

Island county funds paid direct.

SEC. 16. Whenever, under the terms of this act, any funds shall have been credited to any county in this state composed entirely of islands, the state treasurer shall quarterly, pay such funds to such county, and the same shall by such county be placed in its general road and bridge fund, and shall be

expended by such county for the same purposes, by the same officers, and in the same manner as other moneys in said general road and bridge fund; and such counties shall be entitled to no other participation in, or disbursements from the lateral highway fund created by this act.

SEC. 17. For the purpose of carrying out the provisions of this act there is hereby appropriated for the biennium ending March 1, 1931, from the lateral highway fund of the state treasury the sum of five million dollars, not, however, to exceed the amount placed in said lateral highway fund to the credit of the respective counties from the additional one cent excise tax under the provisions of this act.

Appropriation
\$5,000,000.00.

SEC. 18. Nothing contained in this act shall amend, change or modify any provisions of chapter 35 of the Laws of 1911, and the amendments thereto, or prohibit the use and expenditure of moneys in the permanent highway fund, in accordance with the requirements of said chapter 35 of the Laws of 1911 and the amendments thereto, on any road, street or highway established under the provisions of this act.

No change
of Chapter
35 Laws of
1911.

SEC. 19. That this act shall take effect and be in force on and after the first day of July, 1929.

Passed the Senate February 18, 1929.

Passed the House March 4, 1929.

Approved by the Governor March 8, 1929.

CHAPTER 89.

[H. B. 26.]

JUDGMENTS OF NON-SUIT AND CHALLENGES TO LEGAL SUFFICIENCY OF EVIDENCE.

AN ACT relating to judgments of non-suit and upon challenge to the legal sufficiency of the evidence, and repealing certain acts relating thereto.

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

SECTION 1. An action in the superior court may be dismissed by the court and a judgment of non-suit rendered in the following cases:

Dismissal
and judg-
ment of
non-suit.

Motion of
plaintiff.

1. Upon the motion of the plaintiff, (a) when the case is to be or is being tried before a jury, at any time before the court announces its decision in favor of the defendant upon a challenge to the legal sufficiency of the evidence, or before the jury retire to consider their verdict, (b) when the action, whether for legal or equitable relief, is to be or is being tried before the court without a jury, at any time before the court has announced its decision: *Provided*, That no action shall be dismissed upon the motion of the plaintiff, if the defendant has interposed a set-off as a defense, or seeks affirmative relief growing out of the same transaction, or sets up a counter claim, either legal or equitable, to the specific property or thing which is the subject matter of the action.

Motion of
either party.

2. Upon the motion of either party, upon the written consent of the other.

Defendant's
motion.

3. When the plaintiff fails to appear at the time of trial and the defendant appears and asks for a dismissal.

Court's
motion,
abandoned
by plaintiff.

4. Upon its own motion, when, upon the trial and before the final submission of the case, the plaintiff abandons it.

5. Upon its own motion, on the refusal or neglect of the plaintiff to make the necessary parties defendants, after having been ordered so to do by the court.

Courts motion, for failure to make necessary parties.

6. Upon the motion of some of the defendants, when there are others whom the plaintiff fails to prosecute with diligence.

Defendant's motion.

7. Upon its own motion, for disobedience of the plaintiff to an order of the court concerning the proceedings in the action.

Court's motion.

8. Upon the motion of the defendant, when, upon the trial, the plaintiff fails to prove some material fact or facts necessary to sustain his action, as alleged in his complaint. When judgment of nonsuit is given, the action is dismissed, but such judgment shall not have the effect to bar another action for the same cause. In every case, other than those mentioned in this section, the judgment shall be rendered upon the merits and shall bar another action for the same cause.

Defendant's motion for failure of proof.

Dismissal not bar to another action.

SEC. 2. In all cases tried in the superior court with a jury, the defendant, at the close of the plaintiff's evidence, or either party, at the close of all the evidence, may challenge the legal sufficiency of the evidence to warrant a verdict in favor of the adverse party, and if the court shall decide as a matter of law the evidence does not warrant a verdict, it shall thereupon discharge the jury from further consideration of the case and enter a judgment in accordance with its decision, which judgment if it be in favor of the defendant shall be a bar to another action by the plaintiff for the same cause: *Provided*, That in case the defendant challenge the legal sufficiency of the evidence at the close of plaintiff's case, and the court shall decide that it is insufficient merely for failure of proof of some material fact, or facts, and that there is reasonable ground to believe that such proof can be supplied in a sub-

Challenge to legal sufficiency of evidence to warrant verdict.

If dismissal is for failure of proof which may be supplied court may enter nonsuit.

sequent action, the court may discharge the jury and enter a judgment of non-suit as provided in the preceding section: *And provided, further,* That nothing in this section shall be construed to authorize the court to discharge the jury and determine disputed questions of fact.

Statutes
repealed.

SEC. 3. That sections 286, 287 and 288 of the Code of Washington Territory of 1881, and chapter XL (40) of the Laws of 1895, page 64 (sections 340, 408, 409 and 410 of Remington's Compiled Statutes; sections 8122, 8123, 8124 and 8505 of Pierce's Code) are hereby repealed.

Passed the House February 28, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 90.

[H. B. 93.]

COLLECTION AGENCIES.

AN ACT relating to collection agencies and providing for a bond for the operation thereof.

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

Unlawful to
conduct or
advertise to
conduct
without
bond.

SECTION 1. No person, firm, association or corporation shall conduct a collection agency, collection bureau or collection office in this state, or engage in this state in the business of collecting or receiving payment for others of any account, bill or other indebtedness, or engage in this state in the business of soliciting the right to collect or receive payment for another of any account, bill or other indebtedness, or advertise for or solicit in print the right to collect or receive payment for another of any account, bill or other indebtedness, unless, at the time of conducting such collection agency, collection

bureau, collection office or collection business, or of doing such advertising or soliciting, such person, partnership, association or corporation, or the person, partnership, association or corporation for whom he or it may be acting as agent, shall have on file a good and sufficient bond as hereinafter specified.

SEC. 2. Said bond shall be in the sum of three thousand dollars and shall provide that the person, partnership, association or corporation giving the same shall, upon written demand, pay and turn over to or for the person, partnership, association or corporation for whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance with the terms of the agreement upon which such amount, bill or other indebtedness was received for collection. Said bond shall be in such form as the attorney general shall prescribe. The bond shall be approved by the county clerk of the county in which the principal place of business of the collection agency is located and shall then be filed in the office of the county auditor of the said county or cash may be accepted by the county auditor in lieu of such bond.

Amount of bond and conditions.

Attorney general to approve form.

SEC. 3. This act shall not apply to any attorney at law duly authorized to practice in this state and resident herein, to a national bank, to any bank or trust company duly incorporated under the laws of this state, or to professional men's associations, the members of which are required by law to have a license, diploma or permit to practice or follow their profession.

Not applicable to attorney, bank, trust company or professional men's association.

SEC. 4. Any association or federation of business men's associations in this state, duly incorporated under the laws of this state, whose membership is composed of business men's associations in various localities in this state through a system of fed-

Federation of business men's association may file one \$5,000 bond covering branches.

eration, may file one bond of five thousand dollars in behalf of all its branch organizations that maintain and operate a collection department in the interest of members only, and that any of such branch organizations will not be required to be further bonded.

SEC. 5. Any person, member of a partnership or officer of an association or corporation who fails to comply with any provision of this act shall be guilty of a misdemeanor.

Passed the House February 28, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 91.

[H. B. 117.]

AUTHORIZING ACCEPTANCE OF CHECK FROM PUBLIC PRINTER.

AN ACT authorizing and directing the state treasurer to accept on behalf of the state certified check from the public printer representing trust funds payable to the state, and pay the proceeds thereof into the general fund, and declaring that this act shall take effect immediately.

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

SECTION 1. The state treasurer is hereby authorized and directed to accept, on behalf of the state, the certified check of the public printer for eight thousand five hundred ninety-two dollars and sixty-five cents (\$8,592.65) which was tendered by the governor to the twenty-first legislature pursuant to authorization by the trustees of a certain trust created for the benefit of the state on March 20, 1925, by a certain agreement of trust executed March 20, 1925, between Jay Thomas, state printer, and O. M. Green, R. V. Ankeny and D. H. Moss,

State Treasurer to accept check for \$8,592.65 tendered by Governor.

trustees. The state treasurer is hereby directed to pay the proceeds of said check into the general fund.

Proceeds to
general
fund.

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

Effective
immediately.

Passed the House February 4, 1929.

Passed the Senate March 1, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 92.

[S. B. 10.]

ATTORNEY GENERAL.

AN ACT relating to and defining the powers and duties of the attorney general and repealing certain acts relating thereto.

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

SECTION 1. No person shall be eligible to be attorney general of this state unless he shall be a qualified practitioner of the supreme court of this state. Every person elected or appointed attorney general shall, before entering upon the duties of his office, take, subscribe and file the oath of office as required by law, and execute and file with the secretary of state, a bond to the State of Washington, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law. Whenever the governor shall deem any bond filed by the attorney general insufficient, he may require additional bond, in any penalty not exceeding five thousand dollars.

Qualifica-
tions.

Oath of
office.

Bond.

Additional
bond.

SEC. 2. If any attorney general shall fail to give additional bond as required by the governor within twenty days after notice in writing of such require-

Failure to
furnish—
vacancy
declared.

ment, his office may, in the discretion of the governor, be declared vacant and filled as provided by law.

Powers.

SEC. 3. The attorney general shall have the power and it shall be his duty:

1. To appear for and represent the state before the supreme court in all cases in which the state is interested;

Institute actions.

2. To institute and prosecute all actions and proceedings for, or for the use of the state which may be necessary in the execution of the duties of any state officer;

Defend actions.

3. To defend all actions and proceedings against any state officer in his official capacity, in any of the courts of this state or the United States;

Consult and advise prosecuting attorneys.

4. To consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when, in his judgment, the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution.

Duties.

SEC. 4. It shall be the duty of the attorney general:

Consult and advise Governor.

1. To consult with and advise the governor, members of legislature and other state officers, and, when requested, to give written opinions upon all constitutional or legal questions relating to the duties of such officers respectively;

Prepare contracts.

2. To prepare, when necessary, proper drafts for contracts and other instruments relating to subjects in which the state is interested;

Give written opinions to legislature.

3. To give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

Enforce proper application of funds.

4. To enforce the proper application of funds appropriated for the public institutions of the state, and to prosecute corporations for failure or refusal to make the reports required by law;

5. To keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

Book record of all cases.

6. Keep in his office books in which he shall record all the official opinions given by him during his term of office, and to deliver the same to his successors in office;

Book record of official opinions.

7. To pay into the state treasury all moneys received by him for the use of the state.

Pay monies into state treasury.

SEC. 5. It shall be the duty of the attorney general to prepare and report to the governor and the legislature, at or before the convening of each biennial session of the legislature, a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he shall deem expedient and proper.

Biennial report to Governor and legislature.

SEC. 6. The attorney general shall have the power and authority to execute, on behalf of the State of Washington, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court whatsoever, and to procure sureties thereon.

Execute judicial bonds in behalf of state.

SEC. 7. The attorney general shall have the power and authority to appoint necessary assistants, who shall hold office at his pleasure and who shall have the power to perform any act which the attorney general is authorized by law to perform.

Assistants.

Powers.

SEC. 8. The attorney general shall have the power and it shall be his duty to perform any other duties that are, or may from time to time be required of him by law.

Other powers and duties.

SEC. 9. That chapter VII (7) of the Laws of 1887/8, pages 7, 8 and 9; section 2 of chapter LV (55) of the Laws of 1891, page 95; chapter 99 of the

Statutes repealed.

Laws of 1905, page 203, and chapter 119 of the Laws of 1921, page 379, (sections 112 and 11030 to 11034 of Remington's Compiled Statutes; sections 6575 to 6580 and 7298 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not affect the validity of any act done under said acts repealed, or either of them, but this act shall be construed as a continuation thereof.

Passed the Senate January 31, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 93.

[S. B. 82.]

AERIAL TRANSPORTATION.

AN ACT relating to facilities for aerial transportation, amending Section 1 of Chapter 48 of the Laws of 1919, and validating certain bonds attempted to be authorized thereunder, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter 48 of the Laws of 1919, (section 905-1 of Remington's Compiled Statutes) be amended to read as follows:

Section 1. That all cities, towns, port districts and counties are authorized and empowered by and through their appropriate corporate authorities to acquire, maintain and operate sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property or mail; and to acquire by purchase, condemnation or lease all lands and other property necessary therefor, and to dispose of such lands and other property for public use whenever acceptance thereof on behalf of the United States for aviation purposes shall be author-

Amends
§ 905-1 Rem.
Comp. Stat.

Cities, towns,
port districts,
counties em-
powered to
provide
landings, etc.

ized by Act of Congress; and the same is hereby declared to be a municipal purpose and a public use. Cities, towns, port districts and counties are hereby empowered to acquire lands and other property for said purpose by the exercise of the power of eminent domain under the same procedure as is or shall be provided by law for the condemnation and appropriation of private property for any of their respective corporate uses, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated or otherwise held to public use. All acts of any such municipality in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed.

Granted power of eminent domain for such purposes.

SEC. 2. That whenever the board of county commissioners of any county has heretofore submitted to the voters of such county at a general county election held in such county, in the manner provided by law for the submission of questions of authorizing the board of county commissioners to issue bonds for county purposes, the question as to whether or not the board of county commissioners shall be authorized by a vote of said electors to acquire, maintain and operate suitable sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property or mail and to incur an indebtedness and issue serial bonds, in an amount not exceeding three hundred thousand dollars, payable beginning the second year in such amounts as will with interest on the outstanding bonds be met by nineteen equal tax levies, said bonds to be negotiable with interest not to exceed five per cent (5%), payable annually and to be issued in denominations in not less than one hundred dollars nor more than one thousand dollars, and the voters of such county at such general

Bonds authorized by note, ratified.

election have heretofore, by the majority required by law, authorized the incurring of such indebtedness and the issuance of such bonds, such authorization is hereby ratified and confirmed and all bonds heretofore, or hereafter, issued in conformity with such authorization, are hereby validated and declared to be the valid general obligation bonds of such county.

Effective immediately.

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 its existing public institutions and shall take effect immediately.

Passed the Senate January 31, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 94.

[S. S. B. 126.]

TAX LEVY FOR RECLAMATION REVOLVING FUND.

AN ACT relating to the tax levy for the reclamation revolving fund and amending Section 12 of Chapter 158 of the Laws of 1919, as amended by Section 1 of Chapter 218 of the Laws of 1927.

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

Amends
3015 Rem.
Comp. Stat.

SECTION 1. That section 12 of chapter 158 of the Laws of 1919, (section 3015 of Remington's Compiled Statutes) as amended by section 1, chapter 218, Laws of 1927, be amended to read as follows:

Levy for
reclamation
revolving
fund except
1929-1930.

Section 12. For the purpose of raising revenue for the carrying out of the provisions of this act, the state equalization committee shall, beginning the fiscal year of 1919, and annually thereafter, except in the years 1929 and 1930, at the time of levying taxes for state purposes, levy upon all property

subject to taxation, and the proper officers shall collect, a tax of one-half of one mill. The revenue so raised shall be paid into the state treasury and credited to the state reclamation revolving fund.

Passed the Senate February 15, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 95.

[S. B. 177.]

WATER APPROPRIATIONS FOR FEDERAL RECLAMATION PROJECTS.

AN ACT relating to the appropriation of water for use in connection with federal reclamation projects and amending Section 4 of Chapter 88 of the Laws of 1905 and Section 7411 of Remington's Compiled Statutes.

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

SECTION 1. That section 4 of chapter 88 of the Laws of 1905 and section 7411 of Remington's Compiled Statutes be amended to read as follows:

Section 7411. Whenever said secretary of the interior or other duly authorized officer of the United States shall cause to be let a contract for the construction of any irrigation works or any works for the storage of water for use in irrigation, or any portion or section thereof, for which the withdrawal has been effected as provided in section 7410, or section 3 of chapter 88 of the Laws of 1905, any authorized officer of the United States, either in the name of the United States or in such name as may be determined by the secretary of the interior, may appropriate, in behalf of the United States, so much of the unappropriated waters of the state as may be required for the project, or projects, for which water has been withdrawn or reserved under the

Amends
§ 7411 Rem.
Comp. Stat.

Construction
contract for
Federal
irrigation
projects.

Appropriation of water
authorized.

preceding section of this act, including any and all divisions thereof, theretofore constructed, in whole or in part, by the United States or proposed to be thereafter constructed by the United States, such appropriation to be made, maintained and perfected in the same manner and to the same extent as though such appropriation had been made by a private person, corporation or association, except that the date of priority as to all rights under such appropriation in behalf of the United States shall relate back to the date of the first withdrawal or reservation of the waters so appropriated, and in case of filings on water previously withdrawn under said section 7410 of Remington's Compiled Statutes, or section 3 of chapter 88 of the Laws of 1905, no payment of fees will be required. Such appropriation by or on behalf of the United States shall inure to the United States, and its successors in interest, in the same manner and to the same extent as though said appropriation had been made by a private person, corporation or association. The title to the beds and shores of any navigable lake or stream utilized by the construction of any reservoir or other irrigation works created or constructed as a part of such appropriation hereinbefore in this section provided for, shall vest in the United States to the extent necessary for the maintenance, operation and control of such reservoir or other irrigation works.

Passed the Senate February 8, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 9, 1929.

Fees for
filing not
required.

Title to beds
and shores of
navigable
stream vests
in United
States.

CHAPTER 96.

[S. B. 161.]

COMMON CARRIERS RATES AND FACILITIES.

AN ACT relating to public service properties and utilities, providing for the regulation thereof, fixing penalties for the violation thereof and amending Section 18 of Chapter 117 of the Laws of 1911 (Section 10354 of Remington's Compiled Statutes of Washington.)

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

SECTION 1. That section 18 of chapter 117 of the Laws of 1911, pages 551 to 554, (section 10354 of Remington's Compiled Statutes) be amended to read as follows:

Section 18. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates

Rates charged to be specified in schedules.

Same facilities to all.

Free tickets prohibited.

Exceptions.

of hospitals, charitable and ellemosynary [eleemosynary] institutions and persons exclusively engaged in charitable and ellemosynary [eleemosynary] work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *And provided, further*, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines,

and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: *Provided, further,* That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the widows during widowhood and minor children during minority, of persons who died while in the service of any such common carrier: *And provided, further,* That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: *And provided, further,* That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this act may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this act shall be construed to prohibit

Property of
United
States, state,
county or
municipal
government.

Act does not prohibit contract for exchange of service with telephone and telegraph companies.

the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

Passed the Senate February 7, 1929.

Passed the House February 28, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 97.

[S. B. 117.]

LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns and amending Sections 10, 14 and 21 of Chapter 98 of the Laws of 1911.

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

SECTION 1. That section 10 of chapter 98, Laws of 1911, (section 9361 of Remington's Compiled Statutes) be amended to read as follows:

Section 10. Any such improvement may be initiated directly by the city or town council by a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the council at the time specified in such resolution; and directing the proper board, officer or authority to submit to the council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate assessed

Amends
§ 9361 Rem.
Comp. Stat.

Initiated by
resolution
of city
council.

Contents.

Estimated
cost of im-
provement.

valuation of the real estate, exclusive of improvements, within said district according to the valuation last placed upon it for the purposes of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and 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. Notice of the date of such hearing shall be given each owner or reputed owner of any lot, tract or parcel of land, or other property, specially benefited by the improvement by mailing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer, at the address shown thereon, a notice setting forth the nature of the proposed improvement, the total estimated cost, and the estimated benefits to the particular lot, tract or parcel, and the date of the hearing before the city council; such notice shall be mailed as herein provided at least fifteen days before the date fixed for such hearing. The resolution shall be published in at least two consecutive issues of the official newspaper of such city or town, the date of the first publication to be at least fifteen (15) days prior to the date fixed by such resolution for hearing before the city council: *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. 2. That section 14 of chapter 98, Laws of 1911, (section 9366 of Remington's Compiled Statutes) be amended to read as follows:

Section 14. Whenever any local improvement shall be of such nature and character that the espe-

Notice given
property
owner.

Resolution
published.

Amends
§ 9366 Rem.
Comp. Stat.

Boundaries
extended to
enlarged
district.

cial benefits resulting therefrom extend beyond the boundaries of the local improvement district hereinbefore described and defined, the council may create an enlarged district, which shall include as near as may be all the property especially benefited by such improvement. In such case, the petition or resolution initiating such improvement shall state that it is proposed to create an enlarged district to pay the whole or a portion of the cost and expense of such improvement and shall specify and describe the boundaries of such enlarged district, and shall specify a fixed amount of the cost and expense of such improvement to be assessed against that portion of the property within such enlarged district, lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block on each side thereof, in the mode prescribed in the in the preceding section hereof, and that such portion of the remainder of such cost and expense, as may not be borne by any general fund, shall be distributed and assessed against all the property included in the remainder of such enlarged district in accordance with special benefits. Before any such enlarged district is created, the same proceeding shall be followed and notice given as prescribed in section 10 of this act.

Petition or
resolution.

Contents.

Cost to be
borne by
general fund
and property
benefited.

Boundaries
described.

The council in case it shall order such improvement, shall in the ordinance therefor specify and describe the boundaries of such district as defined in such petition or resolution.

SEC. 3. That section 21 of chapter 98, Laws of 1911, (section 9373 of Remington's Compiled Statutes) be amended to read as follows:

Assessment
roll.

Section 21. Whenever any assessment-roll for local improvements shall have been prepared as provided by law, such roll shall be filed with the clerk of such city or town. The council shall thereupon fix a date for hearing upon such roll before the coun-

Hearing.

cil and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll, and shall notify all persons who may desire to object thereto to make such objections in writing and to file the same with such clerk, at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, the council will sit as a board of equalization for the purpose of considering such roll, and at such hearing, or hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made *de novo*, as to such body shall appear just and equitable, and then proceed to confirm the same by ordinance.

Notice,
contents.

Notice of the time and place of hearing on such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer for the property described on the list; and in addition thereto such notice shall be published at least five (5) times in the official daily newspaper of such city or town or two (2) times in the official weekly newspaper of such city or town, or, in the case of any city or town not having an official newspaper, then in such other newspaper designated in section 9361: *Provided*, That at least fifteen (15) days must elapse between the date of last publication thereof and the date fixed for such hearing.

Notice given
property
owner by
mail.

Published in
newspaper.

The council or other legislative body of such city or town, at the time fixed for hearing objections to the confirmation of said roll, or at such time or

Hearing on
objections.

Correct,
revise
assessments.

Objections
to specify
grounds.

Waiver of
objections.

Amended
roll, new
time and
place for
hearing.

Mailing
established
by certificate
of officer.

times as said hearing may be adjourned to, shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll and order that such assessment be made *de novo*, as to such body shall appear equitable and just, and then shall confirm the same by ordinance. All objections shall state clearly the grounds of objections; and objections not made within the time and in the manner herein prescribed shall be conclusively presumed to have been waived.

Whenever any such roll shall be amended so as to raise any assessments appearing thereon, or to include omitted property, a new time and place for hearing, and a new notice of hearing on such roll, as amended, shall be fixed and given as in the case of an original hearing: *Provided*, That whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objections thereto shall be considered by the council or by any court on appeal, unless such objections be made in writing at, or prior to the date fixed for the original hearing upon such roll.

SEC. 4. The mailing of any notice required by the provisions of this act shall be conclusively proved by the written certificate of the officer, board or authority directed by the provisions of the charter or ordinances of the city or town to give such notice.

Passed the Senate February 6, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 98.

[S. B. 101.]

PUBLIC UTILITIES OF FOURTH CLASS CITIES.

AN ACT relating to cities of the fourth class and providing for the disposition of surplus earnings of public utilities.

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

SECTION 1. When any special fund of a public utility department of any municipal corporation of the fourth class shall have retired all bond and/or warrant indebtedness, and shall be on a cash basis, and a reserve or depreciation fund shall have been created in an amount satisfactory to the division of municipal corporations of the office of the state auditor of this state, and the fixing of rates of such public utility is governed by contract with a corporation or person supplying the water, electrical energy or other use sold by said municipal corporation to its inhabitants and such rates are at the lowest possible figure, the council or other legislative body, of such municipal corporation shall be authorized, by appropriate legislative action, to set aside out of the net earnings of such public utility not to exceed fifty (50) per cent thereof and to transfer the sums so set aside to the current expense fund of such municipal corporation.

Bonds and warrants paid.

Rates fixed.

Set aside not to exceed 50% of net revenue for current expense fund.

Passed the Senate February 5, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 9, 1929.

CHAPTER 99.

[S. B. 104.]

MOTOR VEHICLE LICENSES.

AN ACT relating to the use of public highways, the licensing of motor vehicles, amending Chapter 96 of the Laws of 1921, and providing penalties for violation thereof.

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

Amends
Chap. 96,
Laws of 1921.

SECTION 1. That chapter 96 of the Laws of 1921 be amended by adding thereto a new section, to be known as section 5a, to read as follows:

Extra engine
registration
fee \$1.00.

Section 5a. Any person, firm or corporation having more than one engine for use in any motor vehicle, shall, at the time of making and as a part of his application for a motor vehicle license, endorse upon such application a description of such extra engine, or engines, giving the engine number, and such other information as the director of licenses may require, and shall accompany such application by a fee of \$1.00, in addition to other fees. The director of licenses, if a license be granted upon such application, shall endorse upon such license the fact that an extra engine, or engines, is used in such motor vehicle, giving the engine number, or numbers, and such other description as he may deem advisable.

Amends
Chap. 96,
Laws of 1921.

SEC. 2. That chapter 96 of the Laws of 1921 be amended by adding thereto a new section, to be known as section 6a, to read as follows:

County audi-
tor shall
appoint
agents for
acceptance of
applications
and fees.

Section 6a. Every county auditor shall appoint any responsible person resident in his county, to act as a special deputy to accept applications and collect fees for motor vehicle licenses, and transfers, and to issue temporary number plates and temporary permits furnished by the director of licenses, upon such person, or corporation, filing with such

county auditor a good and sufficient bond payable to the State of Washington, with good and sufficient surety to be approved by the county auditor, payable to the State of Washington for the benefit of such county auditor, in such penal sum as the auditor may require, conditioned for the faithful performance of his, or its, duties as such deputy. Upon such appointment and the approval of such bond, the person so appointed shall be furnished with such application blanks, temporary number plates, and temporary permits, as shall be deemed necessary by such county auditor.

Bond
required.

SEC. 3. That section 8 of chapter 96 of the Laws of 1921, page 258, be amended to read as follows:

Amends
Sec. 8, Chap.
96, Laws of
1921.

Section 8. Every motor vehicle license issued under the provisions of this act shall be transferred by endorsement on the license certificate signed by the holder of such license, in case of the transfer of the ownership of the motor vehicle for which such license was issued, from the person, or corporation, to whom the license was issued, to the person, or corporation, to whom the ownership of such motor vehicle is transferred, when duly authorized by the director of licenses on application therefor, accompanied by the fee of \$1.00: *Provided*, That if such motor vehicle is to be used for a purpose requiring a higher license fee than the fee paid for the original license, then and in that event, such application for transfer shall be accompanied by the difference between the license fee originally paid and the fee provided by this act for the class to which the transfer is made: *Provided further*, That the number plates issued with any such original license shall be transferred with the transfer of ownership of such motor vehicle and shall remain, and be used upon such motor vehicle during the calendar year for which such original license was issued.

License
transferred
by en-
dorsement.

Fee \$1.00.

New license issued.

Upon the receipt of an application for the transfer of license, accompanied by the state treasurer's duplicate receipt for fee, the director of licenses shall issue to the applicant a new license bearing the same serial number as the original license.

Amends § 11, Chap. 96, Laws of 1921.

SEC. 4. That section 11 of chapter 96 of the Laws of 1921, page 260, be amended to read as follows:

Registration not required of non-residents.

Section 11. The provisions of this act relative to registration of motor vehicles and display of license numbers and licenses shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation having a place of business in this state and owning and operating a motor vehicle or motor vehicles used in connection with such place of business: *Provided*, That the owner thereof has complied with all of the laws of the foreign country, state, or territory or federal district of his residence relative to registration of motor vehicles and the display of license numbers thereon as required thereby, unless and until such non-resident shall have operated such motor vehicle in this state for a period of ninety (90) days, but when any such non-resident shall have operated any motor vehicle in this state for a period of ninety (90) days he shall become subject to the provisions of this act relative to registration of motor vehicles and the display of license numbers and licenses issued under the provisions of this act: *Provided*, That any such non-resident bringing into this state any motor vehicle registered in compliance with the laws of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of license numbers thereon as required thereby, shall within forty-eight (48) hours after bringing such motor vehicle into this state, register such motor vehicle with the director of

90 day period of exemption.

Non-residents to register within 48 hours.

licenses upon a blank form to be furnished by the director for that purpose and receive from the director a temporary permit of such design as he may determine, which temporary permit, when furnished, shall be used under such rules and regulations as the director of licenses may prescribe and it shall be the duty of the director of licenses to appoint as his agents such number of persons, or corporations, as in his judgment are necessary for the convenience of the traveling public to receive such registrations and issue such temporary permits, and to furnish such agents with the necessary blank forms and permits: *Provided further*, That in all those cases of residence of motor vehicle owners in those states whose boundaries abut on those of the State of Washington, the director of licenses may make registration thereof, as herein provided, upon presentation of a certificate of residence of such applicant in such form as the director of licenses may prescribe, duly subscribed by the officer of the state of the applicant's residence vested with the authority to register and license motor vehicles therein, and issue a registration certificate or device which shall be valid during the balance of the current calendar year, or so long as such applicant remains a *bona fide* resident of the state from which his application is received, but not beyond the current calendar year.

Residents of
abutting
states valid
for balance
of calendar
year.

SEC. 5. That section 13 of chapter 96 of the Laws of 1921, page 261, be repealed and that there be substituted therefor a new section, to be known as section 13, to read as follows:

Amends
§ 13, Chap.
96, Laws of
1921.

Section 13. Every person who shall operate a motor vehicle along and over the highways of this state without having first obtained and having in force a motor vehicle license issued under the provisions of this act, or a temporary permit issued under the provisions of this act, shall be guilty of a misdemeanor.

Penalty for
operation
without
license.

Amends
§ 14, Chap.
96, Laws of
1921.

Duplicate
plates
issued.

SEC. 6. That section 14 of chapter 96, Laws of 1921, page 261, be amended to read as follows:

Section 14. Upon the loss or defacement or destruction of any number plate or plates or when for any reason the letters or figures upon the number plate or plates become illegible or in such condition as to be difficult to distinguish, the owner of a registered vehicle may obtain from the director of licenses a duplicate or duplicates thereof upon filing in the office of the director of licenses, on forms prepared by him, an affidavit setting forth such facts and accompanied by a fee of \$1.00 for each plate: *Provided, however,* That the above provision shall not apply to dealer's plates.

Passed the Senate February 8, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 11, 1929.

CHAPTER 100.

[S. B. 107.]

ACTIONS TO QUIET TITLE TO TANGIBLE AND INTANGIBLE PERSONAL PROPERTY.

AN ACT in relation to and providing for the quieting of title and the removal of clouds upon title to tangible and intangible personal property.

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

Action to
adjudicate
title against
adverse
claims.

SECTION 1. Any person or corporation claiming to be the owner of or interested in any tangible or intangible personal property may institute and maintain a suit against any person or corporation also claiming title to or any interest in such property for the purpose of adjudicating the title of the plaintiff to such property, or any interest therein, against any and all adverse claims; removing all such adverse claims as clouds upon the title of the plaintiff

and quieting the title of the plaintiff against any and all such adverse claims.

SEC. 2. The fact that any person or corporation against whom such action may be brought is in the possession of such property, or evidence of title to such property, shall not prevent the maintenance of such suit.

Possession
no bar to
action.

Passed the Senate February 5, 1929.

Passed the House February 27, 1929.

Approved by the Governor March 12, 1929.

CHAPTER 101.

[S. S. B. 148.]

POLICE RELIEF AND PENSION FUNDS.

AN ACT relating to police relief and pension funds in cities of the first class and amending Section 3, of Chapter 39, of the Laws of 1909 as amended (Section 9581 of Remington's Compiled Statutes).

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

SECTION 1. That section 3, of chapter 39, of the Laws of 1909, be amended to read as follows:

Amends
§ 3, Chap.
39, Laws of
1909.

Section 3. From the following sources and at the time when the annual tax levy of such city is made, the said board shall order the transfer of a sufficient amount of money into such fund in addition to the salary provided for in the last paragraph in this section, to meet the financial requirements thereof, to-wit:

Board to
order
transfer of
money to
fund.

1. One-half of all money received from taxes or from licenses upon dogs.

Dog taxes.

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

Sales of
unclaimed
property.

3. All moneys received from licenses from pawnbrokers, second-hand stores, junk dealers, and from any person, firm or corporation maintaining

License of
pawnbrokers,
etc.

or conducting card rooms, billiard, pool or pigeon-hole tables for hire, and billiard and pool rooms.

Fines for carrying concealed weapons.

4. All moneys received from fines for carrying of concealed weapons.

Fines for violation of ordinances.

5. Not more than thirty per cent (30%) of all fines and forfeitures collected or received in money for violation of city ordinances.

2% of monthly compensation of police officers.

6. A sum equal to two per centum (2%) of the monthly compensation paid each police officer, which sum shall be deducted monthly from the salary of each police officer by the city treasurer and placed in said fund.

Passed the Senate February 8, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 102.

[H. B. 54.]

SECURITY FOR COSTS IN JUSTICE COURTS.

AN ACT relating to security for costs in actions or proceedings in justice's courts and amending Section 1725 of the Code of Washington Territory of 1881.

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

Amends § 1777 Rem. Comp. Stat.

SECTION 1. That section 1725 of the Code of Washington Territory of 1881, as amended by chapter 10 of the Laws of 1905, page 27, (section 1777 of Remington's Compiled Statutes) be amended to read as follows:

Non-resident plaintiff required to furnish security for costs.

Section 1725. Whenever the plaintiff in an action, or in a garnishment or other proceeding is a non-resident of the county or begins such action or proceeding as the assignee of some other person, or of a firm or corporation, as to all causes of action sued upon, the justice may require of him security for the costs in the action or proceeding in a sum not

exceeding fifty dollars, at the time of the commencement of the action, and after an action or proceeding has been commenced by such non-resident or assignee plaintiff, the defendant or garnishee defendant may require such security by motion; and all proceedings shall be stayed until such security has been given.

Defendant
may require
by motion.

SEC. 2. In lieu of separate security for each action or proceeding in any court, the plaintiff may cause to be executed and filed in the court a bond in the penal sum of fifty dollars (\$50.00) running to the State of Washington, with surety approved by the court, and conditioned for the payment of all judgments for costs which may thereafter be rendered against him in that court. Any defendant or garnishee who shall thereafter recover a judgment for costs in said court against the principal on such bond shall likewise be entitled to judgment against the sureties. Such bond shall not be sufficient unless the penalty thereof is unimpaired by any outstanding obligation at the time of the commencement of the action.

Lien of
separate se-
curity for
each action
\$50 bond.

Judgment
against
sureties.

Passed the House March 1, 1929.

Passed the Senate February 28, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 103.

[H. B. 55.]

SECURITY FOR COSTS IN SUPERIOR COURTS.

AN ACT relating to security for costs in actions or proceedings in superior courts and amending Section 527 of the Code of Washington Territory of 1881.

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

SECTION 1. That section 527 of the Code of Washington Territory of 1881, (section 495 of Remington's Compiled Statutes), be amended to read as follows:

Section 527. When a plaintiff in an action, or in a garnishment or other proceeding, resides out of the county, or is a foreign corporation, or begins such action or proceeding as the assignee of some other person or of a firm or corporation, as to all causes of action sued upon, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant or garnishee defendant. When required, all proceedings in the action or proceeding shall be stayed until a bond, executed by two or more persons, or by a surety company authorized to do business in this state be filed with the clerk, conditioned that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action or proceeding, not exceeding the sum of two hundred dollars. A new or additional bond may be ordered by the court or judge, upon proof that the original bond is insufficient security, and proceedings in the action or proceeding stayed until such new or additional bond be executed and filed. The plaintiff may deposit with the clerk the sum of two hundred dollars in lieu of a bond.

Amends
§ 495 Rem.
Comp. Stat.

Security for
costs re-
quired of
non-resident.

Proceedings
stayed.

Bond not
exceeding
\$200.

Additional
bond.

In lieu of
security for
each action
one bond
provided.

SEC. 2. In lieu of separate security for each action or proceeding in any court, the plaintiff may

cause to be executed and filed in the court a bond in the penal sum of two hundred dollars (\$200.00) running to the State of Washington, with surety as in case of a separate bond, and conditioned for the payment of all judgments for costs which may thereafter be rendered against him in that court. Any defendant or garnishee who shall thereafter recover a judgment for costs in said court against the principal on such bond shall likewise be entitled to judgment against the sureties. Such bond shall not be sufficient unless the penalty thereof is unimpaired by any outstanding obligation at the time of the commencement of the action.

Judgment
against
sureties.

Passed the House March 1, 1929.

Passed the Senate February 28, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 104.

[H. B. 92.]

AUDITING AND ALLOWANCE OF EXPENSES OF PUBLIC OFFICERS.

AN ACT relating to the auditing and allowance of expenses of state, city, port district and county officers, and amending Sections 1 and 2, of Chapter LXV, of the Laws of 1899.

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

SECTION 1. That section 1, of chapter LXV (65) of the Laws of 1899, pages 106-107, as amended by chapter 106, of the Laws of 1919, pages 258-259, (section 9947 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9947 Rem.
Comp. Stat.

Section 1. Hereafter no state, county, city or port district officer shall be allowed by the state auditor or board of county commissioners, or any other officer or board charged with the auditing of accounts, any sum or sums of money whatsoever for

State, county,
city or port
district officer's
traveling expense.

railroad, steamboat, or auto transportation, or other conveyance hire, of any kind whatsoever, or for hotel or restaurant subsistence, or any other expense, unless the same shall be presented in an account duly sworn to before some officer authorized to administer oaths and each item of expenditure shall be set forth in detail, on forms prescribed by the department of efficiency, or the division of municipal corporations of the office of the state auditor. Such itemized accounts of expenditures shall, upon approval and allowance of the officer or board charged with that duty, be plainly marked or stamped with the date of allowance, and duly filed in a safe place in such office, and safely kept for the period of at least three years: *Provided*, The same shall be at all times open to public inspection. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor.

Account to be itemized and sworn to.

Penalty for violation.

SEC. 2. That section 2, of chapter LXV, (65) of the Laws of 1899, pages 107-108, (section 9948 of Remington's Compiled Statutes) be amended to read as follows:

Section 2. That each state, county, city or port district officer making a claim before any state auditor, board of county commissioners, or any other officer or board authorized to audit claims, shall in addition to the presentation of a verified account as provided in the preceding section, have such account accompanied with the following oath or affirmation:

Accompanied by oath.

STATE OF WASHINGTON }
 COUNTY OF..... } ss.

Form.

I, holding the office of..... having herewith presented my itemized account for expenses for the period ending....., amounting to the sum of.....dollars, do hereby, having been first duly sworn, depose and say: That the foregoing account is just and true as therein

stated; that no payment has been received by me on account thereof; that no rebate of any character, kind or description has been made to me by any person or persons furnishing any of said transportation or subsistence; that the expenses charged were actually and necessarily incurred and paid by me in lawful money.

.....
Subscribed and sworn to before me this.....day
of....., A. D.....

.....
Notary Public in and for the
State of Washington, residing
at

Passed the House March 4, 1929.
Passed the Senate March 1, 1929.
Approved by the Governor March 13, 1929.

CHAPTER 105.

[H. B. 135.]

ANNUAL LICENSE FEE OF USERS OF WATER FOR
POWER DEVELOPMENT.

AN ACT relating to the payment of annual fees by claimants of water power; to the furnishing of an annual statement by such claimants; providing penalties for failure to pay such fees or to make such statements.

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

SECTION 1. Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the State of Washington for power development, shall on or before the first day of July, 1929, and on or before the first day of January of each year thereafter pay to the State of Washington in advance an annual license fee, based

Annual license fee payable in advance before July 1, 1929, and January 1 thereafter.

upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

Projects in operation. Schedule of fees. For projects in operation: For each and every theoretical horse-power claimed up to and including 1,000 horse-power, at the rate of ten cents (10c) per horse-power; for each and every theoretical horse-power in excess of 1,000 horse-power, up to and including 10,000 horse-power, at the rate of two cents (2c) per horsepower; for each and every theoretical horse-power in excess of 10,000 horse-power, at the rate of one cent (1c) per horse-power.

Undeveloped projects. Same fees. For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee above specified for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects. *Provided*, That upon the filing of statement, as hereinafter required, by the United States or the state claiming the right to the use of water to any extent for the generation of power, or any other claimant to the use of water for the generation of 50 horse-power, or less, shall be exempted from the payment of all fees hereinafter required; and *Provided further*, That any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, may upon the filing of a statement, showing the amount of power used for irrigation pumping, be exempted to the extent of the power so used from the payment of the annual license fee herein provided for.

Fee to be paid to Department of Conservation and Development. SEC. 2. The license fee herein required shall be paid in advance to the state department of conservation and development and shall be accompanied by

written statement, showing the extent of the claim. Said statement shall set forth the name and address of the claimant, the name of the stream from which the water is appropriated or claimed for power development, a description of the forty acres or smallest legal subdivision in which the point of diversion and point of return are located, the date of the right as claimed, the maximum amount of water claimed, expressed in cubic feet per second of time, the total average fall utilized under such claim, the manner of developing power and the use to which the power is applied. If the regular flow is supplemented by water stored in a reservoir, the location of such reservoir, its capacity in acre feet, and the stream from which it is filled and fed, should be given, also the date of the right as claimed for storage purposes.

Accompanied
by statement.

Contents of
statement.

Should any claimant fail or neglect to file such statement within the time specified, or fail or neglect to pay such fees within the time specified, the fees due and payable shall be at the schedule rates set out in Section 1, increased twenty-five per cent (25%), and the state shall have preference lien therefor, with interest at the rate of ten per cent (10%) per annum from the date of delinquency, upon the property of claimant used or necessary for use in the development of the right or claim, together with any improvements erected thereon for such development, and upon request from the director of conservation and development the attorney general shall proceed to foreclose the lien, and collect the amount due, as herein provided, in the same manner as other liens for general state and county taxes on real property are foreclosed.

Failure to
file statement
or pay fees,
penalty.

The filing of a claim to water in excess of the amount to which the claimant is legally entitled shall not operate to vest in such claimant any right to the use of such excess water, nor shall the payment of

Excessive
claim to
water gives
no rights.

Filing of
claims evi-
dence of
abandon-
ment.

the annual license fees, provided for herein, operate to vest in any claimant any right to the use of such water beyond the amount to which claimant is legally entitled. The filing of such claim, or claims to water shall be conclusive evidence of abandonment by the claimant of all right to water for power purposes not covered by the claim, or claims, as filed; and the failure to file statement and pay the fees, as herein required, for any power site or claim of power rights on account of riparian ownership within two years after the passage of this act shall be conclusive evidence of abandonment. The amount of the theoretical horse-power upon which fees shall be paid under the provision of this act, shall be computed by multiplying the maximum amount of water claimed, expressed in cubic feet per second of time, by the average fall utilized, expressed in feet, and dividing the product by 8.8.

Method of
computing
theoretical
horsepower.

Fees credited
to general
fund.

SEC. 3. That all fees paid under provisions of this act, shall be credited by the state treasurer to the general fund.

Passed the House February 21, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 106.

[H. B. 196.]

FISHERIES BOARD.

AN ACT abolishing the fisheries board and providing that the duties heretofore performed by the fisheries board shall be performed by the director of fisheries and game, and declaring that this act shall take effect April 1, 1929.

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

SECTION 1. The director of fisheries and game shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties now vested in and required to be performed by the fisheries board.

Director of fisheries and game to exercise powers and duties of board.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1929.

Effective April 1, 1929.

Passed the House February 15, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 107.

[H. B. 200.]

FEES REQUIRED OF PUBLIC UTILITY COMPANIES.

AN ACT relating to public utility companies, providing for increased fees and amending Section 1 of Chapter 113 of the Laws of 1921, as amended by Section 1 of Chapter 107 of the Laws of 1923 (Section 10417 of Remington's Compiled Statutes).

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

SECTION 1. That section 1 of chapter 113 of the Laws of 1921, as amended by section 1 of chapter 107 of the Laws of 1923 (section 10417 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 10417 Rem. Comp. Stat.

Public utility companies, except auto transportation companies and steamboat companies to make statement and pay fees.

Section 1. That hereafter every person, firm or corporation engaged in business as a public utility and subject to regulation as to rates and charges by the department of public works, except auto transportation companies and steamboat companies holding certificates under chapter 248 of the Laws of 1927, shall, on or before the first day of April of each year, file with the department of public works a statement on oath showing its gross operating revenue for the preceding calendar year or portion thereof and pay to the department of public works a fee of 1/10 of one per cent of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than ten dollars.

Passed the House February 19, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 108.

[H. B. 201.]

FEES REQUIRED OF AUTO TRANSPORTATION COMPANIES.

AN ACT relating to fees to be paid by auto transportation companies, abolishing the "Auto Transportation Fund" and amending Section 9 of Chapter 111 of the Laws of 1921, as amended by Section 1 of Chapter 79 of the Laws of 1923.

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

SECTION 1. That section 9 of chapter 111 of Laws of 1921 as amended by section 1 of chapter 79 of Laws of 1923 be and the same is hereby amended to read as follows:

Amends § 9, Chap. 111, Laws of 1921.

Section 9. Every auto transportation company operating under the provisions of this act shall between the first and fifteenth days of January, April, July and October of each year, file with the director

Companies to file statement between 1st and 15th. days of January, April, July and October.

of public works a statement showing the gross operating revenue of such company for the preceding three months or portion thereof, and shall pay to the said director a fee of one per cent of the amount of such gross operating revenue.

Required to pay one per cent of gross operating revenue.

The director of public works shall also collect the following miscellaneous fees:

Miscellaneous fees, schedule.

All applications for a certificate of public convenience and necessity shall be accompanied by an application fee of	\$25.00
Applications for transfer of a certificate of public convenience and necessity.....	5.00
Application for the mortgaging of a certificate of public convenience and necessity.....	5.00
Application for the issuance of a duplicate certificate of public convenience and necessity.....	3.00
Application for the issuance of copies of any records of the department of public works pertaining to auto transportation companies, per 100 words or portion thereof15

All moneys collected under this act shall be paid into the state treasury and credited to the public service revolving fund.

Paid into public service revolving fund.

SEC. 2. That the fund in the state treasury known as the auto transportation fund be, and the same is, hereby abolished and all moneys in said fund be, and the same are, transferred to the public service revolving fund.

Auto transportation fund abolished.

Passed the House February 19, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor March 13, 1929.

CHAPTER 109.

[H. B. 103.]

WINTER POULTRY SHOWS.

AN ACT relating to winter poultry shows and providing funds therefor.

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

SECTION 1. Upon petition of twenty-five resident taxpayers of any county who are interested in the poultry industry, the county commissioners may set aside and include in their annual county budgets the sum equivalent to five per cent of the assessed valuation of poultry in each county each year for the purpose of holding winter poultry shows, the said sum not to exceed the sum of \$500.00 in any one year.

25 resident taxpayers may petition.

5% of assessed valuation of poultry, not exceeding \$500.

Shows open to public.

SEC. 2. All poultry shows shall be open to the public. Such admission charge may be made as is authorized by the board of county commissioners.

American Poultry Association rules.

SEC. 3. All such poultry shows shall be held under the rules of the American Poultry Association and only licensed poultry judges shall be employed at such shows.

Passed the House March 7, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 14, 1929.

CHAPTER 110.

[H. B. 110.]

PEDDLERS.

AN ACT relating to licensing of peddlers and amending Section 1 of Chapter 214 of the Laws of 1909.

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

SECTION 1. That section 1 of chapter 214 of the Laws of 1909, pages 736 to 737 (section 8353 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 8353 Rem. Comp. Stat.

Section 1. The term peddler for the purpose of this act shall be construed to include all persons, both principals and agents, who go from place to place and house to house, carrying for sale and offering for sale or exposal for sale, goods, wares or merchandise: *Provided*, That nothing in this act shall apply to peddlers of agricultural, horticultural or farm products, which they may grow or raise: *And provided further*, That nothing in this act shall apply to peddlers within the limits of any city or town which by city ordinance regulates the sale of goods, wares or merchandise by peddlers: *And provided further*, That nothing in this act shall apply to vendors of books, periodicals or newspapers.

Definition.

Peddlers of agricultural, horticultural and farm products excepted.

City peddlers excepted.

Vendors of books, periodicals and newspapers excepted.

Passed the House February 19, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 14, 1929.

CHAPTER 111.

[H. B. 138.]

DIKING DISTRICTS.

AN ACT relating to diking districts, and amending Chapter CXVII of the Laws of 1895 by adding three new sections, to be known as Sections 36-1, 36-2 and 36-3, and providing that the act shall take effect immediately.

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

SECTION 1. That chapter CXVII of the Laws of 1895 be amended by adding thereto a new section, to be known as section 36-1, (section 4286-1 of Remington's Compiled Statutes) to read as follows:

Section 36-1. Whenever any diking district assessments levied under this act shall remain unpaid for a period of four years from the date when such assessment becomes due and payable, the diking district, through its commissioners, is authorized to purchase a certificate of delinquency for such assessment and to foreclose the same, for the benefit of the diking district, in the same manner as an individual is authorized under the law to purchase and foreclose certificate of delinquency for county taxes. After acquiring title to any such lands through such foreclosure proceedings, the diking district, through its commissioners, may offer for sale and sell all, or any part, of such lands, in the same manner as counties are authorized to offer for sale and sell lands acquired by counties through delinquent tax foreclosure sales; and to issue a deed of conveyance therefor to the purchaser, executed by the commissioners of the diking district in behalf of the district, and attested by the clerk of the district. All revenue derived by the diking district from the sale of any such lands shall be first used for the redemption of any bonds and interest outstanding against said diking district which is due

Adds § 4286-1
to Rem.
Comp. Stat.

Unpaid as-
sessments,
certificates
of delin-
quency pur-
chased by
district.

Lands ac-
quired may
be sold by
commission-
ers.

Revenues
derived used
to redeem
bonds.

and payable, and the remainder thereof, if any, shall be applied to the payment of maintenance warrants, or other indebtedness, of the district, which is due and owing, in the priority deemed best by the board of diking commissioners.

Remainder applied to payment of maintenance warrants.

SEC. 2. That chapter CXVII of the Laws of 1895 be amended by adding thereto a new section, to be known as section 36-2, (section 4286-2 of Remington's Compiled Statutes) to read as follows:

Adds § 4286-2 to Rem. Comp. Stat.

Section 36-2. For the purpose of raising funds to purchase certificates of delinquency each diking district is authorized to levy an annual assessment upon the acreage contained within the diking district at the same time and in the same manner as other assessments of the district are levied; and for the purpose of raising funds to purchase certificates of delinquency upon delinquent diking district assessments during the year 1929, each diking district is authorized to issue emergency warrants, the payment and redemption of which shall be provided for at regular annual meeting in the year 1929; and thereafter all amounts raised for the purchase of delinquent diking assessment certificates shall be provided for at the regular annual meeting set for such purpose.

Funds to purchase delinquent certificates raised by levy of annual assessment.

Certificates of delinquency purchased in 1929 by emergency warrants.

SEC. 3. That chapter CXVII of the Laws of 1895 be amended by adding thereto a new section, to be known as section 36-3, (section 4286-3 of Remington's Compiled Statutes) to read as follows:

Adds § 4286-3 to Rem. Comp. Stat.

Section 36-3. That any and all lands purchased and acquired by the diking district through foreclosure of delinquent assessment certificates shall, so long as owned by, or until sold by, such diking district, be exempt from general state and county taxes.

Lands purchased by district exempt from general taxation.

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

Effective immediately.

support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 8, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 14, 1929.

CHAPTER 112.

[H. B. 213.]

INVENTORY AND APPRAISEMENT OF PROPERTY OF DECEASED PERSONS.

AN ACT relating to the inventory and appraisement of the property of the estates of deceased persons and amending Section 95 of Chapter 156 of the Laws of 1917.

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

SECTION 1. That section 95 of chapter 156 of the Laws of 1917, page 668 (section 1465 of Remington's Compiled Statutes), be amended to read as follows:

Section 95. Every executor or administrator shall make and return, upon oath, into the court, within one month after his appointment, a true inventory of all of the property of the estate which shall have come into his hands, and within thirty days after filing such inventory he shall make application to the court to appoint three disinterested persons to appraise the property so inventoried, and it shall be the duty of the court to appoint such appraisers. Such appraisers shall receive as compensations for their services each such an amount as to the court shall seem just and reasonable not to exceed \$5.00 per day for the time spent in making such appraisement: *Provided*, That in all estates where an inheritance tax is payable, the court may fix the compensation of each appraiser at such an amount as the court may deem just and reasonable. If any part of the estate shall be in another county

Amends
§ 1465 Rem.
Comp. Stat.

Executor or
administrator
to file
inventory.

Court to
appoint
appraisers.

Compensa-
tion \$5.00
per day.

Where in-
heritance
payable
court may
fix com-
pensation.

than that in which the letters are issued, appraisers residing in such county may be appointed by the court having jurisdiction of the case, or, if most advisable, the same appraisers may act: *Provided however,* That the court may appoint persons to appraise the estate at the time or any time after the appointment of the administrator: *And provided further,* That where it is shown by the filing of such inventory, or other proof, to the satisfaction of the court, that the whole estate consists of personal property of less value than two hundred and fifty dollars (\$250.00) exclusive of moneys, drafts, checks, bonds, or other securities of fixed value, an appraisal may be dispensed with in the discretion of the court.

Appraisers outside county.

Time of appointment of appraisers.

Appraisal dispensed with in estates of less than \$250 value.

Passed the House February 26, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 14, 1929.

CHAPTER 113.

[H. B. 233.]

SNAKE RIVER BRIDGE.

AN ACT relating to an interstate bridge over the Snake River between Clarkston in Asotin County, Washington, and Lewiston in Nez Perce County, Idaho.

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

SECTION 1. It shall be the duty of the state highway committee to enter into negotiations with the proper and competent authorities of the State of Idaho and the United States government for the purpose of, if feasible, securing a contract or agreement between the United States government, the State of Idaho and the State of Washington for the construction of an interstate bridge across the Snake River from Clarkston in Asotin County, Washing-

State highway committee to enter into negotiations.

Clarkston to Lewiston.

ton, to Lewiston in Nez Perce County, Idaho, and to report to the twenty-second biennial session of the legislature of the State of Washington the result of such negotiations and such agreement made, if any, and the estimated cost and expense of constructing such bridge, to be borne by the State of Washington.

Passed the House February 19, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 14, 1929.

CHAPTER 114.

[H. B. 116.]

WATER DISTRICTS.

AN ACT creating and validating the organization, establishment and existence of water districts heretofore organized or established, or attempted to be organized or established, under Chapter 161 of the Laws of 1913 and amendments thereto; validating and confirming all bonds, obligations, contracts, assessments, levies and all other acts, proceedings and things heretofore executed, issued or done by such districts or their officers; authorizing the establishment of water districts, providing for the acquirement, construction, maintenance, operation, development and regulation of a water supply for all uses and purposes, public and private other than irrigation, with full power to regulate and control the use, distribution and price thereof, and providing the method of payment therefor, and for the annexation of territory thereto; and declaring that this act shall take effect immediately.

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

SECTION 1. Water districts for the acquirement, construction, maintenance, operation, development and regulation of a water supply system and providing for additions and betterments thereto within such districts are hereby authorized to be established in the various counties of this state, as in this act provided. Such districts may include within their

Water supply systems to be provided.

boundaries one or more incorporated cities and towns.

SEC. 2. For the purpose of formation of such water districts, a petition shall be presented to the board of county commissioners of the county in which said proposed water district is located, which petition shall set forth the object for the creation of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the said petition. The said petition shall be filed with the county auditor, who shall, within ten days examine the signatures thereof and certify to the sufficiency or insufficiency thereof; and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition 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. If such petition is certified to contain a sufficient number of signatures, then at a regular or special meeting of the board of county commissioners of such county, the said county commissioners shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some

Formation of districts.

Petition.

Signed by 25% of electors.

No withdrawals from petitions.

County commissioners to publish notice of hearing of petition.

such newspaper of general circulation therein before the time at which the same is to be printed a notice that such a petition has been presented and stating the time of the meeting at which the same shall be presented. When such a petition is presented for hearing, the board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all; and any person, firm or corporation may appear before the said board of county commissioners and make objections to the establishment of the said district or the proposed boundary lines thereof; and upon a final hearing said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed water district will be conducive to the public health, welfare and convenience and be of benefit to the majority of the land included within the said boundaries of said proposed district so established by the said board of county commissioners; provided that no change shall be made by the said board of county commissioners in the said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the board of county commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Hearing.

Adjournment.

County commissioners to establish boundaries.

Extension of boundaries.

If county commissioners find district of benefit special election to be called.

SEC. 3. Upon entry of the findings of the final hearing of the said petition by the said county commissioners of such county, if they find said proposed water system will be conducive to the public health, welfare and convenience and be of special benefit to the majority of the land included within the boundaries of the said proposed district, shall by resolution call a special election to be held not less than

thirty days from the date of such certificate, and shall cause to be published a notice of such election for four successive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall set the hours during which such polls will be open, boundaries of the proposed water district as finally adopted by the said county commissioners and the object of such election, and the said notice shall also be posted for ten days in ten public places in said proposed water district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in the following terms:

Notice of election.

Water District.....Yes

Water District.....No

Ballot form.

giving in each instance the name of such district as may be decided by the board of county commissioners. There shall not be less than one polling place in each precinct in each incorporated city or town and one polling place in each precinct outside such cities or towns.

Polling places.

SEC. 4. Whenever two or more petitions for the formation of a water district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser water district shall ever be created within the limits in whole or in part of any water district.

Duplication of territory in petitions.

SEC. 5. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district the board of county commissioners shall so declare in its canvass of the returns of such election to be made within ten days after the date of the election, and such water district shall then be and become a municipal corporation of

Majority of voters favor formation.

the State of Washington, and the name of such water district shall be "..... Water District" (inserting the name appearing on the ballot).

Election of
water com-
missioners.

SEC. 6. At the same election at which the proposition is submitted to the voters as to whether the water district shall be formed, three water commissioners shall be elected to hold office respectively for the terms, one, two and three years and until their respective successors are elected. The term for each nominee for water commissioner to be expressed on the ballot. And thereafter, as provided by chapter 53 of the Laws of 1923, page 172, or any amendment thereto, there shall be held each year an election for a water commissioner, to hold office for three years and until his successor is elected and qualified.

Annual
election for
commission-
er.

Nominations
of com-
missioners.

Nominees for water commissioners shall be by petition of at least ten per cent of the qualified electors of such water district, who shall be qualified electors on the date of filing the petition, to be filed in the county auditor's office of the county in which such district is located at least thirty days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining board of water commissioners until the next regular election for water commissioners. Said board of water commissioners shall designate in their notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one voting place in each of the precincts of any city or town in such district and at least one voting place in any precinct in the water district outside of any town or city. The polls shall be open at every election held by said water district at least from one o'clock p. m. to eight o'clock p. m., but said board of water commissioners may keep the polls open for a longer period

Notice to
designate
whether gen-
eral or
special
election.

Time of
opening,
closing polls,
etc.

of time if they shall so order, but the time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said water district who is at the time of holding of any election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such water district.

Qualification
of electors.

The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and officer of registration of the city, town and territory embraced within said water district; and the notice prescribed to be given by section 5123 of Remington's Compiled Statutes or any amendment thereto shall constitute sufficient notice to citizens residing within said water district for registration for any general or special election therein, without the necessity for such notice specially stating that it is for registration for an election to be held in a water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other registration. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for

Registration
books de-
livered to
commission-
ers.

Registration
of voters.

a general or a special city or town municipal election, when not inconsistent with the foregoing provision, shall govern the registration of voters for elections held under this chapter, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state and the charter provisions of the cities or towns within said water district if any there be, and in so far as the same are not inconsistent with the provisions of this act. All expense of elections for the formation of such water districts shall be paid by the county in which said election is held and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the water district if formed.

Manner of holding elections.

Election expense.

Board of water commissioners.

President.

Secretary.

Compensation.

Rules.

Official seal.

Public records.

SEC. 7. When the said water district shall be created as hereinbefore provided for, the officers of such district shall be a board of water commissioners consisting of three members elected as provided in section 6 of this act and said board of water commissioners shall annually elect one of their number as president and another of their number as secretary of said board. All water commissioners shall serve without compensation, except that the secretary of the said board of water commissioners may be paid a reasonable sum for the clerical services performed by him. They shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book or books kept for such purpose which shall be public records.

SEC. 8. All water districts organized under the provisions of this act shall be and are hereby author-

ized to acquire by purchase or condemnation, or both, all lands, property, property rights, water, water rights, leases or easements necessary for the purposes of the water district and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, water, or water rights, leases and easements necessary in carrying out the purposes for which said district shall have been created and such right of eminent domain shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the third class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or reassessment rolls provided by law to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer under said law be, and the same are hereby imposed upon the county treasurer for the purposes of this act; to construct, condemn and purchase, purchase, acquire, add to, maintain and supply waterworks for the purpose of furnishing such water district and inhabitants thereof, and any city or town within such district, and any other persons with an ample supply of water for all uses and purposes public and private, except irrigation, with full authority to regulate and control the use, distribution and price thereof. And for the purposes aforesaid, it shall be lawful for any water district so organized in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake, river or watercourse, percolating or subterranean or any underflowing water within the state and, by means of aqueducts or pipeline to conduct the same throughout such water district, and throughout any city or town within such district and to construct and lay the same along and

Power of eminent domain.

Assessment rolls.

Water from public or navigable lakes, rivers, etc.

upon public highways, roads and streets, within such district, and to condemn and purchase, purchase or acquire, lands and rights of way necessary for said aqueducts, and pipe-lines, and such water district is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake, river or other watercourse therein up to and above high-water mark; and for all the purposes of constructing or laying such aqueducts or pipe-lines, dams, or waterworks or other necessary structures in storing and retaining water as above provided, or for any of the purposes provided for by this chapter, such water district shall have the right to occupy the beds and shores up to the high-water mark of any such lake, river, or other watercourse, and to acquire the right by purchase or by condemnation and purchase or otherwise to any water, water rights, easements or privileges named in this chapter or necessary for any of said purposes and any such water district, shall have the right to acquire by purchase or condemnation and purchase any lands, properties or privileges necessary to be had to protect the water supply of such water district from pollution: *Provided*, That should private property be necessary for any such purpose or for storing water above high-water mark, such water district may condemn and purchase or purchase and acquire such private property.

Aqueducts,
pipe-lines,
dams, etc.

Beds and
shores of
lakes.

May ac-
quire water
from municip-
al corpora-
tion.

That any water district so organized may purchase and take water from any municipal corporation.

Local im-
provement
districts.

SEC. 9. Said water district shall have the power to establish local improvement districts within its territory; to levy special assessments under the mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of special benefits to pay in whole or in part the dam-

Special as-
sessment
levied.

ages or costs of any improvements ordered in such water district; to issue local improvement bonds in any such improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all public assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by law for the levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be and the same hereby are imposed upon the county treasurer for the purposes of this act; the mode of assessment shall be in the manner to be determined by the water commissioner by resolution.

How assessments to be levied and bonds issued.

SEC. 10. It shall be the duty of the water district commissioners of every water district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness, to consider and determine upon and adopt a comprehensive scheme or plan of water supply for such district for the purposes authorized in this act, and for such purpose, the water district commissioners shall investigate the several portions and sections of such water district for the purpose of determining the present and future needs of such district in regard to a water supply; to examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and future needs thereof; to consider and determine a general system or plan for acquiring such water supply or water supplies, and the lands, waters and water rights and easements necessary therefor; and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe-lines to convey the same throughout such district; there may be in-

Comprehensive scheme or plan for development of water supply.

cluded as part of the system the installation of fire hydrants at suitable places throughout the district; for determining the plan or system for distributing such water throughout such district by means of subsidiary aqueducts and pipe-lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts within such water district for any purpose authorized in this act, and including any such local improvement district lying wholly or partially within the limits of any city or town in such district. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out the objects and purposes of this act.

Submitted
to electors.

Such general comprehensive scheme and plan, when finally considered or determined upon by such board of water commissioners, shall be by them adopted by resolution, which resolution shall provide for the submission thereof at a general or special election specified in such resolution to the qualified voters within such district for their ratification or rejection. No expenditure for the carrying on of any part of such plan shall be made by the water district commissioners other than the necessary salaries of engineers, clerical and office expenses of such water district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of improvements in such water district unless and until such general scheme of improvements has been so officially adopted by the water district commissioners and ratified by the affirmative vote of a majority of the voters of such water district voting thereon at the election which shall be held for such purpose. Forty-five days notice of such election shall be published in one or more weekly newspapers of general circulation in such water district. If at such election a majority of the votes cast

Notice.

upon such question shall be in favor of the adoption thereof, the same shall thereupon be ratified and adopted and proclamation thereof made by such commission within ten days after such election. Such commission may submit at the same election at which the proposition to adopt the comprehensive plan or scheme is submitted, or at any general or special election a proposition that said water district incur a general indebtedness for the construction of any part or all of said comprehensive plan. *Provided, however,* That such proposition to incur indebtedness shall be submitted as to enable the voters to vote for or against the same independent of any vote on the proposition of adopting or rejecting such comprehensive plan or scheme. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by three-fifths of the qualified voters of the said water district voting at said election.

Indebted-
ness pro-
posed
submitted at
election.

Whenever a proposition has been adopted as aforesaid, the water district commissioners shall have power to proceed forthwith to carry out said general scheme or plan to the extent specified in the proposition to incur such general indebtedness.

If adopted
to be carried
out.

In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme and after the adoption of the original comprehensive scheme, a scheme providing for additions and betterments to the original comprehensive scheme may be adopted and ratified.

Additions
and better-
ments.

The water district may incur a general indebtedness for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original propo-

Indebted-
ness there-
for.

sition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the water district commissioners to the extent specified in the proposition to incur such general indebtedness.

SEC. 11. Whenever the qualified voters of any such water district shall have heretofore adopted or shall hereafter adopt a proposition for a water supply as set out in the preceding section, or any additions and betterments thereto, and shall have authorized a general indebtedness for all the said proposition or any part thereof, or any additions and betterments thereto, general water bonds may be issued as hereinafter provided. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to exceed 6% per annum payable semi-annually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds be met by an equal annual tax levy for the payment of said bonds and interest: *Provided, however,* That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Vetoed.

Bonds issued under this act shall never be issued to run for a longer period than twenty years from the date of the issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds and shall be dated either July 1 or January 1.

The bonds shall be signed by the presiding officer of the board of the water district commissioners and shall all be attested by the secretary of the said board under the seal of the water district, and the

interest coupons shall be signed by the facsimile signature of the presiding officer of the board of water district commissioners and shall be attested by the facsimile signature of the secretary of the board of water commissioners.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such water district.

Vetoed.

Said bonds shall be sold in such manner as the corporate officers shall deem for the best interest of the water district, and at a price not less than par and accrued interest.

SEC. 12. Whenever a petition signed by a majority of the owners of land in the district to be therein described shall be filed with the water district commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be created to pay in whole or in part to pay the cost thereof, it shall be the duty of the water district commission to fix a date for hearing on such petition. Notice of the time and place of the hearing shall be given by publication of a notice of the hearing in a newspaper of general circulation throughout the water district once a week for two consecutive weeks before the date of the hearing. At such hearing the water district commissioners may alter the boundaries of such proposed district and prepare and adopt detailed plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district and what proportion of the cost, if any, shall be borne by the entire water district.

Petition for ordering carrying out plan.

Notice of hearing.

Boundaries fixed.

The water district commission shall forthwith by resolution order such improvement, provide the general funds of the water district to be applied thereto, acquire all necessary lands therefor, pay all damages caused thereby and commence in the name of the water district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle said water district to proceed with such work, and said water district commission shall thereafter proceed with such work and shall make and file with the county treasurer, its roll levying special assessments in the amount to be paid by special assessment against the property situated within such local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in such local improvement district, stating that such roll is on file and open to inspection in the office of the clerk of the water district commission, and fixing the time not less than fifteen nor more than thirty days from the date of the first publication of such notice within which protests must be filed with the secretary of said water district commission against any assessments shown thereon and fixing a time when a hearing shall be held by said commission on said protests. At such hearing, or any adjournment thereof, the water district commission shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll and order that such assessment be made *de novo*, as to such body shall appear equitable and just and may then by resolution approve the same, but in the event of any assessment being raised a new notice similar

Improvement
ordered.

Eminent
domain pro-
ceedings.

Assessment
roll.

Notice of
hearing on
roll.

Hearing on
roll.

to such first notice shall be given, after which final approval of such roll may be made by the water district commission: *Provided*, That whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objection thereto shall be considered by the water district commission or by any court on appeal unless such objection be made in writing at, or prior, to the date fixed for the original hearing upon such roll. *Provided*, That in the event that any portion of the system after its installation is not adequate for the purpose for which it was intended, or that for any reason changes, alterations or betterments are necessary in any portion of the system after its installation then a local improvement district with boundaries which may include one or more existing local improvement districts may be created in the water district in the same manner as is provided herein for the creation of local improvement districts; that upon the organization of such a local improvement district as provided for in this paragraph the plan of the improvement and the payment of the cost of the improvement shall be carried out in the same manner as is provided herein for the carrying out of and the paying for the improvement in the local improvement districts previously provided for in this act.

Objections
to be in
writing.

Enlarged
local im-
provement
district.

SEC. 13. The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which such water district is situated within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall de-

Appeal to
superior
court.

Transcript
on appeal.

Fees.

Appeal
bond.

Additional
bonds.

Notice of
filing of
transcript.

Hearing,
preference.

scribe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said water district commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. Said notice shall state a time (not less than three (3) days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference

over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such water district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Judgment
of court.

Appeal to
supreme
court.

SEC. 14. Whenever any assessment roll for local improvements shall have been confirmed by the water district commission of such water district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the water district commission upon such assessment roll and the confirmation thereof, shall

Upon con-
firmation,
roll becomes
conclusive.

be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the water district commission in confirming such assessment roll in the manner and within the time in this act provided.

No contest.

No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor; *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds (1) that the property about to be sold does not appear upon the assessment roll, or (2) that said assessment had been paid.

Adjoining
territory
annexed.

SEC. 15. The territory adjoining or in close proximity to and in the same county with any water district, after its organization, may be annexed to and become a part of such water district in the following manner: twenty-five per cent of the legal electors residing within the territory proposed to be annexed may petition the said water district commissioners of such water district and cause the question to be submitted to the legal electors of the territory proposed to be annexed whether such territory will be annexed and become a part of such adjoining water district. Upon the filing of such petition with the board of water commissioners of the water district, if the said water commissioners shall concur in the said petition, they shall then file such petition with the county auditor, who shall, within ten days, examine the signatures thereof and certify to the sufficiency or insufficiency thereof; and for such purpose the county auditor shall have ac-

Petition.

Signatures.

cess to all registration books in the possession of the officers of any incorporated city or town in such proposed district. 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 of the county in which the said district is located. In the event that there are no legal electors residing in the territory proposed to be annexed, such petition may be signed by such a number as appear of record to own at least a majority of the acreage in the proposed district, and the petition shall disclose the total number of acres of land in the territory proposed to be annexed and shall also contain the names of all record owners of land within the territory proposed to be annexed. Upon the filing of such petition for annexation with the board of water commissioners of the said water district, if the said water commissioners shall be satisfied as to the sufficiency of the petition and shall concur in the said petition, they shall thereupon transmit the petition, together with their certificate of concurrence attached thereto to the board of county commissioners of the county in which the water district is located. The board of county commissioners of such county, upon receipt from the county auditor of a petition certified to contain a sufficient number of signatures of legal electors, or upon a receipt from the board of commissioners of the water district of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the board of water commissioners, at a regular or special meeting of the board of county commissioners of such county shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county and in general circulation throughout

Auditor's
certificate.

Petition to
be trans-
mitted to
county com-
missioners.

Notice of
filing of
petition and
hearing.

the territory proposed to be annexed, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, a notice that such a petition has been presented and stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the said board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all, and any person, firm or corporation may appear before the board of county commissioners and make objections to the proposed boundary lines or to the annexation of the territory described in the petition; and upon a final hearing the said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said board of county commissioners to the said water district will be conducive to the public health, welfare and convenience and will be of special benefit to the majority of the land included within the boundaries of the territory proposed to be annexed to the said water district and so established by the said board of county commissioners: *Provided*, That no change shall be made by the said board of county commissioners in the said boundary lines, including any territory outside of the boundary lines described in the petition; *Provided further*, That no person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the filing of the same with the board of water commissioners to said water district.

Upon the entry of the findings of the final hearing to the said petition by the said county commissioners of such county, if they find the said proposed annexation of the territory to the said water

Hearing.

Change of boundaries.

No withdrawal of names.

district to be conducive to the public health, welfare and convenience and to be of special benefit to the majority of the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said water district for the purpose of determining whether the same shall be annexed to the said water district; and such notice shall particularly describe the boundaries established by the board of county commissioners on its final hearing of the said petition, and shall state the name of the water district to which the said territory is proposed to be annexed, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said water district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

County commissioners to give notice of special election.

Contents.

Published.

For annexation to Water District

Ballots.

or

Against Annexation to Water District.

The said county commissioners shall name the persons to act as judges at such election.

SEC. 16. The said election shall be held on the date designated in such notice and shall be conducted in accordance with the general election laws of the state. In the event the original petition for annexation is signed by qualified electors then only qual-

Election.

ified electors, at the date of election, residing in the territory proposed to be annexed, shall be permitted to vote at the said election. In the event the original petition for annexation is signed by property owners as provided for in this act then no person shall be entitled to vote at such election unless at the time of the filing of the original petition he owned land in the district of record and in addition thereto at the date of election shall be a qualified elector of the county in which such district is located. It shall be the duty of the county auditor, upon request of the county commissioners, to certify to the election officers of any such election, the names of all persons owning land in the district at the date of the filing of the original petition 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 election held under the provisions of this act an officer or agent of any corporation having its principal place of business in said county and owning land at the date of filing the original petition in the district duly authorized thereto in writing may cast a vote on behalf of such corporation. When so voting he shall file with the election officers such a written instrument of his authority. The judge or judges at such election shall make return thereof to the board of water commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such commissioners. If the majority of the votes cast upon the question of such election shall be for annexation, then such territory shall immediately be and become annexed to such water district and the same shall then forthwith be a part of the said water district, the same as though originally included in such district.

Qualification
of electors.

Auditor to
certify
names.

Corporation
property
owner.

Election
returns.

Canvass.

SEC. 17. That all elections held pursuant to this act, whether general or special, shall be conducted by the county election board of the county in which the district is located.

County election board to conduct elections.

The expense of all such elections shall be paid for out of the funds of such water district.

Expense.

SEC. 18. The board of water commissioners are hereby authorized to levy, or cause to be levied, to carry out the purposes of this act in addition to the levy mentioned in section 11 of this act a general tax on all property located in said water district each year not to exceed two mills on the assessed valuation of the property in such water district. Said taxes when so levied shall be certified to the proper county official for the collection of the same as other general taxes. When such money is collected it shall be placed in a separate fund to be known as the "Water District Fund" and paid out on warrants issued on the board of water commissioners for the purposes specified in this act.

General tax levy.

"Water District Fund."

SEC. 19. Each and every water district that may hereafter be organized pursuant to this act is hereby authorized and empowered by and through its board of water commissioners to contract indebtedness for water purposes, and the maintenance thereof not exceeding one per cent of the taxable property in such water district to be ascertained by the last assessment for state and county purposes previous to and the incurring of such indebtedness.

Indebtedness, limitation.

SEC. 20. Each and every water district hereafter to be organized pursuant to this act, may contract indebtedness in excess of the amount named in the preceding section, but not exceeding in amount, together with existing indebtedness, five (5) per centum of the value of the taxable property in said district, to be ascertained as provided in the preceding section, whenever three-fifths (3/5) of the voters voting at said election in such water district

Additional indebtedness.

Approval of voters at election.

assent thereto, at an election to be held in said water district in the manner provided by this act, which election may either be a special or a general election, and the board of water commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such water district to the qualified voters of such water district at any time they may so order: *Provided*, That all bonds so to be issued shall be subject to the provisions regarding bonds as set out in section 11 of this act.

Board to create and fill positions and fix salaries.

Materials and work by contract.

Bids called.

Notice published.

Bids accompanied by certified check.

Bids opened.

SEC. 21. The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of one thousand dollars shall be let by contract; but before awarding any such contract the board of water commissioners shall cause to be published in some newspaper in general circulation throughout the county where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the county treasurer for a sum not less than five per cent of the amount of the bid and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest

responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications; *Provided, however,* That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and re-advertise and in such case all checks shall be returned to the bidders; but if such contract be let, then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the water district.

Board may reject and re-advertise.

Check forfeited.

SEC. 22. The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the said water district issuing such bonds, and when presented to the treasurer of the county having custody of the funds of such water district at maturity, or thereafter, and when so presented, if there are not funds in the treasury to pay the said coupons, it shall be the duty of the county treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached.

Interest coupons.

Not paid for want of funds to be stamped.

SEC. 23. The county treasurer shall create a fund to be known as the “..... Water District

Monies of
water dis-
trict fund.

Special
funds.

Fund", into which shall be paid all money received by him from the collection of taxes in behalf of such water district, and no money shall be disbursed therefrom except upon warrants of the county auditor as in this act provided. The county treasurer shall also maintain such other special funds as may be prescribed by the water district, into which shall be placed such moneys as the board of water commissioners may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the board of water commissioners.

Act addi-
tional
method to
other acts.

Does not
repeal Chap.
161, Laws
of 1913.

SEC. 24. This act shall not be construed to repeal, amend, or modify any law heretofore enacted providing a method for water supply for any city or town in this state, but shall be held to be an additional and concurrent method providing for such purpose. Nor shall this act be construed to repeal chapter 161 of the Laws of 1913, pages 533 to 552, or amendments thereto.

Disincor-
poration.

SEC. 25. Any water district organized under this act may be disincorporated in the same manner (in so far as the same is applicable) as is provided in sections 8914 to 8931 inclusive of Remington's Compiled Statutes for the disincorporation of the third and fourth class cities, except that the petition for disincorporation shall be signed by not less than 25 per cent of the voters in the water district.

Unconstitu-
tional sec-
tions or
provisions.

SEC. 26. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Vetoed.

{ SEC. 27. Any water district now organized under any previous act may use this act as if organized under this act.

SEC. 28. That each and all of the respective areas of land heretofore attempted to be organized into water districts under the provisions of the statutes referred to in the title hereof relating to such organization of water districts, are each hereby validated and declared to be duly existing water districts having the respective boundaries set forth in their respective organization proceedings as shown by the files in the office of the board of county commissioners of the county in question.

SEC. 29. All debts, contracts and obligations heretofore made or incurred by or in favor of any such water district, and all bonds or other obligations executed by such districts in connection with or in pursuance of such attempted organization, and any and all assessments or levies and all other things and proceedings done or taken by such water districts or by their respective officers acting under such attempted organization, are hereby declared legal and valid and of full force and effect. *Provided, however,* That the provisions of this section and the preceding section shall not apply to any water district which has been expressly decreed to be void by the decision of the supreme court of the State of Washington in a proceeding in which such water district was a party. *And provided, further,* That the provisions of this section and the preceding section shall apply only to such water districts attempted to be organized which have maintained their organization as such since the date of such attempted organization, establishment or creation.

Vetoed.

SEC. 30. That this act is necessary for the immediate preservation of the public health and shall take effect immediately.

Effective immediately

Passed the House February 19, 1929.

Passed the Senate March 2, 1929.

Approved by the Governor with the exception of sections 11, 27, 28 and 29, which are vetoed, March 13, 1929.

CHAPTER 115.

[H. B. 140.]

EXECUTIVE DEPARTMENTS AND OFFICERS OF STATE.

AN ACT relating to, and to promote efficiency, order and economy in, the administration of the government of the state, prescribing the powers and duties of certain officers and departments, creating the department of highways and the office of director of highways, and amending Sections 2, 3, 4 and 7 of Chapter 7 of the Laws of 1921, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 2 of chapter 7 of the Laws of 1921 be amended to read as follows:

Section 2. There shall be, and are hereby created, departments of the state government which shall be known respectively as, (1) the department of public works, (2) the department of business control, (3) the department of efficiency, (4) the department of health, (5) the department of conservation and development, (6) the department of labor and industries, (7) the department of agriculture, (8) the department of licenses, (9) the department of fisheries and game, and (10) the department of highways; which departments shall be charged respectively with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

SEC. 2. That section 3 of chapter 7 of the Laws of 1921 be amended to read as follows:

Section 3. There shall be a chief executive officer of each of the departments of the state government created by this act, to be known respectively as, (1) the director of public works, (2) the director of business control, (3) the director of efficiency, (4) the director of health, (5) the director of conservation and development, (6) the director of labor

Amends
§ 2 Chap. 7,
Laws 1921.

Departments
created—
public works,
business
control,
efficiency,
health,
conservation
and de-
velopment,
labor and
industries,
agriculture,
licenses,
fisheries and
game,
highways.

Amends
§ 3 Chap. 7,
Laws 1921.

Director of—
public works,
business
control,
efficiency,
health, con-
servation and
development,
labor and
industries,
agriculture,
licenses,
fisheries and
game,
highways.

and industries, (7) the director of agriculture, (8) the director of licenses, (9) the director of fisheries and game, and (10) the director of highways; who shall be appointed by the governor with the consent of the senate, and hold office at the pleasure of the governor: *Provided*, That, if the senate be not in session when this act takes effect, and in case a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his nomination for the office.

Appoint-
ment.

Senate
consent.

SEC. 3. That section 4 of chapter 7 of the Laws of 1921 be amended to read as follows:

Amends
§ 4 Chap. 7,
Laws 1921.

Section 4. There shall be, and are hereby created, administrative committees of the state government, which shall be known respectively as, (1) the state finance committee, (2) the state capitol committee, (3) the state parks committee, (4) the state voting machine committee, (5) the state law library committee.

Administra-
tive com-
mittees—
finance,
capitol,
parks, vot-
ing machine,
law library.

SEC. 4. That section 7 of chapter 7 of the Laws of 1921 be amended to read as follows:

Amends
§ 7 Chap. 7,
Laws 1921.

Section 7. The director of highways shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state highway committee. The director of highways shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state highway engineer. *Provided*, The director of highways need not be an engineer; and *Provided, further*, All contracts for highway construction shall be signed by the director of highways and by the governor.

Powers and
duties of
director of
highways.

Qualifica-
tions high-
way con-
struction
contracts,
signatures
to.

SEC. 5. The state auditor shall have the power and it shall be his duty to inspect, examine and audit the books, accounts and records of the department of highways as often as he shall deem proper.

Vetoed

Effective im-
mediately.

SEC. 6. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House March 13, 1929.

Passed the Senate March 7, 1929.

Approved by the Governor with the exception of section 5, which is vetoed, March 19, 1929.

CHAPTER 116.

[S. B. 159.]

PRIMARY STATE HIGHWAY NO. 21 TO KEYPORT.

AN ACT changing and establishing state road No. 21 as a primary state highway and extending the same by a branch from junction therewith to Keyport, Kitsap County.

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

SECTION 1. That state road No. 21 be and is hereby established as a primary state highway, and the same is extended by branch from junction therewith, by the most feasible route, to Keyport, in Kitsap county, Washington.

Passed the Senate February 6, 1929.

Passed the House March 8, 1929.

Approved by the Governor March 14, 1929.

CHAPTER 117.

[S. B. 199.]

STATE FOREST BOARD.

AN ACT relating to state forests, defining the powers and duties of the state forest board and other state officials in respect thereto, creating a forest development fund, providing for revenue therefor and disbursements therefrom, and amending Sections 3 and 6 of Chapter 154 of the Laws of 1923.

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

SECTION 1. That section 3 of chapter 154 of the Laws of 1923, be amended to read as follows:

Amends
§ 3 Chap. 154,
Laws 1923.

Section 3. The board shall have the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as state forest lands; and may acquire by gift or purchase any lands of the same character. Said board shall have power to seed, plant and develop forests on any lands, purchased, acquired or designated by it as state forest lands, and shall furnish such care and fire protection for such lands as it shall deem advisable.

Powers.

State forest
lands
designated.

SEC. 2. That section 6 of chapter 154 of the Laws of 1923, be amended to read as follows:

Section 6. There is hereby created a forest development fund of which the state treasurer shall be the custodian. There shall be placed in said fund such sums as may be provided by law and all moneys received by the state forest board or the State of

Vetoed.

Vetoed.

Washington to generally promote the interest of reforestation or for a specific purpose in connection with reforestation, and the proceeds from the sale of any property so received shall be paid into said fund and shall be expended for the purpose for which given, and if no specific purpose is designated shall be used generally to promote the interest of reforestation. The state treasurer shall keep an account on his records of said fund and of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in said forest development fund shall be kept separate and apart from the funds of the state treasury, and shall not be deemed to be a part of the state treasury funds, but shall be used for the purpose of paying interest and principal on the bonds issued by the state forest board, and for the purchase of, caring for, maintaining and administering lands for forest growing purposes. No sums shall be withdrawn or paid out of said fund except upon order of said state forest board.

Passed the Senate February 14, 1929.

Passed the House February 27, 1929.

Approved by the Governor except section 2 which is vetoed March 11, 1929.

CHAPTER 118.

[H. B. 134.]

MILITARY TAX LEVY.

AN ACT relating to a tax levy for the military department of the State of Washington, and repealing Section 126 of Chapter 107 of the Laws of 1917 (Section 8602, Remington's Compiled Statutes; Section 3765-147 Pierce's Code), and declaring that this act shall take effect April 1, 1929.

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

SECTION 1. That section 126 of chapter 107 of the Laws of 1917 (section 8602, Remington's Compiled Statutes; section 3765-147 Pierce's Code), be and the same is hereby repealed; *Provided*, That this repeal shall not be construed as reviving any former act amended or repealed thereby.

Repeals
§ 8602 Rem.
Comp. Stat.
§ 3765-147
Pierce's
Code.

SEC. 2. All moneys in the state treasury to the credit of the military fund on the 1st day of May, 1929, and all moneys thereafter paid into the state treasury for, or to the credit of, the military fund, shall be and are hereby transferred to, and placed in, the general fund in the state treasury.

Moneys in
military
fund trans-
ferred to
general
fund.

SEC. 3. From and after the 1st day of April, 1929, all appropriations made by the twenty-first legislature from the military fund shall be paid out of the moneys in the general fund.

Appropriation for 1929
from military
fund paid
from general
fund.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1929.

Effective
April 1, 1929.

Passed the House February 5, 1929.

Passed the Senate March 5, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 119.

[H. B. 178.]

FRANCHISES BY COUNTY COMMISSIONERS.

AN ACT relating to the granting of franchises by boards of county commissioners, and amending Section 1 of Chapter 106 of the Laws of 1905.

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

SECTION 1. That section 1 of chapter 106 of the Laws of 1905, pages 210 to 211, (section 6431 of Remington's Compiled Statutes) be amended to read as follows:

Section 1. The county commissioners of the several counties in the State of Washington are hereby authorized and empowered to grant franchises to persons or corporations to use the county roads and streets in their several counties outside of the incorporated towns and cities for the construction and maintenance of waterworks, gaspipes, telephone, telegraph and electric light lines and sewers: *Provided*, That hereafter on application being made to the board of county commissioners for any such franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county and in at least one conspicuous place on the roads or streets or parts thereof for which application is made, at least fifteen (15) days before the day fixed for such hearing, and by publishing a like notice three (3) times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five (5) days before the day fixed for such hearing, which notice shall state the name

Amends
§ 6431 Rem.
Comp. Stat.

Franchises
for use of
county roads
by telephone
lines, tele-
graph lines,
electric light
lines.

Hearing,
notice of

or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by the order of the board. If, after such hearing, the board shall deem it to be for the public interest to grant such franchise in whole or in part, the board may make and enter the proper order granting the franchise applied for or such part thereof as the board deems to be for the public interest, and may require any such utility and its appurtenances to be placed in such location on or along the roads or streets as the board finds will cause the least interference with other uses of the roads or streets. Any person or corporation constructing or operating such utility on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel. This act shall be construed as an addition to existing laws and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years; *Provided further*, no exclusive franchise or privilege shall be granted.

Hearing
adjourned.Franchise
granted.Operators
of utility
liable for
expense of
restoring
road.Fifty years
limit of
franchise.No exclusive
franchise.

Passed the House February 15, 1929.

Passed the Senate March 7, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 120.

[H. B. 181.]

REFUNDING BONDS OF IRRIGATION DISTRICTS.

AN ACT providing for limited liability refunding bonds of irrigation districts and for the payment thereof by the exaction of assessments against the lands within the district, providing for a determination of the irrigable acreage to be assessed for said purpose and providing for the determination of maximum benefits received by said respective lands from such bonds.

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

Authorized

SECTION 1. Any or all bonds heretofore issued by any irrigation district in this state may be refunded as hereinafter provided.

Before election, board may submit fixation of irrigable acreage and maximum benefits to court.

SEC. 2. Before any proposition for the issuance of limited liability refunding bonds, as provided for in this act, of an irrigation district in this state shall be submitted to the electors thereof, the board of directors of said district shall at their option have authority, upon the written consent of the holders of at least 51% of the face value of the bonds proposed to be refunded, and upon the written approval of the state department of conservation and development, and of the owners of 51% of the acreage of the land within the district, to institute proceedings in the superior court of the proper county to determine the irrigable acreage of the lands which shall be subject to assessment for the payment of said refunding bonds and the interest thereon, and to determine the maximum benefits to be received by said lands from said proposed refunding bonds, in the manner herein provided.

Petition to be filed.

SEC. 3. The said board of directors shall institute such proceedings by filing a petition in the superior court of the county in which the greater part of the lands in the district are situated. Said

petition shall give the name of the district, shall set out the nature of its water rights and the general character of its irrigation works and distribution system, shall state the amount, maturity schedule of minimum annual installments of principal and maximum interest rate of the proposed refunding bonds, shall state the approximate irrigable acreage in the district and the probable approximate aggregate annual income therefrom during the life of the proposed refunding bonds, shall recite that the required consent of the holders of the bonds to be refunded has been obtained and shall state such other matter, if any, the said board of directors may deem pertinent to the proceedings, shall pray for the determination of the irrigable acreage and of the maximum benefits aforesaid and shall be signed and verified by the president of the said board of directors.

Contents.

SEC. 4. There shall accompany said petition as an exhibit thereto a schedule of maximum benefits and of irrigable acreage for all the respective lands in the district. Such schedule shall contain in appropriate columns the name of the person to whom such tract of real property was assessed and the description of said property according to the district assessment roll last equalized, in a third column with appropriate heading shall be specified after each said description of land the maximum benefit to be received from the proposed refunding bond issue and in another appropriately specified column shall be stated after each tract the irrigable acreage thereof which will be assessed for payment of the proposed refunding bonds. Said schedule shall be signed by the secretary of the district.

Schedule of maximum benefits to be exhibit to petition.

Contents.

SEC. 5. Upon the filing of said petition with the schedule of irrigable acreage and maximum benefits, the court shall fix a time and place for hearing the same and shall order the secretary of the district to

Time and place for court hearing.

give and publish a notice of said hearing. Said hearing may be held at the place fixed in the order and may be adjourned to a place certain in any county in which any lands within the district are situated, and may be continued from time to time and adjourned from county to county for the convenience of land-owners and other interested persons.

Notice given.

SEC. 6. The notice of said hearing shall be given and published in the same manner, except as herein otherwise provided, and for the same length of time that a notice of a special election to determine whether the bonds of the district shall be issued is required to be given and published.

Contents of notice.

SEC. 7. Said notice shall state that the district (naming it) proposes to issue and dispose of a refunding bond issue specifying the amount; that proceedings have been instituted in the superior court of the State of Washington in and for the specified county to determine the maximum benefits to be received by the lands within the operation of said district from the issuance and disposal of said proposed bond issue, and further to determine the irrigable acreage which will be assessed for the payment of said bonds, shall state that a schedule of the lands involved together with a statement of the amount of maximum benefits received by the amount of irrigable acreage in each respectively, is on file in said proceedings and may be inspected by any interested person, shall state the time and place fixed for the hearing of the petition and shall state that any person interested in such proceedings may on or before the day fixed for said hearing file his written objections thereto with the clerk of said court, or he will be forever bound by such orders as the court shall make in such proceedings.

Hearing to consider petition.

SEC. 8. At the time and place stated in the notice of said hearing, the court shall consider said petition and shall receive such pertinent evidence as

may be offered in support thereof or against the same, shall enter a decree fully determining the maximum benefits received by and the irrigable acreage in, the several tracts of land involved as shown by the schedule and as prayed for in said petition. Said action shall be an equitable one *in rem* and the court shall have full authority to make and issue any and all necessary orders and to do any and all things proper or incidental to the exercise of its jurisdiction in this connection. At said hearing the matters set forth in said petition and accompanying schedule shall be presumed to be true and correct in the absence of sufficient evidence to the contrary.

Decree to determine maximum benefits and irrigable acreage.

SEC. 9. The maximum benefits accruing to the several tracts of land in the district from the proposed refunding bond issue shall be considered as new and independent of that accruing from the bonds to be refunded and in determining the maximum benefits as prayed for in said petition, the court shall not be limited to a consideration of the enhancement of market value of the lands involved arising immediately from the issuance and disposal of the proposed refunding bonds but shall have authority to consider such benefits as shall accrue to said lands from the plan of financing provided by the proposed bonds and from the continued operation of the irrigation system under the administration of the district during the life of said refunding bonds and any other benefits that may accrue. If the court finds that the aggregate amount of said maximum benefits shall not equal at least 150% of the amount of the proposed refunding bonds with the maximum rate of interest provided by law, it shall enter a decree dismissing the proceedings and the district shall have no authority to issue the proposed refunding bonds until a satisfactory decree has been obtained under the provisions of this act.

Effect of maximum benefits.

Elements Court may consider.

Proceedings dismissed unless court finds maximum benefits is at least 150% of amount of proposed bonds.

Plan may be modified to meet court's objection.

Provided, That nothing herein contained shall be construed to prevent the district from continuing the hearing for the purpose of modifying the proposed refunding bond plan or for the purpose of otherwise meeting the objection of the court, nor shall the dismissal of the proceeding be in anywise prejudicial to the institution of a subsequent action for the same purpose; *And provided further*, That nothing herein contained shall be construed to prevent the court from entering a decree upon stipulation of the holders of the bonds to be refunded to waive their right to part of the indebtedness represented by the bonds to be refunded, so that the proposed refunding bond issue come within the statutory requirements as to maximum benefits, or to accept refunding bonds based on a lesser aggregate maximum benefit than that required by the statute.

Decree based on stipulation of bond-holders.

Elements considered in determining irrigable acreage.

SEC. 10. In determining the irrigable acreage as provided herein, the court shall consider all lands included in the district capable of being used for agricultural purposes, provided that no lands shall be found to be irrigable which are not irrigable from the plan of the irrigation works of the district; and provided that nothing herein contained shall be construed to prevent a reconsideration of the irrigability of lands found non-irrigable upon the modification or enlargement of the irrigation system whereby said lands at first found non-irrigable may be irrigated by the district system.

Appeal to supreme court.

Notice served.

SEC. 11. Appeal may be taken to the supreme court from the judgment entered in said proceedings in the same manner as in other cases in equity. Notice of appeal need be served only on the persons who have appeared in said proceedings and on the president of the board of directors if the district is respondent, or on their respective attorneys of record in the proceedings.

SEC. 12. The judgment of the court determining maximum benefits and the irrigable acreage in such proceedings, unless appealed from within the time prescribed by law, and upon final judgment on appeal, shall be conclusive, except as herein otherwise provided, upon and against each and every owner of said bonds issued as proposed and upon and against every tract of land in the district, upon and against those owning the same or having any interest therein, including minors, insane persons, those convicted of crime as well as those free from disability, and upon and against those who may have appeared in said proceedings.

Judgment of court conclusive upon bond owners.

SEC. 13. Said judgment shall be final and conclusive upon and against all lands in the district on appeal as aforesaid, except as to the particular tract or tracts involved in the appeal.

Judgment conclusive against lands.

SEC. 14. A transcript of so much of the judgment in said proceedings as pertain to the lands situated in each county other than the one in which the proceedings were instituted shall be certified by the clerk of the court and mailed to the county clerk of each of said other counties respectively for record among the recorded judgments therein.

Transcript of judgment filed in other counties.

SEC. 15. Upon final determination of maximum benefits and irrigable acreage aforesaid, the board of directors of the district shall submit to the electors of the district possessing the qualifications prescribed by the irrigation district law the question whether refunding bonds of the district in amount and of the maturity proposed by said board shall be issued and exchanged for outstanding bonds as herein provided.

Question to be submitted to electors.

SEC. 16. Except as herein otherwise specifically provided said election shall be called, noticed, conducted and the results thereof determined in the same manner and by the same officials as that provided by law for the calling, noticing, conducting

Manner of calling, conducting and noticing election.

and canvassing of original bond elections in irrigated districts.

Contents of election notice.

SEC. 17. The notice of said election shall specify the time and place of the election, the amount of the proposed refunding bonds, the maturity, the schedule of the minimum annual payments of the principal thereof and the maximum annual rate of interest said bonds shall bear, as approved by the court in the decree determining maximum benefits and irrigable acreage.

If majority of electors favor, refunding bonds may be issued.

SEC. 18. If a majority of the votes cast at said election are in favor of the proposed refunding issue the board of directors shall thereupon have authority to cause refunding bonds of the district in the amount and on the basis of the plan of payment and rate of interest proposed, to be issued and exchanged as herein provided:

Exchange of bonds.

SEC. 19. Refunding bonds provided for under this act may be exchanged for any or all of the bonds to be refunded on such basis as may be agreed upon between the board of directors of the district and the bondholders; *Provided*, That said refunding bonds shall not be issued in a greater sum than the total aggregate face value of the bonds to be refunded.

Denomination of bonds.

Maturity dates.

Annual installments.

SEC. 20. Said refunding bonds shall be issued in such denominations as the board shall determine but in the same denominations so far as practicable as the bonds to be refunded and shall mature at the date specified in the notice of election but not in any event later than thirty years from the date thereof and shall be payable in minimum annual installments specified on a percentage basis and amortized to provide for full payment of the bonds with interest at maturity; *Provided*, That the district shall have the right in any year to pay a greater amount on account of the principal of said bonds than the

minimum annual installment set out in the schedule of annual payments and to receive credit therefor.

SEC. 21. All unpaid installments on account of the principal of said refunding bonds shall bear interest from the date of the bonds at a rate not exceeding 6% per annum until paid. Different installments of the principal of said bonds may bear different rates of interest not exceeding 6% per annum in any case if it is so provided in the bond plan. Interest shall be payable semi-annually on the first day of January and July of each year.

Interest not to exceed 6%.

Interest payable semi-annually.

SEC. 22. Both principal and interest shall be made payable at the office of the county treasurer of the county in which the office of the board of directors of the district is situated.

Payable at office of county treasurer.

SEC. 23. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, that the district reserves the right to pay on account of the principal thereof annual installments at a greater rate than the minimum rate stated in the bonds, that said bonds are transferable only on the registration book of the county treasurer's office at which said bonds are payable; that any attempted transfer of said bonds not recorded in said registration book shall be void so far as the rights of the district are concerned and that said bonds are of equal priority, payable with interest on a pro rata basis from revenues derived from annual assessments levied against the irrigable benefited lands within the district.

Bonds to express authority for issue.

Other contents.

SEC. 24. Said bonds shall provide for registration as to both principal and interest in the county treasurer's office at which they are payable, shall be signed by the president of the board and secretary of the district and the seal of the district shall be impressed thereon.

Registration.

Register
book.

SEC. 25. The county treasurer shall register said bonds before the issuance thereof in a book kept in his office for that purpose, shall specify in such record the denomination, maturity date, schedule of installments of principal, interest rate or rates, and the name and address of the owner of each of said bonds and shall certify on each thereof under his seal that the same has been so registered.

Transferable
only on
registration
book.

SEC. 26. Said bonds shall be transferable only on the registration book of the county treasurer's office at which the same are payable and any attempted transfer of said bonds not recorded in said registration book shall be void so far as the rights of the district are concerned.

Transfer to
show date,
etc.

SEC. 27. No transfer of any bond shall be complete unless said county treasurer shall endorse thereon the date of transfer, the name and address of the transferee and the amount of the principal of said bond remaining unpaid at the date of said transfer.

Priority
and pro
rata
payment.

SEC. 28. Said bonds shall be of equal priority and shall be paid on a pro rata basis, in proportion to their respective face values, *Provided*, That for purposes of identification only said bonds may be numbered consecutively.

Payment to
registered
owner
valid.

SEC. 29. Payment by the said county treasurer of any installment of or interest on said bonds, or any of the same, to the recorded owner thereof as shown on said registration book shall constitute a valid payment, without surrender of said bonds or any of the same, provided that final payment on account of any bond shall not be made until and unless the same is surrendered.

Bondholders
may design-
ate agent
to receive
payments.

SEC. 30. Any bondholder or group of bondholders shall have the right to request said county treasurer in writing to pay the interest and installments of principal of his or their bond or bonds to such

agent as may be designated in said request and payment to said agent shall constitute a valid payment to the record owner or owners of said bond or bonds within the provisions of this act.

SEC. 31. No tract of land shall be assessed by the district during the life of the proposed bonds when issued for the purpose of paying the principal of or interest on said bonds in an aggregate amount in excess of the maximum benefits received by said tract from said bond issue as determined in the decree, and any assessment in excess thereof shall be void. In addition to its regular normal assessment for the principal or interest of said bonds, no tract of land shall be assessed in any one year to make up past or anticipated delinquencies of assessments or both levied or to be levied against the lands in the district for said purposes, in excess of 50% of its regular normal assessment for said bonds.

No assessment in excess of maximum benefits.

No annual assessment in excess of 50% of normal assessment.

SEC. 32. The treasurer of the proper county shall have authority at any time to receive for the benefit of the refunding bond fund of the district the total amount of unpaid maximum benefits decreed by the court as accruing to any tract of land and no further assessments for said bonds against the tract of land so making full payment shall be levied.

Total unpaid maximum benefits may be received.

SEC. 33. In any case where the landowner makes full payment of the decreed maximum benefits received or to be received by any tract of land aforesaid, the county treasurer shall issue the landowner a receipt stating that the payment is in full of maximum benefits received from the proposed bond issue determined in case No. (stating it) records of the county clerk's office of (naming it) county, and that no further assessments for the purpose of said bond issue shall be chargeable against said land.

Upon full payment of maximum benefits, receipt to be issued.

SEC. 34. Full payment of the decreed maximum benefits accruing to any tract of land aforesaid can

Full pay-
ment by
money only.

be made by the payment of money only and no sale of any tract of land on account of delinquent district assessments shall be construed as a satisfaction chargeable against the amount of maximum benefits decreed as accruing to said tract by reason of said refunding bonds.

Sale or
rent of
lands
acquired
from sale
for delin-
quent
assessments.

SEC. 35. In any instance where an irrigation district having outstanding refunding bonds issued under the provision of this act, sells or rents a tract of land previously acquired by sale on account of delinquent district assessments, the proceeds of said sale or lease shall be distributed to the expense fund and the refunding bond fund of the district in proportion to the respective amounts of the district exactions made against said tract of land for the benefit of these two funds payable in the year in which the district assessment for which said tract was sold, became delinquent.

Apportion-
ment of
excess of
refunding
bond fund.

SEC. 36. When the money in the refunding bond fund reaches an excess of 10% of the amount necessary to meet the total aggregate minimum annual installment of the principal of said bonds and interest next payable, it shall be the duty of said treasurer to apportion said excess to the several bondholders on a pro rata basis in proportion to the par value of their respective bonds and include the same with the payments of the next annual installment of the principal of said bonds.

Lien of
refunding
bonds, and
rights and
privileges
of owners.

SEC. 37. Except as herein otherwise specifically provided, refunding bonds authorized, issued and disposed of under the provisions of this act shall entitle the holders and owners thereof to the same rights and privileges, shall constitute a lien on the same property and shall be paid in the same manner as the original bonds refunded by said bond issue and said refunding bonds shall be retired by the exaction of annual assessments levied against all the lands in the district until said bonds are fully paid,

Provided, That full payment to the credit of said refunding bond fund in the proper county treasurer's office, of the total aggregate amount of maximum benefits decreed by the court, as accruing from the proposed refunding bond issue to the irrigable acreage within the district, shall *ipso facto* extinguish the lien of said refunding bonds on and against any and all the district property.

SEC. 38. Proceedings had for the authorization, issuance and disposal of refunding bonds provided for herein may be considered, confirmed and approved by the court in proceedings authorized by the irrigation district act in the same manner and with the same effect, as proceedings had for authorization, issuance and disposal of other irrigation district bonds provided for by law, are considered, confirmed and approved.

Proceedings may be considered, confirmed and approved by court.

SEC. 39. If any section or provision of this act shall be adjudged to be invalid or unconstitutional such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Unconstitutionality of part shall not affect balance.

SEC. 40. Nothing in this act contained shall be deemed or construed as abridging, enlarging or modifying any existing statute relating to refunding bonds of irrigation districts. This act is intended as an independent act providing an additional method for the issuance of refunding bonds of such districts.

Not to abridge, enlarge or modify existing statute.

Passed the House February 21, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 121.

[H. B. 182.]

IRRIGATION AND DRAINAGE DISTRICTS.

AN ACT relating to irrigation and drainage districts, defining the powers and duties of the director of conservation and development, with reference to investments made by the state in aid thereof, providing for the cancellation of assessments and taxes levied upon the irrigation system of such districts, and on the irrigable land in such districts and declaring that this act shall take effect immediately.

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

SECTION 1. The director of conservation and development shall not undertake the development or financing of any new reclamation projects during the biennium ending March 31, 1931.

Reclamation projects, development suspended.

SEC. 2. Whenever the department of conservation and development shall have heretofore purchased, and the state shall own, the entire issue of the bonds of any irrigation or drainage district, and in the judgment of the director of conservation and development such district is, or will be, unable to meet its obligations to the state as they mature, and in the judgment of the director of conservation and development the investment of the state can be made more secure by the exchange of the bonds held by the state for refunding bonds of such district issued as in the manner provided by law at the same or a lower rate of interest and/or for a longer term, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for the same or a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, the director of conservation and development shall be and is hereby authorized and empowered to so exchange the bonds held by the state

State owns entire issue of bonds of irrigation or drainage district.

Exchange for refund bonds authorized.

for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state.

SEC. 3. Whenever the department of conservation and development shall have heretofore purchased and the state shall own a portion of the bonds of any irrigation or drainage district, and in the judgment of the director of conservation and development such district is, or will be, unable to meet its obligations as they mature, and in the judgment of the director of conservation and development the investment of the state can be made more secure by exchanging the bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, or by the cancellation of a portion of the bonds held by the state and/or interest accrued thereon, and the exchange of the remaining bonds held by the state for the refunding bonds of the district issued in the manner provided by law at the same or a lower rate of interest and/or for a longer term, the director of conservation and development shall be and is hereby authorized and empowered to so exchange the bonds held by the state for such refunding bonds or to cancel a portion of the bonds held by the state and/or interest accrued thereon, and exchange the remaining bonds held by the state for such refunding bonds as in his judgment will be for the best interest of the state: *Provided*, That all of the holders of the other bonds of such district shall make and execute the same arrangement with the district.

SEC. 4. Whenever the department of conservation and development shall have heretofore entered into a contract with an irrigation district and shall have expended moneys under said contract, and said

State owns portion of issue of bonds of irrigation or drainage district.

Exchange for refund bonds authorized.

Irrigation district contract with state.

District indebtedness to state may be compromised.

district shall be indebted to the state for the moneys so expended, and in the judgment of the director of conservation and development said district shall have not received benefits equal to the amount of said indebtedness, the director of conservation and development shall be and is hereby authorized and empowered to settle and compromise the claim of the state against said district upon such terms and for such an amount as he shall deem fair and just to the state and the district.

Irrigation district unable to meet obligations, delinquent taxes and assessments may be cancelled.

SEC. 5. Whenever the director of conservation and development shall find any irrigation district is, or will be unable to meet its obligations and that refunding operations under this act are necessary, and that as a part of such refunding operations the cancellation of assessments and county taxes on the irrigation system and the irrigable lands in such district then delinquent, is necessary, the board of county commissioners of the county in which such irrigation district is situated may, upon request of the director of conservation and development, cancel any or all delinquent assessments and county taxes levied upon the irrigable lands in such district and all county taxes levied upon the irrigation system of such district, if such board shall find that such irrigation district is or will be unable to meet its obligations and such refunding operations are necessary, of which the report of the director of conservation and development shall be *prima facie* evidence.

Effective immediately.

SEC. 6. This act is necessary for the preservation of existing institutions and public welfare and shall take effect immediately.

Passed the House February 19, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 122.

[H. B. 232.]

REGULATION AND CONTROL OF USE OF WATERS.

AN ACT relating to the regulation and control of waters within the state and rights to the use thereof, and amending Sections 16, 17, 21, 31, 34, 39 and 44 of Chapter 117 of the Laws of 1917, and amending Chapter 117 of the Laws of 1917 by adding a new section to be known as section 39-a.

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

SECTION 1. That section 16, of chapter 117 of the Laws of 1917, (7366 of Remington's Compiled Statutes; 7218 of Pierce's Code) be amended to read as follows:

Amends
§ 7366 Rem.
Comp. Stat. ;
§ 7218
Pierce's
Code.

Section 16. Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state. If the defendants, or either of them, cannot be found within the State of Washington, of which the return of the sheriff of the county in which the proceeding is pending shall be *prima facie* evidence, upon the filing of an affidavit by the state supervisor of hydraulics, or his attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation printed and published at the county seat of the county in which such proceeding is pending, and also publication of said summons in a newspaper published at the county seat of each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications), before the return day thereof. In cases where personal service can be had, such summons shall be served at least twenty (20) days before the return day thereof.

Service of
summons.

Affidavit.

Publication.

SEC. 2. That section 17, of chapter 117 of the Laws of 1917, (7367 of Remington's Compiled Statutes; 7219 of Pierce's Code), be amended to read as follows:

Amends
§ 7367 Rem.
Comp. Stat.;
§ 7219
Pierce's
Code.

Defendant
to file
statement.

Contents.

Section 17. On or before the return day of such summons, each defendant shall file in the office of the clerk of said court a statement, and therewith a copy thereof for the state supervisor of hydraulics, containing substantially the following, to-wit:

1. The name and postoffice address of defendant.
2. The full nature of the right, or use, on which the claim is based.
3. The time of initiation of such right and commencement of such use.
4. The date of beginning and completion of construction.

5. The dimensions and capacity of all ditches existing at the time of making said statement.

6. The amount of land under irrigation and the maximum quantity of water used thereon prior to the date of said statement and if for power, or other purposes, the maximum quantity of water used prior to date of said statement.

7. The legal description of the land upon which said water has been, or may be, put to beneficial use, and the legal description of the subdivision of land on which the point of diversion is located.

Statement
verified
by oath.

Such statement shall be verified on oath by the defendant, and in the discretion of the court may be amended.

Amends
§ 7371, Rem.
Comp. Stat.;
§ 7223,
Pierce's
Code.

SEC. 3. That section 21, of chapter 117 of the Laws of 1917, as amended by section 2 of chapter 71 of the Laws of 1919, (7371 of Remington's Compiled Statutes; 7223 Pierce's Code), be amended to read as follows:

Defendant
to pay
filing fee
of \$1.00.

Section 21. At the time of filing the statement as provided in section 17, each defendant shall pay to the clerk of the superior court a fee of one dollar

(\$1.00). The state supervisor of hydraulics shall keep a record of the expenses incurred by him in the determination of the rights on any stream, including the proportionate share of the expense of his office, such expense to date from the filing of a petition or the institution of any investigation as provided in section 14. Immediately upon receipt of a decree of the superior court determining the rights of parties as provided in section 23, the state supervisor of hydraulics shall prepare and file in the superior court a statement of such expense, showing the total expense of the determination and apportioning such expense to the various rights. And where such expense does not exceed five dollars (\$5.00) for each water right, as determined by the court, it shall be divided equally between such rights. If such expense exceeds five dollars for each water right, such allottee shall pay five dollars (\$5.00) plus a share of the amount remaining, which shall be apportioned to the various irrigation and other consumptive rights in such proportion as the quantity of water allotted to each right bears to the total amount of water awarded, and to non-consumptive rights on such basis as the supervisor of hydraulics may determine to be equitable. Such records shall be subject to audit by the bureau of inspection and supervision of public offices as are other accounts of state offices. The amount of such expense apportioned to each diverter shall be paid by such diverter before he shall be entitled to receive a certificate of diversion from the state supervisor of hydraulics.

Record of expenses kept by supervisor.

Statement of expenses filed in court.

Audit of records by bureau of inspection.

SEC. 4. That section 31, of chapter 117, Laws of 1917, (7382 of Remington's Compiled Statutes; 7233 of Pierce's Code), be amended to read as follows:

Amends § 7382, Rem. Comp. Stat.; § 7233 Pierce's Code.

Section 31. When an application complying with the provisions of this chapter and with the

When application filed, supervisor shall investigate.

Irrigable lands to be determined.

Determine whether power development will prove detrimental.

Temporary permits.

Application cancelled automatically.

Preliminary permit extended.

rules and regulations of the state supervisor of hydraulics has been filed, the same shall be placed on record in the office of the state supervisor of hydraulics, and it shall be his duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the state supervisor of hydraulics shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the supervisor shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the supervisor may issue a preliminary permit, for a period of not to exceed three (3) years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the supervisor may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically cancelled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the supervisor a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the supervisor, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the Governor, be extended, but not to exceed a maximum period of five (5) years from the date of the issu-

ance of the preliminary permit. The state supervisor of hydraulics shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if he shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, he shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: *Provided*, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be the duty of the state supervisor of hydraulics to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under section 4 hereof, said supervisor may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the state supervisor of hydraulics to investigate all facts relevant and material to the application. After the state supervisor of hydraulics approves said application

Written findings of supervisor to be filed.

Permit issued.

Irrigation purposes, extent of use.

Application rejected.

Approved for less amount.

Fee required
of applicant

in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in section 44 of this act.

Amends
§ 7386, Rem.
Comp. Stat.;
§ 7236,
Pierce's
Code.

SEC. 5. That section 34 of chapter 117 of the Laws of 1917, (7386 of Remington's Compiled Statutes; 7236 Pierce's Code), be amended to read as follows:

Certificate
issued
when
appropria-
tion per-
fected.

Section 34. Upon a showing satisfactory to the state supervisor of hydraulics that any appropriation has been perfected in accordance with the provisions of this act, it shall be the duty of such state supervisor of hydraulics to issue to the applicant a certificate stating such facts in a form to be prescribed by him, and such certificate shall thereupon be recorded in his office. Any original water right certificate issued, as provided by this act, shall be recorded in his office and thereafter, at the expense of the party receiving the same, be by such supervisor transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof.

Amends
§ 7391 Rem.
Comp. Stat.;
§ 7241,
Pierce's
Code.

SEC. 6. That section 39, of chapter 117 of the Laws of 1917, (7391 of Remington's Compiled Statutes; 7241 Pierce's Code), be amended to read as follows:

Right to
remain
appurtenant
to land.

Section 39. The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: *Provided, however,* That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can

Transfer
authorized.

be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the state supervisor of hydraulics, and said application shall not be granted until notice of said application shall be published as provided in section 30 of this act. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the state supervisor of hydraulics shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record in the office of the state supervisor of hydraulics and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

Application therefor.

Notice published.

Certificate issued granting transfer.

SEC. 7. That chapter 117 of the Laws of 1917 be amended by adding thereto a new section to be known as section 39-a (7391-a of Remington's Compiled Statutes) to read as follows:

Adds § 7391-a to Rem. Comp. Stat.

Section 39-a. Section 39 of this act shall not be construed to prevent water users from making a seasonal or temporary change of point of diversion or place of use of water when such change can be made without detriment to existing rights, but in no case shall such change be made without the permission of the water master of the district in which such proposed change is located, or of the state supervisor of hydraulics. Nor shall section 39 of this act be construed to prevent rotation in the use of water for bringing about a more economical use of the available supply. Water users owning lands to which water rights are attached may ro-

Seasonal or temporary change of diversion point.

Rotation of use.

Rotated
with rights
of dif-
ferent
priority.

tate in the use of water to which they are collectively entitled, or an individual water user having lands to which are attached water rights of a different priority, may in like manner rotate in use when such rotation can be made without detriment to other existing water rights, and has the approval of the water master or state supervisor of hydraulics.

Amends
§ 7399, Rem.
Comp. Stat.,
1927 Sup. ;
§ 7246,
Pierce's
1926 Code.

SEC. 8. That section 44 of chapter 117 of the Laws of 1917, as amended by section 2 of chapter 161 of the Laws of 1925 Extraordinary Session; (section 7399, Rem. 1927 Sup.; section 7246 Pierce's 1926 Code), be amended to read as follows:

Supervisor
to-collect
fees—
schedule.

Section 44. The following fees shall be collected by the supervisor of hydraulics in advance (a) for the examination of an application for permit to appropriate water a five dollars (\$5.00) fee shall be paid upon filing the application, which shall be a minimum fee but shall be a credit to the extent of five dollars whenever the fee due upon direct diversion or storage totals more than five dollars under the schedule hereinafter provided and in such case the further fee due shall be the total computed amount less five dollars. Not later than five days after receipt of such an application the supervisor of hydraulics shall notify the applicant by registered mail of the further amount of fee, if any, due under the following schedule of fees, and if there is a further amount due and said amount is not received within thirty (30) days after the date of filing said application in the office of the supervisor of hydraulics, said application shall be rejected. After notice and within the time hereinabove provided, such further fee as may be due shall be paid in amounts determined as follows: For all amounts in excess of one cubic foot per second up to and including five hundred cubic feet per second, at the rate of one dollar (\$1.00) per cubic foot per second. For

all amounts in excess of five hundred cubic feet per second up to and including two thousand cubic feet per second, at the rate of twenty-five cents (25c) per cubic foot per second. For all amounts in excess of two thousand cubic feet per second, at the rate of ten cents (10c) per cubic foot per second. For each acre-foot of storage up to and including one hundred thousand acre-feet, at the rate of one-half ($\frac{1}{2}$ c) cent per acre-foot. For each acre-foot of storage over one hundred thousand acre-feet, at the rate of one-tenth cent per acre-foot. (b) For filing and recording permit to appropriate water for irrigation purposes, ten cents (10c) per acre for each acre to be irrigated up to and including one hundred acres, and five cents (5c) per acre for each acre in excess of one hundred acres up to and including one thousand acres, and two and one-half cents ($2\frac{1}{2}$ c) for each acre in excess of one thousand acres; and also ten cents (10c) for each theoretical horsepower up to and including one thousand H. P. and two cents (2c) for each theoretical horsepower in excess of one thousand H. P. For all other beneficial purposes the fee shall be twice the amount of the examination fee except that for individual household and domestic use, which may include water for the irrigation of a family garden, the fee shall be two dollars (\$2.00). (c) For filing and recording any other water right instrument, one dollar (\$1.00) for the first hundred words and ten cents (10c) for each additional hundred words or fraction thereof; (d) for making copy of any document recorded or filed in the office of the supervisor of hydraulics, ten cents (10c) for each hundred words or fraction thereof, but where the amount exceeds five dollars (\$5.00), then only the actual cost in excess of that amount shall be charged; (e) for certifying to copies, documents, records of maps, one dollar (\$1.00) for each certification. (f) For blue-

print copies of any map or drawing, ten cents (10c) per square foot or fraction thereof. For such other work of a similar nature as may be required of his office, at actual cost of the work; (g) for granting each extension of time (under section 7385, Remington's Compiled Statutes); for beginning construction work under a permit to appropriate water, the permittee shall pay an amount equal to one-half of the filing and recording fee. (h) For the inspection of any hydraulic works to insure safety to life and property as provided in section 7358, Remington's Compiled Statutes, sub-section 2, the owner of such works shall pay the actual cost of such inspection, together with the expense incident thereto. (i) For the examination of plans and specifications as to safety as provided in section 7388, Remington's Compiled Statutes, a minimum fee of five dollars (\$5.00) shall be charged; if the cost of such examination exceeds five dollars (\$5.00), the actual cost of such work shall be paid. (j) For recording an assignment either of a permit to appropriate water or of an application for such a permit, as provided for under section 32 of this act (7384 of Remington's Statutes), a fee of two dollars (\$2.00) shall be charged. (k) For issuing a certificate for change of point of diversion, place or purpose of use as provided for under section 39 of this act (7391 of Remington's Compiled Statutes), a fee of five dollars (\$5.00) shall be charged.

Passed the House February 21, 1929.

Passed the Senate March 5, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 123.

[H. B. 48.]

MUTUAL SAVINGS BANKS.

AN ACT relating to and regulating mutual savings banks, amending certain acts and repealing certain acts relating thereto.

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

SECTION 1. That section 17 of chapter 175 of the Laws of 1915, pages 565 to 566, as amended by section 5 of chapter 184 of the Laws of 1927, pages 228-229 (section 3346 of Remington's Compiled Statutes, 1927 Supplement), be amended to read as follows:

Amends
§ 3346, Rem.
Comp. Stat.,
1927 Sup.

Section 17. When the aggregate amount of deposits and dividends to the credit of any depositor, including in such aggregate all deposits and dividends credited to the depositor as trustee or beneficiary of any voluntary and revocable trust and all deposits and dividends credited to the depositor and another, or others, in either joint or several form, is seven thousand five hundred dollars (\$7500.00) or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, or in the name of a child as trustee for a dependent parent, but not more than five hundred dollars (\$500.00) shall be deposited to any such additional account during any six months period; and additional accounts may be maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will, if the deposits therein are directed to be made by a court of competent jurisdiction.

Deposits.

Limit to
each
account
\$7,500.

Parent for
minor-child
\$500
additional.

Every such bank may further limit the aggregate amount which an individual or any corporation or

Bank may
further
limit
deposits.

society may have to his or its credit 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 deposits or require the withdrawal of any dividend.

SEC. 2. That section 19 of chapter 175 of the Laws of 1915, pages 567 to 568, (section 3348 of Remington's Compiled Statutes, 1922) be amended to read as follows:

Amends
§ 3348, Rem.
Comp. Stat.

Deposits in
name of
minor.

Section 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.

Trust
deposits,
payment
on death of
trustee.

(2) When any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such savings bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends thereon, may be paid to the person for whom the deposit was made.

Joint
deposits.

(3) 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

Paid to
survivor.

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.

Nature of deposit conclusive in court action.

SEC. 3. That section 24 of chapter 175 of the Laws of 1915, pages 571 to 572, as amended by section 6 of chapter 184 of the Laws of 1927, pages 229-230, (section 3353 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 3353, Rem. Comp. Stat., 1927 Sup.

Section 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 and credited to its guaranty fund not less than five per centum of its net earnings for such period, or so much of its net earnings as will not compel it to reduce its dividends to depositors below the rate of three and one-half 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. While the trustees of such 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 ten per centum of the amount due to depositors, the minimum dividend shall be four per centum if the net earnings for such period are sufficient therefor.

Guaranty fund less than 10% of amount due depositors.

Deductions from earnings for guaranty fund.

Amount of dividend.

Repeals
§ 3355, Rem.
Comp. Stat.

SEC. 4. That section 26 of chapter 175 of the Laws of 1915, page 574, (section 3355 of Remington's Compiled Statutes, 1922) is hereby repealed.

Amends
§ 3356, Rem.
Comp. Stat.

SEC. 5. That section 27 of chapter 175 of the Laws of 1915, page 574, (section 3356 of Remington's Compiled Statutes, 1922) be amended to read as follows:

Advertising
surplus or
guaranty
fund.

Section 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 other than as determined in the manner prescribed by law.

Repeals
§ 3368, Rem.
Comp. Stat.

SEC. 6. That section 39 of chapter 175 of the Laws of 1915, pages 580 to 582, (section 3368 of Remington's Compiled Statutes, 1922) is hereby repealed.

Repeals
§ 3371, Rem.
Comp. Stat.

SEC. 7. That section 42 of chapter 175 of the Laws of 1915, page 583, and section 4 of chapter 200 of the Laws of 1919, page 702, (section 3371 of Remington's Compiled Statutes, 1922) are hereby repealed.

Passed the House March 7, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 124.

[H. B. 91.]

ACCIDENT AND HEALTH INSURANCE.

AN ACT relating to policies of accident and/or health insurance, amending Section 187 of Chapter 49 of the Laws of 1911, and further amending said Chapter by adding thereto new sections to be known as Sections 187-a, 187-b, 187-c, 187-d, 187-e, 187-f, 187-g, and 187-h.

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

SECTION 1. That section 187 of chapter 49 of the Laws of 1911, pages 264 to 266, be amended to read as follows:

Section 187. No policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered to any person in this state until a copy of the form thereof and of the classification of risks, if more than one class of risks is written and the premium rates pertaining thereto have been filed with the insurance commissioner; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the said commissioner shall sooner give his written approval thereto. If the said commissioner shall notify, in writing, the company, corporation, association, society or other insurer which has filed such form that it does not comply with the requirements of law, specifying the reasons for his opinion, it shall be unlawful thereafter for any such insurer to issue any policy in such form. The action of the said commissioner in this regard shall be subject to review by any court of competent jurisdiction: *Provided, however,* That nothing in this act shall be so construed as to give jurisdiction to any court not already having jurisdiction.

Amends
§ 187, Chap.
49, Laws
1911.

Policy
form to be
filed with
and approved
by insurance
commissioner

Commis-
sioner to
notify
insurer and
specify
reasons for
disapproval.

Commis-
sioner action
subject to
review in
court.

Adds § 187-a
to Chap. 49,
Laws 1911.

SEC. 2. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-a, to read as follows:

Policy not
to be de-
livered
unless policy
states—
considera-
tion ;

Section 187-a. No policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered in this state (1) unless the entire money and other consideration therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer; nor (3) if the policy purports to insure more than one person; nor (4) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten-point; nor (5) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen-point; nor (6) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply: *Provided, however,* That any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in bold face type and with greater prominence than any other portion of the text of the policy.

beginning
and termina-
tion of
insurance ;

nor if policy
insures
more than
one person ;

nor unless
printed in
type not
smaller
than ten-
point ;

nor unless
exceptions
printed in
same
prominence
as benefits.

When
indemnity
reduced,
bold face
type used.

Adds
§ 187-b to
Chap. 49,
Laws 1911.

SEC. 3. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-b, to read as follows:

Policy to
contain
standard
provisions.

Section 187-b. Every policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident issued in this state shall contain certain standard provisions, which shall be in the words and in the

order hereinafter set forth and be preceded in every policy by the caption, "Standard Provisions." In each such standard provision wherever the word "insurer" is used, there shall be substituted therefor "company" or "corporation" or "association" or "society" or such other word as will properly designate the insurer. Said standard provisions shall be:

(1) A standard provision relative to the contract which may be in either of the following two forms: Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation, and form (B) to be used in policies which do so provide. If form (B) is used and the policy provides indemnity against loss from sickness, the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured:"

Reduction
on account
of change of
occupation.

Indemnity
against
sickness.

(A) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance. No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation.

No reduction
of indemnity.

(B) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would

Indemnities
paid when
occupation
changed to
more hazard-
ous one.

have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation.

If the law of the state in which the insured resides at the time this policy is issued requires that prior to its issue a statement of the premium rates and classification of risks pertaining to it shall be filed with the state official having supervision of insurance in such state, then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the insurer in accordance with such law, but if such filing is not required by such law then they shall mean the insurer's premium rates and classification of risks last made effective by it in such state prior to the occurrence of the loss for which the insurer is liable.

Premium rates and classification of risks.

Changes in contract.

Form.

Statement of applicant.

Authority of agent.

Change invalid unless approved.

Reinstatement after lapse.

Loss from accident only.

Loss from both accident and sickness.

Payment after default in accident policy.

(2) A standard provision relative to changes in the contract, which shall be in the following form:

2. No statement made by the applicant for insurance not included herein shall avoid the policy or be used in any legal proceeding hereunder. No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon.

(3) A standard provision relative to reinstatement of policy after lapse which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; form (B) to be used in policies which insure only against loss from sickness; and form (C) to be used in policies which insure against loss from both accident and sickness.

(A) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any

of its duly authorized agents shall reinstate the policy, but only to cover loss resulting from accidental injury thereafter sustained.

(B) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover such sickness as may begin more than ten days after the date of such acceptance.

Payment after default in sickness policy.

(C) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover accidental injury thereafter sustained and such sickness as may begin more than ten days after the date of such acceptance.

Payment after default in accident and sickness policy.

(4) A standard provision relative to time of notice of claim which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; form (B) to be used in policies which insure only against loss from sickness; and form (C) to be used in policies which insure against loss from both accident and sickness. If form (A) or form (C) is used the insurer may at its option add thereto the following sentence: "In event of accidental death immediate notice thereof must be given to the insurer."

Time of notice of claim.

(A) 4. Written notice of injury on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury.

20 days after accident causing injury.

(B) 4. Written notice of sickness on which claim may be based must be given to the insurer within ten days after the commencement of the disability from such sickness.

10 days after commencement of sickness.

(C) 4. Written notice of injury or of sickness on which claim may be based must be given to the insurer within twenty days after the date of the

20 days after injury or 10 days after commencement of disability from sickness.

accident causing such injury or within ten days after the commencement of disability from such sickness.

Sufficiency
of notice
of claim.

(5) A standard provision relative to sufficiency of notice of claim which shall be in the following form and in which the insurer shall insert in the blank space such office and its location as it may desire to designate for such purpose of notice:

Form.

5. Such notice given by or in behalf of the insured or beneficiary, as the case may be, to the insurer at.....or to any authorized agent of the insurer, with particulars sufficient to identify the insured, shall be deemed to be notice to the insurer. Failure to give notice within the time provided in this policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

Forms for
furnishing
proof of
loss.

(6) A standard provision relative to furnishing forms for the convenience of the insured in submitting proof of loss as follows:

Form.

6. The insurer upon receipt of such notice, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not so furnished within fifteen days after the receipt of such notice, the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

Filing
proof of
loss.

(7) A standard provision relative to filing proof of loss which shall be in such one of the following forms as may be appropriate to the indemnities provided:

Form.

(A) 7. Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the date of the loss for which claim is made.

(B) 7. Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the termination of the period of disability for which the company is liable. Form.

(C) 7. Affirmative proof of loss must be furnished to the insurer at its said office in case of claim for loss of time from disability within ninety days after the termination of the period for which the insurer is liable, and in case of claim for any other loss, within ninety days after the date of such loss. Form.

(8) A standard provision relative to examination of the person of the insured and relative to autopsy which shall be in the following form: Examination of person and autopsy.

8. The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder, and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law. Form.

(9) A standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made, which provision may be in either of the following two forms and which may be omitted from any policy providing only indemnity for loss of time on account of disability. The insurer shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time, not more than sixty days, as it may desire; form (A) to be used in policies which do not provide indemnity for loss of time on account of disability and form (B) to be used in policies which do so provide. Time for payments.

(A) 9. All indemnities provided in this policy will be paid after receipt of due proof. Form.

(B) 9. All indemnities provided in this policy for loss other than that of time on account of dis- Form.

ability will be paid after receipt of due proof.

Periodical
payments of
indemnity.

(10) A standard provision relative to periodical payments of indemnity for loss of time on account of disability, which provision shall be in the following form, and which may be omitted from any policy not providing for such indemnity. The insurer shall insert in the blank space of the form any period of time not exceeding sixty days.

Form.

10. Upon request of the insured and subject to due proof of loss all accrued indemnity for loss of time on account of disability will be paid at the expiration of each during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof.

Indemnity
payments.

(11) A standard provision relative to indemnity payments which may be in either of the two following terms: Form (A) to be used in policies which designate a beneficiary and form (B) to be used in policies which do not designate any beneficiary other than the insured:

(A) 11. Indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured, and otherwise to the estate of the insured. All other indemnities of this policy are payable to the insured.

Form.

(B) 11. All the indemnities of this policy are payable to the insured.

Cancellation
of policy by
insured.

(12) A standard provision providing for cancellation of the policy at the instance of the insured which shall be in the following form:

Form.

12. If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated in the policy, the insurer, upon written request of the insured and surrender

of the policy, will cancel the same and will return to the insured the unearned premium.

(13) A standard provision relative to the rights of the beneficiary under the policy which shall be in the following form and which may be omitted from any policy not designating a beneficiary:

Rights of beneficiary.

13. Consent of the beneficiary shall not be requisite to surrender or assignment of this policy or to change of beneficiary, or to any other changes in the policy.

Form.

(14) A standard provision limiting the time within which suit may be brought upon the policy as follows:

Limitation of time for suit on policy.

14. No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of this policy, nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

Form.

(15) A standard provision relative to time limitations of the policy as follows:

Time limitations.

15. If any time limitation of this policy with respect to giving notice of claim or furnishing proof of loss is less than that permitted by the law of the state in which the insured resides at the time this policy is issued, such limitation is hereby extended to agree with the minimum period permitted by such law. No such policy shall be so issued or delivered which contains any provision (1) relative to cancellation at the instance of the insurer; or (2) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium has been paid; or, (3) providing for the deduction of any premium from the amount paid in settlement of claim; or, (4) relative to other insurance by the same insurer; or, (5) relative to the age limits of the policy; unless such provisions

Form.

which are hereby designated as optional standard provisions, shall be in the words and in the order in which they are hereinafter set forth, but the insurer may at its option omit from the policy any such optional standard provision. Such optional standard provisions if inserted in the policy shall immediately succeed the standard provisions named in this section.

(1) An optional standard provision relative to cancellation of the policy at the instance of the insurer as follows:

Cancellation
of policy
by insurer.

16. The insurer may cancel this policy at any time by written notice delivered to the insured or mailed to his last address, as shown by the records of the insurer, together with cash or the insurer's check for the unearned portion of the premiums actually paid by the insured, and such cancellation shall be without prejudice to any claim originating prior thereto.

Form.

(2) An optional standard provision relative to reduction of the amount of indemnity to a sum less than that stated in the policy as follows:

Reduction
of indemnity.

17. If the insured shall carry with another company, corporation, association or society other insurance covering the same loss without giving written notice to the insurer, then in that case the insurer shall be liable only for such portion of the indemnity promised as the said indemnity bears to the total amount of like indemnity in all policies covering such loss, and for the return of such part of the premium paid as shall exceed the pro rata for the indemnity thus determined.

Form.

(3) An optional standard provision relative to deduction of premium upon settlement of claim as follows:

Deduction
of premium
on settlement
of claim.

18. Upon the payment of claim hereunder any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

Form.

(4) An optional standard provision relative to other insurance by the same insurer which shall be in such one of the following forms as may be appropriate to the indemnities provided, and in the blank spaces of which the insurer shall insert such upward limits of indemnity as are specified by the insurer's classification of risks, filed as required by section 187 of this act.

Other insurance by same insurer.

(A) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity in excess of \$....., the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

Form.

(B) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for loss of time on account of disability in excess of \$..... weekly, the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

Form.

(C) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for loss other than that of time on account of disability in excess of \$....., or the aggregate indemnity for loss of time on account of disability in excess of \$..... weekly, the excess insurance of either kind shall be void and all premiums paid for such excess shall be returned to the insured.

Form.

(5) An optional standard provision relative to the age limits of the policy which shall be in the following form and in the blank spaces of which the insurer shall insert such number of years as it may elect:

Age limits.

20. The insurance under this policy shall not cover any person under the age of years nor over the age of years. Any premium paid

Form.

to the insurer for any period not covered by this policy will be returned upon request.

SEC. 4. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-c, to read as follows:

Adds § 187-c
to Chap. 49,
Laws 1911.

Section 187-c. No policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered in this state if it contains any provision contradictory, in whole or in part, of any of the provisions of section 187-b of this act designated as "Standard provisions" or as "Optional standard provisions"; nor shall any endorsement or attached papers vary, alter, extend, be used as a substitute for, or in any way conflict with any of the said "Standard provisions" or the said "Optional standard provisions"; nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter, constitution or by-laws of the insurer a part of the policy unless such portion of the charter, constitution or by-laws shall be set forth in full in the policy, but this prohibition shall not be deemed to apply to any statement of rates or classification of risks filed with the insurance commissioner in accordance with the provisions of section 187 of this act.

No policy to
be delivered
containing
provisions
contradictory
of law.

SEC. 5. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-d, to read as follows:

Adds § 187-d
to Chap. 49,
Laws 1911.

Section 187-d. The falsity of any statement in the application for a policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer.

False
statement
not to bar
recovery.

The acknowledgment by any insurer of the receipt of notice given under any policy covered by sections 187, 187-a and 187-c, or the furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy.

Acknowledgment of notice, or furnishing forms, or acceptance of proofs, no waiver of rights of insurer.

No alteration of any written application for insurance by erasure, insertion or otherwise, shall be made by any person other than the applicant without his written consent, and the making of any such alteration without the consent of the applicant shall be a misdemeanor. If such alteration shall be made by any officer of the insurer, or by any employee of the insurer with the insurer's knowledge or consent, then such act shall be deemed to have been performed by the insurer thereafter issuing the policy upon such altered application.

Alteration of application.

Alteration by agent.

SEC. 6. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-e, to read as follows:

Adds § 187-e to Chap. 49, Laws 1911.

Section 187-e. A policy of insurance against loss or damage from the sickness, or the bodily injury or death, of the insured by accident, issued in violation of sections 187, 187-a, 187-b, 187-c and 187-d of this act shall be held valid but shall be construed as provided in said sections and when any provision in any such policy is in conflict with any provisions of said sections the rights, duties and obligations of the insurer, the policy holder and the beneficiary shall be governed by the provisions of said sections.

Policy issued in violation of law is valid.

SEC. 7. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-f, to read as follows:

Adds § 187-f to Chap. 49, Laws 1911.

Section 187-f. Nothing in sections 187, 187-a, 187-b, 187-c, 187-d and 187-e of this act shall apply to or affect any policy of liability or workmen's com-

Liability or workmen's compensation insurance, associations, police or fire department or group insurance not affected.

pensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any employer whether a corporation, co-partnership, association or individual, or to any police or fire department, underwriter's corps, salvage bureau, or to any association of fifty or more members having a constitution or by-laws and formed in good faith for purposes other than that of obtaining insurance where not less than seventy-five per centum of the members or employees are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

Adds § 187-g to Chap. 49, Laws 1911.

SEC. 8. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-g, to read as follows:

Life or endowment or supplemental insurance contracts not affected.

Section 187-g. Nothing in this act shall apply to or in any way affect contracts of life or endowment insurance or contracts supplemental thereto, where such contracts or supplemental contracts contain no provisions relating to accident or health insurance except accidental death benefits and except such as operate to safeguard such insurance against lapse, or to give a special surrender value or an annuity providing for payments during the lifetime of the insured, with or without reduction of the sum insured in the event that the insured shall be totally and permanently disabled from any cause: *Provided*, That no such supplemental contract shall be issued or delivered to any person in this state unless and until a copy of the form thereof has been submitted to and approved by the insurance commissioner, under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to and approval by him.

Supplemental contract to be submitted to insurance commissioner for approval.

SEC. 9. That chapter 49 of the Laws of 1911 be amended by adding thereto a new section, to be known as section 187-h, to read as follows:

Adds § 187-h to Chap. 49, Laws 1911.

Section 187-h. The provisions of this act contained in clause (5) of section 187-a and clauses (2), (3), (8) and (12) of section 187-b may be omitted from transportation ticket policies sold only at transportation company ticket offices by transportation company employees.

Transportation ticket policies may omit provisions.

Passed the House February 4, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 125.

[H. B. 97.]

NOXIOUS WEEDS.

AN ACT relating to noxious weeds and providing for the creation and organization of weed districts, the election of directors therefor, and defining their powers and duties and repealing certain acts relating thereto.

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

SECTION 1. The boards of county commissioners of the respective counties may create a weed district or districts within their counties and enlarge any district, or reduce any district or create or combine or consolidate the districts, or divide or create new districts, from time to time, in the manner hereinafter provided, for the purpose of destroying, preventing and exterminating, or to prevent the introduction, propagation, cultivation or increase of, any particular weed, weeds or plants, or all weeds or plants, including scotch broom, which are now or may hereafter be classed by the department of agriculture of the State of Washington as noxious weeds, or plants detrimental to or destructive of crops,

County commissioners may create districts for destruction.

District to include one section of land—boundaries.

Farming lands included.

Farming lands defined.

Petition filed.

Petition to state boundaries of proposed district, etc.

fruit, trees, shrubs, valuable plants, forage, or other agricultural plants or produce. Any such district shall include not less than one section of land, and the boundaries thereof shall be along an established road, railroad, scab, uncleared or grazing land, or property line, or established lines, or some natural boundary, and shall include only cultivated or farming lands and shall not include any scab, uncleared or grazing land, except such as shall lie wholly within cultivated or farming lands within the district, or which lie adjacent to such cultivated or farming lands and which are infested with the particular weed or weeds to be destroyed, prevented and exterminated by such district: *Provided*, That any quarter section of land, or lesser legal subdivision in single ownership, fifty per cent of which is cultivated or farming land, shall be considered cultivated and farming land within the meaning of this act.

SEC. 2. Any one or more freeholders owning more than fifty per cent of the acreage desired to be included within the proposed weed district may file a petition with the board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known land owners within the proposed district, together with the addresses of such land owners. Upon the filing of such petition the board of county

commissioners shall fix a time for a hearing thereon, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, one copy of which shall be at the main entrance to the court house, and by mailing a copy of such notice to each of the land owners named in the petition at the address therein named, and if any of the land described in the petition be owned by the state, a copy thereof shall be mailed to the state land commissioner at Olympia.

Petition filed. Hearing date fixed.

Notice of hearing given.

SEC. 3. At the time and place fixed for such hearing the board of county commissioners shall determine whether such weed district shall be created and if such board determines that such district shall be created, it shall fix the boundaries thereof, but shall not modify the purposes of the petition with respect to the weed or weeds to be destroyed, prevented and exterminated as set forth in this petition, and shall not enlarge the boundaries of the proposed district, or enlarge or change the boundary or boundaries of any district or districts already formed without first giving notice to all land owners interested as provided in section 2 of this act. If the board shall determine that the weed district petitioned for shall be created it shall pass a resolution to that effect and shall assign a number to such weed district which shall be the lowest number not already taken or adopted by a weed district in such county, and thereafter such district shall be known as "Weed District No..... of County," inserting in the first blank the number of the district and in the second the name of the county in which the district is organized.

At hearing commissioners determine district and boundaries.

District to be numbered.

SEC. 4. If the board of county commissioners establish such district it shall call a special meeting to be held within such district for the purpose of

Meeting called for election of directors.

Qualification of directors.

Date for meeting.

Notice.

Contents of notice.

Chairman of meeting.

Qualification of electors.

Challenges.

Oath.

electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the State of Washington and a resident and land owner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established by such board. Notice of such meeting shall be given by the county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held. At the time and place fixed for the meeting the county commissioner in whose commissioner district such district is located shall act as chairman and call the meeting to order. The chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such county commissioner be not present the electors of such district then present shall elect a chairman of the meeting. Every person over twenty-one years of age who is a land owner within such district and a qualified elector of the State of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the State of Washington and an owner of land within the boundaries of weed district No..... of county (giving number of district and name of county)." If the challenged person shall take such oath or make such affirma-

tion, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting. The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first day of March following his election. Annually thereafter, there shall be held a meeting of the electors of such district on the first Monday in February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time and place where the same shall be held and shall give the same notice thereof as provided for the

False
oath.Secret
ballot.Three
names on
ballots.Canvass of
vote.Directors
elected,
term.Annual
meeting.Time and
place of
holding.

Conduct
of meeting.

initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting. All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified.

Vacancy in
director's
office filled
by appoint-
ment of
commis-
sioners.

In case of a vacancy occurring in the office of any director, the county commissioners of the county in which such district is located, shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in

Bond of
director.

the sum of one thousand dollars, which may be a surety company bond or property bond approved by the board of county commissioners, which bond shall be filed with the county commissioners and shall be conditioned for the faithful discharge of

Cost of
bond.

his duties. The cost of such bond shall be paid by the district the same as other expenses of the district. At any annual meeting the method for des-

Business
of annual
meeting.

troying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may

Changes of
methods.

be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all land owners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such land owner at least one week before the date fixed for such special meeting.

County
commis-
sioners to
levy tax.

SEC. 5. At the time of establishing such district, and annually thereafter, the county commissioners

shall levy a tax upon all taxable property located in such district in such an amount as will produce sufficient revenue to operate such district. In case the levy so fixed is inadequate, upon request of the board of directors, the county commissioners shall hold a public hearing upon ten days' notice, mailed to all land owners within such district, and at which hearing the county commissioners shall, if they deem the levy theretofore inadequate, increase the amount of such levy. The county treasurer shall be ex-officio treasurer of such district and the county assessor and other county officers shall take notice of the formation of such district and of the tax levy made by the county commissioners and shall extend the tax on the tax roll against the property liable therefor the same as other taxes are extended, and such tax shall become a general tax against such property, and shall be collected and accounted for as other taxes, with the terms and penalties thereto attached. The moneys collected from such tax shall be paid into a fund to be known as "Fund of Weed District of County" (giving the number of district and name of county). All expenses in connection with the operation of such district, including the expenses of initial and annual meetings, shall be paid from such fund, upon vouchers approved by the board of directors of such district. No district shall contract any obligation in any year in excess of the revenues which will be available during the current year from the tax levy made in the preceding year.

Increased tax levy.

Tax extended on tax rolls.

Fund.

Payments from.

SEC. 6. Any city or town contiguous to or surrounded by a weed district formed under this act shall provide for the destruction, prevention and extermination of all weeds specified in the petition which are within the boundaries of such city or town, in the same manner and to the same extent as is provided for in such surrounding or contiguous weed

Cities or towns contiguous to district to provide for weed destruction.

district; and it shall be the duty of those in charge of school grounds, playgrounds, cemeteries, parks, or any lands of a public or quasi public nature when such lands shall be contiguous to, or within any weed district, to see that all weeds specified in the petition for the creation of such district are destroyed, prevented and exterminated in accordance with the rules and requirements of such district.

Lands
within
U. S. Reser-
vations.

SEC. 7. Any lands owned by any individual wholly or partly within the United States government Indian reservation may be included within a weed district formed under this act, and shall be subject to the same rules, regulations and taxes as other lands within the district; and the board of directors of any weed district are authorized to arrange with the officer or agent in charge of any United States lands, within or contiguous to any such district, for the destruction, prevention and extermination of weeds on such government lands.

County
lands,
payments
for.

SEC. 8. Whenever there shall be included within any weed district any lands belonging to the county, the boards of county commissioners shall determine the amount of the taxes for which such lands would be liable if the same were in private ownership, and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands shall be located within any weed district the county treasurer shall certify annually and forward to the commissioner of public lands, or, if the lands are occupied by or used in connection with any state institution, to the director of business control, a statement showing the amount of the tax to which such lands would be liable if the same were in private ownership, separately describing each lot or parcel, and the commissioner of public lands, or the director of business control, as the case may be, shall cause a proper record to be made in their respective

State lands,
payments
for.

offices of the charges against such lands, and shall certify the same to the state auditor thirty days previous to the convening of the biennial session of the legislature, and the state auditor shall, at the next session of the legislature thereafter certify to the legislature the amount of such charges against such lands, and the legislature shall provide for payment of such charges to the weed district by an appropriation out of the general fund of the state treasury, with interest at six per cent per annum on the amount of such charges, and without penalties.

SEC. 9. The board of directors of such weed district shall have power:

Board of directors powers—rules and regulations.

(1) To adopt rules and regulations, plans, methods and means for the purpose of destroying, preventing and exterminating the weed or weeds specified in the petition, and to supervise, carry out and enforce such rules, regulations, plans, methods and means.

(2) To appoint a weed inspector and to require from him a bond in such sum as the directors may determine for the faithful discharge of his duties, and to pay the cost of such bond from the funds of such district; and to direct such weed inspector in the discharge of his duties; and to pay such weed inspector from the funds of such district such per diem for the time employed in the discharge of his duties as the directors shall determine.

Appoint weed inspectors.

SEC. 10. It shall be the duty of the weed inspector to carry out the directions of the board of directors and to see that the rules and regulations adopted by the board are carried out. He shall personally deliver to each resident land owner within such district and to any lessee or person in charge of any land within such district and residing in such district, a copy of the rules and regulations of such district; and he shall personally deliver a copy

Duties of weed inspector.

Rules and regulations delivered to land owners.

thereof to non-resident land owners or shall deposit a copy of the same in the United States post office in an envelope addressed to the last known address of such person as shown by the records of the county auditor; and in event no such address is available for mailing he shall post a copy of such rules and regulations in a conspicuous place upon such land. A record shall be kept by the weed inspector of such dates of mailing, posting or delivering such rules and regulations. In case of any railroad such rules and regulations shall be delivered to the section foreman, or to any official of the railroad having offices within the state. Such rules and regulations must be delivered, posted or mailed by the weed inspector as herein provided at least ten days before the time to start any annual operations necessary to comply with such rules and regulations: *Provided*, That after such district shall have been in operation two years such rules and regulations shall be delivered to resident land owners only once every three years, unless such rules and regulations are changed.

Record kept by inspector.

Railroads.

Inspector files list of delinquent lands with prosecuting attorney.

Names of owners, lessees, etc.

SEC. 11. If the weed inspector, or the board of directors shall find that the rules and regulations of the weed district are not being carried out on any one or more parcels of land within such district, he or they shall file with the prosecuting attorney of the county lists of such lands within the district, together with a statement of the kind of work, and time that such work should be done to comply with such rules and regulations. Upon receipt of such lists it shall be the duty of the prosecuting attorney to secure from the county auditor and the county treasurer the names of owners, lessees, mortgagees and occupants of such land so far as shown by the records of such offices, together with the place of residence or addresses of such persons, as shown by such record; and it shall be the duty of the county auditor and county treasurer to furnish such infor-

mation to the prosecuting attorney. Upon receiving such information the prosecuting attorney shall prepare a notice directed to each of such land owners, lessees, mortgagees and occupants which shall require the persons named therein to cause the noxious weeds to be cut down or destroyed according to the rules and regulations of the district, within ten days from the time of serving, mailing or posting said notices as in this act provided. Said notice shall be served on all residents of the county in which such lands are situated by serving the same personally in the same manner as is provided by law for the service of a summons in the superior court; and on all non-residents of the county whose address or place of residence is shown by the records in the office of such auditor or treasurer, by mailing a copy of such notice by registered mail to such person at the address shown; and in all cases where the address or place of residence is unknown, by posting a copy of said notice in a conspicuous place on the land in full view of the traveling public. In case of a return of "not found" as to any such persons whose address or place of residence is unknown, posting of the notices as herein provided, shall be a sufficient service thereof. It shall be the duty of the county auditor to keep a record book in which he shall cause to be entered the names, addresses or places of residence of any person, firm or corporation who may notify him of their desire to be registered therein and of their desire to be notified by registered mail at the place of residence or address given, of any proceedings had under this act affecting any lands of which they may be the owners, lessees, mortgagees or occupants; and the sending by registered mail of any notice or statement provided for under this act to said person or persons, firm or corporation at the place of residence or address given shall constitute a sufficient service under this act. It shall be the

Prosecuting attorney to prepare notice.

Service on residents and non-residents.

County auditor to keep record book.

Sheriff to
serve
notices.

duty of the sheriff to serve such notices for the prosecuting attorney, and to make returns of "not found" as to any non-resident, and to file the proof of service with the board of directors of such district. The prosecuting attorney shall mail any of such notices required to be mailed by this act. If the person named in said notice fails, refuses or neglects to cut down and destroy such noxious weeds according to the rules and regulations of the district, within ten days after the date of serving, mailing or posting said notices as in this act provided, the weed inspector shall personally or with such assistance as he may require, enter upon such lands and cause said noxious weeds to be destroyed with as little damage to growing crops as may be.

Weed
inspector
to destroy
weeds.

Expense
account
kept by
weed
inspector.

SEC. 12. The weed inspector shall keep an accurate account of expenses incurred by him in carrying out the provisions of this act with respect to each parcel of land entered upon, and the prosecuting attorney of the county shall cause to be served, mailed or posted in the same manner as provided in this act for giving notice to destroy noxious weeds, a statement of such expenses, including description of the land, verified by oath of the weed inspector to the owner, lessee, mortgagee, occupant or agent, or person having charge of said land, and coupled with such statement shall be a notice subscribed by said prosecuting attorney and naming a time and place when and where such matter will be brought before the board of directors of such district for hearing and determination, said statement or notice to be served, mailed or posted, as the case may be, at least ten days before the time for such hearing. At the time of such hearing, or at such time to which the same may be continued or adjourned by said directors, the board shall proceed to examine said claim, or testimony if offered, and shall make and enter an order upon the minutes of said meeting

Notice of
hearing on.

Board to
pass on
claim.

that said claim, or so much thereof as shall be deemed just and proper, shall be paid out of the fund for such weed district. Costs of serving, mailing and posting shall be added to any amount so found to be due and shall be collected at the same time and in the same manner as other charges under this act.

Costs of serving and mailing notice.

SEC. 13. At the time when the board of directors of such district authorize the payment of the claim for cutting said weeds as provided in section 12 of this act, it shall make an order that the amount so allowed and paid from such fund shall be a tax on the land on which said work was done after the expiration of ten days from the date of the entry of said order, unless an appeal be taken as in this act provided, in which event the same shall become a tax at the time the amount to be paid shall be determined by the court; and the county treasurer shall enter the same on the tax rolls against the land for the current year and collect it, together with penalty and interest, as other taxes are collected, and when so collected the same shall be paid into the fund for such weed district: *Provided*, That a failure to serve, mail or post any of the notices or statements provided for in this act, shall not invalidate said tax, but in case of such failure the lien of such tax shall be subordinate and inferior to the interests of any mortgagee to whom notice has not been given in accordance with the provisions of this act.

Cost of cutting weeds to be tax against lands.

Entered on tax rolls.

SEC. 14. Any interested party may appeal from the decision and order of the board of directors of such district to the superior court of the county in which such district is located, by serving written notice of appeal on the chairman of the board of directors and by filing in the office of the clerk of the superior court a copy of said notice of appeal with proof of service attached, together with a good and sufficient cost bond in the sum of two hundred

Appeals to superior court from decision of board.

Notice—cost bond.

Service of
notice.

dollars, said cost bond to run to such district and in all respects to comply with the laws relating to cost bonds required of non-resident plaintiffs in the superior court. Said notice must be served and filed within ten days from the date of the decision and order of such board of directors, and said bond must be filed within five days after the filing of such notice of appeal. Whenever notice of appeal and the cost bond as herein provided shall have been filed with the clerk of the superior court, the clerk shall notify the board of directors of such district thereof, and such board shall forthwith certify to said court all notices and records in said matters, together with proof of service, and a true copy of the order and decision pertaining thereto made by such board. If no appeal be perfected within ten days from the decision and order of such board, the same shall be deemed confirmed and the board shall certify the amount of such charges to the county treasurer who shall enter the same on the tax rolls against the land. When an appeal is perfected the matter shall be heard in the superior court *de novo* and the court's decision shall be conclusive on all persons served under this act: *Provided*, That an appeal may be taken to the supreme court from the order or decision of the superior court in the manner provided by existing laws, and upon the conclusion of such appeal, the amount of charges and costs adjudged to be paid shall be certified by the clerk of the superior court to the county treasurer and said treasurer shall proceed to enter the same on his rolls against the lands affected.

No appeal,
order
confirmed.

Appeals to
supreme
court.

Existing
weed
districts
re-organized
under act.

SEC. 15. Any weed district heretofore organized under any law of the State of Washington may become a weed district under the provisions of this act and entitled to exercise all the powers and subject to the limitations of a weed district organized under this act by the election of three directors for

such weed district which shall be done in the same manner as is provided in this act for the election of the first directors of a district organized under this act.

SEC. 16. That chapter 34 of the Session Laws of 1907, page 45; chapter 150 of the Laws of 1921, pages 563 to 568; chapter 60 of the Laws of 1911, pages 327 to 329, and chapter 106 of the Laws of 1913, pages 305 to 311, are hereby repealed.

Statutes
repealed.

Passed the House February 21, 1929.

Passed the Senate March 7, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 126.

[H. B. 147.]

PROPERTY SUBJECT TO TAXATIONS AND EXEMPTIONS.

AN ACT relating to exemption from taxation of property owned by veterans' organizations, and amending Section 7, Chapter 130 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 7 of chapter 130 of the laws of the Extraordinary Session of 1925, pages 230 to 234, be amended to read as follows:

Amends
§ 7, Chap.
130, Laws
Ex. Session
1925.

Section 7. All real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for state, county and other taxing district purposes as provided by law, upon equalized valuations thereof, fixed with reference thereto on the first day of March at 12 o'clock meridian, in each and every year in which the same shall be listed, except as hereinafter provided.

All real
and personal
property
subject to
assessment
and taxation
as of
March 1.

The following property, to the extent herein limited, shall be exempt from taxation:

Exemptions.

Public
cemeteries.

Churches.

Grounds
not exceed-
ing 120x120.

Non-sec-
tarian
organiza-
tions.

Art, scien-
tific or his-
torical
collections.

Property of
war veterans'
organiza-
tions.

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 association, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such associations: *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; also all the property of all organizations and societies of veterans of any war of the United States recognized as such by the United States War Department, which shall have national charters, and which shall have for their general purposes and objects, the preservation of the memories and associations incident to their war service and the consecration of

the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation, provided such property shall be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

Second: All property, whether real or personal, belonging exclusively to the United States, the state, any county or municipal corporation.

Property of U. S., state, county.

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 engines and equipment for extinguishing fires.

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 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 act, 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

Free public libraries, orphanages, orphan asylums, homes for aged and infirm, hospitals.

Oath of
superintend-
ent or
manager.

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 from taxation under this act 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.

Property of
school or
college.

Property
used solely
for educa-
tional pur-
poses.

Not over
ten acres in
extent.

Accredited
school of
collegiate
grade.

Fifth: 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: *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 property 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 property 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 de-

nomination such larger exemption shall be allowed to one college only directed or controlled by such religious denomination: *And provided, further,* That real property 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 section: *Provided, further,* That the annual income from such endowment is equal to or exceeds all incomes from tuitions received by said institutions. Before any exemption provided for by this subdivision shall be allowed for any year, the institution claiming such exemption shall file with the county assessor of the county wherein such property is situated and subject to taxation, on or before the first day of March in such year, a statement verified by the oath of the president, treasurer, or other proper officer of such institution, containing a list of all property claimed to be exempt, the purpose for which the same is used, the revenue derived from the same for the preceding year, the use to which such revenue was applied, the number of students in attendance at such school or college, and the total revenues of the same with the source from which the same was derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The county assessor of the county wherein such property is subject to taxation and such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted under the provisions of this section.

Property
producing
revenue
not exempt.

Institution
to file
statement
under oath.

County
assessor to
have access
to books.

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

\$300 exemp-
tion to
head of
family or
widow.

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.

Seventh: 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.

Humane societies not exceeding \$10,000 value.

Passed the House February 21, 1929.

Passed the Senate March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 127.

[H. B. 218.]

TAX INVESTIGATION COMMISSION.

AN ACT authorizing the Governor to appoint a commission to investigate, in conjunction with the state tax commission, the subject of taxation, to employ assistants in making such investigation, requiring said commission to report thereon, and making an appropriation therefor.

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

SECTION 1. That the governor of the State of Washington be and he is hereby empowered to appoint an advisory commission of nine (9) members, who shall serve without compensation, and whose duties shall be, in conjunction with the state tax commission, to investigate the entire subject of taxation.

Governor to appoint 9 members.

SEC. 2. That said advisory commission shall, with the approval of the governor, employ such assistants as may be necessary to make a thorough and comprehensive investigation and study of the entire subject of taxation.

Assistants.

SEC. 3. That said advisory commission, in conjunction with the state tax commission, shall report

Report.

their findings and recommendations to the governor, regarding the subject of taxation, at least six (6) months before the meeting of the next Legislature and the governor shall transmit such findings and recommendations to the Legislature on the opening day of the next session.

SEC. 4. The members of said advisory commission shall be entitled to receive their actual traveling and other expenses while engaged in official duties. Expenses.

SEC. 5. There is hereby appropriated from the general fund to the governor of the State of Washington the sum of thirty-five thousand dollars (\$35,000.00), or so much thereof as may be necessary to be expended upon his personal vouchers to pay the expenses of said investigation. Appropriation \$35,000.

Passed the House February 28, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 128.

[H. B. 335.]

INSURANCE.

AN ACT relating to insurance and amending Section 7080 of Remington's Compiled Statutes.

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

SECTION 1. That section 7080 of Remington's Compiled Statutes be amended to read as follows: Amends § 7080, Rem. Comp. Stat.

Section 7080. 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 a non-res- Risks in this state placed only through resident agents.

Non-resident
may solicit
and write
life
insurance.

Reported
in annual
statement.

Insurance
at principal
office.

Special
agents.

Non-resi-
dent
license fee,
\$5.00.

Reciprocal
provision.

ident may be licensed to solicit and write life insurance in this state if, under the laws of the state of his residence, residents of Washington may be licensed to solicit and write life insurance in such state. All insurance written in this state by such non-resident licensed agent shall be reported and included in the annual statement required by section 7071 of Remington's Compiled Statutes and taxed as therein provided: *And provided further*, 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 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: *Provided*, That a non-resident may be licensed to solicit and write life insurance in this state if, under the laws of the state of his residence, residents of Washington may be licensed to solicit and write life insurance in such state.

Passed the House March 8, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 129.

[H. B. 395.]

LIFE INSURANCE.

AN ACT relating to life insurance and amending Section 7242-1 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 7242-1 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 7242-1. Group life insurance is hereby declared to be that form of life insurance covering not less than twenty-five employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and the employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by the conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than employer: *Provided, however,* That when the premium is to be paid by the employer and employees jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured. Life insurance covering the members of a labor union written under a policy issued to such labor union is hereby declared to be group life insurance and such labor union shall be deemed to be an employer and the members thereof shall be deemed to be employees within the meaning of this act.

Amends
§ 7242-1
Rem. Comp.
Stat.

Group life
insurance
defined.

Premium
payments.

Labor
union
members.

Passed the House March 8, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 130.

[H. B. 406.]

INITIATIVE AND REFERENDUM.

AN ACT to facilitate the operation of the provisions of Section 1 of Article II of the constitution relating to the initiative and referendum and amending section 26 of Chapter 138 of the Laws of 1913.

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

SECTION 1. That section 26 of chapter 138 of the Laws of 1913, (section 5422 of Remington's Compiled Statutes) be amended to read as follows:

Section 26. The person, persons, committee or organization filing any initiative or referendum petition proposing a measure, or ordering a referendum for submission to the people, and any other citizen or committee or organization of citizens shall have the right at the time of filing such petition or within ten days after such petition has been accepted and filed, to file with the secretary of state for printing and distribution arguments advocating the proposed measure or referendum, and any citizen or committee or organization of citizens may, within twenty days after such petition has been accepted and filed, file an argument in opposition to such measure or referendum for printing and distribution, *Provided*, That not more than two separate arguments advocating such measure of referendum and not more than three separate arguments in opposition thereto shall be printed by and distributed at the expense of the state. If more than two arguments advocating or more than three arguments in opposition to such measure or referendum are filed, the secretary of state shall forthwith notify the persons filing the arguments advocating or in opposition to such measure or referendum of that fact, and if the persons filing such arguments do not agree

Amends
§ 5422 Rem.
Comp.Stat.

Proponents
of measure
may file
arguments
with secre-
tary of state.

Opposition
argument.

Printed and
distributed
at state
expense.

among themselves within thirty days after the acceptance and filing of such petition as to which of said arguments shall be printed by the state, the secretary of state shall select for printing, binding and distribution, in addition to the argument advocating such measure filed by the persons proposing the same, one additional argument, and shall select three arguments in opposition to such measure, to be printed by the state. In making such selections the secretary of state shall select the argument advocating and the three arguments in opposition to the measure which he shall consider the strongest, taking into account the arguments proposed and the form in which they are presented. If in the opinion of the secretary of state any argument for or against a measure offered for filing contain any obscene, vulgar, profane, scandalous, libelous, defamatory or treasonable matter or any language tending to provoke crime or a breach of the peace, or any language or matter the circulation of which through the mails is prohibited by any act of congress, the secretary of state shall refuse to file such argument: *Provided*, That the person submitting such argument for filing may appeal to a board of censors consisting of the governor, the attorney general and the superintendent of public instruction, and the decision of a majority of such board shall be final. Each such argument either for or against the measure shall not exceed two pages of the pamphlet hereinafter required to be published by the state and shall contain the serial designation and number of the measure and state the name of the person or organization advancing it. The person or organization filing such argument shall at the time of filing the same deposit with the secretary of state sufficient money, the amount to be estimated by the secretary of state, to cover the increased cost of paper for, the printing and binding of such argument. In the

Selection of arguments by secretary of state.

Refusal to file.

Board of censors.

Deposit to cover cost.

Measures initiated by petition to legislature.

case of measures initiated by petition and submitted to the legislature and rejected by the legislature either with or without alternative measures proposed by the legislature, and alternatives passed by the legislature in lieu thereof, the person, committee or organization proposing the measure may likewise within six months after the adjournment of the session of the legislature at which such measure was submitted file an argument in support of the initiative measure, and may file an argument against the alternative measure, if any, and other citizens within six months after the adjournment of such session of the legislature may file arguments in support of or against such initiative measure or alternative measure and the legislature may by resolution file an argument in support of the alternative measure. But only two arguments in support of each measure, in addition to the argument filed by the proponents of the measure, and by the legislature, shall be printed by and distributed at the expense of the state, and if the persons filing arguments do not agree among themselves as to what arguments shall be printed the secretary of state shall select arguments to be printed. Arguments for and against bills passed and referred to the people by the legislature, including amendments to the constitution proposed by the legislature, shall be filed, within six months after the adjournment of the session of the legislature at which such bills were passed, or constitutional amendments proposed, and selected and printed in the same manner.

Arguments.

Two arguments for each measure.

Bills passed and referred to people by legislature and constitutional amendments.

Passed the House March 11, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 131.

[H. B. 107.]

SOCIAL, CHARITABLE AND EDUCATIONAL
ASSOCIATIONS.

AN ACT relating to social, charitable and educational associations, and amending Chapter 75 of the Session Laws of 1907 (Section 3878 of Remington's Compiled Statutes).

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

SECTION 1. Chapter 75, section 1, Session Laws 1907 (section 3878 of Remington's Compiled Statutes of Washington, section 4625 Pierce's Code) is amended to read as follows:

Amends
§ 3878 Rem.
Comp. Stat.;
§ 4625
Pierce's
Code.

Section 3878. The corporation may prescribe by its by-laws the manner in which, and the officers and agents by whom the purposes of its incorporation may be carried out. The corporation may hold real and personal estate, and may hire, purchase or erect suitable buildings for its accommodation, to be devoted to the purposes set forth in its agreement of association, and may receive and hold in trust, or otherwise, funds received by gift or bequest, to be devoted by it to such purposes. And for the purposes of the corporation shall have power to issue its promissory notes, bonds or other obligations, to be secured by mortgages on its real estate and other property in such manner as may be provided by its by-laws. The board of trustees shall have power to sell or dispose of the whole or any part of the property, either real or personal, which the corporation may from time to time own, and to acquire other property. Where such corporation has acquired real estate the trustees of the corporation may by resolution entered in its minutes classify portions of its real estate as held for investment, endowment or annuity purposes, and where so classified such real estate may be disposed of by its

By-laws.

Powers.

Bonds, notes,
mortgages.

Board of
trustees,
powers.

Real estate
personal
property.

Sale.

30 days'
notice.

board of trustees as provided in its by-laws, or if the by-laws so provide, it may be disposed of by an executive committee between regular meetings of the trustees. Other real estate of the corporation shall not be sold or disposed of unless the board of trustees is authorized so to do by the vote of two-thirds of all the stock represented or two-thirds of the members present at a meeting called for that purpose, written notice of which shall have been given to all stockholders or members at least thirty days previous thereto by mail, in such manner as shall be provided by the by-laws, which two-thirds vote must comprise at least a majority of all the stock or of the members of the corporation. Such notice shall set forth in full the matter or proposition to be considered at such meeting. Voting by proxy shall be allowed at such meeting.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 132.

[H. B. 414.]

WORKMEN'S COMPENSATION AND MEDICAL AID.

AN ACT relating to the compensation and medical, surgical and hospital care and treatment and the welfare and safety of workmen engaged in extra-hazardous employments, and to the compensation of the dependents of such workmen in case of death, and to the liability of the employers of workmen so engaged for such compensation and cost of such care and treatment, and to the collection of industrial insurance and medical aid premiums or assessments and fixing the priority thereof, and providing for injunction for non-payment thereof, and relating to the liability of third parties for accidents occurring to such workmen, and providing for the extension of the benefits of this act to non-extra-hazardous employments, and amending Section 7675, 7679, 7681, 7682, 7696 and 7697 of Remington's Compiled Statutes.

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

SECTION 1. That section 7675 of Remington's Amends
§ 7675 Rem.
Comp. Stat. Compiled Statutes be amended to read as follows:

Section 7675. In the sense of this act words employed mean as here stated, to-wit: Definitions.

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern, except when otherwise expressly stated. Factories.

Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right Workshop.

of access or control, except when otherwise expressly stated.

Mill. Mill means any plant, premises, room or place wherein machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers, except when otherwise expressly stated.

Mine. Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.

Quarry. Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes.

Engineering work. Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used, except when otherwise expressly stated.

Employer. Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this state in any extra-hazardous work or who contracts with another to engage in extra-hazardous work.

Workman. Workman means every person in this state, who is engaged in the employment of any employer coming under this act whether by way of manual labor or otherwise, in the course of his employment: *Provided, however,* That if the injury to a workman is

due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case: *Provided, however,* That no action may be brought against any employer or any workman under this act as a third person if at the time of the accident such employer or such workman was in the course of any extra-hazardous employment under this act. 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.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances, and subject to the same obligations, as a workman: *Provided,* That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the director of labor and industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll

Injury due to negligence of another not in same employ.

Cause of action assigned to state.

No action can be brought against third person who is under act.

Compromise.

Employer and officer of corporation entitled to benefits.

Notice to be given director that employer is carried on payroll.

prior to the date of the injury as the result of which claims for a compensation are made.

Dependent. Dependent means any of the following named relatives of a workman whose death results from any injury and who leave surviving no widow, widower, or child under the age of sixteen years, viz: Invalid child over the age of eighteen years, daughter between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident are not included. A dependent shall at all times furnish to the director of labor and industries proof satisfactory to the director of labor and industries of the nature, amount and extent of the contribution made by such deceased workman.

Beneficiary. Beneficiary means a husband, wife, child or dependent of a workman in whom shall vest a right to receive payment under this act.

Invalid. Invalid means one who is physically or mentally incapacitated from earning.

Child. The word "child" as used in this act, includes a posthumous child, a step-child, a child legally adopted prior to the injury and an illegitimate child legitimated prior to the injury.

Injury. The word "injury" as used in this act means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom.

Hernia. The word "hernia" means a real traumatic hernia resulting from the application of force which

either punctures or tears the abdominal wall, as distinguished from all others which are either congenital or of slow development and not included within the meaning of the word "hernia."

The term "educational standard" shall mean such standards as the supervisor of safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards.

Educational standard.

SEC. 2. That section 7679 of Remington's Compiled Statutes be amended to read as follows:

Amends § 7679 Rem. Comp. Stat.

Section 7679. Each workman who shall be injured in the course of his employment, 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.

Workman and dependents to receive compensation.

COMPENSATION SCHEDULE.

(a) Where death results from the injury the expenses of burial not to exceed one hundred dollars (\$100.00) in any case where the deceased was an unmarried man, or one hundred and fifty dollars (\$150.00) in any case where the deceased left a widow or an orphan child or children shall be paid to the undertaker conducting the funeral: *Provided*, That no sum shall be paid an undertaker for the burial expenses where the deceased left a widow or an orphan child or children unless the undertaker shall make and file with the department an affidavit that no part of the burial expenses have been either directly or indirectly paid by or charged to the widow or orphan child or children.

Schedule—death.

Undertaker.

Widow or
invalid
widower.

(1) If the workman leaves a widow or invalid widower, a monthly payment of thirty-five dollars (\$35.00) 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 per month for each child of the deceased under the age of sixteen years at the time any monthly payment is due the following payments: For the youngest or only child twelve dollars and fifty cents (\$12.50), for the next or second youngest child seven dollars and fifty cents (\$7.50), and for each additional child five dollars (\$5.00): *Provided*, That in addition to the monthly payments above provided for, a surviving widow of any such deceased workman shall be forthwith paid the sum of two hundred and fifty dollars (\$250.00).

Children.

Remarriage
of widow.

Upon remarriage of a widow she shall receive once and for all, a lump sum of two hundred forty dollars (\$240.00), but the monthly payments for the child or children shall continue as before.

Orphan
children.

(2) If the workman leave no wife or husband, but an orphan child or children under the age of sixteen years, a monthly payment of twenty-five dollars (\$25.00) 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 seventy-five dollars (\$75.00) and any deficit shall be deducted proportionately among the beneficiaries.

Dependents.

(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 (\$20.00) 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 (\$20.00) per month for each month after his death until the time at which he would have arrived at the age of twenty-one years. Parents.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of sixteen years, such child or children shall receive each the sum of twenty-five dollars (\$25.00) per month until arriving at the age of sixteen years, but the total monthly payment shall not exceed seventy-five dollars (\$75.00) and any deficit shall be deducted proportionately among the beneficiaries. Death of surviving spouse.
Payment to children.

(b) Permanent total disability means loss of both legs, or arms, of 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. Permanent total disability.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability: Schedule of payments.

(1) If unmarried at the time of the injury, the sum of thirty-five dollars (\$35.00). Unmarried workman.

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of forty dollars (\$40.00). With wife, or invalid husband.

If the husband is not an invalid the monthly payment of forty dollars (\$40.00) shall be reduced to Husband not invalid.

twenty dollars (\$20.00) as long as they are living together as husband and wife.

With wife or husband or children.

(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, having any such child or children, the monthly payment provided in the preceding paragraph shall be increased by twelve dollars and fifty cents (\$12.50) for the youngest or only child, seven dollars and fifty cents (\$7.50) for the next or second youngest child, and five dollars (\$5.00) for each additional child under the age of sixteen years.

Total permanent disability such as to require attendant.

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of a constant attendant, the monthly payment to such workman shall be increased twenty-five dollars (\$25.00) per month as long as such requirement shall continue, but such increase shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 7712 to 7725, inclusive, of Remington's Compiled Statutes.

Death during period of permanent total disability.

(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 thirty-five dollars (\$35.00) per month until death or remarriage, to be increased per month for each child of the deceased under the age of sixteen years at the time any monthly payment is due, as follows: For the youngest or only child twelve dollars and fifty cents (\$12.50), for the next or second youngest child seven dollars and fifty cents (\$7.50), and for each additional child five dollars (\$5.00); but if such child is or shall be without father or mother, such child shall receive twenty-five dollars (\$25.00) per

month until arriving at the age of sixteen years. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this act. If an injured workman, or the surviving spouse of an injured workman, shall not have the custody of a minor child for, or on account of, whom payments are required to be made under this section, such payment or payments shall be made to the person having the lawful custody of such minor child.

Invalid
child in state
institution.

(d) (1) When the total disability is only temporary, the schedule of payments contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply, so long as the total disability shall continue, (2) but if the injured workman have a wife or husband and have no child or have a wife or husband, or being a widow or widower, with one or more children under the age of sixteen years, the compensation for the case during the first six months of such lesser period of time as the total temporary disability shall continue, shall be per month as follows, to-wit: Injured workman whose husband is not an invalid, twenty-two dollars and fifty cents (\$22.50); injured workman having one child, whose husband is not an invalid, thirty dollars (\$30.00); injured workman having two children whose husband is not an invalid, thirty-seven dollars and fifty cents (\$37.50); injured workman having three children, whose husband is not an invalid, forty-five dollars (\$45.00); injured workman having four or more children, whose husband is not an invalid, fifty-two dollars and fifty cents (\$52.50); injured workman with wife or invalid husband and no child, forty-two dollars and fifty cents (\$42.50); injured workman with wife or invalid husband and

When total
disability is
only temporary.

one child, or being a widow or widower and having one child, fifty-two dollars and fifty cents (\$52.50); injured workman with a wife or invalid husband and two children, or being a widow or widower and having two children, sixty dollars (\$60.00), and five dollars (\$5.00) for each additional child.

Should a workman suffer a temporary total disability, and should his employer, at the time of his injury, continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in paragraph (d) subdivision (1) from the accident fund during the period his employer shall so pay such wages.

(3) If such temporary total disability shall endure longer than said six months' period, the schedule of compensation contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall at the end of said six months' period again obtain.

(4) 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.

No payment shall be made to or for a natural child of a deceased workman, and at the same time, as the step-child of a deceased workman.

(e) There is hereby created in the office of the state treasurer a fund to be known and designated as the reserve fund out of which shall be made the payments specified in this section for all cases of death or permanent total disability including future payments to be made for the cases of that character

Wages paid by employer during temporary total disability.

Temporary total disability continues for longer than six months.

Earning power of workman restored.

No payment for natural and at same time as step child.

Reserve fund created.

which have heretofore arisen. Into the reserve fund there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases requiring a reserve. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the department to make transfer on their books from the accident fund of the proper class to the reserve fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of four (4) per cent per annum.

Transfer
from acci-
dent to re-
serve fund.

Annuities
tables pre-
pared by in-
surance com-
missioner.

The department shall notify the state treasurer from time to time of such transfers as a whole and the state treasurer shall invest the reserve in either state capitol building bonds issued to take up capitol building warrants now outstanding, or in the class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on October 1st of each year, apportion the interest or other earnings of the reserve fund as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1st of each year, beginning in the year 1927, the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of October 1st, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He

Reserve
fund, invest-
ment.

Apportion-
ment of
interest.

shall promptly report the result of his examination to the department and to the state treasurer in writing not later than December 31st, following. If the report shows that there was on said October 1st, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The state treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to the reserve fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

State treasurer to keep accounts of reserve fund.

(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 were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Permanent partial disability defined.

LOSS BY AMPUTATION

Schedule of payments.

Of one leg so near the hip that an artificial limb cannot be worn.....	\$3,000 00
Of one leg at or above the knee so that an artificial limb can be worn.....	2,280 00
Of one leg below the knee.....	1,560 00
Of great toe with metatarsal bone thereof.....	480 00
Of great toe at the proximal joint.....	300 00
Of great toe at the second joint.....	105 00

Of one other toe other than the great toe with metatarsal bone thereof.....	165 00
Of second toe at proximal joint.....	75 00
Of third toe at proximal joint.....	75 00
Of fourth toe at proximal joint.....	75 00
Of fifth toe at proximal joint.....	30 00
Of metatarsal bone on toe other than great toe.....	90 00
Of one arm so near the shoulder that an artificial arm cannot be worn.....	3,000 00
Of the major arm at or above the elbow.....	2,280 00
Of forearm at upper third.....	2,100 00
Of the major hand at wrist.....	1,920 00
Of thumb with metacarpal bone thereof.....	720 00
Of thumb at proximal joint.....	480 00
Of thumb at second joint.....	180 00
Of index or first finger at proximal joint.....	390 00
Of index or first finger at second joint.....	330 00
Of index or first finger at distal joint.....	150 00
Of middle or second finger at proximal joint.....	300 00
Of middle or second finger at second joint.....	250 00
Of middle or second finger at distal joint.....	90 00
Of ring or third finger at proximal joint.....	270 00
Of ring or third finger at second joint.....	210 00
Of ring or third finger at distal joint.....	90 00
Of little or fourth finger at proximal joint.....	105 00
Of little or fourth finger at second joint.....	75 00
Of little or fourth finger at distal joint.....	30 00
Of metacarpal bone in finger except thumb.....	75 00

MISCELLANEOUS.

Loss of one eye by enucleation.....	1,440 00
Loss of sight of one eye.....	1,080 00
Complete loss of hearing in both ears.....	2,280 00
Complete loss of hearing in one ear.....	600 00
Complete broken arch in foot.....	600 00

Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability; but not in any case to exceed the sum of two thousand four hundred dollars (\$2,400.00): *Provided*, That for an ankylosed joint the award shall not exceed thirty (30) per cent of the specified amount for the amputation of the member at the disabled joint: *And provided, further*, That for disability to a mem-

Other permanent partial disability.

ber not involving amputation, not more than three-fourths ($\frac{3}{4}$) of the foregoing respective specified sums shall be paid. *Provided, further,* That payment for any injury to minor hand or arm or any part thereof, shall not exceed ninety-five (95) per centum of the amounts hereinbefore enumerated.

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.

Injured workman under legal age and unmarried.

Further accident after lump sum payment.

(g) Should a further accident occur to a workman who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjudged 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.

Injury to member or part of body already permanently partially disabled.

Should a workman receive an injury to a member or part of his body already from whatever cause permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such permanent partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Further accident resulting in permanent total disability.

Should any further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

Aggravation, diminution or termination of disability.

(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 director

of labor and industries, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within three years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, Any such applicant whose compensation has heretofore been established or terminated shall have three years from the taking effect of this act within which to apply for such readjustment.

No act done or ordered to be done by the director of labor and industries, or the department of industrial insurance, prior to the signing and filing in the matter of a written order for such readjustment, shall be ground for such readjustment: *Provided, however*, That if within the time limited for taking an appeal from an order closing a claim, the department shall order the submission of further evidence or the investigation of any further fact, the time for appeal from such order closing the claim shall be extended until the applicant shall have been advised in writing of the final order of the department in the matter.

Readjustment.

(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. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for her support or maintenance, shall be deemed living in a state of abandonment.

Husband or wife living in state of abandonment.

(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

Beneficiary residing or moving out of state.

exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum of four thousand dollars (\$4,000.00).

No compensation for day of injury, or three days following.

(k) No workman injured after June 30th, 1923, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

Pre-existing disease.

(l) If it be determined by the department of labor and industries that an injured workman had, at the time of his injury, a pre-existing disease and that such disease delays or prevents complete recovery from such injury the said department shall ascertain, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and/or the extent of permanent partial disability which the injury would have caused were it not for the disease, and award compensation only therefor.

Amends § 7681 Rem. Comp. Stat.

SEC. 3. That section 7681 of Remington's Compiled Statutes be amended to read as follows:

Death or permanent total disability may be converted into lump sum payment not exceeding \$4,000.

Section 7681. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump sum payment (not in any case to exceed four thousand dollars (\$4,000.00), equal or proportionate as the case may be to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversions may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump sum payment may be

agreed upon between the department and the beneficiary. In the event any payment shall be due to an alien residing in a foreign country, the department may settle the same by making a lump sum payment in such amount as may be agreed to by such alien, not to exceed 50% of the value of the annuity then remaining.

Nothing herein contained shall preclude the department from making, and authority is hereby given it to make, on its own motion, lump sum payments equal or proportionate, as the case may be, to the value of the annuity then remaining, in full satisfaction of claims due to dependents.

Department authorized to make lump sum payment.

SEC. 4. That section 7682 of Remington's Compiled Statutes be amended to read as follows:

Amends § 7682 Rem. Comp. Stat.

Section 7682. (a) If any employer shall default in any payment to the accident fund or the medical aid fund, 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. If such default be after demand, there shall also be collected a penalty equal to twenty-five per centum of the amount of the defaulted payment or payments, and the commission may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to their satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state in an action brought by the attorney general in its name shall be entitled to an injunction restraining such delinquent from prosecuting an extra-hazardous occupation or work until such bond shall be furnished, and until all delinquent pre-

Default of payment by employer.

Penalty.

Bond may be required.

Action by attorney general.

miums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during said periods, and any sale, transfer or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant or lease thereto shall be invalid until all past delinquencies are made good, and such bond furnished.

Actions for
recovery of
payments,

lien in bank-
ruptcy, etc.

(b) All actions for the recovery of such payments shall be brought in the superior court and in all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for payments due herein shall be a lien prior to all other liens, except taxes, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and it shall be the duty of all administrators, receivers or assignees for the benefit of creditors to notify the department of such administration, receivership or assignment within thirty (30) days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the 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.

Prior lien.

(c) Separate and apart from and in addition to the foregoing provisions the claims of the state for payments and penalties due under this act shall be a lien prior to all other liens, except taxes, not only against the interests of any employer, but against the interests of all others, in the real estate, plant, works, equipment and buildings improved, operated or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this subsection (c) shall at-^{Date of} attach from the date of the commencement of the labor ^{attaching.} upon such property for which such premiums are due. In order to avail itself of the lien hereby created, the department shall, within four months after such employer shall have made report of his payroll and shall have defaulted in the payment of his premiums thereupon, file with the county auditor of the county within which such property shall then be situated a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the department. If any employer shall fail, delay, or refuse to make report of his payroll the lien hereby created shall continue in full force and effect although the amount thereof be undetermined and the four months' time within which the department shall file its claim of lien shall not begin to run until the actual receipt by the department of such payroll report. From and after the filing of such claim of lien, the department shall be entitled to commence suit to cause such lien to be foreclosed in the manner provided by law for the foreclosure of other liens on real or personal property.

SEC. 5. That section 7696 of Remington's Compiled Statutes be amended to read as follows: ^{Amends} § 7696 Rem. ^{Comp. Stat.}

Section 7696. Any employer engaged in any occupation other than those enumerated or declared to be under this act as provided in section 7674 of Remington's Compiled Statutes may make written application to the director of labor and industries to fix rates of contribution for such occupation for industrial insurance and for medical aid, and thereupon it shall be the duty of the director of labor and industries through the division of industrial insurance to fix such rate, which shall be based on the ^{Rate.} hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. ^{Non-hazardous occupations, may be brought under act.}

Notice of election to contribute under act.

When such rate shall be so fixed such applicant may file notice in writing with the supervisor of industrial insurance, giving ten days' notice of his or its election to contribute under this act, and shall forthwith display in a conspicuous manner about his or its works and in a sufficient number of places to reasonably inform his or its workmen of the fact, printed notices furnished by the department stating that he or it has elected to contribute to the accident fund and the medical aid fund and stating when said election will become effective. Any workman in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his employer, or within five days after he has been employed by an employer who has elected to become subject to this act as herein provided, to give a written notice to such employer and to the department of his election not to become subject to this act. At the expiration of the time fixed by the notice of such employer, the employer and such of his or its workmen as shall not have given such written notice of their election to the contrary shall be subjects to all the provisions of section 7673 to 7796 of Remington's Compiled Statutes, and entitled to all of the benefits thereof: *Provided, however,* That those who have heretofore complied with the foregoing conditions and are at the time of the passage of this amendment carried and considered by the department as within the purview of this act shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and all of the liabilities without other or further action.

Workman may elect to become subject to act.

Previous compliance with conditions.

Amends § 7697 Rem. Comp. Stat.

Order, decision or award of department.

SEC. 6. That section 7697 of Remington's Compiled Statutes be amended to read as follows:

Section 7697. Whenever the department of labor and industries has made any order, decision or award, it shall promptly serve the claimant, em-

ployer or other person affected thereby, with a copy thereof by mail, which shall be addressed to such claimant, employer or person at his last known address as shown by the records of the department. Any claimant, employer or other person aggrieved by any such order, decision or award must, before he appeals to the courts, serve upon the director of labor and industries, by mail or personally, within sixty days from the day on which such copy of such order, decision or award was communicated to the applicant, an application for rehearing before the joint board of said department, consisting of the director of labor and industries, the supervisor of industrial insurance and the supervisor of safety. Such application shall set forth in full detail the grounds upon which the applicant considers such order, decision or award is unjust or unlawful, and shall include every issue to be considered by the joint board, and it must contain a detailed statement of facts upon which such claimant, employer or other person relies in support thereof. The claimant, employer or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such rehearing is sought other than those specifically set forth in such application for rehearing or appearing in the records of the department. If the joint board, in its opinion, considers that the department has previously considered fully all matters raised by such application it may, without further hearing, deny the same and confirm the previous decision or award, or if the evidence on file with the joint board sustains the applicant's contention, it may, without further hearing, allow the relief asked in such application; otherwise, it shall order a rehearing to decide the issues raised. If a rehearing be granted it shall be heard in the county of the residence of the applicant at a place designated by the joint board, but the hear-

Notice of service.

Claimant must apply for rehearing.

Joint board, personnel.

Application, contents.

Waiver of objections.

Opinion of joint board.

Rehearing granted.

Rehearing
de novo.

Oral testi-
mony steno-
graphically
reported.

Record con-
sidered by all
members.

Action by
joint board
within 30
days.

Power of
joint board.
Administer
oaths.

Issue
subpoenas,
etc.

ing thereof may be adjourned from time to time and from place to place within said county, as the convenience of witnesses may require. Such rehearing shall be *de novo* and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes relating to superior courts of this state. The joint board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed the same, with all depositions, shall be filed in, and remain a part of, the record on the rehearing. Such rehearing may be conducted by one or more of the members of the joint board, or by some person or persons in the regular employ of the department, duly commissioned by said board to conduct such hearing, but the record on rehearing shall be considered by all of the members of said joint board, and the decision of a majority of said joint board shall be the decision of said joint board, and upon such decision being rendered all parties to said rehearing shall be given written notice thereof by the joint board.

An application for rehearing shall be deemed to have been denied by the joint board unless it shall have been acted upon within thirty days from the date of service: *Provided, however,* That the joint board may in its discretion, extend the time within which it may act upon such application, not exceeding thirty days.

Each of the members of the joint board, and those commissioned by it as aforesaid, shall have power to administer oaths; to preserve and enforce order during such rehearing; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, docu-

ments and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the joint board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the joint board or any member thereof shall certify the facts to the superior court having jurisdiction in the place in which said joint board or member thereof is sitting; it shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

Disobedience
to orders of
joint board.

Superior
court to hear.

Within thirty days after the final order of the joint board upon such application for rehearing has been communicated to such applicant, or within thirty days after rehearing is deemed denied as herein provided, such applicant may appeal to the superior court of the county of his residence, but upon such appeal may raise only such issues of law or fact as were properly included in his application for rehearing, or in the complete record in the department. On such appeal the hearing shall be *de*

Appeal to
superior
court.

novo, but the appellant shall not be permitted to offer, and the court shall not receive, in support of such appeal, evidence or testimony other than, or in addition to, that offered before the joint board or included in the record filed by the department: *Provided*, That the right of cross examination shall not be limited by the testimony before the joint board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director of labor and industries. The department of labor and industries shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the supreme court, except that an appeal by the employer from a decision of the department under section 7683 of Remington's Compiled Statutes shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court, except that in cases arising under sections 7683 and 7690 of Remington's Compiled Statutes, either party shall be entitled to a jury trial upon demand.

The department of labor and industries shall serve upon the appellant and file with the clerk of the court before trial, a certified copy of its complete record on the claim, which shall, upon being so filed, become a part of the record in such case.

If the court shall determine that the department has acted within its power and has correctly con-

Cross-examination.

Appeal perfected.

No bond required.

Jury may be called.

Complete record of department to be filed.

strued the law and found the facts, the decision of the department shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the superior court shall refer the same to the department of labor and industries with an order directing it to proceed in accordance with the findings of the court: *Provided*, That any award shall be in accordance with the schedule of compensation set forth in this act.

Department decision—confirmed, reversed or modified.

It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and if the decision of the joint board shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal adviser of the joint board and shall represent it in all proceedings. In all court proceedings under or pursuant to this act the decision of the department shall be *prima facie* correct and the burden of proof shall be upon the party attacking the same.

Attorney fee.

Witness fees and costs.

Appeal to supreme court.

Attorney general legal adviser.

This act shall not affect any appeal pending or right to appeal existing, at the time this act shall take effect.

Pending appeals not affected.

Passed the House March 4, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 133.

[H. B. 247.]

TRANSFER OF ADMINISTRATION OF "BLUE SKY" LAW.

AN ACT relating to certain securities and transferring the duty of administering and enforcing Chapter 69 of the Laws of 1923 from the secretary of state to the director of licenses.

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

SECTION 1. That the exercise of all the powers and the performance of all the duties now vested in, and required to be performed by the secretary of state under the provisions of chapter 69 of the Laws of 1923, (same being sections 5853-1 to 5853-23 inclusive of Remington's Compiled Statutes; sections 482-4 to 482-27 inclusive of Pierce's Code) are herewith transferred to the director of licenses. And the secretary of state is herewith directed to turn over to the director of licenses all files, records and documents of every nature and description now held by him by virtue of his duties and powers under said chapter 69 of the Laws of 1923.

SEC. 2. That all the provisions of sections 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132 of chapter 7 of the Laws of 1921 wherever applicable hereto shall have full force and effect in the transference of duties and authority affected by this act.

Passed the House March 5, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

Powers and duties of secretary of state transferred to director of licenses.

Certain sections of Chap. 7, Laws 1921 applicable to transfer.

CHAPTER 134.

[H. B. 356.]

FOREST FIRE HAZARDS.

AN ACT relating to forest fire hazards, providing for their abatement and the recovery of the costs thereof, and amending Section 5807 of Remington's Compiled Statutes, and repealing Section 5792 of Remington's Compiled Statutes.

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

SECTION 1. That section 5807 of Remington's Compiled Statutes be amended to read as follows:

Section 5807. Any land in the State of Washington covered wholly or in part by inflammable debris created by logging or other forest operations, land clearing, and/or right of way clearing and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property, shall, if so declared by the supervisor of forestry, constitute a fire hazard and the owner or owners thereof and the person, firm or corporation responsible for its existence, if such be not the owner, are required to abate such hazard under the general direction of the supervisor of forestry. Notice of the existence of such hazard and requirement for its abatement, within such time as the supervisor of forestry shall determine, shall be given the owner and/or person, firm or corporation responsible for its existence by mailing a written notice to such owner or person, firm or corporation at the address as shown on the last tax rolls of the county treasurer of the county in which such lands are located; and if no such address is shown the notice shall be posted in three conspicuous places on the property in the vicinity of the hazard. Nothing in this section shall apply to lands for which a certificate of clearance, under section 2 of chapter 223 of the Laws of 1927, has been issued.

Amends
§ 5807 Rem.
Comp. Stat.

Inflammable
debris con-
stitutes fire
hazard.

Notice to
owner.

Mailing.

Posted.

Failure to
abate.

Supervisor
may abate.

Cost re-
covered.

If the owner or person, firm or corporation responsible for the existence of any such hazard shall refuse, neglect or fail to abate such hazard as required by such notice, the state supervisor of forestry may summarily cause it to be abated and the cost thereof and of any patrol or fire fighting made necessary by such hazard may be recovered from said person, firm or corporation responsible therefor or from the owner of the land on which such hazard existed by an action for debt and said costs shall also be a lien upon said land and may be enforced in the same manner, with the same effect and by the same agencies as the lien provided for in section 5806.

Repeals
§ 5792 Rem.
Comp. Stat.

SEC. 2. That section 5792 of Remington's Compiled Statutes is hereby repealed.

Passed the House March 1, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 135.

[H. B. 379.]

INHERITANCE TAXES.

AN ACT relating to taxation of inheritances and ascertaining, determining, and collecting such tax and providing for certain exemptions from such tax.

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

Life insur-
ance pro-
ceeds ex-
empt.

SECTION 1. That the proceeds of all life insurance policies, hereafter or heretofore paid to beneficiaries, except where the estate of the deceased insured, is the beneficiary, shall be exempt from inheritance tax, so long as the state collects, for the general fund, a tax on the premiums paid for such life insurance.

SEC. 2. That the proceeds of all federal war risk insurance, heretofore or hereafter written, executed or issued or heretofore or hereafter paid or become a part of the estate of an insured, deceased soldier, shall be exempt from inheritance tax in passing from the Federal Government to the estate of such deceased soldier, and in passing from the estate of such deceased soldier to his heirs, legatees, devisees or beneficiaries.

Federal war risk insurance proceeds exempt.

SEC. 3. That in case this act or any part thereof shall be held unconstitutional, such holding shall only apply to this act or a part thereof and shall not apply to any other act.

If part unconstitutional not to affect balance.

Passed the House March 4, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 136.

[H. B. 413.]

MONIES COLLECTED BY EMPLOYERS FOR MEDICAL AID.

AN ACT relating to claims for medical, surgical and hospital care and treatment and to the burial of workmen engaged in extra-hazardous employments and of their families and dependents, when such claims are not chargeable to the state medical aid fund but are payable by employers, either in whole or in part, from monies collected from employees or deducted from their wages or payable in part by the employer and in part by his employees, and providing for the priority of payment of such claims, and providing for liens therefor.

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

SECTION 1. All monies realized by any employer from his or its employees either by collection or by deduction from the wages or pay of employees intended or to be used for the furnishing to workmen engaged in extra-hazardous work, their families or

Employer's deductions from wages, trust funds.

Medical,
surgical or
hospital care.

dependents, of medical, surgical or hospital care and treatment, or for nursing, ambulance service, burial or any or all of the above enumerated services, or any service incidental to or furnished or rendered because of sickness, disease, accident or death, and all monies owing by any employer therefor, shall be and remain a fund for the purposes for which such monies are intended to be used, and shall not constitute or become any part of the assets of the employer making such collections or deductions: *Provided, however,* That this act shall not apply to monies collected or deducted as aforesaid for, or owing by employers to the state medical aid fund. Such monies shall be paid over promptly to the physician or surgeon or hospital association or other parties to which such monies are due and for the purposes for which such collections or deductions were made.

No part of
employer's
assets.

Default in
payment
gives right
of action.

SEC. 2. If any such employer shall default in any such payment to any physician, surgeon, hospital, hospital association or any other parties to whom any such payment is due, the sum so due may be collected by an action at law in the name of the physician, surgeon, hospital, hospital association or any other party to whom such payment is owing, or their assigns and against such defaulting employer, and in addition to such action, such claims shall have the same priority and lien rights as granted to the state for claims due the accident and medical aid funds by section 7682 of Remington's Compiled Statutes of Washington, 1922, and acts amendatory thereto, which priority and lien rights shall be enforced in the same manner and under the same conditions as provided in said section 7682: *Provided, however,* That the said claims for physicians, surgeons, hospitals and hospital associations and others shall be secondary and inferior to any claims of the state and to any claims for labor. Such right of action shall

Priority and
lien rights.

Claims of
physicians,
hospitals
inferior to
state and
labor claims.

be in addition to any other right of action or remedy.

Passed the House March 7, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 137.

[H. B. 139.]

GAME FISH.

AN ACT relating to game fish and amending Section 4 of Chapter 178 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 4 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 495, as amended by section 1 of chapter 258 of the Laws of 1927, page 588, be amended to read as follows:

Amends § 4,
Chap. 178,
Ex. Laws
1925; § 1,
Chap. 258,
Laws 1927.

Section 4. The words "game fish" wherever used in this act, shall be held to mean and include any *Salmo clarkii*, commonly known as cut-throat trout, *Salmo irideus*, commonly known as rainbow trout, *Salve-linus fontinalis*, commonly known as eastern brook trout, *Oncorhynchus nerka kennerleyi*, commonly known as silver trout, *Christivomer namaycush*, commonly known as Mackinaw trout, *Micropterus dolomieu*, or *M. Salmoides*, commonly known as bass, *Coregonus Williamsoni*, commonly known as white fish, *Perca flavescens*, commonly known as perch, *Salmo gairdneri*, commonly known as steelhead, *Pomoxis annularis*, commonly known as crappie, and sunfish, bream, pike and catfish. *Provided*, That it shall be lawful for any person holding a license to operate any net, purse seine, pound net, set net, gill net, fish trap or other legal fishing appliance for taking salmon, to fish for, catch and take

Game fish
defined.

Operators of
nets, seines
or traps
may take
steel heads.

Salmo gairdneri, commonly known as steelhead, at any season when it is lawful to fish for salmon in any particular waters of the state, and to sell any steelhead caught and taken to be used for canning, salting, smoking, kippering, freezing, or otherwise processing, but it shall be unlawful to sell any steelhead so caught and taken as fresh fish in any market in the State of Washington.

Passed the House March 4, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 138.

[H. B. 190.]

ARTESIAN WELLS.

AN ACT in relation to artesian wells and regulating the flow of water therefrom, and providing a penalty for the violation thereof, and amending Sections 1 and 2 of Chapter 121 of the Laws of 1901.

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

SECTION 1. That section 1 of chapter 121 of the Laws of 1901, (7404 of Remington's Compiled Statutes) be amended to read as follows:

Section 1. It shall be unlawful for any person, firm, corporation or company having possession or control of any artesian well within the state, whether as contractor, owner, lessee, agent or manager, to allow or permit water to flow or escape from such well between the fifteenth day of October in any year and the fifteenth day of March next ensuing; *Provided*, That this act shall only apply to sections and communities wherein the use of water for the purpose of irrigation is necessary or customary; and *Providing further*, That nothing herein contained shall prevent or prohibit the use of water from any such well between said fifteenth day of October and

Amends
§ 7404, Rem.
Comp. Stat.

Unlawful to
permit water
to flow
between
Oct. 15 and
March 15.

Irrigation
sections
excepted.

Household
stock and
domestic use
permitted.

the fifteenth day of March next ensuing, for household, stock and domestic purposes only, water for said last named purposes to be taken from such well through a three-quarters inch stop and waste cock to be inserted in the piping of such well for that purpose.

SEC. 2. That section 2, of chapter 121 of the Laws of 1901, (7405 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 7405, Rem.
Comp. Stat.

Section 2. It shall be the duty of every person, firm, corporation or company having possession or control of any artesian well, as provided in section one of this act, to securely cap the same over on or before the fifteenth day of October in each and every year in such manner as to prevent the flow or escape of water therefrom, and to keep the same securely capped and prevent the flow or escape of water therefrom until the fifteenth day of March next ensuing; *Provided, however,* It shall and may be lawful for any such person, firm, corporation or company to insert a three-quarters inch stop and waste cock in the piping of such well, and to take and use water therefrom through such stop and waste cock at any time for household, stock or domestic purposes, but not otherwise.

Duty to cap
well between
Oct. 15 and
March 15.

Lawful to
insert $\frac{3}{4}$ -
inch stop
and waste.

Passed the House February 18, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 139.

[H. B. 251.]

COUNTY LANDS WITHIN CITIES ASSESSED FOR LOCAL IMPROVEMENT.

AN ACT relating to the assessment for local improvements of land owned by counties within the limits of incorporated cities and towns, and amending Sections 9342 and 9343 of Remington's Compiled Statutes of Washington.

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

Amends § 9342, Rem. Comp. Stat.

SECTION 1. That section 9342 of Remington's Compiled Statutes of Washington be amended to read as follows:

Local improvement assessment roll, county lands.

Section 9342. Upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any incorporated city or town in this state, the city or town treasurer shall certify and forward to the board of county commissioners of the county in which such city or town is situated, a statement of all the lots or parcels of land held or owned by such county and charged on such assessment roll for the cost of such local improvement, separately describing each lot or parcel of the county's land with the amount of the assessment charged against it, and the board of county commissioners shall cause the amount of such local assessments to be paid to the city or town as other claims and charges against such county are paid: *Provided, however,* That where title to any property has been acquired by any such county through foreclosure of a general tax lien or liens, the assessment shall either be paid by the county from the proceeds of the sale of such property, or such property shall be sold subject to the lien of such assessment.

County to cause payment.

Property sold subject to assessment lien.

SEC. 2. That section 9343 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9343, Rem.
Comp. Stat.

Section 9343. The provisions of this act shall apply to all municipal corporations, any charter or ordinance provision to the contrary notwithstanding.

Applies
notwith-
standing
charter.

Passed the House March 5, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 140.

[H. B. 287.]

PORT DISTRICTS.

AN ACT relating to port districts, providing for changing the name of any existing port district in the State of Washington or which may hereafter be organized under the laws of the State of Washington, and providing for the procedure therefor.

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

SECTION 1. Any port district now existing or which may hereafter be organized under the laws of the State of Washington is hereby authorized to change its corporate name under the following conditions and in the following manner:

Corporate
name may be
changed.

(1) On presentation, at least thirty days before any general port election to be held in said port district, of a petition to the commissioners of any port district now existing or which may hereafter be established under the laws of the State of Washington, signed by not less than two hundred fifty (250) electors residing within said port district and asking that the corporate name of said port district be changed, it shall be the duty of said commissioners to submit to the electors of said port district at the next general port election held in said port dis-

Petition,
signed by
250 electors.

Proposition
submitted
to electors
at general
election.

trict the proposition as to whether the corporate name of said port shall be changed.

Present name and proposed name.

(2) Said petition shall contain the present corporate name of said port district and the corporate name which is proposed to be given to said port district.

Ballot form.

(3) On submitting said proposition to the electors of said port district it shall be the duty of said port commissioners to cause to be printed on the official ballot used at said election the following proposition:

“Shall the corporate name, ‘Port of.....’ be changed to ‘Port of.....’.....YES
“Shall the corporate name, ‘Port of.....’ be changed to ‘Port of.....’.....NO”

Vote canvassed.

(4) At the time when the returns of said general election shall be canvassed by the commissioners of the said port district, it shall be the duty of said commissioners to canvass the vote upon said proposition so submitted, recording in their record the result of said canvass.

Port commissioners to certify vote to county auditor and secretary of state.

(5) Should a majority of the electors of said port district voting at said general port election vote in favor of said proposition it shall be the duty of said port commissioners to certify said fact to the auditor of the county in which said port district shall be situated and to the secretary of state of the State of Washington, under the seal of said port district. On and after the filing of said certificate with the county auditor as aforesaid and with the secretary of state of the State of Washington, the corporate name of said port district shall be changed, and thenceforth said port district shall be known and designated in accordance therewith.

Passed the House March 4, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 141.

[H. B. 338.]

CHRISTMAS TREE DEALERS.

AN ACT relating to evergreen trees, commonly known as Christmas trees, providing for licensing of dealers therein and shippers thereof, and prescribing penalties for violation of the act.

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

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, ship and/or transport to a point outside of the State of Washington any evergreen tree, commonly known as a Christmas tree, including fir, hemlock, spruce and pine trees without first obtaining a license so to do, as provided in this act, and no person, firm or corporation, railroad, automobile transportation company, steamship company, or other common carrier shall accept for shipment or transportation, or transport or carry any such trees to any point outside the State of Washington unless the shipper thereof shall exhibit a license issued to the shipper under the provisions of this act.

Unlawful to sell, ship or transport without license.

Common carriers not to accept for shipment.

SEC. 2. Application for such license shall be made to the director of licenses and shall be accompanied by a fee of \$10.00 which shall within twenty-four hours after its receipt be paid to the state treasurer, who shall deposit the same in the forest development fund. Upon receipt of the fee herein provided the director of licenses shall issue to the applicant a license, a copy of which shall be filed with the state supervisor of forestry, which license shall authorize the licensee to sell, ship and/or transport such trees until the first day of January following the date of its issue.

Application for license.

Period.

SEC. 3. Within thirty days after the first day of January of each year every licensee under the pro-

Licensee to report.

visions of this act shall file with the state supervisor of forestry a written report subscribed and sworn to before any officer authorized to take acknowledgment of deeds, showing the number of Christmas trees sold during the period the license was in effect, the name of the person, firm or corporation from whom said trees were acquired and the legal description of the property from which such trees were cut; and in the case of a shipment to a point outside of this state, in addition to such information, the place to which said trees were shipped.

Violation
of act
misdemeanor.

SEC. 4. Violation of the provisions of this act shall constitute a misdemeanor.

Passed the House March 8, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 142.

[H. B. 186.]

DELINQUENT LOCAL IMPROVEMENT BONDS AND WARRANTS.

AN ACT relating to delinquent local improvement district bonds or warrants and to property acquired and held in trust by cities and towns through foreclosure of delinquent local improvement assessments; and providing for the liquidation of such bonds or warrants and the sale of such property and the termination of such trusts.

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

Property
acquired by
cities
through
sale of lands
for delin-
quent assess-
ments.

SECTION 1. That whenever any city or town has heretofore acquired or hereafter acquires any property through foreclosure of delinquent local improvement assessments thereon, and holds such property in trust pursuant to the provisions of section 9384 of Remington's Compiled Statutes of Washington as the same read prior to the amend-

ment thereof by chapter 275, Laws of Washington of 1927, and all bonds or warrants outstanding and unpaid in the local improvement district in which such assessments were levied are delinquent, such city or town may sell such property and the other assets of such district and liquidate such bonds or warrants and terminate such trust by filing in the superior court of the county in which such city or town is located an action therefor. The complaint in such action shall set forth the number of such local improvement district, the bonds or warrants owing thereby and the owners thereof or that such owners are unknown, and a description of the assets of such district with the estimated value thereof, and the amount of any assessment or assessments, including penalty and interest, in any other local improvement district or districts a lien upon such property, the bonds or warrants owing by such other district or districts and the owner thereof, except where such bonds or warrants are guaranteed under the Local Improvement Guaranty Acts of the State of Washington, or that such owners are unknown. All persons owning any bonds or warrants of said district or districts, except where guaranteed under the Local Improvement Guaranty Acts of the State of Washington or having an interest therein shall be made parties defendant in such action. Summons shall be served as in other actions. Unknown owners and unknown parties shall be served by publication. Two or more delinquent districts and all property and bonds or warrants therein may at the option of such city or town be included in one action.

In any such action the court after acquiring jurisdiction shall proceed as in the case of a receivership (except that such city or town shall serve as trustee in lieu of a receiver) to sell the assets of such district or districts at such prices and in such manner as it may deem advisable and to apply the

Bonds or
warrants
unpaid.

Court action.

Complaint,
contents.

Bonds or
warrants
guaranteed
under Local
Improvement
Guaranty Acts.

Summons.

Same court
procedure
as receiver-
ships.

Notice to
present
claims.

Dividends
upon
warrants
or bonds.

same to the expenses of such action and the liquidation of such bonds and warrants and to terminate such trust or trusts and to discharge such city or town from further duties thereunder. No notice to present claims other than the summons in such action shall be necessary. Any claim presented in any such action shall be accompanied by the bonds or warrants upon which such claim is based; and such bonds or warrants shall thereupon be surrendered and cancelled. Dividends upon any bonds or warrants for which claim is not filed shall be paid into the general fund of such city or town, but the owner thereof may obtain the same at any time within five years thereafter upon surrender and cancellation of such bonds or warrants.

Passed the House February 25, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 143.

[H. B. 188.]

FORECLOSURE FOR DELINQUENCY OF GENERAL TAXES.

AN ACT relating to assessments for local improvements and the foreclosure of general tax liens and the sale of property therefor, and amending Section 9393 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 9393 of Remington's Compiled Statutes of Washington, as amended by chapter 170, Laws Extraordinary Session of 1925, be amended to read as follows:

Section 9393. The holder of any certificate of delinquency for general taxes shall, before commencing any action to foreclose the lien of such certificate, pay in full all local assessments or install-

Amends
§ 9393, Rem.
Comp. Stat.

Local
assessments
to be paid.

ments thereof outstanding against the whole or any portion of the property included in such certificate of delinquency, or, he may elect to proceed to acquire title to such property subject to certain or all local assessments a lien thereon, in which case, the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If such holder shall pay such local assessments, he shall be entitled to twelve per cent interest per annum on the amount of the delinquent assessments or delinquent installments thereof so paid, from date of payment.

Title subject to local assessment lien.

12% interest.

It shall be the duty of the county treasurer to mail a copy of the published summons within fifteen days after the first publication thereof to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed. In any case where any property shall be struck off to or bid in by the county at any sale for general taxes, and such property shall subsequently be sold by the county, the proceeds of such sale shall first be applied to discharge in full the lien or liens for general taxes for which the same was sold, and the remainder, or such portion thereof as may be necessary, shall be paid to the city to discharge all local assessment liens upon such property, and the surplus, if any, shall be distributed among the proper county funds: *Provided*, That in any case where property subject to local improvement assessments, or taken over by a city or town on foreclosure of local improvement assessments, shall have been struck off to or bid in by any county at a sale for general taxes, the city or town levying such assessments may, at any time before resale by the county, acquire such property from the county and receive a deed therefrom therefor upon pay-

Copy of summons mailed to city treasurer.

Resale by county, proceeds for general taxes and local assessment.

Cities may acquire property.

ment of the face of such taxes with costs without penalty or interest: *Provided, further,* That where any city or town shall have bid in any property on salé for local improvement assessments, such city or town may satisfy the lien of any outstanding general taxes upon such property, where no certificates of delinquency have been issued to private persons, upon payment of the face of such taxes with costs, without penalty or interest.

City may satisfy lien of general taxes.

Passed the House February 25, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 144.

[H. B. 273.]

CLAMS.

AN ACT regulating the taking of clams, amending Section 5750 of Remington's Compiled Statutes, as amended by Chapter 157, Laws of Extraordinary Session of 1925, and declaring an emergency.

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

SECTION 1. That section 5750 of Remington's Compiled Statutes, as amended by chapter 157, Laws of Extraordinary Session of 1925, be amended to read as follows:

Amends § 5750, Rem. Comp. Stat.

Section 5750. It shall be unlawful for any person or persons whomsoever to take or dig any clams, except mud clams, from the beaches 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 of each year and the first day of March of the following year, both dates inclusive; or to take or dig any mud clams upon the beaches of the Pacific Ocean in

Unlawful to take.

Pacific Ocean, Grays Harbor, Willapa Harbor beaches.

June 1 to March 1.

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 May and the thirty-first day of October, both dates inclusive, of each year; or to take or dig clams at any time except with fork, pick or shovel operated by hand. It shall be unlawful for any person to take or have in his possession any razor clam under three and one-half inches in total length of shell.

Canning
May 1 to
October 31.

Razor clams
less than
3 ½ inches
in length.

On or before the first day of February of each year the commissioner may reserve and withdraw for said year from use for the taking of clams such portions of the tide lands owned by the state and such portion of the beaches of the Pacific Ocean as he may deem necessary, and shall give notice of such reserve and withdrawal from use by publication for one week in a newspaper published in the county in which such tide land or beach is situated, such notice to be given within ten days after making such reserve or withdrawal; and it shall be unlawful for any persons whomsoever to take or dig clams except for the use of himself and family from any tide lands or beaches so reserved or withdrawn by the commissioner from and after the first of March of each year, in which such notice shall be published: *Provided*, That nothing herein shall be construed to prevent the state from selling or leasing any of its tide lands in the manner now provided by law: *And provided further*, That if any of the tide lands of the state are sold or leased which are included within the reservation or withdrawal herein provided for, that the said reservation shall thereupon cease to be effective as to said tide lands when sold or leased.

Reserves
may be
established.

Nothing in this section shall prevent the taking of clams for the consumption of the taker or his family or guests at all times without a license, and

Family and
guests may
take without
license.

Holder of
crab
license.

nothing in this section shall prevent the holder of a crab-fishing license or any persons designated by him from taking clams for use as bait only between the first day of October and the thirty-first day of May following, upon the payment of a special license fee of one dollar (\$1) for each such digger of clams: *Provided*, That it shall be unlawful for any person taking razor clams for the consumption of himself or his family or guests to take or have in his possession more than three dozen clams in any one day and any razor clams so taken shall not be under three and one-half inches in total length of shell.

3 doz.
limit.

Effective
immediately.

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

Passed the House March 4, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 145.

[S. H. B. 337.]

REFUNDING BONDS FOR MUNICIPAL STREET RAILWAYS.

AN ACT relating to, and authorizing and providing for, the refunding of municipal street railway bonds by cities of the first class having a population of 300,000 or more.

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

First class
cities of
300,000 or
more.

SECTION 1. The legislative authorities of any city of the first class, having a population of 300,000, or more, which has outstanding municipal street railway bonds payable only out of street railway revenues and issued to acquire any such street railway system, or part thereof, or any additions thereto or betterments thereof, are hereby authorized to re-

fund any and all of such bonds, or any portion thereof, upon such terms and conditions as such legislative authorities shall deem best and to retire such municipal street railway bonds at or before maturity: *Provided*, That in the event such outstanding municipal street railway bonds shall not be retired before maturity then the priority of such outstanding bonds shall be fully maintained and protected and all such refunding bonds shall have all of the legal security of the refunded bonds unless otherwise stated in such refunding bonds. Various series and issues of such municipal street railway bonds may be consolidated and retired by one funding or refunding bond issue at the option of the said legislative authority. Such funding and refunding bonds shall be authorized and issued, as near as may be, in conformity with existing laws providing for the issuance of general funding and refunding bonds and the form, maturities and sale thereof shall comply, as near as may be, with sections 9489 and 9491 of Remington's Compiled Statutes: *Provided*, That the maturity of any such funding and refunding bonds shall not exceed thirty years: *Provided, further*, That nothing in this act shall be so construed as to prevent any such city from funding and refunding its indebtedness as now provided by law.

Refunding bonds authorized.

Priority of outstanding bonds.

Various series consolidated.

Conformity to existing laws.

Maturity 30 years.

No bonds issued hereunder shall ever be funded or refunded; and all issues shall be in denominations of one hundred dollars (\$100.00), or multiples thereof, except bond number one (1) of any issue; and all such bonds shall be serial in form and maturity, and the various annual maturities shall commence with the second year after the date of issue: *Provided*, That such bonds may be issued in separate series or installments, from time to time, and in such amounts as may be determined by resolution of the legislative authority of any such city, in which event the bonds of each separate series or install-

\$100 denominations.

Issues.

ment shall be serial in form and maturity and the annual maturities shall commence with the second year after the date of issue.

Passed the House March 9, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 146.

[H. B. 421.]

APPROPRIATION FROM MOTOR VEHICLE FUND FOR FEDERAL AID ROADS.

AN ACT making an appropriation from the motor vehicle fund, creating a revolving fund, to be applied in payment of federal proportion of cost of federal aid road construction, providing for the payment of federal contribution into the motor vehicle fund, and declaring that this act shall take effect immediately.

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

SECTION 1. That the state treasurer be and he hereby is authorized and directed to place in the state motor vehicle fund any and all federal funds or warrants received as custodian under the operation of the Federal Aid Road Act and the state act assenting thereto, to be held in said motor vehicle fund subject to disbursement therefrom only in accordance with the authority and appropriation set forth in section 2 of this act.

SEC. 2. That the sum of one million dollars (\$1,000,000.00) or so much thereof as may be necessary, but not in excess of the amount of federal funds or warrants paid or pledged to be paid or reimbursed on account of lawfully obligated federal contributions under specific project agreements, be and the same is hereby appropriated from any monies available in the motor vehicle fund, the same

Motor
vehicle
fund.

Federal
Aid Road
Act.

\$1,000,000
appropriation.

to constitute a revolving fund to be used for the purposes specified in this act. The state auditor shall draw the necessary warrants and the state treasurer pay the same from this appropriation, only upon vouchers and estimates approved by the state highway engineer for work actually done upon federal aid projects and only to the extent thereof charged to the federal contributing fund under specific project agreements executed by state and federal authorities.

Revolving
fund.

Warrants,
vouchers
for payment.

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

Effective
immedi-
ately.

Passed the House March 6, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 147.

[H. B. 423.]

APPROPRIATION FOR ISLAND AND OTHER COUNTIES FROM PERMANENT HIGHWAY FUND.

AN ACT making an appropriation for the construction and maintenance of permanent highways and highways in counties composed entirely of islands, and declaring this act shall take effect immediately.

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

SECTION 1. For the construction and maintenance of permanent highways in the several counties, and for the construction and maintenance of highways in counties composed entirely of islands, there is hereby appropriated from the permanent highway fund the sum of three million six hundred ninety-nine thousand nine hundred thirty-three dollars and eleven cents (\$3,699,933.11), or so much thereof as may be necessary.

Effective
immedi-
ately.

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

Passed the House March 6, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 148.

[H. B. 300.]

PARKS AND PARKWAYS.

AN ACT relating to parks and parkways, and amending Section 10942 of Remington's Compiled Statutes, as amended by Section 1 of Chapter 157 of the Laws of 1923.

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

SECTION 1. That section 10942 of Remington's Compiled Statutes as amended by section 1 of chapter 157 of the Laws of 1923, be amended to read as follows:

Section 10942. The state parks committee shall have power:

(1) To have the care, charge, control and supervision of all parks and parkways heretofore or hereafter acquired or set aside by the state for park or parkway purposes.

(2) To plant trees along public highways in the non-forested or other area of the state, and to care for the same.

(3) To adopt, promulgate, issue and enforce rules and regulations pertaining to the use, care and administration of state parks and parkways. Every such rule and regulation shall become effective ten days after its adoption. The committee shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which the same are applicable, but failure to

Amends
§ 10942,
Rem. Comp.
Stat.

State parks
committee
powers.

Control all
state parks.

Plant trees.

Adopt rules
and
regulations.

post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(4) To permit the use of state parks and parkways by campers and the public generally under such rules and regulations as shall be prescribed as aforesaid. Campers.

(4½) To clear, drain, grade, seed and otherwise improve and/or beautify any parks and parkways, and to erect structures, buildings, fireplaces, comfort stations and build and maintain paths, trails, and roadways through and/or on parks and parkways. Improve.

(5) To grant concessions in state parks and parkways, upon such rentals, fees or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the committee. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway, but the committee may in its discretion itself impose fees upon campers upon state parks and parkways. All fees received by the committee shall be deposited in the state park and parkway fund. Concessions.

(6) To employ such assistance as it may deem necessary. Employ assistants.

(7) To select and to purchase, lease or in any manner acquire for and in the name of the State of Washington such tracts of land, including shore and tide lands, for park and parkway purposes as it shall deem proper, subject to the following provisions: (a) No tract, except tracts acquired by donations or bequest, and tracts which abut upon a public highway, actually constructed or located or projected shall be acquired unless the acquisition thereof be specifically authorized by the legislature. (b) If the committee cannot acquire any tract which it is Acquire park lands.

By condem-
nation.

authorized to acquire, at a price it deems reasonable, then the committee is hereby vested with power to obtain title thereto, or any part thereof, by condemnation. Such condemnation shall be conducted by the attorney general and the proceedings therefor, in so far as practicable, shall be any which now is or may hereafter be authorized for the condemnation of rights of way for state highways.

Cooperate
with United
States,
cities,
counties.

(8) To cooperate or join with the United States, any county or counties, city or cities of this state, or in any matter pertaining to the acquisition for park or parkway purposes of any area within this state not within the city limits of any city, and in the care, control or supervision of any park or parkway now or hereafter acquired which shall be so situated, and, when deemed advisable by the committee, to enter any contract in writing with any such public organization or organizations, its or their officer or officers or board or boards, to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control or supervision the state shall participate pursuant to the provisions of this section, shall in so far as practicable be governed by the provisions of this act, including the penal provisions thereof.

Report to
governor.

(9) To investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and in such report to make recommendations respecting other regions in the State of Washington desirable for state park or parkway purposes, either on account of their historical interest, their natural beauty or otherwise.

Passed the House March 4, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 149.

[H. B. 419.]

BRIDGE ACROSS PUGET SOUND AT NARROWS IN PIERCE COUNTY.

AN ACT relating to and providing for the construction and maintenance, operation and acquisition after construction, of a bridge and approaches thereto across Puget Sound within the county of Pierce at or near a point commonly known as the Narrows, and amending Sections 6 and 7 of Chapter 62 of the Laws of 1929.

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

SECTION 1. That section 6 of chapter 62 of the Laws of 1929, be amended to read as follows: Amends
§ 6, Chap.
62, *supra*.

Section 6. If such bridge shall at any time be taken over or acquired by the State of Washington, Acquired
by state.

or by any municipality or other political subdivision or public agency thereof, under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of tolls shall be so adjusted Tolls.

as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. Cost.

After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair and operation of the bridge and its approaches under economical management. Sinking
fund.

An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures Free of
tolls.

Record of amount paid.

for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Amends § 7,
Chap. 62,
supra.

SEC. 2. That section 7 of chapter 62 of the Laws of 1929, be amended to read as follows:

Itemized
sworn
statement
of cost.

Section 7. The grantees and their assigns, shall within ninety days after the completion of such bridge file with the secretary of war, and with the highway department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The secretary of war may, and in case of his failure or refusal to act upon the request of the highway department of the State of Washington, said highway department may at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said grantees and their assigns, shall make available all records in connection with the construction, financing and promotion thereof. The findings of the secretary of war, or of said highway department, as the case may be, as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

Secretary
of war.

State
highway
department.

Finding
of cost.

Conclusive.

Passed the House March 7, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 150.

[H. B. 224.]

HORTICULTURE.

AN ACT relating to horticulture and horticultural products, providing for the condemnation of infected premises and shipments therefrom, and amending Section 10 of Chapter 166 of the Laws of 1915.

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

SECTION 1. That section 10 of chapter 166 of the Laws of 1915 as amended by section 1 of chapter 108 of the Laws of the Extraordinary Session of 1925, (section 2848 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 2848, Rem.
Comp. Stat.

Section 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

Inspection.

Infected
property
or premises
condemned.

Notice.

Expense.

Service of
notice.

Personal
service.

Posting.

Constructive
personal
service.

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 home or postoffice address are known to the officer or can with reasonable diligence be ascertained. In case personal service of said notice 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 postoffice 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 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 case 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 or for any common carrier to transport, any nursery stock, fruit or vegetable which has been found infected and

Disinfect
or destroy.

Separating.

By-products.

Unlawful
for common
carrier to
transport.

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. It shall be the duty of any common carrier to furnish the nearest horticultural office or horticultural inspector with the name of the consignor of the apples, the place indicated for loading and the date ordered for loading, as soon as possible and at or prior to the time of the issuance of the bill of lading on such car: *Provided, however,* That all apples shipped in bulk or as culls shall be accompanied by a written permit to ship to a by-product factory or by an inspector's written statement that same is free from infection.

Apples.

Bulk or culls.

Passed the House March 13, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 151.

[H. B. 217.]

TAX ON BANKS AND FINANCIAL CORPORATIONS.

AN ACT providing for a tax measured by income upon banks and financial corporations; providing for the assessment and collection thereof; providing for certain offsets or deductions; providing certain penalties and for the collection and enforcement thereof; declaring that certain acts shall constitute a misdemeanor; repealing Sections 28, 29, 30, 31 and 32 of Chapter 130 of the Laws of the Extraordinary Session of 1925, and declaring that this act shall take effect immediately.

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

SECTION 1. That for the purpose of this act, unless otherwise required by the context:

The term "bank" shall include any national banking association organized under the laws of the United States and located or doing business

Terms defined.

Bank.

within the State of Washington, and any bank, mutual savings bank or trust company organized under the laws of the State of Washington, or of the laws of any other state, district, territory or country, doing business in the State of Washington.

The term "financial corporation" shall include any corporation, other than a bank, engaged within the State of Washington in the business of acting in any representative or trust capacity; or in the business of a savings and loan or building and loan society or association; industrial loan company, or finance company; or in the business of buying, selling, discounting, or dealing in stocks, bonds, debentures, bills of exchange, warrants, notes and/or other evidences of debt; or in the loaning, collecting and reloading of money. Financial corporation.

The term "doing business" as herein used, means any transaction or transactions in the course of its business by a national banking association, by a bank or financial corporation created under the laws of this state, or by a foreign bank or financial corporation qualified to do or doing business in this state. Doing business.

The term "gross income," as herein used, includes gains, profits and income derived from business of whatever kind and in whatever form paid; gains, profits or income from dealings in real or personal property; gains, profits or income received as compensation for services, as interest, rents, commissions, brokerage or other fees or otherwise received in carrying on such business; all interest received from federal, state, municipal or other bonds, and, except as hereinafter otherwise provided, all dividends received on stocks: *Provided*, That the premium income of insurance companies shall not be included in gross income. Gross income.

If the gross income is derived from business done in part within and part without the State of

Washington, gross income means that portion of the income derived from business done within this state, to be ascertained and allocated in such manner as will fairly determine the gross income derived from business done within the state. The commission shall have power to prescribe such rules and regulations as will, in its opinion, carry out the direction and detail of this provision.

Net income. The term "net income," as herein used, means the gross income less the deductions allowed.

Commission. The term "commission," as herein used, means the tax commission of the State of Washington.

Taxable year. The term "taxable year," as herein used, means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed herein. In case a return is made for a fractional part of a year, the term "taxable year" shall mean the period for which such return is made. The first taxable year, to be called the taxable year 1928, shall be the calendar year 1928, or any fiscal year ending prior to the first day of March, 1929.

Fiscal year. The term "fiscal year," as used herein, means an accounting period of twelve months ending on the last day of any calendar month other than the month of December.

Paid or unpaid and accrued. The terms "paid" and "paid or incurred" shall be construed according to the method of accounting upon the basis of which net income is computed hereunder.

Taxpayer. The term "taxpayer" means a bank or corporation subject to taxation under this act.

The term "corporation," as used herein, shall include every financial corporation other than a bank, and shall include both foreign and domestic corporations.

Tax on national banking associations.

SEC. 2. Every national banking association, located or doing business within this state, shall an-

nually pay to the state, in addition to all other taxes or charges, a tax according to or measured by its net income, to be computed in the manner hereinafter provided, at the rate of five per cent upon the basis of its net income for the next preceding fiscal or calendar year.

5% of net income.

SEC. 3. Every bank, other than a national banking association, doing business within this state, shall annually pay to the state, in addition to all other taxes or charges, for the privilege of exercising its corporate franchise within this state, a tax according to or measured by its net income, to be computed in the manner hereinafter provided, at the rate of five per cent upon the basis of its net income for the next preceding fiscal or calendar year.

Other banks.

5% of net income.

SEC. 4. Every financial corporation doing business within this state shall annually pay to the state, in addition to all other taxes or charges, for the privilege of exercising its corporate franchise within this state, a tax according to or measured by its net income, to be computed in the manner hereinafter provided, at the rate of five per cent upon the basis of its net income for the next preceding fiscal or calendar year.

Financial corporation.

5% on net income.

SEC. 5. If the entire business of a bank or corporation is done within this state the tax shall be based upon its entire net income; and if the entire business of such bank or corporation is not done within this state the tax shall be based upon that portion thereof which is derived from business done within this state, as herein provided.

Business within and without state.

SEC. 6. Every bank and corporation subject to a tax under the provisions of this act shall be entitled to an offset against such tax in the amount of all taxes paid by it upon its tangible personal property to the State of Washington, or any county,

Offset of other taxes paid.

city, district or municipality thereof, during the taxable year for which a tax is assessed hereunder, and every insurance company subject to tax hereunder shall be entitled to an offset against such tax in the amount of all taxes paid by it to the state upon premium receipts.

Computation
of net
income
deductions.

SEC. 7. In computing net income the following deductions shall be allowed:

Expenses.

(a) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on business, including a reasonable allowance for salaries and other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title, or in which it has no equity.

Interest.

(b) All interest paid during the taxable year on indebtedness.

Taxes.

(c) Taxes paid during the taxable year, other than taxes paid under this act, and other than taxes on income or profits paid during the taxable year imposed by the authority of (1) the United States, (2) any foreign country, (3) any state, territory, city, school district, municipality or other taxing subdivision of any state or territory, and other than taxes assessed against or because of local benefits tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against or because of local benefits as is properly allocable to maintenance or interest charges: *Provided*, That no deduction shall be allowed for taxes paid upon personal property for which an offset against the tax may be claimed under the provisions of section 6 hereof.

Losses.

(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in business.

(e) Debts ascertained to be worthless and charged off within the taxable year. When satisfied that a debt is recoverable in part only, the commission may allow the unrecoverable portion of such debt to be charged off. The amounts recovered from any debt previously charged off shall be included in the return for the year in which the recovery is made and shall be restored to the fund on account from which it was originally transferred as a loss.

Worthless debts.

(f) A reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the business may be deducted from gross income. Such depreciation allowance, in order to constitute an allowable deduction from gross income, must be charged off.

Exhaustion, wear and tear, obsolescence.

(g) Amounts received under life insurance policies and contracts paid by reason of the death of the insured, and amounts received (other than amounts paid by reason of the death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon.

Life insurance.

(h) Dividends received from income arising out of business done in this state by a bank or corporation from which a tax is payable under this act, but if the income out of which the dividends are declared is derived from a business done by a bank or corporation both within and without this state, then so much of the dividends shall be allowed as a deduction as the amount of the income from business done within this state bears to the total business done. The burden shall be on the taxpayer claiming the deduction to show that the amount of dividends claimed as a deduction has already been included within the net income used as a measure in the computation of a tax of another bank or corporation paid or accrued hereunder.

Dividends.

Business
inside and
outside
state.

(i) If the gross income be derived from business carried on within and without this state, the deductions allowed by this section shall be in a proportion to be determined by the commission under rules and regulations to be adopted by it fairly carrying out the purpose of this act to tax banks and corporations according to the amount of their net income arising from business done within this state.

No deduction
allowed for—

SEC. 8. In computing net income no deduction shall be allowed for:

new
buildings,

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property; or for

restoring
property,

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

premiums
on life
insurance.

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

Period for
computation.

SEC. 9. The net income shall be computed on the basis of the taxpayers' annual accounting period, fiscal year or calendar year, as the case may be, in accordance with the method of accounting regularly employed in keeping the books of the taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as shall, in the judgment of the commission, clearly reflect such income. If the taxpayers' annual accounting period is other than a fiscal year, or if the taxpayer has no annual accounting period, or does not keep books, the net income shall be computed on the basis of the calendar year.

SEC. 10. For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal or mixed, acquired on or after January 1, 1928, the basis shall be the cost thereof, and in case of property acquired prior to January 1, 1928, and disposed of thereafter, the basis shall be the fair market value thereof as of said date.

Sale of
property.

SEC. 11. When property is exchanged for other property and no gain or loss is realized, the property received shall be treated as taking the place of the property exchanged therefor.

Exchange
of property.

SEC. 12. Every bank and every corporation shall not later than the 15th day of March in each calendar year transmit to and file with the commission a report, in such form as the commission shall prescribe, setting forth such facts and information relating to the gross or net income of the taxpayer, as the commission may by rule, or otherwise, require in order to carry out the provisions of this act. Said report shall contain a statement of the taxes paid by the taxpayer upon tangible personal property during the taxable year covered thereby and the commission may require the report to be accompanied by receipts evidencing payment of such personal property taxes.

Annual
report.

Contents.

SEC. 13. Any bank or corporation liable to report and owning or controlling, either directly or indirectly, substantially all of the capital stock of one or more banks and/or corporations, may be required to make a consolidated report showing the combined net income, such assets of the corporation as are necessary in the opinion of the commission for the administration of this act, and such other information as the commission may require, but excluding intercorporate stockholdings and intercorporate accounts.

Ownership
or control
of other
financial
corporations.

Consolidated
report.

Any bank or corporation liable to report and owned or controlled, either directly or indirectly, by another bank or corporation may be required to make a report consolidated with the owning company showing the combined net income, such assets of the corporation as are necessary in the opinion of the commission for the administration of this act, and such other information as the commission may require, but excluding intercorporate stock-holdings and intercorporate accounts.

Improper
segregation.

If any arrangement exists which in the opinion of the commission improperly reflects the business done, the segregable assets, or the entire net income earned from business done in this state, the commission is authorized and empowered, in such manner as it may determine to equitably adjust the tax and to eliminate any assets included in the segregations thereof: *Provided*, That any income directly traceable thereto shall also be excluded from the entire net income.

Combined
report.

SEC. 14. The commission may permit or require the filing of a combined report, where substantially all of the capital stock of two or more banks or corporations liable to report under this act is owned or controlled by the same interests and it may impose the tax provided by this act as though the combined entire net income and segregated assets were those of one corporation, but in the computation dividends received from any corporation whose assets, as distinguished from shares of stock, are included in the segregations, shall not be included in net income, or it may, in such other manner as it shall determine, equitably adjust the tax.

Adjustment
by commis-
sion.

SEC. 15. If it shall appear to the commission that the segregation of assets shown by the report does not properly reflect the corporate activity or business done, or the income earned from corporate activity or from business done in this state because

of the character of the corporation's business and the character and location of its assets, it is authorized and empowered to equitably adjust the tax upon the basis of the corporate activity or the business done within and without this state rather than upon capital or assets employed.

SEC. 16. In case a report is made as provided by the preceding sections the commission may assess the tax against either of the corporations whose assets or net income are involved in the report and upon the basis of the combined entire net income and the combined aggregated assets of the corporation and upon such other information as it may possess, or it may adjust the tax in such other manner as it shall determine to be equitable.

Tax against either of combined, controlled or owned institutions.

SEC. 17. Any bank or corporation which has been permitted to change the period for which it shall make its report shall in its next report to the commission include its entire net income which has not been used or included in measuring a tax hereunder, whether such income arose over a period of more or less than one year, and such income shall be considered a part of the net income for the taxable year covered by the report in which it is set forth.

Change of period for report.

In case a bank or corporation has not done business in this state for a twelve months' period, then it shall report and be taxed upon the basis of that portion of the taxable year in which it did business in this state.

Less than 12 months period.

The commission may require a further or supplemental report under this act to contain further information and data necessary for the computation of the tax.

Supplemental report.

SEC. 18. Every report required by this act to be filed with the commission shall be verified under oath by the president, treasurer, cashier, or other executive officer of the bank or corporation. Such

Report verified under oath.

verification shall be to the effect that the officer verifying said report believes it to be true and correct. Blank forms of report shall be supplied by the commission on application to banks and corporations required to make such reports.

SEC. 19. The commission, whenever in its judgment good cause exists therefor, may grant to a bank or corporation required to make a report under this act a reasonable extension of time for filing such report. It shall keep a record of every extension granted and of the reasons therefor. Such extension or extensions, except for the year 1928, shall not aggregate more than thirty days.

Extension
of time for
report.

SEC. 20. Every bank or corporation which shall acquire directly, indirectly, by merger or by consolidation, the major portion of the actively employed assets or the franchises of another bank or corporation exercising any franchise or doing any business in this state, or which shall merge or consolidate another bank or corporation, shall in its annual report show its own and the consolidated entire net income of all such banks or corporations for the preceding fiscal or calendar year to the extent that all such income has not been used or included in measuring a tax under this act. It shall, in any event, be liable for and pay all taxes that would have been due and payable by the bank or corporation had the bank or corporation whose assets or franchises were acquired or which were merged or consolidated, continued in business and as though there had been no interruption or change of the business thereof nor discontinuance of the privilege of exercising a franchise or doing business.

Merger and
consolidation,
report.

SEC. 21. Any bank or corporation failing or refusing to make and furnish any report hereby required to be made or filed with the commission within the time herein provided by law, or within the extension thereof if any such extension shall

Failure to
report.

be granted, shall be subject to a penalty of \$50.00 per day for each and every day during which such bank or corporation shall be or continue delinquent in the making and furnishing of such report. All actions for the recovery of the penalty provided by this section shall be brought in the name of the State of Washington by the commission through the attorney general or the prosecuting attorney of the county wherein the taxpayer has its principal place of business. The commission is authorized to compromise, settle and adjust such penalty if in its judgment such failure and refusal was not willful and malicious. All penalties recovered under this section shall be paid into the general fund of the state.

Penalty.

Action to recover.

SEC. 22. Any bank or corporation and any president, cashier, treasurer or other executive officer thereof who shall knowingly make or return to the commission any false or fraudulent report shall be guilty of a misdemeanor.

False return, misdemeanor.

SEC. 23. If any report required by this act is not timely made, the commission is authorized to make an estimate of the net income of the bank or corporation failing to file a report as a basis for the computation of the tax, from such information as may be available to it, and shall give notice by registered mail to such bank or corporation of the amount or basis of computation as determined by it.

Estimate by commission when no report made.

SEC. 24. The commission shall, between the first day of May and the first day of July in each calendar year, from the reports filed with it or from other information in its possession, determine the net income of each bank and corporation as the basis of computing the tax provided for in this act. Such basis shall not be increased beyond the amount of net income shown by the taxpayer's return unless the commission shall give ten days' notice in writing by registered mail to the taxpayer of the amount

Commission to determine net income.

Increase, notice to be given.

to which it is proposed to increase such basis of computation, and of the time and place when and where such taxpayer will be heard by the commission in opposition to such proposed increase.

SEC. 25. The commission shall on or before the first day of September next thereafter prepare and transmit to the assessor of each county within the state an assessment roll for such county and shall place upon such assessment roll the name of each bank and corporation liable to a tax for the taxable year for which such assessment roll is prepared, and having its principal office or place of business within the county for which such assessment roll is prepared.

Assessment
roll for
county
assessor.

The commission shall also enter upon such assessment roll opposite to or in connection with the name of each bank or corporation the name or designation of the city, town, township, school district and other taxing districts within said county in which said taxpayer has its principal office or place of business together with the net income or basis for the computation of the tax as determined by the commission and the amount of the tax due and payable as computed by it.

Tax com-
puted.

The assessor of such county shall enter upon the tax rolls of the county the name of each bank and corporation and the amount of such tax due from it as shown by such assessment roll.

SEC. 26. All taxes imposed under the provisions of this act shall be payable to the county treasurer of the county in which the bank or corporation liable to the tax has its office or principal place of business. Such tax shall be due and payable and shall become delinquent on the same dates that taxes on personal property become due and delinquent and if not paid shall bear the same rate of interest and be subject to the same penalties as are by law provided in case of delinquency of taxes assessed on

Payments.

Delinquency
penalties.

personal property. Each bank or corporation shall be liable for the tax so assessed against it and such tax, if not paid when due, together with interest and penalties and a reasonable attorney's fee, may be recovered in a civil action brought by the treasurer of the county.

SEC. 27. All taxes collected or paid under the provisions of this act shall be for the use of the state and of the county, city, town, school district, municipality or other taxing district in which the bank or corporation has its principal office or place of business and shall be by said county treasurer distributed in the manner and in the same proportions as provided by law for the distribution of taxes upon personal property.

Distribution
of tax.

SEC. 28. Whenever a bank or corporation maintains branches or offices for the transaction of business, or owns and controls one or more banks and/or corporations, located in two or more counties, cities, towns, school districts or other taxing districts within this state, the taxes levied under this act shall be allocated by the commission to the respective counties, cities, towns, school districts and other taxing districts in proportion to the net income attributable to business transacted in each such branch or office, or subsidiary bank or corporation. The taxpayer shall include in its report such information as will enable the commission to make the segregation herein provided. In such cases the taxpayer shall be included upon the assessment roll of each of the several counties in which it maintains branches or offices or subsidiary banks or corporations, for the proportionate amount of tax computed by the commission to be due each county and city, town, school district and other taxing district therein within which a branch or office, or subsidiary bank or corporation is maintained for the transaction of business and the tax shall be payable in accordance with such computation.

Branches,
in two
taxing
districts,
tax allocated
by commis-
sion.

Clerical
mistake in
computation.

SEC. 29. If in the opinion of the commission a tax has been computed in a manner contrary to law or has been erroneously computed by reason of a clerical mistake on the part of said commission, the commission shall have power to cancel the same upon its records and cause the same to be cancelled on the tax rolls of the county to which the same has been certified.

Paid
illegally or
erroneously,
credit given.

SEC. 30. If any tax or penalty has been paid more than once or has been erroneously or illegally collected or has been erroneously or illegally computed, the commission may order the same to be credited to the taxpayer at the time of the next payment of taxes. No claim for such credit shall be allowed unless presented within one year after the payment against which a refund or credit is claimed.

Fraud or
evasion by
taxpayer.

SEC. 31. In the event that fraud or evasion on the part of a taxpayer is discovered by the commission it shall have the power and it shall be its duty to determine the extent to which the state, county, city, town and district have been defrauded and to compute and charge against the taxpayer a tax in a sum double that amount, which it shall immediately certify to the county where the taxpayer has its office or principal place of business and which shall be immediately due and payable.

Failure to
collect
added to
subsequent
year's tax.

SEC. 32. If any tax imposed upon any bank or corporation under the provisions of this act in any taxable year or years be prevented from being collected for any such year or years by reason of any erroneous proceeding or other cause, the amount of tax which such bank or corporation should have paid shall be added to the tax for the next succeeding year, but no such tax shall be added in any subsequent year unless it shall be added within five years next after such tax became delinquent.

Rules and
regulations.

SEC. 33. The commission is authorized and empowered to adopt, prescribe, and from time to time

alter and amend, and to enforce reasonable rules, orders and regulations for the purpose of carrying out the provisions of this act. The commission shall have authority to inquire into the management of the business of all taxpayers falling within the provisions of this act and may require by order or subpoena, to be served with the same force and effect and in the same manner that a subpoena is served in a civil action in the superior courts, the production at any time and place it may designate of any books, papers, accounts or other information necessary to carrying out the provisions of this act. The commission shall have the power to order additional reports or such other information as it may deem necessary in addition to the regular reports provided herein. All reports and returns, as hereinafter provided, shall be upon standard forms, adopted by the commission, with no more detailed information relating to the taxpayers' business than is necessary to enable the tax commission to administer fully the provisions of this act.

Inquiry by
commission.

Additional
reports.

SEC. 34. Any bank or corporation feeling aggrieved by any order of the commission shall have a right of appeal to the superior court of the county in which such bank or corporation has its principal office or place of business, or at the election of the appellant to the superior court of Thurston County, Washington. Such appeal shall be informal and summary. Notice thereof shall be filed with the clerk of the superior court to which such appeal is taken, and a copy thereof shall be served by registered mail or personally upon some member of the commission or the secretary thereof within twenty days after the decision appealed from and the appellant shall file an appeal bond in the sum of \$200.00 with one or more sureties, conditioned that the appellant will pay all taxable costs in the event of the affirmance of the decision appealed

Appeals
from order
of tax
commission.

Notice.

Appeal
bond.

from. Said bond shall be filed with the clerk of the superior court within five days after the filing of the notice of appeal and shall be approved by him.

Illegal tax
paid under
protest,
suit to
recover.

SEC. 35. Any bank or corporation claiming that a tax levied or computed against it under this act is illegal or void, in whole or in part, may pay the amount of the tax levied or computed against it under protest and bring action against the treasurer of the county to whom such tax was paid to recover such tax or the portion thereof claimed to be illegal or void, with interest. Such protest shall be in writing and shall state the grounds upon which the illegality or invalidity of the tax is asserted, and shall be filed with the county treasurer at the time the tax is paid. No action for the recovery of such tax or portion of a tax shall be commenced until sixty days after the taxpayer shall have filed with the county commissioners of such county an application for the refund of such tax or part thereof, nor shall such action be maintained unless commenced within ninety days after such county commissioners shall have denied such application. No application for a refund shall be filed more than sixty days after payment of the tax. A copy of all applications for refunds of taxes shall be filed with the tax commission.

Judgment
unpaid,
license to
do business
suspended.

SEC. 36. If final judgment shall be rendered against any corporation in an action brought to recover taxes imposed under this act, and such judgment remain unsatisfied for a period of ninety days, the commission or the treasurer of the county in which such action was prosecuted shall forthwith lodge a transcript of such judgment with the secretary of state and the secretary of state shall not thereafter issue a license to such corporation to do business nor shall such corporation exercise any of its corporate powers or franchises within the State of Washington while such judgment remains unsatisfied.

SEC. 37. It shall be unlawful for any member of the commission, or clerk, agent, deputy or employee thereof, to divulge or make known in any manner whatsoever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any report filed with the commission by any bank or corporation, or to permit any return, or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person, except as provided by law, or to print or publish, in any manner whatever not provided by law, any return, or any part thereof, or source of income, profits, losses or expenditures appearing in any return, and any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Disclosure of information, reports, etc.

Penalty.

SEC. 38. If any section or provision or part of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Invalidity of part not to affect balance.

SEC. 39. Sections 28, 29, 30, 31 and 32, chapter 130 of the Laws of the Extraordinary Session of 1925 are hereby repealed: *Provided*, That nothing herein contained shall be construed as affecting any existing right acquired under the provisions of said act or any of the sections thereof, or the validity of any act done or proceeding had under and by virtue of said act or sections, or as affecting any assessments or levies made prior to January 1, 1929, under and by virtue of said act or sections, or as affecting any proceeding instituted under said act or sections but all proceedings, for the assessment, levy or collection of any tax remaining incomplete at the time of the taking effect of this act may be completed pursuant to the provision of acts

Repeals § 28, 29, 30, 31 and 32, Chap. 130, Ex. Laws 1925.

Proceeding and tax under repealed sections not affected.

so repealed and all things required by said act or sections to be done within any specified time, which time has begun to run at the time of the taking effect of this act, shall be done within such specified time. *Provided further*, That the repeal hereby of any act or part of an act or any section shall not operate to revive such former act or part of an act or section thereof so amended or repealed.

Repeal not
to revive
former acts.

SEC. 40. This act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Effective im-
mediately.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 152.

[H. B. 422.]

RE-APPROPRIATION FOR HIGHWAYS IN ISLAND AND OTHER COUNTIES.

AN ACT re-appropriating a certain sum from the permanent highway fund for the construction and maintenance of highways in counties composed entirely of islands and for the construction and maintenance of permanent highways in all other counties, and declaring that this act shall take effect immediately.

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

SECTION 1. For the completion of work already under contract, for new contracts, and for the construction and maintenance of highways in counties composed entirely of islands and for the completion of work already under contract, for new contracts and for the construction and maintenance of permanent highways in all other counties there is hereby re-appropriated from the permanent highway fund the sum of one million two hundred and sixty-five thousand, nine hundred and fifty-four dollars and

Construction
and main-
tenance.

Permanent
highway
fund.

fifty-five cents (\$1,265,954.55), or so much thereof as may be necessary; the same being the unexpended balance of the permanent highway fund as shown by the state auditor's books on December 31st, 1928: *Provided, however,* That the amount above stated, together with the amount expended, shall not exceed the original appropriation made in 1927 for said purposes.

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

Effective immediately.

Passed the House March 14, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 153.

[S. B. 173.]

DESTRUCTION OF RECORDS RELATING TO MOTOR VEHICLE LICENSES.

AN ACT authorizing the director of licenses and county auditors to destroy certain office files and records.

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

SECTION 1. That the director of licenses may destroy applications for motor vehicle licenses, copies of motor vehicle licenses issued, applications for motor vehicle operator's licenses and copies of issued motor vehicle operator's licenses after such records shall have been on file in his office for a period of three years.

Licenses, copies and applications.

SEC. 2. That the county auditors may destroy applications for motor vehicle licenses after such applications shall have been on file in their respective offices for a period of three years.

County auditor.

Passed the Senate February 15, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 154.

[S. B. 144.]

OVERFLOWING AND INUNDATING PUBLIC HIGHWAYS AND STREETS.

AN ACT relating to overflowing and inundating public highways and amending Section 1 of Chapter 202 of the Laws of 1927.

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

SECTION 1. That section 1 of chapter 202 of the Laws of 1927 be amended to read as follows:

Section 1. The state highway committee shall have power to, and in its sole discretion may, grant to any person or corporation the right, privilege and authority to perpetually back and hold the waters of any lake, river, stream, slough or other body of water, upon or over any state, county or permanent highway or road, or any street or alley within the limits of any town or city of the fourth class, or any part thereof, and overflow and inundate the same whenever the state supervisor of hydraulics shall deem 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 and shall so certify to the state highway committee. The decision of the state highway committee, in the absence of bad faith, arbitrary, capricious or fraudulent action, shall be conclusive. But no such right shall be granted until it shall have been heretofore or shall be hereafter determined in a condemnation suit instituted by said person or corporation desiring to obtain such right or rights in the county wherein is situated that part of said road, highway, street or alley so to be affected that the use for which said grant is sought is a public use, nor until there shall be filed with the clerk of the court in which the order or decree of

Amends § 1, Chap. 202, Laws 1927.

State highway committee, power.

Streets of fourth class city.

Supervisor of hydraulics.

Condemnation suit.

public use was entered a bond or undertaking signed by the person or corporation seeking the grant, executed by a surety company authorized to do business in this state, conditioned to pay all costs and expenses of every kind and description connected with and incident to the relocation and reconstruction of any such highway, road, street or alley, the same to be of substantially the same type and grade of construction as that of the highway, road, street or alley to be overflowed or inundated, including any such relocation, reconstruction and maintenance costs and expenses as may arise within a period of 18 months after such new highway, road, street or alley shall have been opened, in its entirety, to public travel, and also including any and all damages for which the state, county, city or town may be liable because of the vacation of any such highway, road, street or alley and the relocation thereof in the manner provided herein and to save harmless the state, county, city or town from the payment of the same or any part thereof. Such bond shall be in a penal sum of double the estimated amount of the expenses, costs and damages referred to above, such estimate in case of a state highway to be made by the state highway committee, in case of a county road or permanent highway, to be made by the board of county commissioners and in case of a street or alley of a town or city of the fourth class, to be made by the city or town council thereof. Said bond shall be approved by the state highway committee when the road to be affected shall be a state highway, and in all other cases by a judge of the superior court in which the order or decree of public use was entered. In such condemnation suit the State of Washington shall be made a party defendant when the road affected shall be a state highway; if the road shall be a county road or permanent highway the county in which said road or permanent

Surety bond.

Relocation and reconstruction.

Amount of bond.

State, county or city defendants in condemnation suit.

highway is situated shall be made a party defendant and when any street or alley in any town or city of the fourth class shall be affected such city or town shall be made a party defendant. Any person or corporation may acquire the right to overflow as against the owner of the fee in any such highway, road, street or alley by making the owner of such fee, or of any part thereof, a party defendant in the condemnation suit provided for herein, or by instituting a separate condemnation suit against any such owner; the damages sustained by any such owner as a result of the overflow of any such highway, road, street or alley to be determined as in other condemnation cases, separate and apart from any damage sustained by the state, county, city or town.

Damages.

Passed the Senate February 15, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 155.

[S. B. 130.]

SALE OF ABANDONED FISH HATCHERY LANDS.

AN ACT providing for the sale of certain lands of the State of Washington.

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

SECTION 1. That the following described tracts of land, heretofore acquired by the department of fisheries and game of the State of Washington for fish hatchery purposes, having now been abandoned for such use, are hereby declared to constitute a part of the public domain of the State of Washington:

Hatchery
lands
abandoned.

KALAMA HATCHERY EYEING STATION.

Commencing at the southwest corner of the Simon P. Girty donation land claim in section 32, township 7 north, range one west of the W. M., thence east 256.1 feet to a point being the point of beginning; thence east 666.7 feet; thence north $9^{\circ}37'$ east 839.9 feet to the southeast corner of present state hatchery site; thence south $76^{\circ}20'$ west 144.3 feet; thence north 20° west 74.5 feet; thence west 189.9 feet; thence south $27^{\circ}35'$ west 974.7 feet to the place of beginning, containing 10 acres more or less.

Kalama
Hatchery
Eyeing
Station.

KALAMA HATCHERY EYEING STATION.

Commencing at the southwest corner of the Simon P. Girty donation claim in section 32, township 7 north, range one west, running thence east 922.8 feet, thence north 793.9 feet to a point being the place of beginning; thence north $76^{\circ}20'$ east 144.3 feet to the right bank of Kalama River; thence up said stream along said right bank north 24° east 320 feet; thence south $49^{\circ}05'$ west 391.5 feet; thence south 20° east 74.5 feet to the place of beginning, containing seventy-three hundredths acres.

SNOHOMISH HATCHERY.

Commencing at a point north $88' 45''$ east 30 chains and 87 links, south 11 chains and 82 links to the common corner of sections 4, 5, 32 and 33, townships 27 and 28 north of range 8 east; running thence north 6 chains, thence east 8 chains, thence south $23' 30''$ west 290 links; thence south $34' 30''$ east 418 links; thence south $88' 45''$ west 4 chains and 42 links to point of beginning, containing 3.7 acres, more or less; also a strip 20 feet wide beginning at the initial point of the above described tract and running thence north $55''$ west 246 links, thence north $46' 30''$ west 470 links to the county road.

Snohomish
Hatchery.

WILLAPA HATCHERY No. 2.

Willapa
Hatchery
No. 2.

Beginning at a point 300 feet north and 270 feet east of S. W. quarter, lot 2, section 6, township 13 north, range 8 west, W. M., said point being on the east bank of the south fork of the Willapa River; thence east 130 feet; thence north 400 feet; thence west 285 feet to the east bank of the south fork of the Willapa River; thence up stream along said bank of the river to place of beginning, containing 1.67 acres, more or less.

NISQUALLY HATCHERY.

Nisqually
Hatchery.

Beginning at the southeast corner of the Nisqually Indian Reservation on the township line between townships 17 and 18 north, range 1 east W. M.; thence east with said township line 200 feet; thence north 206.6 feet; thence north 80° west 190.3 feet to a point on the east line of said reserve 240 feet from the southeast corner thereof; thence south 3° west 240 feet to the place of beginning, containing one acre, more or less, and lying and being in lot 2 of section 36 in township 18 north, range 1 east W. M.

NORTH RIVER HATCHERY.

North River
Hatchery.

Beginning at the quarter corner between section 7, township 15 north, range 9 west, and section 12, township 15 north, range 10 west W. M.; thence south 230.7 feet more or less; thence east 974.2 feet more or less to a point on the west bank of North River where Mosley Creek flows into said river, this point being the place of beginning of this description; thence south $64^{\circ}40'$ west 205 feet to a cedar stake; thence north $25^{\circ}20'$ west 200 feet to a cedar stake; thence north $64^{\circ}40'$ east to the west bank of North River; thence in an easterly direction following the bank of said river to the place of beginning. The above tract being located in lot 7, of

section 7, of township 15 north, range 9 west of the W. M., Grays Harbor County, State of Washington.

MIDDLE FORK NOOKSACK HATCHERY.

Lying south of county road and north of Canyon Creek and more particularly described as follows: Middle Fork Nooksack Hatchery.

Commencing at a point 713.2 feet north and 1054.3 feet west of section corner to sections 26, 27, 34 and 35, township 39 north, range 5 east W. M.; thence north $71^{\circ}36'$ west 203.0 feet; thence north $62^{\circ}20'$ west 84.0 feet; thence south 369.0 feet; thence north $76^{\circ}02'$ east 231.7 feet; thence north $11^{\circ}54'$ east 205.0 feet to place of beginning, containing 1.56 acres.

SOUTH FORK NOOKSACK HATCHERY.

One-half acre of land in lot 3, section 6, township 37, range 5 east W. M., Whatcom County, State of Washington. South Fork Nooksack Hatchery.

STILLAGUAMISH HATCHERY.

Beginning at the quarter post between sections 9 and 10; township 31 north, range 6 east W. M.; thence west 1320 feet to a post set in the west bank of the Jim Creek; thence south 419 feet; thence west 113 feet to a post set on the south bank of said Jim Creek, being the true point of beginning; thence in a southwesterly direction 175 feet following said Jim Creek bank var. $62^{\circ}30''$ east to a post set on said Jim Creek bank; thence in a southeasterly direction 125 feet var. $62^{\circ}30''$ east to a post set; thence in a northeasterly direction 175 feet var. $62^{\circ}30''$ to a post set; thence in a northwesterly direction 125 feet var. $62^{\circ}30''$ east to the true point of beginning, containing one-half acre, more or less, in the northwest quarter of the southeast quarter of section 9, township 31 north, range 6 east W. M. Stillaguamish Hatchery.

SEC. 2. The commissioner of public lands is hereby authorized, and it shall be his duty forthwith, Commissioner of public lands to sell.

to sell the said tracts of land, such sale or sales to be conducted in accordance with the procedure prescribed by law for the sale of state lands, except capitol building lands and tide or shore lands: *Provided*, That such sale or sales shall be for cash and, *Provided, further*, That the proceeds derived from from such sale or sales shall be converted into, and become a part of, the state general fund except the proceeds of the sale of the Nisqually hatchery tract which shall become a part of the permanent school fund.

Passed the Senate February 8, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 156.

[S. B. 89.]

CHATTEL MORTGAGES.

AN ACT relating to chattel mortgages, and amending Section 1 of Chapter XCVIII of the Laws of 1899, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter XCVIII (98) of the Laws of 1899, pages 157-158, (section 3779 of Remington's Compiled Statutes; section 9759 of Pierce's Code) be amended to read as follows:

Amends
§ 3779, Rem.
Comp. Stat.;
§ 9759,
Pierce's
Code.

Section 1. Mortgages may be made upon all kinds of personal property; and upon growing crops and upon crops before the seed thereof shall have been sown or planted, as follows:

Personal
property,
growing
crops.

(1) Mortgages on annual field crops shall be of no force or effect unless the seed therefor shall be

Annual field
crops.

sown or planted within one year after the execution of such mortgage.

(2) Crops grown upon perennial plants, other than fruit or nut crops, may be mortgaged at any time, but not before one year prior to the time the seed, bulbs, roots or tubers thereof are sown or planted, covering any and/or all crops to be harvested during the first and/or second year after such sowing or planting.

Perennial
plant crops.

(3) Any or all crops grown on perennial plants, other than fruit or nut crops, the seed, bulbs or tubers of which have been sown or planted more than two years, may be mortgaged at any time after, but not before the thirtieth day of November of the year preceding that in which such crop or crops grow and mature.

After 30th
of November.

(4) Crops grown upon biennial plants may be mortgaged at any time, but not before one year prior to the time the seed thereof is sown or planted, covering any or all crops grown from said seed.

Biennial
plant crops.

(5) Fruit or nut crops growing upon perennial trees, shrubs or plants may be mortgaged at any time after, but not before the thirtieth day of November of the year preceding the year in which such crop grows and matures.

Fruit or
nut crops.

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

Effective im-
mediately.

Passed the Senate January 25, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 157.

[S. B. 77.]

AERONAUTICS.

AN ACT concerning aeronautics, licenses for aircraft and airmen, air traffic rules, and to make uniform the law with reference thereto, and declare that this act shall take effect immediately.

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

SECTION 1. In this act "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. The term "airman" means any individual (including the person in command and any pilot, mechanic or member of the crew) who engages in the navigation of aircraft while under way and any individual who is in charge of the inspection, overhauling, or repairing of aircraft. "Operating aircraft" means performing the services of aircraft pilot.

SEC. 2. The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within this state should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to navigation of aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate any aircraft within this state unless it is licensed and registered by the department of commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force: *Provided, however,* That for the first thirty days after entrance into this state this section shall not apply

Definitions.

Aircraft.

Airman.

Operating aircraft.

Construction of aircraft.

United States requirements.

to aircraft owned by a non-resident of this state other than aircraft carrying persons or property for hire, if such aircraft is licensed and registered and displays identification marks in compliance with the laws of the state, territory or foreign country of which its owner is a resident.

SEC. 3. The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that a person serving as an airman within this state should have the qualifications necessary for obtaining and holding the class of license required by the United States Government with respect to such an airman subject to its jurisdiction, it shall be unlawful for any person to serve as an airman within this state unless he have such a license: *Provided, however,* That for the first thirty days after entrance into this state this section shall not apply to non-residents of this state operating aircraft within this state, other than aircraft carrying persons or property for hire, if such person shall have fully complied with the laws of the state, territory or foreign country of his residence respecting the licensing of airmen.

U. S. license
for airmen
required.

SEC. 4. The certificate of the license herein required shall be kept in the personal possession of the licensee when he is serving as an airman within this state, and must be presented for inspection upon the demand of any passenger, any peace officer of this state, or any official, manager, or person in charge of any airport or landing field in this state upon which he shall land.

Possession
of license.

SEC. 5. The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that any person operating aircraft within this state should conform to the air traffic rules now or hereafter established by the secretary of commerce of the

U. S. air
traffic rules
to govern.

United States for the navigation of aircraft subject to the jurisdiction of the United States, it shall be unlawful for any person to navigate any aircraft within this state otherwise than in conformity with said air traffic rules.

Penalty for violation.

SEC. 6. Any person who violates any provision of this act shall be guilty of an offense punishable by a fine of not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Unconstitutional provisions not to affect balance.

SEC. 7. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

Effective immediately.

SEC. 8. This act is necessary for the immediate preservation of the public safety, and shall take effect immediately.

Passed the Senate February 8, 1929.

Passed the House March 6, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 158.

[S. B. 100.]

STATEMENT CONCERNING PERSONS CONVICTED OF CRIME.

AN ACT providing for the furnishing of information by prosecuting attorneys to the parole boards of the Washington state penitentiary and the Washington state reformatory regarding persons convicted of crime and sentenced to said institutions.

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

Prosecuting attorney to make statement.

SECTION 1. Whenever any person shall be convicted of a crime and who shall be sentenced to imprisonment or confinement in the Washington state

penitentiary or the Washington state reformatory, it shall be the duty of the prosecuting attorney who prosecuted such convicted person to make a statement of the facts respecting the crime for which the prisoner was tried and convicted, and include in such statement all information that he can give in regard to the career of the prisoner before the commission of the crime for which he was convicted and sentenced, stating to the best of his knowledge whether the prisoner was industrious and of good character, and all other facts and circumstances that may tend to throw any light upon the question as to whether such prisoner is capable of again becoming a good citizen.

SEC. 2. Such statement shall be signed by the prosecuting attorney and approved by the judge by whom the judgment was rendered and shall be delivered to the sheriff, traveling guard or other officer executing the sentence, and a copy of such statement shall be furnished to the defendant or his attorney. Such officer shall deliver the statement, at the time of the prisoner's commitment, to the superintendent of the institution to which such prisoner shall have been sentenced and committed. The superintendent shall make such statement available for use by the parole board.

Approved
by judge.

Available to
parole board.

Passed the Senate February 8, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 159.

[S. B. 123.]

STATE LIBRARY COMMITTEE.

AN ACT relating to the system of traveling libraries, abolishing the state library committee and providing that the duties heretofore performed by the state library committee shall be performed by the superintendent of public instruction, and declaring that this act shall take effect April 1, 1929.

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

Superinten-
dent of
public
instruction.

SECTION 1. The superintendent of public instruction shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties now vested in and required to be performed by the state library committee.

State
library
committee.

SEC. 2. The state library committee is hereby abolished.

SEC. 3. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1929.

Passed the Senate March 5, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 160.

[S. B. 124.]

STATE ARCHIVES COMMITTEE.

AN ACT abolishing the state archives committee and providing that the duties heretofore performed by the state archives committee shall be performed by the director of business control, and declaring that this act shall take effect April 1, 1929.

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

SECTION 1. The director of business control shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties now vested in and required to be performed by the state archives committee.

Director of
business
control.

SEC. 2. The state archives committee is hereby abolished.

State
archives
committee
abolished.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1929.

Effective
April 1, 1929.

Passed the Senate February 25, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 161.

[S. B. 127.]

REPORTS OF STATE OFFICIALS.

AN ACT relating to reports of state officers, boards, commissions, regents, trustees and institutions required to be made to the governor or to the governor and/or the legislature, and repealing conflicting acts.

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

SECTION 1. Reports now or hereafter required to be made by state officers, boards, commissions, regents, trustees and institutions to the governor, or to the governor and/or the legislature, shall be typewritten, the original of which shall be filed with the governor, or with the governor and/or the legislature, as the law may require, and a duplicate copy of any such report shall be filed with the director of efficiency. It shall be the duty of the director of efficiency to determine which reports, or what portions of any report, with the approval of the governor, shall be printed as public documents. The governor shall determine the number of such reports to be printed for distribution.

Typewritten.

Printing.

Repeal.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the Senate March 2, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 162.

[S. B. 129.]

STATE BUDGET SYSTEM.

AN ACT relating to the budget system for the State of Washington, and amending Sections 2, 3, 4, 7 and 10 of Chapter 9 of the Laws of 1925, and further amending said Chapter by adding thereto a new section to be known as Section 2-a.

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

SECTION 1. That section 2 of chapter 9 of the Laws of 1925 be amended to read as follows: Amends § 2,
Chap. 9,
Laws 1925.

Section 2. On or before the first Monday in September of the year preceding the biennial meeting of the legislature it shall be the duty of the head of every department to file with the director of efficiency upon forms to be provided by him not later than the preceding first day of July, detailed estimates of all expenditures to be required for the department and of all revenues, other than taxes, likely to become available to such department for the ensuing fiscal biennium, and such other information as may be required by the director of efficiency. The estimate for the supreme court shall be compiled by the clerk and certified by the chief justice, and the estimate for legislative expenses shall be a statement of the total expenditures of the last preceding regular session. Department
heads to
file
estimates.

The estimates herein provided shall be segregated under the proper sub-divisions of the department and shall be classified, itemized and assembled in the form to be prescribed by the director of efficiency, and shall have the following accounting segregations throughout: Segregations.

- (a) Operating and maintenance expenses; Operating
and main-
tenance.
- (b) Capital and betterment outlays. Capital and
betterment.

Adds § 2-a
to Chap. 9,
Laws 1925.

SEC. 2. That there shall be added to chapter 9 of the Laws of 1925, a new section to be known and numbered as section 2-a and to read as follows:

State
auditor.

Section 2-a. On or before the twentieth day of May immediately preceding the biennial session of the legislature, the state auditor shall file with the director of efficiency the following statement and data, certified by him to be correct:

Statement
of expendi-
tures.

A detailed statement of the actual expenditures of each department and of each of its sub-divisions, classified according to such uniform cost-finding expense classification as may be prescribed by the director of efficiency, for the last completed biennium and for the completed fiscal year of the current biennium, together with the corresponding appropriations for each of said biennial periods.

SEC. 3. That section 3 of chapter 9 of the Laws of 1925 be amended to read as follows:

State
auditor to
file state-
ment.

Section 3. On or before the 20th day of October immediately preceding the biennial session of the legislature the state auditor shall file with the director of efficiency the following statements and data, certified by him to be correct:

Interest and
redemption
requirements
for bonds.

(a) A detailed statement of the interest and redemption requirements for all state bonds and warrants for each fiscal year of the ensuing fiscal biennium;

Sinking
funds.

(b) A statement of the assets and liabilities of all sinking funds as of the first day of said October;

Receipts by
departments.

(c) A detailed statement of the actual receipts, from sources other than taxation, collected for or by each department during the completed fiscal year of the current biennium;

Expendi-
tures.

(d) A detailed statement of the actual expenditures of each department and of each of its sub-divisions, classified according to such uniform cost-finding expense classification as may be prescribed by the director of efficiency, for the first six months

of the second year of the current biennium, together with the corresponding appropriations for said period.

SEC. 4. That section 4 of chapter 9 of the Laws of 1925 be amended to read as follows:

Amends § 4,
Chap. 9,
Laws 1925.

Section 4. On or before the 15th day of November immediately preceding the biennial session of the legislature the director of efficiency shall compile, tabulate and assemble the foregoing estimates and statements in the form hereinafter provided and transmit the same to the governor as the preliminary budget in a compact and bound form. The director of efficiency shall make up the estimate for any fund or for any miscellaneous purpose not covered by the said departments and shall include the same, together with the said comparative appropriations and expenditures, in the preliminary budget. The preliminary budget shall contain the following statements, and such other data as may be necessary and proper to an understanding of the financial condition and needs of the state:

Director of
efficiency to
tabulate and
assemble
estimates.

Preliminary
budget.

(a) General Summary by Funds—This statement shall set forth by funds in tabular and columnar form the following data:

General
summary.

Estimated non-tax revenue for the ensuing fiscal biennium; estimated expenditures for the ensuing fiscal biennium as set forth in the preliminary budget; estimated tax levy in mills for each fiscal year of ensuing fiscal biennium, based on the last equalized valuation of the taxable property in the state. Extra columns shall also be provided for the estimates of expenditures as revised by the governor and for a similar estimated tax levy based on such revision, which shall be filled in upon the completion of the governor's revision of the estimates and become a part of this statement for the governor's budget. In estimating tax levies where there is a fixed rate provided by law for any fund, such

Estimated
non-tax
revenues.

rate shall be taken, but the expenditures to be made therefrom shall be subject to the provisions of this act.

Comparative
summary.

(b) Comparative Summary by Funds—This statement shall set forth by funds in tabular and columnar form the following data:

Actual
receipts.

Actual receipts for last completed fiscal year; estimated receipts for ensuing fiscal biennium; appropriations for last completed fiscal biennium; expenditures for last completed fiscal biennium; appropriations for current fiscal biennium; expenditures for the completed year and for the first six months of the second year of the current fiscal biennium, separately; estimated expenditures for ensuing fiscal biennium. An extra column shall be provided for the governor's revision of the estimates.

Comparative
summary by
departments.

(c) Comparative Summary by Departments:

This statement shall set forth by departments in tabular and columnar form all the data required in sub-division (b) of this section, except that relating to actual and estimated receipts.

Detailed
estimates
by depart-
ments.

(d) Detailed Estimates by Departments:

This statement shall set forth in detail by departments and sub-divisions of departments, classified according to the classification required in sub-division (d) of section 3 hereof, and in tabular and columnar form, all the data required in sub-division (c) of this section, except that relating to expenditures for the first six months of the second year of the current biennium. Under the class of salaries, the title or position of each officer and employee shall be designated, and an extra column shall be provided in which shall be entered the rate of salary paid each officer and employee. Accompanying the preliminary budget the director of efficiency shall transmit to the governor any other information or data that he may have, bearing on the sufficiency or insufficiency of the departmental requests, which

would be of assistance to the governor in making proper revisions of the estimates.

SEC. 5. That section 7 of chapter 9 of the Laws of 1925 be amended to read as follows:

Amends § 7
Chap. 9,
Laws 1925.

Section 7. Within five days after the convening of the legislature the governor shall submit to each house thereof copies of his budget for the ensuing fiscal biennium, in the form provided herein for the preliminary budget. Accompanying such budget he shall also transmit in addition to the statements and data required in sections 4 and 6 hereof—

Governor
to submit
budget to
legislature.

(a) A balanced statement showing:

(1) The condition of the treasury at the end of the preceding calendar year;

Statement
showing—

Condition of
treasury.

(2) The current assets, liabilities, reserves and surplus or deficit of the state at the end of the preceding calendar year;

Assets,
liabilities,
etc.

(b) All essential facts regarding the bonded and other indebtedness of the state;

Bonded and
other indebt-
edness.

(c) Such other financial statements and data as in his opinion are necessary or desirable to make known in all practical detail the financial condition of the state.

Financial
statements.

In the compilation of the foregoing statements and data, the governor is hereby authorized to call upon the heads of every department for assistance, which officials, upon written request of the governor, shall prepare and verify any or all such statements and data intended to be submitted to the legislature.

Call upon
departments.

The governor's budget, together with all data accompanying it, shall be a public document and copies thereof shall be furnished to each member of the legislature, to every department, and to every free public library in the state which shall file a written request therefor with the director of efficiency not later than November 1st of the year of its compilation.

Budget,
public
document.

Amends § 10,
Chap. 9,
Laws 1925.

Emergency
expendi-
tures.

SEC. 6. That section 10 of chapter 9 of the Laws of 1925 be amended to read as follows:

Section 10. Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any department for which insufficient or no appropriations have been made, the head of such department shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting such emergency and the estimated amount of money required therefor. If the governor shall approve such estimate in whole or in part, he shall endorse on each copy of such statement his approval, together with a statement of the amount approved and transmit one copy to the head of the department and thereby authorize the head of such department to incur such liability. Such authorization and full compliance with its provisions shall relieve the person incurring any such liability from personal liability or penalty therefor. The total amount of such liabilities outstanding on December 1st of the year preceding the biennial session of the legislature shall be included in the governor's budget as a deficiency, and provisions for an appropriation therefor made in his budget bill: *Provided*, That in no biennium shall the total amount of such liabilities exceed the sum of two hundred and fifty thousand dollars (\$250,000.00).

Passed the Senate February 19, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 163.

[S. B. 208.]

DISPOSITION OF MOTOR VEHICLE FUND.

AN ACT relating to the use and maintenance of public highways and expenditures from the motor vehicle fund, and amending Section 18 of Chapter 96 of the Laws of 1921 (Section 6330 of Remington's Compiled Statutes) as amended by Chapter 185, Laws Extraordinary Session 1925, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 18 of chapter 96 of the Laws of 1921 (section 6330 of Remington's Compiled Statutes) as amended by chapter 185 Laws Extraordinary Session of 1925, be amended to read as follows:

Amends
§ 6330, Rem.
Comp. Stat.

Section 18. There is hereby created in the state treasury a state fund to be known as the "motor vehicle fund." All fees collected by the state treasurer, as herein provided, shall be paid into the state treasury and placed to the credit of the motor vehicle fund, from which shall be paid or transferred annually:

Motor
vehicle
fund
created.

Annual
payments
from.

(a) The amount required to be repaid to the counties entirely surrounded by water, as provided by law.

Island
counties.

(b) To each city of the first or second class in the state in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, annually, by warrant drawn on the state treasurer and payable from the motor vehicle fund, a sum equal to five hundred dollars (\$500.00) per mile, less any vouchered amounts for maintenance and/or repairs, as hereinafter authorized, for each mile of primary state highway in such city, to be expended for the maintenance and improvement and repair of

First and
second class
cities.

the streets forming a part of the route of the state highways in such city.

Third or fourth class cities.

(c) To each city of the third or fourth class in which there are paved streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, annually, by warrant drawn on the state treasurer and payable from the motor vehicle fund, a sum equal to five hundred dollars (\$500.00) per mile, less any vouchered amounts for maintenance and/or repairs, as hereinafter authorized, for each mile of paved primary state highway in such city, to be expended for the maintenance and improvement and repair of the paved streets forming a part of the primary state highways in such city.

State highway engineer to permit expenditure on other streets.

(d) The state highway engineer may give the city authorities permission to expend said maintenance money upon the other streets in such city provided repairs and improvements on streets forming state highways are maintained as near as possible equal to the standard of the original construction, subject to the approval and direction of the state highway engineer. When the repair of any damaged portion of the state highway street is delayed for an unreasonable length of time the state highway engineer shall notify the proper authorities of such city to make the necessary repairs within a specified time not to exceed thirty days. Non-compliance with this notice will authorize the state highway engineer to direct the state highway department to make the necessary repairs to the extent of, and not to exceed, the amount of the allotment made to such city during the fiscal year, and forward a statement of the cost of such repairs and/or maintenance to the state auditor and the state treasurer directing this amount be paid from the motor vehicle fund on proper voucher for material and labor, and deducted from any monies due such city as hereinbefore set

Delay.

Notice.

Noncompliance.

forth in (b) and (c) of this section. There shall be submitted to the state highway engineer not later than the fifth day of January of each year a certified statement by the city clerk of each city affected by the foregoing provisions showing in detail the repairs and/or improvements made on streets forming the state highway in such city and the amount of money expended on such repairs and/or improvements during the calendar year last passed. The state shall maintain the roadway of all unpaved streets, or portions thereof, forming a part of the route of any primary state highway through cities of the 3rd and 4th class, in the manner provided by law for the maintenance of primary state highways outside of incorporated cities and towns: *Provided*, This act shall not be construed to include the maintenance of sidewalks, cross-walks, structures and drainage facilities, including repairs of damage caused by water, sewer or gas mains, and telephone conduits.

Statement
of repairs
and improve-
ments.

State to
maintain
in 3rd and
4th class
cities.

The state highway engineer shall determine what streets in cities form a part of the route of any primary state highway and shall, between the fifteenth day of February and the fifteenth day of March of each year, certify in duplicate, one copy to the state treasurer, and one copy to the clerk of each city affected by the foregoing provisions, the number of miles of such constructed highways within such city forming a part of the route of a primary state highway.

State
highway
engineer to
determine.

(e) The balance remaining in the motor vehicle fund, after the payments and remittances hereinabove provided for, less any sums appropriated for administrative expenses in the office of the state treasurer, the department of licenses and the office of the state highway engineer, and any sums distributed to counties for construction and/or maintenance of county roads, shall be applied annually to

Balance
in fund.

construction and/or paving and maintenance of the state primary highways, and the construction of secondary state highways, as provided by appropriation.

Effective immediately.

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

Passed the Senate March 5, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 164.

[S. B. 228.]

COMMISSION MERCHANT FUND.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the commission merchant fund, and defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect immediately.

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

Monies transferred to general fund.

SECTION 1. That all monies in the state treasury to the credit of the commission merchant fund on the first day of May, 1929, and all monies thereafter paid into the state treasury for, or to the credit of, the commission merchant fund, shall be and are hereby transferred to, and placed in, the general fund in the state treasury.

Appropriations paid from general fund.

SEC. 2. That from and after the first day of April, 1929, all appropriations made by the twenty-first legislature from the commission merchant fund shall be paid out of monies in the general fund.

Abolished.

SEC. 3. That from and after the first day of May, 1929, the commission merchant fund in the state treasury shall be and is hereby abolished.

SEC. 4. That from and after the first day of May, 1929, all warrants drawn on the commission merchant fund and not presented for payment, shall be paid from the general fund, and it shall be the duty of the state treasurer, and he is hereby directed, to pay such warrants, when presented, from the general fund. Warrants.

SEC. 5. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the Senate February 15, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 165.

[S. B. 229.]

PREDATORY ANIMAL FUND.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the predatory animal fund, and defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect immediately.

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

SECTION 1. That all monies in the state treasury to the credit of the predatory animal fund on the first day of May, 1929, and all monies thereafter paid into the state treasury for, or to the credit of, the predatory animal fund, shall be and are hereby transferred to, and placed in, the general fund in the state treasury. Monies transferred to general fund.

SEC. 2. That from and after the first day of April, 1929, all appropriations made by the twenty-first legislature from the predatory animal fund shall be paid out of monies in the general fund. Appropriations paid from general fund.

Abolished.

SEC. 3. That from and after the first day of May, 1929, the predatory animal fund in the state treasury shall be and is hereby abolished.

Warrants.

SEC. 4. That from and after the first day of May, 1929, all warrants drawn on the predatory animal fund and not presented for payment, shall be paid from the general fund, and it shall be the duty of the state treasurer, and he is hereby directed, to pay such warrants, when presented, from the general fund.

Effective immediately.

SEC. 5. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 21, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 166.

[S. B. 230.]

AGRICULTURAL SEED REVOLVING FUND.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the agricultural seed revolving fund, and defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect immediately.

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

Monies transferred to general fund.

SECTION 1. That all monies in the state treasury to the credit of the agricultural seed revolving fund on the first day of May, 1929, and all monies thereafter paid into the state treasury for, or to the credit of, the agricultural seed revolving fund, shall be and are hereby transferred to, and placed in, the general fund in the state treasury.

SEC. 2. That from and after the first day of April, 1929, all appropriations made by the twenty-first legislature from the agricultural seed revolving fund shall be paid out of monies in the general fund. Appropriations paid from general fund.

SEC. 3. That from and after the first day of May, 1929, the agricultural seed revolving fund in the state treasury shall be and is hereby abolished. Abolished.

SEC. 4. That from and after the first day of May, 1929, all warrants drawn on the agricultural seed revolving fund and not presented for payment, shall be paid from the general fund, and it shall be the duty of the state treasurer, and he is hereby directed, to pay such warrants, when presented, from the general fund. Warrants.

SEC. 5. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately. Effective immediately.

Passed the Senate February 15, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 167.

[S. B. 232.]

SIGNAL DEVICE TESTING FUND.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the signal device testing fund, and defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect immediately.

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

SECTION 1. That all monies in the state treasury to the credit of the signal device testing fund on the first day of May, 1929, and all monies thereafter paid into the state treasury for, or to the Monies transferred to general fund.

credit of, the signal device testing fund, shall be and are hereby transferred to, and placed in, the highway safety fund in the state treasury.

Appropriations paid from general fund.

SEC. 2. That from and after the first day of April, 1929, all appropriations made by the twenty-first legislature from the signal device testing fund shall be paid out of monies in the highway safety fund.

Abolished.

SEC. 3. That from and after the first day of May, 1929, the signal device testing fund in the state treasury shall be and is hereby abolished.

Warrants.

SEC. 4. That from and after the first day of May, 1929, all warrants drawn on the signal device testing fund and not presented for payment, shall be paid from the highway safety fund, and it shall be the duty of the state treasurer, and he is hereby directed, to pay such warrants, when presented, from the highway safety fund.

Effective immediately.

SEC. 5. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 20, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 168.

[S. B. 233.]

UNITED STATES FUND.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the United States Fund for the maintenance of the soldiers' home, and defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect immediately.

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

SECTION 1. The words "United States Fund," as used in this act, shall mean the United States fund for the maintenance of the soldiers' home, created by chapter LXVII (67) of the Laws of 1897, (section 10735 of Remington's Compiled Statutes), and referred to by the state treasurer and the state auditor in their records as the United States fund. Defined.

SEC. 2. That all monies in the state treasury to the credit of the United States fund on the first day of May, 1929, and all monies thereafter paid into the state treasury for, or to the credit of, the United States fund, shall be and are hereby transferred to, and placed in, the general fund in the state treasury. Monies transferred to general fund.

SEC. 3. That from and after the first day of April, 1929, all appropriations made by the twenty-first legislature from the United States fund shall be paid out of monies in the general fund. Appropriations payable from general fund.

SEC. 4. That from and after the first day of May, 1929, the United States fund in the state treasury shall be and is hereby abolished. Abolished.

SEC. 5. That from and after the first day of May, 1929, all warrants drawn on the United States fund and not presented for payment, shall be paid from the general fund, and it shall be the duty of the state treasurer, and he is hereby directed, to pay Warrants.

such warrants, when presented from the general fund.

Effective immediately.

SEC. 6. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 18, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 169.

[S. B. 234.]

PRIMARY HIGHWAY MAINTENANCE FUND.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the primary highway maintenance fund, and defining the duties and powers of the state treasurer in connection therewith, and declaring that this act shall take effect immediately.

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

Monies transferred to motor vehicle fund.

SECTION 1. That all monies in the state treasury to the credit of the primary highway maintenance fund on the first day of May, 1929, and all monies thereafter paid into the state treasury for, or to the credit of, the primary highway maintenance fund, shall be and are hereby transferred to, and placed in, the motor vehicle fund in the state treasury.

Abolished.

SEC. 2. That from and after the first day of May, 1929, the primary highway maintenance fund in the state treasury shall be and is hereby abolished.

Warrants.

SEC. 3. That from and after the first day of May, 1929, all warrants drawn on the primary highway maintenance fund and not presented for payment, shall be paid from the motor vehicle fund, and it shall be the duty of the state treasurer, and he is

hereby directed, to pay such warrants, when presented, from the motor vehicle fund.

SEC. 4. That this act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the Senate February 20, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 170.

[S. B. 51.]

FOOD AND SHELL FISH LICENSES.

AN ACT relating to fisheries, providing for the licensing for the taking or catching of salmon or other food or shell fish, and amending Section 43, of Chapter 31 of the Laws of 1915, as amended by Section 1 of Chapter 180 of the Laws of 1921.

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

SECTION 1. That section 43 of chapter 31 of the Laws of 1915, as amended by section 1 of chapter 180 of the Laws of 1921, (section 5695 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 5695, Rem.
Comp. Stat.

Section 43. 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 sixteen 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 ap-

Qualifica-
tions of
licensees.

Corporation.

Renewal. plicant possess the qualifications of residence here-
 inbefore required, nor prevent the renewal of
 licenses for fixing appliances by persons now hold-
 ing the same; and on and after January 1, 1922, no
 license for the taking or catching of salmon or other
 food or shell fish, required by this act, shall be
 issued to any person who is not a citizen of the
 Indians. United States, or to any Indian not born in the
 United States, or to any corporation unless the hold-
 ers of a majority of its stock are citizens of the
 United States: *Provided*, That corporations author-
 ized to do business in this state and holding fishing
 licenses on January 1, 1922, shall be entitled to
 licenses and to the renewal thereof from time to time
 and shall be unaffected by the provisions of this sec-
 tion.

Passed the Senate February 9, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 20, 1929.

CHAPTER 171.

[H. B. 124.]

STATE ROAD NO. 11, OR COLUMBIA BASIN HIGHWAY.

AN ACT establishing a primary state highway to be known as
 State Road No. 11, or the Columbia Basin Highway, and
 amending Section 10 of Chapter 185 of the Laws of 1923.

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

SECTION 1. That section 10 of chapter 185 of
 the Laws of 1923 (6791-10 Remington's Compiled
 Statutes) be amended to read as follows:

Section 10. A primary state highway, to be
 known as State Road No. 11, or the Columbia Basin
 Highway, is established as follows: Beginning at
 Pasco in Franklin county; thence by the most feas-

Amends
 § 6791-10,
 Rem. Comp.
 Stat.

ible route in a northeasterly direction through Connell, Ritzville, Sprague and Cheney to a connection with State Road No. 2 west of the city of Spokane.

Passed the House March 9, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 172.

[H. B. 219.]

CRIMES IN OPERATING ENGINES AND BOILERS.

AN ACT relating to crimes in the operation of engines and boilers, amending Section 2524 of Remington's Compiled Statutes, and providing penalty for violation.

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

SECTION 1. That section 2524 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 2524, Rem.
Comp. Stat.

Section 2524. Every person who shall operate or permit to be operated in dangerous proximity to any brush, grass or other inflammable material, any spark-emitting engine or boiler which is not equipped with a modern spark-arrester, in good condition, shall be guilty of a misdemeanor.

Passed the House March 11, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 173.

[H. B. 238.]

TITLE TO PROPERTY FOR STATE GAME FARM.

AN ACT providing for the confirmation of title to certain lands in Pierce county, Washington, in the State of Washington, for the use of the department of fisheries and game as a state game farm and making an appropriation from the state game fund to the general fund.

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

SECTION 1. That title in and to the property hereinafter described, to-wit: The south half of the northwest quarter of the southeast quarter of section twenty-seven and the southwest quarter of the southeast quarter of section twenty-seven, township twenty, north of range two, east of W. M., saving and excepting from the said southwest quarter of the southeast quarter of the following described tract, to-wit: Beginning at a stone monument 410 feet east of the south quarter section corner of section twenty-seven, township twenty north range two east W. M., thence running east 300 feet along the south line of said section twenty-seven; thence north 145 feet; thence west 300 feet; thence south 145 feet to the place of beginning containing one acre more or less, be, and the same is, hereby confirmed in the State of Washington to and for the use of the department of fisheries and game as site for a state game farm.

SEC. 2. There is hereby appropriated out of the state game fund in the state treasury into the general fund the sum of \$2,950.00 in payment for the property hereinabove described.

Passed the House February 28, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

Title to
property
confirmed.

Description.

Appropriation from
state game
fund.

CHAPTER 174.

[H. B. 263.]

ARTICLES OF INCORPORATION OF BANKING AND TRUST COMPANIES.

AN ACT relating to and prescribing the contents of articles of incorporation of banking and trust companies, and amending Section 3228 of Remington's Compiled Statutes.

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

SECTION 1. That section 3228 of Remington's Compiled Statutes as amended by section 4 of chapter 115 of the Laws of 1923, be amended to read as follows:

Amends
§ 3228, Rem.
Comp. Stat.

Section 3228. Articles of incorporation shall state:

1. The name of such bank or trust company.
2. The city, village or locality and county where such corporation is to be located.
3. The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.
4. The amount of its capital stock, which shall be divided into shares of not less than \$20.00 each, nor more than \$100.00 each, as may be provided in the articles of incorporation.
5. The period for which such corporation is organized, which shall not exceed fifty years.
6. The names and places of residence of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders, which meeting shall be held within six months after the issuance of the certificate of authority.

Contents of
articles.

Such articles shall be acknowledged before an officer authorized to take acknowledgments.

Passed the House March 4, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 175.

[H. B. 295.]

HORTICULTURE.

AN ACT relating to horticulture and amending Section 16 of Chapter 166 of the Laws of 1915.

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

Amends
§ 2854, Rem.
Comp. Stat.

SECTION 1. That section 16 of chapter 166 of the Laws of 1915, as amended by section 6 of chapter 311 of the Laws of 1927, (section 2854 of Remington's Compiled Statutes) be amended to read as follows:

Boxes and
packages to
be marked.

Section 16. It shall be unlawful for any person growing or packing and selling, offering for sale or shipping in boxes or packages, any fruit, vegetables or horticultural products grown in this state, or expose for sale, sell or offer for sale in the State of Washington, any fruit, vegetables or horticultural products without plainly marking on the outside of the box, package or parcel, with such standards, rules and regulations as have been or may be adopted and required by the director of agriculture after public hearings as provided by law, and it shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit or horticultural products grown in this state and shipped in boxes or packages; to repack 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, or to pack in or offer for sale in marked box or package any fruit or horticultural products other than that originally contained or shipped therein unless the markings are changed to conform to the contents of the package as heretofore provided.

Re-packing.

In addition to the marks required to be placed upon any closed box or package of fruit, vegetable or horticultural products grown in this state, as

hereinabove provided, the grower thereof or association or organization of growers packing the same shall mark upon the outside of such package the grade of the fruit, vegetable or horticultural products contained therein, specifying the grades and markings according to the obligatory grading rules and regulations, issued, published, and adopted by the director of agriculture, or a special or private grade or brand duly registered and approved by the director of agriculture as provided by law, and it shall be unlawful for any person to remark any such closed package to 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. Grades.

Passed the House March 1, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 176.

[H. B. 331.]

JUVENILE COURTS.

AN ACT relating to juvenile courts and court commissioners, and amending Section 1987-2 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 1987-2 of Remington's Compiled Statutes be amended to read as follows: Amends § 1987-2, Rem. Comp. Stat.

Section 1987-2. The superior courts in the several counties of this state, shall have original jurisdiction. Superior court.

Jury trial. diction in all cases coming within the terms of this act. In all trials under this act, any person interested therein may demand a jury trial, or the judge of his own motion may order a jury to try the case. In counties containing thirty thousand or more inhabitants, the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session to be designated as the "juvenile court session" shall be provided for the hearing of such cases and the findings of the court shall be entered in a book or books kept for the purpose, and known as the "juvenile record," and the court may, for convenience, be called the "juvenile court." In counties in which there is no resident judge of the superior court, the court commissioner shall have the power, authority and jurisdiction, concurrent with the superior court and the judge thereof, to hear all matters relating to dependent and delinquent children, and to enter judgment and make orders with the same power, force and effect as any judge of the superior court, subject to review only by the judge of the superior court, on motion or demand filed by any party in interest within ten (10) days from the entry of the order or judgment by the court commissioner, as provided in section 86 of Remington's Compiled Statutes.

Sessions.

Court commissioner.

Passed the House March 4, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 177.

[H. B. 341.]

VACATION OF WATERWAYS IN BALLARD REPLAT OF
TIDE LANDS.

AN ACT authorizing the vacation of certain waterways and the conveyance of certain lands to the city of Seattle for park, boulevard, ferry landings and temporary waiting basin.

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

SECTION 1. The commissioner of public lands of the State of Washington be and is hereby authorized to vacate waterways Nos. 1 and 2, replat of Ballard tide lands and he is hereby authorized and directed to certify in the 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:

Commissioner of public lands to vacate waterway.

Lots one (1) to eleven (11), inclusive, block sixteen (16); all of blocks seventeen (17), eighteen (18), nineteen (19) and twenty (20), replat of Ballard tide lands, together with vacated waterways Nos. one (1) and two (2) as shown on the map of said tide lands on file in the office of the commissioner of public lands at Olympia, Washington: *Provided*, That the commissioner of public lands shall not certify any of the above land under lease from the state until the expiration of such lease.

Description.

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.

Governor to execute deed.

SEC. 3. All of the tide lands described in section 1 of this act are hereby granted to said city of Seattle to be used for public park, boulevard, ferry landings and temporary waiting basin for shipping entering the government canal, and for no other

Grant to Seattle.

purposes; and in case the said city of Seattle shall attempt to use or permit the use of said tide lands or any portion thereof for any other purposes, the same shall forthwith revert to the State of Washington without suit action or other proceeding whatsoever, or the judgment of any court forfeiting the same.

Passed the House March 8, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 178.

[H. B. 404.]

REGULATING OPERATION OF MOTOR VEHICLES.

AN ACT relating to vehicles and regulating the operation thereof upon the highways of this state; providing for traffic signals and control thereof; providing for the proper equipment and devices to be used thereon, and for the inspection thereof; prescribing the powers and duties of certain officers, the collection, distribution and expenditure of fees; making appropriations, amending Sections 15, 19, 20, 21, 22, 23, 27, 28, 30, 31, 32, and 35, and repealing Section 26 of Chapter 96 of the Laws of 1921.

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

SECTION 1. That section 15 of chapter 309 of the Laws of 1927 be amended to read as follows:

Amends § 15,
Chap. 309,
Laws 1927.

Section 15. All vehicles operated on the highways of this state which are so constructed that hand and arm signals given by the driver are not plainly visible at the rear of said vehicle, must be equipped with a suitable mechanical or electrical device, approved by the commission on equipment, capable of giving unmistakable signals as to the intention of the driver to stop or turn such vehicle.

Hand and
arm signals.

Mechanical
or electrical
device.

It shall be unlawful for any person to operate a vehicle upon the public highways of this state hav-

ing thereon any mechanical or electric device intended or used for the purpose of indicating, and as a substitute for, hand and arm signals in right and left turns and stopping, unless the same shall have been approved by the commission on equipment. Any person, firm or corporation may submit a mechanical or electric signal device to the commission on equipment for its inspection and approval. Application for such inspection and approval shall be filed with the state treasurer, accompanied by a fee of \$50.00, when not accompanied with an approved laboratory report. If approved, then \$10.00 for registration. Upon receipt of such application and fee the state treasurer shall endorse thereon his duplicate receipt for such fee, and transmit such application to the commission on equipment. All such fees shall be paid into the state treasury and deposited into the highway safety fund. The commission on equipment shall not approve any stop signal device unless such device when used upon a vehicle shall give a signal plainly visible for a distance of at least 200 feet to the rear of such vehicle nor any device intended to give a signal that the vehicle upon which it is used is about to turn unless such device when used upon a vehicle clearly indicates the direction in which such vehicle is to be turned, which signal shall be plainly visible at least 200 feet to the rear of the vehicle upon which the same is used. Whenever the said commission shall approve a signal device as meeting the requirements of this section it shall give to the applicant a certificate of approval.

Approval of
commission
on equip-
ment.

Fee.

Visibility.

Stop signal lights shall be tested singly and shall meet the following requirements as to light intensity and distribution:

Stop signal
light, require-
ments.
Perpendi-
cular line.

1. On a line perpendicular to the center of the lamp face a minimum average brightness of two

candle power per square inch over a minimum illuminated area of three and one-half square inches.

30° to perpendicular.

2. At all points at an angle of thirty degrees to the perpendicular through the center of the lamp face a minimum average brightness of fifteen hundredths candle power per square inch over a minimum illuminated area of three and one-half square inches.

Apparent candlepower.

3. In no direction shall there be more than twenty-five apparent candle power.

Amends § 19, Chap. 309, Laws 1927.

SEC. 2. That section 19 of chapter 309 of the Laws of 1927 be amended to read as follows:

Section 19. Every vehicle when upon any public highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible a person, vehicle or other substantial object on the highway at a distance of five hundred feet ahead shall be equipped with two lighted lamps and/or two lighted headlights, no more, no less, as herein respectively provided for this class of vehicles and subject to such exceptions as are set forth in this act.

Lighted headlights.

Amends § 20, Chap. 309, Laws 1927.

SEC. 3. That section 20 of chapter 309 of the Laws of 1927 be amended to read as follows:

Section 20. (a) Every motor vehicle other than a motorcycle or farm tractor and except as otherwise provided herein shall be equipped with two headlights, no more, no less, of approximately equal candle power at the front of and on opposite sides of such vehicle. Such headlights shall be so attached to such motor vehicle that the centers thereof shall be not more than 50 inches above the level surface upon which the vehicle stands, nor less than 24 inches.

Headlights, requirements.

"Headlight" defined.

(b) The term "headlight" as used herein shall denote a light located upon the front of a vehicle the rays of which are projected forward and com-

plying with the requirements as to light distribution and intensity as described in this act.

(c) Motor vehicles may also be equipped with two "side lights" but no more or less. The term "side light" shall include any lights upon a motor vehicle other than headlight lights or spot lights the rays of which project forward, or such other signal light of such color and design as the commission on equipment may by rule require or permit on public carriers. No electric lamps or bulbs shall be used in any "side light" which exceeds four candle power.

"Side light" defined.

SEC. 4. That section 21 of chapter 309 of the Laws of 1927 be amended to read as follows:

Amends § 21,
Chap. 309,
Laws 1927.

Section 21. The headlights of motor vehicles shall be so constructed, arranged and adjusted that they will at all times mentioned in this act and under normal atmospheric conditions produce ample driving light for the use of the operator of such vehicle but will not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach. Headlights shall be presumed to comply with the provisions of this section:

Glaring or
dazzling
light.

(a) When such headlights are affixed to such vehicle in the manner required by this act;

Headlight
standards.

(b) When they are of a type or are equipped with lens, reflectors or control device upon which certificate of approval has been issued by the commission on equipment as provided in this act;

(c) When used in accordance with the instructions contained in or accompanying such certificate;

(d) And when the light projected by such headlights shall be as follows:

(1) In the median vertical plane, parallel to the lamps on a level with the centers of the lamps, not less than one thousand eight hundred nor more than six thousand apparent candle power.

(2) In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than seven thousand two hundred apparent candle power and there shall not be less than seven thousand two hundred apparent candle power anywhere on the horizontal line through this point one degree of arc to the left or to the right of this point.

(3) In the median vertical plane, one degree of arc above the level of the center of the lamps, not more than two thousand four hundred nor less than eight hundred apparent candle power.

(4) Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps not more than eight hundred apparent candle power.

(5) One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than five thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

(6) Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than two thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

Amends § 22,
Chap. 309,
Laws 1927.

SEC. 5. That section 22 of chapter 309 of the Laws of 1927 be amended to read as follows:

Depressible
beam
headlights.

Section 22. (a) Depressible beam headlights shall be tested in pairs and the main or upper beams of such headlights shall meet the requirements as to light intensity and distribution provided in the foregoing specifications for fixed beam headlights.

Auxiliary
driving light
defined.

(b) The term "auxiliary driving light" as used herein shall denote a light located upon the front of a vehicle, the rays of which are projected forward, other than a side light or spot light. Auxiliary driv-

ing lights shall be tested singly or in pairs as designed to be used and shall meet the following requirements as to light intensity and distribution: Tests.

1. In the median vertical plane, one degree of arc above the level of the centers of the lamps, not more than eight hundred nor less than three hundred apparent candle power. Standards.

2. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the centers of the lamps, not more than four hundred apparent candle power.

3. Three degrees of arc to the left and to the right, respectively, of the median vertical plane and one and one-half degrees of arc below the level of the centers of the lamps, not more than two thousand nor less than eight hundred apparent candle power.

4. Six degrees of arc to the left and to the right, respectively, of the median vertical plane and three degrees of arc below the level of the centers of the lamps, not less than two thousand apparent candle power, nor less than this amount anywhere on the line connecting these two points.

5. In no direction shall there be more than twenty-five thousand apparent candle power. In the case of both head lamps and auxiliary driving lights the commission on equipment shall, in determining whether a device is likely in practice to prove unsafe or impracticable, inspect for defects such as:

Unnecessary loss of light in the device due to absorption or diffusion; abnormal or unduly complicated adjustment; unstable or bad mechanical construction; unduly bright or dark areas or excessive contrast in the illuminated field; indefinite pattern at top of beam making aiming uncertain.

SEC. 6. That section 23 of chapter 309, Laws of 1927, be amended to read as follows: Amends § 23,
Chap. 309,
Laws 1927.

Section 23. When any headlight lens, reflector, headlight control device, or control device, intended Headlight
lens,
reflector, or
control
device.

to enable a headlight or control device, to comply with the provisions of this act, shall be used or intended or proposed for use upon any motor vehicle or for sale for such use or purpose, such headlight lens, reflector, headlight control device, or control device shall be submitted to the commission on equipment for approval or disapproval as herein provided.

Approval of
commission
on equip-
ment.

To obtain such approval, application, upon a form to be prepared and furnished by the commission on equipment, shall be filed with the state treasurer and shall be accompanied by a draft, money order or certified bank check for the sum of \$10 and when tests are to be made such additional amount as such test costs, and two pairs of such headlight lens, reflector, headlight control devices, and one sample as marketed for control devices. Upon receipt of any such application, the state treasurer shall endorse thereon his duplicate receipt for the fee and transmit the application and two pairs of such headlight lens, reflector, headlight control device, or one sample of control device, to the commission on equipment. The commission shall make or cause to be made such tests as it may deem necessary to determine whether such headlight lens, reflector, headlight control device, or control device complies with the requirements of this act. In making or causing to be made such tests, the commission may designate, in writing, such testing agencies, either within or without the State of Washington, for that purpose, and the tests made by such agencies may be used and considered by the commission in granting or refusing such certificates of approval. The commission shall within thirty days from the date of any application report its findings in writing to the applicant. In the event it shall find the headlight lens, reflector, headlight control device or control device complies with the requirements of this act,

Application.

Fee \$10.

Tests.

the commission may issue to the applicant a certificate of approval. If it shall find that the headlight lens, reflector, headlight control device or control device submitted does not comply with the requirements of this act, the commission shall so notify the applicant in writing by registered mail. All headlight lenses, reflectors, headlight control devices or control devices so examined shall remain in the office of the commission on equipment, properly labeled, and a complete record of the investigation and findings shall be filed in said office.

Certificate
of approval.

The commission on equipment shall transmit a copy of every certificate of approval of headlight lens, reflector, headlight control device or control device issued by the commission together with a copy of the instructions accompanying the same and in connection therewith, to the county clerk of every county within the State of Washington, who shall file the same, and to every city or town police department, the sheriff of each county and the director of traffic.

County
clerk.

Police
department.

Sheriff.

Whenever the commission on equipment shall receive one or more complaints in writing that any headlight lens, reflector, headlight control device or control device sold commercially which may hereafter or which has heretofore been approved by the commission does not under ordinary conditions of use comply with the requirements of this act the commission in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector, headlight control device or control device shall be retested to determine whether or not such headlight lens, reflector, headlight control device or control device meets with the requirements of this act. If the same is approved the commission on equipment shall issue without further fee a new certificate of approval. Hereafter it shall be unlawful to sell or offer for sale any headlight lens,

Complaints.

Sale.

reflector, headlight control device or control device unless it is of a type which has been approved by the commission on equipment under the provisions of this act and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candle power limitations of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act. Such instructions shall be printed with photograph of (a) lens or control device, (b) pattern of light from one headlight both with and without the device, showing the relation of the pattern of light as projected in each case at a height equal to the height of the center of such headlight, and with the headlight adjusted for tilt and focus exactly as required to conform with the requirements of this act.

Instructions.

It shall be unlawful hereafter to sell or offer for sale any new or secondhand motor vehicle with headlights which do not comply with the provisions of this act.

Unlawful sale.

Hereafter it shall be unlawful to use on any highway in this state any headlight lens, lamp, reflector, headlight control device or control device which shall not have been approved by the commission on equipment in this act provided.

Unlawful use.

Amends § 27,
Chap. 309,
Laws 1927.

SEC. 7. That section 27 of chapter 309 of the Laws of 1927 be amended to read as follows:

Section 27. Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles at the times and under the conditions specified herein shall carry at the rear a rear or tail light capable of exhibiting, at any time, a red light plainly visible under normal atmospheric conditions for a distance of 500 feet toward the rear and so constructed and placed that the number plate carried on the rear of such motor vehicle or trailer shall be illuminated by a white light in such manner

Motor vehicle,
trailer,
tail light.

that the number plate thereon can be plainly distinguished under normal atmospheric conditions at a distance of not less than 50 feet towards the rear. The lens of such rear light shall not be less than one and three-fourths inches in diameter, and each such rear light shall be equipped with a lamp bulb producing not less than 2 nor more than 4 candle power of light. Rear light.

Rear lights shall be tested singly and shall meet the following requirements as to construction, light intensity and distribution: Tests.

1. Rear lights shall emit a red light which on a line perpendicular to the center of the lamp face shall be not less than one-tenth apparent candle power, and which in all directions at thirty degrees to the perpendicular through the center of the lamp face shall be not less than five hundredths apparent candle power. In no direction shall there be more than five apparent candle power. Standards.

2. The rear lamp shall have an opening covered with colorless glass sufficiently large to permit light to cover the entire surface of the registration number plate, which for the purpose of the test shall be represented by a plane surface sixteen inches long by six and one-half inches wide in the case of a device for motor vehicles and ten inches long by five inches wide in the case of a device for motorcycles.

3. The registration plate holder shall be an integral part of the lamp and constructed in such a manner that the major portion of the light incident at any point on the registration plate shall make an angle of not less than eight degrees with the plane of the plate.

4. The lamp shall be weather and dust proof and so constructed as to withstand the shock and vibration to which it is ordinarily subjected in use.

5. When tested with a bulb of two spherical candle power the illumination as measured on white

blotting paper placed in the location of the registration plate shall not be less than five-tenths foot-candles at any point and the ratio of maximum to minimum shall not exceed thirty.

6. In the case of rear lamps the commission will, in determining whether a device is likely in practice to prove unsafe or impracticable, inspect for defects such as: unstable or bad mechanical construction; unduly dark or bright areas or excessive contrast in the illumination on the registration plate; cut-off of illumination within one and one-half inches of the plate measured perpendicular to the plane of the plate at the edge farthest from the lamp.

Amends § 28,
Chap. 309,
Laws 1927.

SEC. 8. That section 28 of chapter 309 of the Laws of 1927 be amended to read as follows:

Side lights,
long vehicles.

Section 28. Side lights on long vehicles or combinations of vehicles having gross or overall lengths in excess of 20 feet, shall at the time and under the conditions specified herein carry at the left side and near the rear thereof a rear or tail light capable of exhibiting at any time, a red light towards the rear and a white light towards the front; both of which lights shall be plainly visible under normal atmospheric conditions for a distance of 500 feet. Except in cases of vehicles disabled between the corporate limits of cities and/or towns and being removed directly from the place where the same were disabled, all vehicles being towed shall exhibit the side lights as required in this section.

Amends § 30,
Chap. 309,
Laws 1927.

SEC. 9. That section 30 of chapter 309 of the Laws of 1927 be amended to read as follows:

"Spot light"
defined.

Section 30. The term "spotlight" as used herein shall denote any light on a motor vehicle the rays of which are projected forward except headlights and side lights.

Require-
ments.

All spotlights used on motor vehicles, other than motor trucks, shall be affixed to such vehicle in such manner that the centers thereof shall not be less

than 24 inches nor more than 60 inches above the level surface upon which the vehicle stands and shall be so constructed and arranged that no portion of the main substantially parallel beams of light shall rise no higher than a parallel position with the level surface of the highway upon which the vehicle stands and directly ahead of such vehicle. Such main substantially parallel beams of light shall at all times while such vehicle is upon the paved or main traveled portion of the highway be directed downward and to the right so as to illuminate the right side of the highway or pavement directly in front of such vehicle. The provisions of this section shall not apply to police or fire department vehicles.

Police or
fire depart-
ment excep-
tions.

The provisions of this section shall apply to motor trucks in all respects except that spotlights thereon may be affixed in such manner that the centers thereof shall not be more than 72 inches above the level surface upon which the vehicle stands.

Motor
trucks.

Not more than one spot light shall be placed, secured or used upon any motor vehicle at one time: *Provided, however,* That it shall be permissible to have attached to any motor vehicle one fog light. The term "fog light" when used with respect to motor vehicles shall mean a light fixed to the motor vehicle no higher than 36 inches nor lower than 18 inches above the level surface upon which the vehicle stands and which said light is stationary and not subject to control from the driver's seat, and which said light shall be so fixed that the main substantially parallel beams of light shall at all times be directed downward and to the right so as to illuminate the right side of the paving or main traveled portion of the highway for a distance of not more than 125 feet directly in front of such vehicle.

One spot
light, only.

"Fog light,"
defined.

SEC. 10. That section 31 of chapter 309 of the Laws of 1927 be amended to read as follows:

Amends §31,
Chap. 309,
Laws 1927.

Lights when
parked in
business or
residence
district.

Section 31. Whenever there is sufficient light within the lateral boundaries of the public highway within a business or residence district as herein defined to reveal all persons, vehicles or substantial objects within said boundaries for a distance of two hundred feet, no lights shall be required to be displayed on any vehicle upon a public highway while the same is not in motion: *Provided*, That a right hand wheel of such standing vehicle is located within twelve inches of the right hand curb, side lights, cowl lights, courtesy light or such lights as are used as parking lights to be equipped with lamp bulbs producing not less than two nor more than four candle power of light.

Outside
business or
residence
district.

Outside of a business or residence district as herein defined and during the times specified in this act wherein lights are required, a rear light and dimmed headlights or side lights must be displayed.

Amends § 32,
Chap. 309,
Laws 1927.

SEC. 11. That section 32 of chapter 309 of the Laws of 1927 be amended to read as follows:

Projections
beyond rear,
lights and
signals.

Section 32. (a) Whenever any vehicle shall be so constructed or loaded with any material in such a manner that any portion of such load on such vehicle extends towards the rear three feet or more beyond the rear of the body or bed of such vehicle there shall be displayed at the extreme rear end of the load at the times and under the conditions specified in this act in addition to the ordinary rear light hereinbefore required to be displayed, a red light of not less than three inches in diameter plainly visible under normal atmospheric conditions at least 200 feet from the rear and at all other times while such vehicle is upon the public highway and a red flag or cloth not less than 16 inches square shall be displayed at the extreme rear of said load as a warning signal to persons operating vehicles approaching from the rear.

(b) Whenever any vehicle shall be so constructed or loaded with any article, implement of husbandry or any material in such a manner that any portion of such load or of such vehicle extends more than 6 inches beyond the hub caps on the left side of such vehicle as provided herein there shall be displayed at the extreme left side of such vehicle or such load at the times and under the conditions specified in this act a lighted lantern or other light showing a white light to the front and a red light toward the rear, plainly visible under normal atmospheric conditions for at least two hundred feet from in front and for a like distance from the rear of such vehicle. No such light shall project a light greater than four apparent candle power.

Projections
beyond side,
lights and
signals.

SEC. 12. That section 35 of chapter 309 of the Laws of 1927 be amended to read as follows:

Amends § 35,
Chap. 309,
Laws 1927.

Section 35. It shall be unlawful for any person, firm or corporation to sell, offer for sale or have in his or its possession with intention to sell for use on motor vehicles any lamp bulb having a candle power in excess of 32 candle power.

Sale of
lights with
more than
32 candle
power.

Sec. 13. That section 26 of chapter 96 of the Laws of 1921, (6338 of Remington's Compiled Statutes: 222-1 Pierce's 26 Code,) be and the same is hereby repealed.

Repeals
§ 6338, Rem.
Comp. Stat.;
§ 222-1,
Pierce's
26 Code.

Passed the House March 9, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929

CHAPTER 179.

[H. B. 352.]

STATE TO ISSUE QUIT CLAIM DEED TO JOHN W. MURRAY.

AN ACT authorizing and directing a conveyance by quit claim deed in behalf of the state to John W. Murray of certain real estate.

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

SECTION 1. That the governor is hereby authorized and directed, in the name of the State of Washington, to execute and deliver a good and sufficient quit claim deed to John W. Murray, which deed shall be attested by the secretary of state, covering the following described real estate situate in Yakima county, which was conveyed to the state for use as a portion of a state highway, but which was never used and was afterwards abandoned:

Governor
to execute
deed.

Description.

A tract of land in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 24; township 9 north, range 23 E. W. M., being more particularly described as follows:

Commencing at the one-quarter corner on the west side of said section 24 and running north 87° 48' east a distance of 16.0 feet to an intersection with the easterly right of way line of the present travelled road and the true point of beginning; thence turning an angle of 90° to the left and running north 2° 12' west a distance of 649.0 feet; thence turning an angle of 90° to the right and running north 87° 48' east a distance of 10.0 feet to an intersection with the easterly right of way line of State Road No. 3 as now located and of record in the office of the state highway engineer at Olympia; thence turning an angle of 90° 45' to the right and running south 1° 27' east a distance of 298.0 feet; thence turning an angle of 0° 57' to the left and running south 2° 24' east a distance of 351.0 feet;

thence turning an angle of 90° 12' to the right and running south 87° 48' west a distance of 4.0 feet to an intersection with the easterly right of way line of the present travelled road and the true point of beginning and containing 0.08 acres more or less.

Passed the House March 4, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 180.

[H. B. 405.]

REGULATING OPERATION OF VEHICLES ON HIGHWAYS.

AN ACT relating to vehicles and regulating the operations thereof upon the highways of this state, and amending Sections 2, 4, 8, 9, 10, 16 and 46 of Chapter 309 of the Laws of 1927.

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

SECTION 1. That section 2 of chapter 309 of the Laws of 1927 be amended to read as follows: Amends § 2,
Chap. 309,
Laws 1927.

Section 2. The words and phrases herein used shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning. Definitions.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devices moved by muscular power or used exclusively upon stationary rails or tracks. Vehicle.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled. Motor
vehicle.

(c) "Motorcycle." 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 parcels or packages. Motorcycle.

Motor
truck.

(d) "Motor Truck." Every motor vehicle designed or used (1) for the transportation of commodities, merchandise, produce, freight or animals; (2) for drawing or pulling one or more independent vehicles or trailers in the transportation of commodities, merchandise, produce, freight or animals upon a public highway.

Trailer.

(e) "Trailer." Any vehicle without motive power which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle.

Semi-trailer.

(f) "Semi-Trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Public
highway.

(g) "Public Highway." Every way or place of whatever nature open as a matter of right to the use of the public for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon ground owned by private persons.

"Private
highway,
etc.

(h) "Private highway, road, street, way or driveway." Every road or driveway not open to the use of the public for purposes of vehicular travel.

State
highways.

(i) "State Highways." All primary roads and all hard-surfaced secondary roads in the state highway system, as defined by the 1913 legislature of this state, and subsequently amended.

Intersection.

(j) "Intersection." The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

Director
of traffic.

(k) "Director of Traffic." For the purposes of this act the chief of the state highway patrol shall be designated as the director of traffic.

(l) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrest for the violation of the statutes relative to the public highways of this state. Peace officer.

(m) "Residence District." The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business. Residence district.

(n) "Business District." The territory contiguous to a highway when fifty per cent or more of the frontage thereon, for a distance of three hundred feet or more is occupied by buildings in use for business. Business district.

(o) "Pneumatic Tires." All tires inflated with compressed air. Pneumatic tires.

(p) "Hollow Center Cushion Tires." All tires composed of resilient rubber, containing a centrally located air space, which shall be a minimum of five and one-half per cent of the total cross sectional area of the tire. Tires to be approved by the commission on equipment. Hollow center cushion tires.

(q) "Solid Rubber Tires." All tires made of rubber other than pneumatic tires or hollow center cushion tires. Solid rubber tires.

(r) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly metal or other hard, non-resilient material. Metal tires.

(s) "Owner." A person who holds the legal title of a vehicle or in the event of a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right to purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall Owner.

be deemed the owner for the purpose of this act. Also including any municipal or public corporation and/or subdivision thereof, and/or any natural person, partnership, firm, association and/or corporation, leasing and/or renting a motor vehicle and having the exclusive use thereof, said lease to be in writing and to be submitted with the application for license for such motor vehicle and such lease to be for a period of more than thirty days from and after the time of making such application.

Person. (t) "Person." Every natural person, firm, co-partnership, association or corporation.

Axle. (u) The word "axle" when used in this act shall be held to mean any axle supported by one or more wheels or any combination of two or more axles built in the same or approximately the same line, or in the same or approximately the same plane, normal to the frame of the vehicle.

Wheel base. (v) The words "wheel base" when used in this act shall be held to mean the horizontal distance between any two axles.

Six wheel motor truck. (w) The words "six wheel motor trucks" when used in this act shall be held to mean a motor truck equipped with six wheels which are directly or indirectly attached to the frame of the vehicle.

Local authorities. (x) "Local Authorities." Includes the officers of counties, cities, or towns or other municipal subdivisions of the state having control, power or authority over any of the subject matter embraced in this act.

Tense and gender. (y) Words herein used in the present tense shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

Amends §4,
Chap. 309,
Laws 1927.

SEC. 2. That section 4 of chapter 309 of the Laws of 1927 be amended to read as follows:

Motor
truck, 8,000
lbs.. speed
limit.

Section 4. It shall be unlawful to operate any motor truck having a gross weight, including load,

exceeding eight thousand pounds, equipped with pneumatic or hollow center cushion tires over or along the highways of this state at a greater rate of speed than twenty-five miles per hour; it shall be unlawful to operate a motor truck equipped or partly equipped with solid rubber tires or to operate any motor truck equipped with pneumatic tires or hollow center cushion tires when drawing or pulling a trailer equipped with solid rubber tires or to operate any motor truck having two axles and a gross weight including load as hereinafter provided, equipped or partially equipped with solid rubber tires, at a greater rate of speed than the following:

4,000 pounds and under.....	25 miles per hour	Weight and speed limit.
Over 4,000 pounds and up to 8,000 pounds...	20 miles per hour	
Over 8,000 pounds and up to 12,000 pounds...	18 miles per hour	
Over 12,000 pounds and up to 16,000 pounds...	16 miles per hour	
Over 16,000 pounds and up to 20,000 pounds...	14 miles per hour	
Over 20,000 pounds and up to 24,000 pounds...	12 miles per hour	

Motor truck, pneumatic tires.

2 axles.

It shall be unlawful for any person, firm or corporation to operate any vehicle or combination of vehicles equipped or partially equipped with solid rubber tires of a gross weight, including load, as hereinafter provided at a greater rate of speed than that stated in the following tables for the class and gross weight, including load, of vehicle or combination of vehicles stated:

Solid tires.

Vehicles or combinations of vehicles having three or four axles:

3 or 4 axles,

24,000 pounds and under.....	20 miles per hour	weight and speed limit.
Over 24,000 pounds and up to 28,000 pounds...	18 miles per hour	
Over 28,000 pounds and up to 32,000 pounds...	16 miles per hour	
Over 32,000 pounds and up to 38,000 pounds...	14 miles per hour	
Over 38,000 pounds and up to 42,500 pounds		
for vehicles having three axles.....	12 miles per hour	
Over 38,000 pounds and up to 48,000 pounds		
for vehicles having four axles.....	12 miles per hour	

A six wheel, three axle motor truck:

6 wheel, 3 axle motor truck, weight and speed limit.

8,000 pounds and under.....	25 miles per hour
Over 8,000 pounds and up to 13,000 pounds...	20 miles per hour
Over 13,000 pounds and up to 18,000 pounds...	18 miles per hour

Over 18,000 pounds and up to 23,000 pounds...16 miles per hour
 Over 23,000 pounds and up to 28,000 pounds...14 miles per hour
 Over 28,000 pounds and up to 34,000 pounds...12 miles per hour

Trailer,

A six wheel, three axle motor truck and semi-four wheel two axle trailer combination :

weight and speed limit.

33,000 pounds and under.....20 miles per hour
 Over 33,000 pounds and up to 38,000 pounds...18 miles per hour
 Over 38,000 pounds and up to 43,000 pounds...16 miles per hour
 Over 43,000 pounds and up to 48,000 pounds...14 miles per hour
 Over 48,000 pounds and up to 54,000 pounds...12 miles per hour

Four wheel trailer,

A six wheel, three axle motor truck and four wheel two axle trailer combination :

weight and speed limit.

33,000 pounds and under.....20 miles per hour
 Over 33,000 pounds and up to 38,000 pounds...18 miles per hour
 Over 38,000 pounds and up to 43,000 pounds...16 miles per hour
 Over 43,000 pounds and up to 48,000 pounds...14 miles per hour
 Over 48,000 pounds and up to 54,000 pounds...12 miles per hour

Six wheel trailer,

A six wheel, three axle motor truck and six wheel three axle trailer combination :

weight and speed limit.

36,000 pounds and under.....20 miles per hour
 Over 36,000 pounds and up to 42,000 pounds...18 miles per hour
 Over 42,000 pounds and up to 48,000 pounds...16 miles per hour
 Over 48,000 pounds and up to 54,000 pounds...14 miles per hour
 Over 54,000 pounds and up to 60,000 pounds...12 miles per hour

Combination of vehicles, weight and speed limit.

Provided, That any vehicle or combination of vehicles having three or more axles and not more than six axles, and having a gross weight, including load, on any two adjacent axles that falls within the gross weights, including loads, hereinbefore provided in the table of speeds for a motor truck, shall not be operated at a greater rate of speed than the corresponding rate of speed in the table of speeds for a motor truck hereinbefore provided.

Weight 12,000 lbs., across bridge, 8 miles per hour.

Provided, That it shall be unlawful to operate any vehicle or combination of vehicles having a gross weight, including load, of 12,000 pounds or more over or on any bridge on a public highway at a greater speed than 8 miles per hour.

Passengers for hire, speed limit.

It shall be unlawful to operate or drive any motor vehicle used for carrying passengers for hire and

having a capacity for more than ten passengers at a speed faster than forty miles per hour on and over any unpaved highway.

It shall be unlawful to operate or drive any vehicle or combination of vehicles equipped with metal tires over or on any public highway at a greater rate of speed than the following:

- 2,500 pounds gross weight, including load, or less 10 miles per hour
- Over 2,500 pounds gross weight, including load, and not over 10,000 pounds gross weight, including load..... 6 miles per hour

Metal tires.

Weight and speed limit.

Sec. 3. That section 8 of chapter 309 of the Laws of 1927 be amended to read as follows:

Amends § 8, Chap. 309, Laws 1927.

Section 8. It shall be unlawful for any person, firm or corporation to operate any vehicle of four wheels or less of any device not equipped with wheels over and along the roads in this state whose gross weight, including load, is more than 24,000 pounds, or any vehicle having a greater weight, including load, than 18,500 pounds on one axle, or any vehicle having a combined weight, including load, of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width of tire in the case of solid rubber or hollow center cushion tires to be measured between the flanges of the rim), or any vehicle or combination of vehicles whose gross weight including load is in excess of the following or whose wheel base or wheel bases are less than the following:

24,000 lbs. weight.

18,500 lbs. one axle.

800 lbs. per inch.

Gross weight and wheel base.

Any vehicle having a gross weight, including load, of 12,000 pounds or more shall have a wheel base of not less than 12 feet.

12,000 lbs. weight, 12 feet wheel base.

Any vehicle or combination of vehicles having three axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 42,500 pounds, shall have a wheel base between the first and second axles of not less than 10 feet, and between the second and third axles of not less than

3 axles, gross weight 24,000 lbs. to 42,500 lbs., 10 feet wheel base.

12 feet. The gross weight, including load, of any vehicle or combination of vehicles having three axles shall not exceed 42,500 pounds.

Four axles,
gross weight
24,000 lbs. to
48,000 lbs.

Any vehicle or combination of vehicles having four axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 48,000 pounds shall have a wheel base between the first and second axles of not less than twelve feet, between the second and third axles of not less than ten feet and between the third and fourth axles of not less than twelve feet. The gross weight, including load on the third and fourth axles of a vehicle or combination of vehicles having four axles shall not exceed 24,000 pounds or 12,000 pounds on either axle. The gross weight, including load, of any vehicle or combination of vehicles having four axles shall not exceed 48,000 pounds.

Amends § 9,
Chap. 309,
Laws 1927.

SEC. 4. That section 9 of chapter 309 of the Laws of 1927 be amended to read as follows:

Six wheel,
gross weight
34,000 lbs.

Section 9. It shall be unlawful for any person, firm, or corporation to operate any six wheel motor truck over and along the roads in this state whose gross weight, including load, is more than 34,000 pounds or having a greater weight, including load, than 13,000 pounds on one axle, or having a combined weight, including load, of over 800 pounds per inch width of tire upon any wheel (said width of tire in the case of solid rubber or hollow center cushion tires to be measured between the flanges of the rim), or any six wheel motor truck or any combination of vehicles which includes a six wheel motor truck whose gross weight, including load, is in excess of the following or whose wheel base or wheel bases are less than the following:

800 lbs. per
inch tire
width.

The wheel base between the front axle and the second axle shall be not less than twelve feet.

Base
between
front and
second axle.

The wheel base between the second and third axles shall be not less than three feet six inches.

The wheel base between the rear axle of a six wheel motor truck and the axle of a trailer having one axle shall be not less than twelve feet and the gross weight of the trailer on the trailer axle, including load, shall not be greater than 18,500 pounds.

Six wheel truck base between rear axle and trailer axle.

The wheel base between the rear axle of a six wheel motor truck and the front axle of a four wheel two axle semi-trailer shall be not less than eighteen feet and between the first and second axle of the semi-trailer not less than three feet six inches and the gross weight of truck and trailer, including load, shall be not greater than 54,000 pounds or having a greater weight, including load, on any one axle than 12,000 pounds.

4 wheel, 2 axle semi-trailer.

The wheel base between the rear axle of a six wheel motor truck and the front axle of a four wheel trailer shall be not less than ten feet and between the first and second axle of a four wheel trailer shall be not less than twelve feet and the gross weight of truck and trailer, including load, shall be not greater than 54,000 pounds or having a greater weight, including load, on any one axle than 12,000 pounds.

4 wheel trailer.

The wheel base between the rear axle of a six wheel motor truck and the front axle of a six wheel trailer shall be not less than ten feet and between the first and second axle of a six wheel trailer shall be not less than twelve feet, between the second and third axle shall be not less than three feet six inches and the gross weight of truck and trailer, including load, shall be not greater than 60,000 pounds or having a greater weight, including load, on any one axle than 12,000 pounds.

Six wheel trailer.

Six wheel trucks, six wheel trailers and semi-four wheel trailers shall be constructed so that the load distribution on any one wheel shall not exceed the average load for all wheels by more than 15% when one wheel is approximately 3 inches above or below

Six wheel trucks, six wheel trailers and semi-four wheel trailers.

the plane passing through the points of contact of the other three wheels with the surface of the road.

Amends §10,
Chap. 309,
Laws 1927.

SEC. 5. That section 10 of chapter 309 of the Laws of 1927 be amended to read as follows:

Wheel base
between
rear axle of
truck and
front axle of
trailer.

Chain or
steel cable
connection.

Special
classifica-
tions and
permits.

State
highway
engineer.

County com-
missioners.
City council.

Damages.

Section 10. The wheel base between the rear axle of a truck and the front axle of a trailer shall not be less than ten feet. Trailer shall have a chain or steel cable connection to the motor vehicle in addition to the draw bar connection which chain connection shall have sufficient strength to hold the trailer on the maximum grade on which the vehicles are to be operated; trailers shall not whip, weave or oscillate: *Provided*, That, in special cases, vehicles that do not come within the classifications herein prescribed, or vehicles whose gross weight, including load, exceeds those herein prescribed, or where overhanging loads are necessary, or vehicles whose over all width and length are in excess of the maximum herein prescribed, or special equipment may operate over a definite route under special written permits, which must be first obtained and under such terms and conditions as to route, equipment, speed and otherwise as shall be determined by: The state highway engineer if it is desired to use a state highway; the county commissioners if it is desired to use a county road; and the city or town council if it is desired to use a city or town street; from which officer or officers such permit shall be obtained in the respective cases. *Provided*, That such permit or permits shall in no way relieve the person, firm or corporation of full liability for any damages to the highway or any damages to any person or property incurred by reason of the operation under the terms of the permit or permits. *Provided*, That no motor truck or trailer shall be driven over or on a public highway with a load exceeding the licensed capacity.

Provided, Every motor truck or combination of motor truck and trailer operating upon the public highways shall be equipped with brakes adequate to bring such motor vehicles or combination of motor vehicle and trailer to a complete stop when tested upon dry asphalt or concrete pavement surface where the grade does not exceed one per cent and when operating at a speed set down in the following table in the distance set opposite such speeds, *Provided*, That no vehicle shall be tested for brake efficiency at a speed higher than that permitted by law for such vehicle, and further provided that no vehicle be tested for brake efficiency at a speed higher than thirty miles per hour:

<i>Miles per hour</i>	<i>Stopping distance</i>	<i>Miles per hour and stoppage distance.</i>
10.....	9.3 Feet	
15.....	20.8 Feet	
20.....	37.0 Feet	
25.....	58.0 Feet	
30.....	83.3 Feet	

And further provided, That any truck, when loaded to capacity, shall have not less than 70 per cent of the gross load under brake control; and any trailer with gross load in excess of 6,000 pounds, when loaded to capacity, shall have not less than 50 per cent of the gross load under brake control.

No vehicle whose width over all, including load, exceeds eight feet shall be driven over or on a public highway (farm machinery moving from one farm or section of farm to another not included). No vehicle designed for the carrying of passengers shall be operated upon any public highway having any luggage, package, trunk, crate, box or any other load carried thereon extending beyond the line of the hub caps on the left side of such vehicle nor extending more than six inches beyond the line of the hub caps on the right side thereof; and no vehicle having two axles and having a length of more than thirty-five feet shall be driven over or on a public highway;

Brakes.

Tests.

Miles per hour and stoppage distance.

Width of load.

Luggage carrier.

Length.

Convictions,
penalties.

and no vehicle or combination of vehicles having more than two axles and having a length including load of more than eighty-five feet shall be driven over or on a public highway; and no vehicle or combination of vehicles having more than six axles shall be driven over or on a public highway: *Provided, further,* Upon the conviction of any person, firm or corporation for the violation of the provisions of sections 8, 9 or of this section or any part thereof, a fine shall be imposed of not less than twenty-five dollars (\$25): *Provided, further,* Upon the conviction of any person, firm or corporation for a second violation of the provisions of sections 8, 9 or of this section or any part thereof, the court or judge before whom such conviction is had may in its or his discretion impose a fine of not to exceed fifty dollars (\$50) and shall in addition to any fine imposed suspend the certificate of registration covering the vehicle involved in such violation for a period of thirty days, and upon a third conviction, the court or judge may in its or his discretion impose a fine of not to exceed one hundred dollars (\$100) and shall in addition to any fine imposed suspend certificate of registration covering the vehicle involved in such violation for a period of three months: *Provided, further,* Upon the conviction of any person for the violation of section 4 or any part thereof, a fine shall be imposed of not less than twenty-five dollars (\$25). *Provided, further,* Upon the conviction of any person for the second violation of the provisions of section 4 or any part thereof, the court or judge before whom such conviction is had may in its or his discretion impose a fine of not to exceed fifty dollars (\$50) and shall in addition to any fine imposed suspend the operator's license involved in such violation for a period of thirty days and upon a third conviction the court or judge may in its or his discretion impose a fine of not to exceed one

hundred dollars (\$100) and shall in addition to any fine imposed suspend the operator's license involved in such violation for a period of three months.

It shall be unlawful for any person, firm or corporation to operate any vehicle equipped with metal tires over and along any paved public highway in this state whose gross weight including load is more than 10,000 pounds or any vehicle having a gross weight, including load, of over 625 pounds per inch width or tire.

Metal tires.

It shall be unlawful for any person, firm or corporation to operate over and along any public highway any vehicle equipped with tires of solid rubber or other elastic material and having upon the wheels thereof any tire of a less thickness of solid rubber or other equally elastic material or composition than will insure and maintain a cushion of elastic material between the surface of the highway and every metal part of every wheel of such vehicle of not less than the following:

Tire elasticity.

(a) When the gross weight, including load, on any one wheel is less than 6,000 pounds, one and one-quarter inches.

Gross weight less than 6,000 lbs.

(b) When the gross weight, including load, on any one wheel is 6,000 pounds or more, one and one-half inches.

6,000 lbs. or more.

It shall be unlawful for any person, firm, or corporation to operate over and along any paved public highway or bridge any motor truck equipped with solid tires and anti-skid chains whose strands are more than six inches apart or equipped with any other device that will produce serious impact or otherwise damage the pavement.

Chains.

SEC. 6. That section 16 of chapter 309 of the Laws of 1927 be amended to read as follows:

Amends § 6, Chap. 309, Laws 1927.

Section 16. Every motor vehicle or combination of vehicles operated or driven upon the public high-

Brakes. ways of this state, shall be equipped with brakes as follows:

Motorcycles. Motorcycles shall be equipped with one brake capable of controlling the vehicle at all times.

2 axle vehicles. Vehicles having two axles shall be equipped with two independently operated brakes controlling the wheels of one axle, either of which shall be capable of controlling the vehicles at all times.

Trucks. *Provided, further,* That any truck, when loaded to capacity, shall have not less than 70 per cent of the gross load under brake control; and any trailer with gross load in excess of 6,000 pounds when loaded to capacity, shall have not less than 50 per cent of the gross load under brake control.

Commission on equipment. All brake equipment shall be subject to the approval of the commission on equipment.

Amends § 46, Chap. 309, Laws 1927.

SEC. 7. That section 46 of chapter 309 of the Laws of 1927 be amended to read as follows:

Such weight as to cause injury to highway.

Section 46. 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 tires so made, constructed, formed or shaped, placed, 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, upon, along or across any public street, road, or highway without the corporate limits of cities of the first class, any automobile, auto truck, or motor propelled vehicle which with or without its load shall

weigh more than thirty-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 section and in making arrests therefor.

Load weigh-
ing more
than 34,000
lbs.

Officers to
arrest.

Passed the House March 13, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 181.

[H. B. 118.]

IRRIGATION DISTRICT ASSESSMENTS.

AN ACT relating to assessments of irrigation districts and amending Sections 7442, 7443 and 7444 of Remington's Compiled Statutes.

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

SECTION 1. That section 7442 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 7442, Rem.
Comp. Stat.

Section 7442. On or before the first day of November in each year to and including the year 1923, and on or before the fifteenth day of January in the year 1925, and each year thereafter the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein described are located, and said assessments shall on that date become due and payable. Within twenty days thereafter the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent at 5 o'clock in the afternoon of the thirty-first day of December next thereafter in each

Delivery of
assessment
roll.

County
treasurer
to publish
notice.

Delinquent.

year to and including the year 1923 unless sixty per cent thereof shall then have been paid, and that if this is allowed to become delinquent, a penalty of five per cent thereof will be added to the amount thereof, and if sixty per cent thereof be paid on or before the said thirty-first day of December, the remainder thereof will not become delinquent until April 30th next following: *Provided*, That beginning with the year 1925 and each year thereafter, said notice shall state that said assessments will become delinquent at 5 o'clock in the afternoon of the thirty-first day of May next thereafter unless fifty per cent thereof shall then have been paid, and that if thus allowed to become delinquent shall bear interest at the rate of twelve per cent per annum, and if fifty per cent thereof be paid on or before the said thirty-first day of May, the remainder thereof will not become delinquent until November 30th next following; and that if fifty per cent thereof be not paid before 5 o'clock in the afternoon of May thirty-first next thereafter, the whole assessment shall bear interest at twelve per cent per annum until paid; and that if fifty per cent thereof is paid on or before May thirty-first, but the remaining fifty per cent is not paid on or before November 30th next thereafter a penalty of five per cent shall be added to said remaining fifty per cent and the said remaining fifty per cent shall also bear interest at the rate of twelve per cent per annum until paid; and that if the whole of said assessment is not paid on or before November 30th next thereafter, a penalty of five per cent of the amount of said assessment shall be added in addition to the said twelve per cent interest. The notice shall be published once a week for four successive weeks and shall be posted within said period of twenty days in some public place in said district.

Upon receiving the assessment roll, the county treasurer shall prepare therefrom an assessment

Penalty.

After year
1925,delinquent
May 31,
unless one-
half paid.Remainder
delinquent
November
30th.

Interest.

Notice
published
and posted.Assessment
book.

book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown," and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessment.

Unknown
owners.

Upon the payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. On all assessments levied prior to the time this amendatory act takes effect the county treasurer shall collect the interest and penalty upon delinquent assessments in accordance with the law in effect at the time such assessments were levied; and on all assessments levied after this amendatory act takes effect it shall be the duty of the treasurer to collect the interest and penalty provided by this amendatory act.

Payment.

Prior
assessment
governed by
prior law.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

Statement
to owner
showing
assessments.

Monthly remittances.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

Amends § 7443, Rem. Comp. Stat.

SEC. 2. That section 7443 of Remington's Compiled Statutes be amended to read as follows:

Delinquency list posted.

Section 7443. On or before the first day of February in each year to and including the year 1924, the county treasurer of the county in which the land is located shall cause to be posted 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 sixty per cent (60%) of the assessment has not been made on or before the thirty-first day of December, next preceding; likewise on or before May 15th in each year to and including the year 1924, he must cause to be posted the delinquency list of all persons delinquent in the payment of the installment of forty per cent (40%) as in this act provided. On or before the fifteenth day of December beginning with the year 1925 and each year thereafter, he must post the delinquency list of all persons delinquent in the payment of said assessment or any part thereof as in this act provided. He must append to and post with the delinquency list a notice that unless the assessment delinquent, together with costs and percentages, are paid the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty days prior to the time of sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the

If 60% of assessment not paid before Dec. 31.

40% installment delinquent.

Notice.

Posted.

office of the board of directors and three copies in public places in each of the established voting precincts within the portion of said district lying in said county. Concurrent as nearly as possible with the date of the posting aforesaid, the said county treasurer shall publish a list of the places where said notices are posted, and in connection therewith a notice that unless delinquent assessments, together with costs and percentages, are paid, the real property upon which such assessments are a lien will be sold at public auction. Such notices must be published once a week for three successive weeks in a newspaper of general circulation published in the county within which the land is located. But said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices 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 date of posting and from the date of the first publication of the notice thereof, and the place must be at some point designated by the treasurer.

Publish list
of places of
posting.

Notice of
time and
place of
sale.

SEC. 3. That section 7444 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 7444, Rem.
Comp. Stat.

Section 7444. The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessments due as shown on the delinquent list, interest at the rate of twelve per cent per annum from date of delinquency and five per cent of the amount thereof if no part of said assessment as provided in section 1 of this act was paid on or before November 30th, or if fifty per cent thereof was paid on or before May thirty-first, twelve per cent interest per annum and the additional five per cent penalty on the fifty per cent of said assessment remaining unpaid. On the day fixed for the sale, or some subsequent day to which he may have post-

Sale.

Hours of
sale.

Postpone-
ment of sale.

poned it, of which postponement he must give notice at the time of making such postponement and between the hours of 10 o'clock a. m. and 3 o'clock p. m. the county treasurer making the sale must commence the same beginning at the head of the list, and continuing alphabetically or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of postponement, but the sale must be completed within three weeks from the first day fixed.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 182.

[H. B. 192.]

OFFICERS OF THIRD CLASS CITIES.

AN ACT relating to the government of cities of the third class and the terms of appointive officers thereof and amending Section 3 of Chapter 184 of the Laws of 1915.

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

Amends
§ 9116, Rem.
Comp. Stat.

SECTION 1. That section 3 of chapter 184 of the Laws of 1915, pages 650 to 651, as amended by section 1 of chapter 159 of the Laws of 1927, pages 147 to 148, (section 9116 of Remington's Compiled Statutes) be amended to read as follows:

Terms.

Section 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 coun-

cilmen, 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, except in class A counties and counties of the first class. 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 and at his pleasure may remove a chief of police, police judge, city engineer, street superintendent, health officer and such other officers as shall be provided by ordinance, and any such appointment or removal must be in writing, signed by the mayor, and filed with the city clerk.

Elections.

Appointive officers.

Passed the House March 14, 1929.

Passed the Senate March 14, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 183.

[H. B. 250.]

LOCAL IMPROVEMENT ASSESSMENTS.

AN ACT relating to local improvement assessments; requiring cities and towns to include in their annual tax levies an amount sufficient to pay all unpaid assessments upon certain publicly owned lands, and amending Sections 9344 and 9345 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 9344 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 9344, Rem.
Comp. Stat.

Section 9344. Every city of the first, second and third class and town shall include in its annual tax levy an amount sufficient to pay all unpaid assess-

Annual tax
levy.

ments, with all interest, penalties and charges thereon levied against all lands of such city or town.

Amends
§ 9345, Rem.
Comp. Stat.

SEC. 2. That section 9345 of Remington's Compiled Statutes of Washington be amended to read as follows:

City
treasurer
to certify.

Section 9345. On or before the fifteenth day of August of each year, the city or town treasurer of each such city or town shall certify to the city or town council thereof a detailed statement showing the proceedings authorizing and confirming such assessments, the city's or town's lots, tracts and parcels of land so assessed, the several assessments against each, the interest, penalties and charges thereon, together with the estimated interest, penalties and charges which will accrue upon such assessments to date of payment and the total of all such assessments, interest, penalty and charges. The proceeds of such portion of the tax levy shall be placed by such city or town treasurer in a separate fund to be known as the "City (or town) Property Assessments Redemption Fund" and by him inviolably applied in payment of any unpaid assessment liens on any lands belonging to such city or town. The longest outstanding liens shall be paid first, but if the moneys in such fund shall at any time be insufficient to discharge all such liens against such lands upon a given assessment roll, such city or town treasurer may pay such portion thereof as may be possible from the funds available therefor: *Provided*, That the city or town council of such city or town may, if it be deemed necessary, transfer any sum or sums to such fund from the general fund of such city or town as a loan, such transfer to be repaid when moneys shall be available therefor in the fund hereby created.

"City Property Assessments Redemption Fund."

Passed the House March 13, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 184.

[H. B. 271.]

COIN BOX TELEPHONES AND OTHER COIN RECEPTACLE
MACHINES.

AN ACT for the prevention of the fraudulent operation of coin receptacles, or making or furnishing devices to defraud owners of the same, and prescribing penalties for the violation of the provisions thereof.

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

SECTION 1. Any person who shall knowingly and wilfully operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of such machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor.

Fraudulent operation.

Misdemeanor.

SEC. 2. Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any coin-box telephone or other receptacle, depository or contrivance, designed

Manufacture
of slugs for
operation.

Misde-
meanor.

to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing or having cause to believe, that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device, or substance whatsoever intended or calculated to be placed or deposited in any coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor.

Passed the House March 13, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 185.

[H. B. 277.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts, providing for the issuance of warrants, fixing the powers and duties of certain officers in relation thereto, and relating to irrigation district assessments on tolls and charges levied by irrigation districts, providing for the collection thereof, and the taxation of lands sold by irrigation districts, and amending Sections 18, 22, 29, 36 and 37 of an act entitled "An Act providing for the organization and government of irrigating districts, and the sale of bonds arising therefrom, and declaring an emergency," approved March 20, 1890.

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

Amends
Laws of
1889/90.

SECTION 1. That section 22 of an act entitled "An act providing for the organization and government of irrigating districts, and the sale of bonds arising therefrom, and declaring an emergency", approved March 20, 1890, Laws of 1889/90, pages 683 to 684, as amended by chapter 243 of the Laws of 1927, pages 373 to 376, be amended to read as follows:

Section 22. The board of directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington as in this act provided. Beginning in the year preceding the maturity of the first series 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. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year. The board shall also, at the time of making the annual levy, estimate the amount of the assessments to be made against lands owned by the district, including local improvement assessments, and shall levy a sufficient amount to pay said assessments. All lands owned by the district shall be exempt from general state and county taxes: *Provided, however,* That in the event any lands acquired by the district by reason of the foreclosure of irrigation district assessments, shall be by said district resold on contract, then and in that event, said property and contract shall be by the county assessor immediately placed upon the tax rolls for

Annual
assessment
to pay bond
interest.

Assessment
to pay
bonds.

Levy to
cover delin-
quencies.

District
lands
exempt from
general
taxes.

taxation for general state and county taxes as real property and shall become subject to general state and county taxes from and after the date of said contract, and the secretary of said irrigation district shall be required to immediately report such sale within ten days from the date of said contract to the county assessor who shall cause the same to be entered on the tax rolls as of the first day of March following.

Surplus fund.

Funds, created.

Fiscal agents for United States or state.

The board may also at the time of making the said annual levy, levy an amount not to exceed twenty-five per cent of the whole levy for the said year for the purpose of creating a surplus fund. This fund may be used for any of the district purposes authorized by law. 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", the "Expense Fund of Irrigation District", the "Coupon Warrant Fund of Irrigation District", the "Surplus Fund of Irrigation District": *Provided*, That in districts acting as fiscal agent for the United States or the State of Washington such assessments may also be paid to the secretary of such districts when so authorized by the board of directors and under such rules and regulations as the board may adopt. The secretary shall issue a receipt for such payments and shall be accountable on his official bond for the safe keeping of such funds and shall remit the same at least once each month to the treasurer of the county wherein the land is located on which payment was made. Upon receipt of such funds the county treasurer shall issue his official receipt therefor in like manner as though payment had been made direct to him by the land owner.

If the annual assessment roll of any district has not been delivered to the county treasurer on or before the 15th day of January in the year 1927, and in each year thereafter, he shall notify the secretary of the district by registered mail that said assessment roll must be delivered to the office of the county treasurer forthwith. If said assessment roll is not delivered within ten days from the date of mailing of said notice to the secretary of the district, or if said roll when delivered is not equalized and the required assessments levied as required by law, or if for any reason the required assessment or levy has not been made, the county treasurer shall immediately notify the board of county commissioners of the county in which the office of the board of directors is situated, and said board of county commissioners shall cause an assessment roll for the said district to be prepared and shall equalize the same if necessary and make the levy required by this chapter in the same manner and with like effect as if the same had been equalized and 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.

Failure to deliver assessment roll to county treasurer.

County commissioners to cause preparation of assessment roll.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the board of directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining unpaid. All surplus remaining in any bond fund after all bonds are paid in full must be transferred to the surplus fund of the district.

Levy to pay bonds.

Any surplus moneys in the surplus fund or any surplus moneys in the bond fund when so requested

Surplus monies.

Investment.

by the board of directors shall be invested by the treasurer of said county under the direction of said board of directors in United States gold bearing bonds or bonds of the State of Washington, or any bonds pronounced by the treasurer of the State of Washington as valid security for the deposit of public funds, and in addition thereto any bonds or warrants of said district, all of which shall be kept in the surplus fund until needed by the district for the purposes authorized by law.

Amends
Laws of
1889/90;
§ 7447, Rem.
Comp. Stat.

SEC. 2. That section 29 of an act entitled "An act providing for the organization and government of irrigating districts, and the sale of bonds arising therefrom, and declaring an emergency", approved March 20, 1890, Laws of 1889/90, page 687, as amended by section 12 of chapter 138 of the Laws of 1923, pages 439 to 440, (section 7447 of Remington's Compiled Statutes) be amended to read as follows:

Redemption
of property
sold.

Section 29. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest within one year from the date of purchase, by paying the amount of the purchase price and interest, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount, and if the irrigation district is the purchaser, the redemptioner shall pay in addition to the purchase price and interest, the amount of any assessments levied against said land during the period of redemption, and which are at that time delinquent. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and the county treasurer must credit the amount paid to the person named in the certificate and pay it on demand to such person or his assignee. No redemption shall be made except

as to the county treasurer of the county in which the land is situated.

Upon completion of redemption the county treasurer to whom redemption has been made shall enter the word "redeemed", the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of the certificate is made. If the property is not redeemed within one year from the sale the county treasurer of the county in which the land sold is situated 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 (\$1.00) 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 (25c) and when any person or district holds 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.

Deed to purchaser.

Fee.

SEC. 3. That section 36 of an act entitled "An act providing for the organization and government of irrigating districts, and the sale of bonds arising therefrom, and declaring an emergency", approved March 20, 1890, Laws of 1889/90, page 690, as amended by section 13 of chapter 138 of the Laws of 1923, pages 440 to 442, (section 7453 of Remington's Compiled Statutes) be amended to read as follows:

Amends
Laws of
1889/90;
§ 7453, Rem.
Comp. Stat.

Section 36. The county treasurer of the county in which is located the office of any irrigation district shall be and is hereby constituted ex-officio district treasurer of said district, and any county treasurer collecting or handling funds of the district shall be liable upon his official bond and to criminal prose-

County
treasurer
ex-officio
district
treasurer.

Malfeasance
and mis-
feasance.

Collect
taxes.

Records.

Payments.

Warrants.

Report.

cution for malfeasance and misfeasance, or failure to perform any duty herein prescribed as county treasurer, or district treasurer, as is provided by law in other cases as county treasurer. It shall be the duty of the county treasurer of each county, in which lands of the district are located, to collect and receipt for all assessments and taxes levied as in this chapter provided. There shall be deposited with the county treasurer of the county in which the office of the board of directors is located, all sums collected for the defraying of the expenses of the district, whether said sums are collected by tolls, assessments or special assessments, and they shall be placed by the said county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing irrigation districts and shall place therein moneys collected for said funds. The county treasurer shall pay out the moneys received or deposited with him or any portion thereof, upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon the coupons or bonds presented to the treasurer. All warrants hereafter issued shall be paid in the order of their issuance. The said treasurer shall report, in writing, on the first Monday in each month to the board of directors of the district, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing at the regular meeting in each month, the amount deposited with the county treasurer belonging to the district during the preceding month, the amount of receipts for the month preceding and the amount and items of expenditures during the pre-

ceding month, and said report shall be filed in the office of the board.

Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance, such claim shall be attached to a voucher verified by the claimant or his agent and approved by the president and countersigned by the secretary of the board and directed to the county auditor for the issuance of a warrant against the proper fund of the district, in payment of said claim.

Claims, presentation and allowance.

SEC. 4. That section 37 of an act entitled "An act providing for the organization and government of irrigating districts, and the sale of bonds arising therefrom, and declaring an emergency", approved March 20, 1890, Laws of 1889/90, pages 690 to 691, as amended by section 18 of chapter 179 of the Laws of 1915, pages 626 to 627, (section 7454 of Remington's Compiled Statutes) be amended to read as follows:

Amends Laws 1889/90: § 7454, Rem. Comp. Stat.

Section 37. 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

Acquisition of property, improvements, etc. paid from bond sales.

Organization expense.

Tolls.

Levy.

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. If the toll and charge method is adopted in whole or in part the board of directors may fix rates or tolls and charges for irrigation and other public uses, and collect the same from all irrigable land in the district and from all persons using said canal for irrigation and other purposes. Such schedule of tolls for a given year shall be filed with the proper county treasurer within the same time as that provided by law for the filing of the annual assessment roll, and the county treasurer shall collect and receipt for the payment of said tolls and credit them to the proper funds of the district. The board may designate the time and manner of making such collections and shall require the same to be paid in advance of delivery of water and may accept short term interest bearing notes with or without collateral in their discretion for any portion of such charges. The board may base such charges upon the quantity of water to be delivered and may fix a minimum charge to be paid by each acre of land within the district which shall represent the delivery of a stated quantity of water in acre feet with the graduated charge for each additional acre foot of water delivered. The board may in the same year use the assessment method for part of the lands in the district and the toll and charge method for the remaining lands in the district in such proportion as it may deem advisable for the best interests of the district.

Collection.

Rates or
toll charges,
fixed.

Collection.

Basis for
charges.

Any tolls or charges remaining unpaid at the time the board of directors completes its equalization of the annual assessment roll shall be added to the assessment list and become a part of the annual assessment levied upon the land for which such tolls and charges are unpaid. The board of directors may at the same time place said land again upon the toll and charge schedule for the current year. Any such unpaid toll or charge when placed upon the assessment roll shall constitute a lien upon said land in the same manner and with the same effect as other assessments levied under this chapter.

Unpaid tolls
and charges.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 186.

[H. B. 291.]

SAFE KEEPING OF PUBLIC DEPOSITARY SECURITIES.

AN ACT relating to the safe keeping of bonds and securities pledged to any city, county or town by depositaries of public funds; providing for the designation of a trustee for the safe keeping thereof and defining the rights, duties and obligations of such trustee.

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

SECTION 1. Any depositary of city, county or town funds having bonds or securities pledged or to be pledged by it to such city, county or town as security for public funds deposited or to be deposited with it, may, by written notice, require the treasurer of such city, county or town to designate a trust company or bank exercising trust powers and located within the State of Washington as a trustee for the safe keeping of such bonds and securities.

Depositary
may require
securities or
bonds placed
with trustee
for safe
keeping.

Receipt of trustee.

SEC. 2. The receipt of the trustee describing the securities held and the purpose, terms and conditions of such holding, shall be issued by the trustee in duplicate and one of such duplicates shall be delivered to the treasurer of the city, county or town to which such securities are pledged, and one of such duplicates shall be delivered to the depositary by whom such bonds or securities are pledged. Such receipt shall be accepted by all public officers of the State of Washington or of any city, county, town or municipality thereof as *prima facie* evidence of the facts therein stated.

Insolvency of depositary.

SEC. 3. In the event of the insolvency or closing of the bank depositing such bonds or securities, the trustee shall upon demand deliver the same to the treasurer of the city, county or town to which the same are pledged, and prior to any default of the depositary the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited with it, the interest coupons thereof and deliver the same on demand to the depositary by whom they were deposited.

Charges of trustee.

SEC. 4. The charges or compensation of the trustee for keeping such securities shall be a charge against and shall be paid by the depositary and shall not be chargeable to the city, county or town to which the same are pledged nor to any treasurer thereof, nor shall such charges or compensation be a lien upon the bonds or securities in its custody.

Bank or trust company not to hold its own securities.

SEC. 5. No bank or trust company shall act as trustee for the keeping of its own bonds or securities when pledged by it as a depositary of public funds. *Provided, however,* That nothing herein shall prevent the treasurer of any city, county or town from keeping under his sole control in a safe or safe deposit box in the vault of any bank or trust company,

bonds or securities pledged by such bank or trust company as a depository of public funds.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 187.

[H. B. 342.]

COUNTY SCHOOL DISTRICTS.

AN ACT relating to the formation, maintenance and dissolution of county school districts.

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

SECTION 1. Whenever a petition signed by qualified electors of any county in which there is but one high school or one high school district, equal in number to ten per cent of the total number of votes cast in such county at the last preceding general election for state and county purposes, praying for the formation of a school district for the county as an entirety, shall be filed with the county superintendent of schools, such superintendent shall immediately submit to the state superintendent a copy of such petition without signatures and the county superintendent and the state superintendent shall report in writing to the board of county commissioners of such county their respective approval or disapproval of such petition, within sixty days from the date of the filing of the same.

Petition for formation.

Superintendents approval or disapproval.

SEC. 2. If both the county superintendent and the state superintendent shall have approved such petition, the board of county commissioners shall submit to the qualified electors of such county at the next general election to be held in such county for state and county purposes the question of the for-

Proposition submitted at general election.

mation of a county school district in the following form:

Shall a county school district be formed in
CountyYes

Shall a county school district be formed in
CountyNo

Special election.

Provided, That if such petition shall be filed more than six months prior to the date of holding a general state and county election, the board of county commissioners may submit said question to a vote of the electors of the county at a special county election to be called in the manner provided by law for that purpose. If a majority of the voters of such county shall at said election, either special or general, vote in favor of the formation of such county school district the county auditor shall immediately upon the canvass of the returns of such election notify the county superintendent of the holding and the result thereof and the county superintendent shall immediately upon receipt of such notice, certify and enter of record the formation of such county school district, to be designated as the “..... County School District”.

Formation entered of record.

Board of Directors.

Appointed by county superintendent of schools.

Election of directors.

SEC. 3. The board of directors of such county school district shall be composed of three members, one of whom shall be a resident of each of the county commissioners’ districts, as provided for such county. The members who shall constitute such board of directors upon the formation of such county school district shall be appointed by the county superintendent of schools with the approval of the board of county commissioners, and such members shall hold office until the second Monday in January after the next succeeding general election held in such county. At such next succeeding general election there shall be elected by the voters of such county, from each of the commissioners’ districts of such county, one director who shall be nominated

and elected upon a non-partisan ballot, in the same manner as judges are nominated and elected and who shall hold office for the same term and period of time as the county commissioner for his district shall, and thereafter such director shall be elected in the aforesaid manner at the same time and for the same terms of office as the county commissioners of such county are elected.

Terms.

SEC. 4. The board of directors shall within ten days after having been appointed, meet and organize by electing one of their number president of the board and selecting their clerk, for such county school district and the president and clerk so chosen shall hold their respective offices until their successors shall be elected and qualified and the election of president and clerk shall occur thereafter at the first meeting of such board after the second Monday in January following each general election.

Organization of board.

SEC. 5. The clerk of such county school district shall within ten days after the organization of the district by the election of president and clerk, notify the county superintendent of the organization of said district and the county superintendent shall also within ten days after receiving notice of the organization of the district, notify the county treasurer and county auditor of the fact of its organization, together with the names of the directors and clerk.

Clerk to notify superintendent.

SEC. 6. From and after the completion of the organization of such county school district the directors and clerk shall exercise all the powers and perform all the duties of like officers for school districts of the second class except insofar as may be otherwise provided in this act.

Powers and duties of directors and clerk.

SEC. 7. All schools being conducted at the time of the completion of the organization of such county school district shall continue to be conducted by the school district having supervision thereof until the

Existing schools to continue.

close of the current fiscal year and from and after the close of such current fiscal year all schools in such county shall be conducted by such county school district and not otherwise.

Powers of district.

SEC. 8. Immediately upon the completion of the organization of the county school district, such district may proceed to acquire property and equipment necessary for the conduct of schools in such county, from and after the beginning of the next fiscal year. All laws relating to consolidated school districts shall apply to such county school districts except where inconsistent with the other provisions of this act.

Laws relating to consolidated districts to govern.

County superintendent.

SEC. 9. The board of directors of such county school district shall appoint a superintendent at such salary as they may fix and the elective county superintendent shall be eligible to such appointment.

Columbia River district.

SEC. 10. This act shall not apply to any county bordering on the Columbia River.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 188.

[H. B. 373.]

PERMANENT HIGHWAYS.

AN ACT relating to public highways, and amending Section 6781 of Remington's Compiled Statutes, and declaring that this act shall take effect immediately.

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

Amends.
§ 6781, Rem.
Comp. Stat.

SECTION 1. That section 6781 of Remington's Compiled Statutes, as amended by section 2 of chapter 217 of the Laws of 1927, be amended to read as follows:

Section 6781. When the board of county commissioners shall have finally adopted the profiles, maps, plans and specifications for the improvement of any permanent highway under the provisions of this act, said board shall advertise for bids for three successive weeks in a newspaper published at the county seat of such county, and if it deem advisable, in such other newspaper as it shall determine, for the construction and improvement of such permanent highway, or section thereof, according to such profiles, maps, plans and specifications, and shall award the contract to the lowest responsible bidder, save that the board shall have the right to reject any and all bids. All contracts shall be on a form to be approved by the state highway engineer and shall be let on the lump sum, or unit price basis. Before entering into any contract for such construction or improvement, it shall require a corporate surety bond in the full amount of the contracts, or, if the contract is to be awarded upon a unit price basis, in the full amount of the total cost of said work, as determined by unit prices bid and the estimated quantities, conditioned that the party thereto will perform the work upon the terms, within the time, and in accordance with the contract, profiles, maps, plans and specifications, and that such party will indemnify the county against any direct or indirect damages that shall be suffered or claimed for injuries to persons or property during the construction and improvement of such highway and until the same is accepted. Each bid shall be accompanied by a certified check in a sum equal to five per cent of the amount of such bid if upon a lump sum basis, and if upon the unit price basis, five per cent of the total cost as determined by the unit prices and the estimated quantities, payable to the county, which shall be forfeited to the county upon the failure of the party, for a period of twenty days after any con-

Advertising
for bids.

Lowest
bidder.

Contracts,
lump sum,
unit price.

Surety bond.

Certified
check with
bid.

tract is awarded to any such party, to enter into a proper contract and furnish satisfactory bonds as required by this act. The contract shall provide for payment and reserve from moneys earned in accordance with the provisions of chapter 166, Laws of 1921. No final payment shall be made until the state highway engineer shall have examined the work or caused the same to be examined and certify to the state auditor that such work has been fully completed in accordance with the contract and the profiles, maps, plans and specifications governing such work. All payments to be made by the state upon contracts, entered into in accordance with the provisions of this act shall be made by the state treasurer from the permanent highway fund hereinafter created, upon the warrant of the state auditor issued upon the presentation of proper vouchers by the person entitled thereto, said vouchers to be approved by the board of county commissioners, and the state highway engineer, and, in case of final payment, to be accompanied by the certificate of the state highway engineer as aforesaid.

Payments on such contracts may be made from the permanent highway fund in conjunction with money from the county road and bridge fund, or from the road district fund of any road district in which the improvement or any part thereof is located, or any fund created by donation and placed in possession of the county treasurer as a trust fund, for the expenditure in connection with such improvement. Whenever any such funds are to be used in conjunction with the permanent highway fund in paying for such improvement, the county commissioners shall adopt a resolution to that effect, and shall set aside in such funds the amount to be expended from said funds on such contract, and such funds so set aside shall be held and expended for that purpose and shall not be otherwise expended

Payment
and reserve.

Final
payment.

State pay-
ments made
by state
treasurer.

Funds for
payment.

Funds set
aside.

or used until the completion of the work and final payment on such contract. All payments from county funds, or from funds donated and placed in the possession of the county treasurer shall be by the county treasurer upon warrants drawn by the county auditor, upon presentation of proper vouchers, approved by the board of county commissioners, and the state highway engineer.

County payments made by county treasurer.

The state auditor shall issue no warrant for any purpose against the permanent highway fund hereinafter provided for unless there be sufficient money to pay such warrant in such fund to the credit of the county affected. No changes or additions, or payments therefor, shall be made during the progress of the work, unless the same shall have been approved by the board of county commissioners by resolution, and a copy of said resolution shall have been transmitted to and approved by the state highway engineer. The board of county commissioners shall let no contract for the improvement of any permanent highway or section thereof less than one mile in length: *Provided*, That any highway, or any portion thereof, of less than one mile in length may be constructed under the provisions of this act whenever said highway, or portion thereof, will connect two highways, or portions thereof, previously constructed under the provisions of this act, or highways, or portions thereof, of the same type and standard of construction as highways constructed under this act. Whenever any permanent highway shall be improved or constructed pursuant to a petition as provided for in section 6774, the proportion of the cost of such improvement chargeable to the property within the improvement district shall be paid out of the general road and bridge fund of the county, and all taxes assessed against abutting property under the provisions of the following section, and all moneys payable by any township, shall,

No warrant unless funds.

No contract for less than one mile.

Payments from general road and bridge fund.

Payment by treasurer on warrants of auditor.

Unit price basis, 10% additional set aside.

Extras and overruns.

Effective immediately.

when collected, be paid into said general road and bridge fund. All payments made from the general road and bridge fund upon contracts entered into in accordance with the provisions of this act, shall be made by the county treasurer upon warrants of the county auditor, issued upon the presentation of proper vouchers, approved by the board of county commissioners and the state highway engineer. Whenever any contract is awarded upon the unit price basis, an additional sum equal to ten per cent of the amount of the contract as determined by the unit prices bid and estimated quantities shall be set aside in the permanent highway fund to the credit of the county or may be obligated by the county from the county general road and bridge fund and/or road district fund available for such purpose, and shall not be available for use of such county except for the payment of extras and overruns on such contract, until after the completion of the work and final payment on such contract. All extras and overruns in excess of such percentage shall be approved by the board of county commissioners before the performance of such excess work. If the amount of such excess exceeds the moneys available in the permanent highway fund to the credit of the county, such excess shall be paid from county funds as herein provided.

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

Passed the House March 14, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 189.

[H. B. 416.]

COUNTY ROAD DISTRICTS.

AN ACT relating to road districts and amending Section 2 of Chapter 184 of the Laws of the Extraordinary Session of 1925.

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

SECTION 1. That section 2 of chapter 184 of the Laws of the Extraordinary Session of 1925, be amended to read as follows:

Amends § 2,
Chap. 184,
Laws Ex.
Session,
1925.

Section 2. Boards of county commissioners shall, but not more than once in each year, form their respective counties, or any part thereof, into suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records: *Provided*, That unless the board shall decide otherwise by unanimous vote, there shall be at least one road district in each county commissioner's district embracing territory outside of incorporated cities and towns, and no road district shall extend into more than one county commissioner's district, and each county commissioner, with the advice and assistance of the county engineer, shall prepare and file with the county auditor on or before the second Monday in August in each year, the detailed and itemized estimates of all expenditures required in each road district in his commissioner's district for the ensuing fiscal year, as provided by law.

County com-
missioners
to form
districts.

Passed the House March 14, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 190.

[H. B. 438.]

DEALERS' MOTOR VEHICLE LICENSE PLATES.

AN ACT relating to motor vehicles and regulating the operation thereof upon the highways and amending Section 6321 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 6321 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 6321, Rem.
Comp. Stat.

Section 6321. A dealer's license and a pair of distinctive number plates shall be issued to an actual dealer for any and all motor vehicles owned, handled, or dealt in by him and for the fees hereinafter specified, but shall not be used upon any motor vehicle while the same is being operated for hire; *Provided*, That nothing in this section shall be construed to prohibit the use of a motor vehicle of under one ton capacity from rendering assistance to, or transporting necessary supplies to a motor vehicle which has become disabled.

Such number plates, or duplicates thereof, shall be displayed on every motor vehicle by such dealer whenever the same is operated or driven upon any public highway in this state: *Provided*, That whenever a dealer shall maintain a branch or sub-agency, he shall apply for a separate registration for such branch, or sub-agency, and shall pay therefor the fee hereinafter provided for an original dealer's license: *Provided, further*, neither the dealer's license nor dealer's plates shall be used upon any motor vehicle for the transportation of any produce, freight or commodity for a longer period than seventy-two (72) hours, unless the same is for the

actual use of the dealer owning the vehicle so transporting such produce, commodity or freight.

Passed the House March 9, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 191.

[H. B. 429.]

AMENDMENT TO CONSTITUTION WITH RESPECT TO TAXATION.

AN ACT to amend Article VII of the Constitution of the State of Washington relating to revenue and taxation by striking Sections 1, 2, 3 and 4 thereof and inserting in lieu thereof a new section to be known as section 1.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1930, there shall be submitted to the qualified electors of this state for their adoption and approval an amendment to Article VII of the Constitution of the State of Washington, by striking from said Article VII all of sections 1, 2, 3 and 4 and inserting in lieu thereof the following, to be known as section 1:

Section 1. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: *Provided*, That the Legislature may tax mines and mineral

General
election
November,
1930.

Article VII
of constitu-
tion.

Amendment
proposed.

resources and lands devoted to reforestation by either a yield tax or an *ad valorem* tax at such rate as it may fix, or by both. Such property as the Legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The Legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred (\$300.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual *bona fide* owner.

Passed the House March 14, 1929.

Passed the Senate March 14, 1929.

Signature of Governor not required.

J. Grant Hinkle, Secretary of State.

CHAPTER 192.

[S. B. 154.]

INVESTMENT OF FUNDS OF FIRST CLASS CITIES.

AN ACT relating to the investment of funds of cities of the first class.

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

SECTION 1. That there be, and is hereby, created in all cities of the first class a board of investment, composed of the mayor, comptroller, or auditor, or if there be no comptroller, or auditor, then the city clerk, and the city treasurer.

Board
created.

Mayor,
chairman.

SEC. 2. That the mayor shall be chairman of said board and it shall be his duty to preside at the

meetings thereof, provided that in the absence of the mayor the treasurer shall act as such chairman; and it shall be the duty of the comptroller, or city clerk, to act as secretary of said board and keep a record of the minutes and transactions thereof and to certify to the city council any matters upon which it may be necessary for the council to act.

SEC. 3. Meetings of said board may be called at any time by any member thereof by notification in writing to the remaining members of said board of the time and place of such meeting. Meetings.

SEC. 4. Said board is hereby authorized, upon the majority vote of its members and with the consent by resolution of the city council, from time to time to invest not to exceed fifty per cent (50%) of the cash then on hand in the treasury of such city in United States government bonds, or United States certificates of indebtedness; *Provided*, That the city council may at any time by resolution authorize the conversion of such securities, or any part thereof, into cash. Authorized investments.

Passed the Senate March 1, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 193.

[S. S. B. 193.]

PAYMENT OF ASSESSMENTS AGAINST COUNTY LANDS.

AN ACT relating to taxation; and providing for payment by counties of assessments against county lands in certain cases.

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

SECTION 1. The county commissioners of any county may annually levy a tax, in such amount as in their judgment they may deem necessary or advisable, but not to exceed the rate set forth in section Annual tax levy.

"County
Lands
Assessment
Fund."

3 hereof, upon all taxable property in such county, for the purpose of creating a fund to be known as "County Lands Assessment Fund."

Drainage or
diking im-
provement
districts, as-
sessment.

SEC. 2. Such fund may be expended by such county commissioners to pay in full or in part, any assessments or installments of assessments of drainage improvement districts, diking improvement districts, or districts formed for the foregoing purposes, or assessments for road improvements, falling due against lands in the year when said lands are acquired by the county or while the same are owned by the county, including lands acquired by the county for general purposes, also lands which have been acquired by the county by foreclosure of general taxes. Payment may be made of such assessments, or installments thereof, against such lands or classes of lands, and in such districts or classes of districts as the county commissioners shall, in their discretion, deem advisable. No payment shall be made of any assessments or installments of assessments falling due prior to the year in which such lands were acquired by the county, nor shall any assessments be paid in advance of the time when they fall due. Assessments for maintenance and operation of such dikes, drains, or other improvements of such districts falling due upon such lands while owned by the county, may be paid without payment of assessments or installments thereof for construction of the said improvements, if the county commissioners elect so to do.

Maintenance
of dikes,
drains, etc.

Amount
of levy.

SEC. 3. The amount of such levy in any year shall not exceed the estimated amount needed over and above all moneys on hand in the said county lands assessment fund, to pay the aggregate amount of such assessments falling due against such lands in the ensuing year; and in no event shall the same exceed one-half of one mill upon all taxable property in the county.

SEC. 4. Into said county lands assessment fund shall also be paid any surplus moneys from the sale by the county, pursuant to foreclosure of real estate taxes, of any lands lying in any district of the types named in section 2 hereof, over and above the amount necessary to redeem the general taxes and other assessments against the same, as required by law. Any surplus from any county levy for said fund, unexpended in any year, shall be carried forward in said fund to the next year.

Surplus from
sale of
lands.

SEC. 5. It shall be the duty of the county treasurer of any county to furnish upon request of the county commissioners on or before the first day of May of each year, or/and at any other date that may be found advisable, to the county commissioners, a list of all lands owned by the county, together with the amounts levied as assessments and the district in or by which such assessment is levied, against each description of said lands, as it appears on the assessment roll of the district. Also on or before the first day of August of each year he shall furnish to said county commissioners a similar list of all land owned by the county and subject to any such assessments, together with the amounts of any installment of assessments falling due against any of said lands in the ensuing year upon request of the county commissioners and an estimate of any maintenance or other assessments to be made against same, to fall due in the ensuing year: also an estimate of the amount of assessments to fall due in the ensuing year against lands that will be acquired by the county in such year.

County
treasurer
to furnish
list of
county
lands.

SEC. 6. Moneys received as rentals of irrigated lands, may be applied to the payment of current irrigation charges or assessments against the same.

Rentals
from
irrigated
lands.

Passed the Senate February 28, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 194.

[S. B. 52.]

FISHERIES.

AN ACT relating to Fisheries and amending Section 5683 of Remington's Compiled Statutes.

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

SECTION 1. That section 5683 of Remington's Compiled Statutes of Washington, 1922, be amended to read as follows:

Section 5683. 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 passage-way 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 four consecutive years covered by this license, said location shall be deemed abandoned.

Passed the Senate February 9, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 21, 1929.

Amends
§ 5683, Rem.
Comp. Stat.

Lead of
pound-net,
trap, fish
wheel.

800 feet
end pas-
sage-way.

Lateral pas-
sage-way.

CHAPTER 195.

[S. B. 99.]

PIERCE'S CODE.

AN ACT to adopt Pierce's Washington Code as an official compilation, and providing for citations.

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

SECTION 1. The compilation of the laws of the State of Washington by Frank Pierce, known as Pierce's Code, is hereby adopted as an official compilation of existing statutes up to and including the laws of 1929.

Adopted as
official
compilation.

SEC. 2. It shall be proper for the Legislature, in amending or repealing existing statutes, or for the courts and public officials in referring to existing statutes, to refer to or cite Pierce's Code containing such law. In all official publications of the state wherein the laws are cited, the said code and future supplements, may be cited or paralleled.

Citation
authorized.

SEC. 3. The secretary of state is hereby authorized and directed to certify the laws of 1929, and combine in said certificate the laws of 1921, 1923, 1925, 1925 Extraordinary Session, and 1927 heretofore certified, as a part of said compilation.

Secretary of
state to
certify.

Passed the Senate February 5, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 196.

[S. B. 147.]

INDEBTEDNESS OF MUNICIPAL STREET RAILWAY.

AN ACT relating to certain existing indebtedness of municipally owned street railway utilities to municipally owned electric light and power utilities in cities of first class having a population of less than three hundred thousand; and providing a method for the cancellation of such indebtedness.

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

SECTION 1. Whenever in any city of the first class, having a population of less than three hundred thousand and owning and operating both a street railway and an electric light and power utility pursuant to the provisions of section 9488 of Remington's Compiled Statutes of Washington, there has, during the period of the world war and for the purpose of making extensions and betterments of and additions to such street railway utility to enable service to be rendered to a ship yard or yards engaged in government wartime activities, been advanced or loaned to such street railway utility funds of such electric light and power utility through the purchase by such electric light and power utility of the revenue bonds of such street railway utility in an amount not to exceed three hundred and fifty thousand (\$350,000.00) dollars, and following such war the fair value of the assets of such street railway utility have decreased in an amount in excess of such advance or loan and the unpaid interest accrued thereon, the city council of such city may provide by ordinance for the cancellation of such indebtedness. Any such ordinance shall be submitted to the qualified voters of such city at the next regular municipal election for their approval and adoption or rejection, and if a majority of those

First class
city with
less than
300,000.

Loan.

Purchase
of bonds
not to
exceed
\$350,000.

Ordinance
for cancel-
lation.

Submitted
to voters.

voting upon said proposition shall vote for the adoption and approval of such ordinance, such indebtedness shall thereupon in all respects be cancelled.

Passed the Senate February 7, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 197.

[S. B. 175.]

WARRANTY DEEDS FOR SALE OF COUNTY REAL ESTATE.

AN ACT authorizing and directing counties to give warranty deeds in all cases of re-sale of real estate owned by the county on which title has been quieted under the provisions of Chapter 171 of the Laws of the Extraordinary Session of 1925, and limiting the amount of recovery for breach of warranty.

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

SECTION 1. That in all cases where any county of the State of Washington has perfected title to real estate owned by such county, under the provisions of chapter 171 of the Laws of the Extraordinary Session of 1925, and re-sells the same or part thereof, it shall give to the purchaser a warranty deed in substantially the following form:

Title perfected under Ch. 171, Laws of Ex. Session, 1925.

Sale.

STATE OF WASHINGTON }
County of..... } ss.

Form of warranty deed.

This indenture, made this.....day of..... 19....., between.....as treasurer of..... county, State of Washington, the party of the first part, and....., party of the second part.

WITNESSETH, THAT WHEREAS, at a public sale of real property, held on the.....day of..... A. D. 19....., pursuant to an order of the board of county commissioners of the county of....., State of Washington, duly made and entered, and after having first given due notice of the time and place

and terms of said sale, and, whereas, in pursuance of said order of the said board of county commissioners, and of the laws of the State of Washington, and for and in consideration of the sum of..... dollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this day sold to..... the following described real property, and which said real property is the property of..... county, and which is particularly described as follows, to-wit:

....., the said..... being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale:

NOW THEREFORE KNOW YE that I,..... county treasurer of said county of..... State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases made and provided, do hereby grant, convey and warrant on behalf of..... county unto..... his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this..... day of..... A. D., 19.....

.....
County Treasurer.

By.....
Deputy.

Recovery
for breach.

SEC. 2. No recovery for breach of warranty shall be had, against the county executing a deed under the provisions of the preceding section, in excess of the purchase price of the land described in such deed, with interest at the legal rate.

Passed the Senate February 25, 1929.

Passed the House March 11, 1929. .

Approved by the Governor March 21, 1929.

CHAPTER 198.

[S. B. 192.]

DOGS.

AN ACT relating to dogs, providing for the assessment and collection of annual taxes thereon, and expenditures thereof, fixing the liability of the owners or keepers thereof for damages caused thereby, defining the powers and duties of certain officers in relation thereto and providing penalties for violation thereof, and repealing certain acts relating thereto.

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

SECTION 1. It shall be the duty of each county and township assessor annually, at the time of assessing personal property, to make a list of all persons who own or keep a dog or dogs outside of the corporate limits of any city of the first, second or third class, and to set opposite the name of each owner or keeper the number of dogs owned or kept, stating whether male, sterilized female, or unsterilized female, and to assess against every such owner or keeper a license tax as follows:

County and township assessors to list dogs.

Tax assessed.

- For each male dog.....\$1 00
- For each sterilized female dog..... 1 00
- For each unsterilized female dog..... 2 50

Schedule.

Provided, That for dogs kept in kennels for breeding, sale or sporting purposes an individual license tax shall not be assessed, but the owner or keeper of such kennel shall be assessed a kennel license fee as follows:

Breeding kennels.

- For 20 dogs, or less.....\$10 00
- For each additional 20 dogs, or fraction thereof..... 5 00

Tax.

SEC. 2. It shall be the duty of the county or township assessor to turn over the list provided for in the preceding section to the county treasurer for collection of the taxes above provided for. Upon the payment of the license tax upon any dog or kennel the county treasurer shall deliver to the owner

County treasurer to collect.

License or tag upon payment.

Contents of license.

Tag, contents.

Dog collar.

Application for license or tags.

Failure to pay tax.

"County Dog License Tax Fund."

Owner liable for animals killed or injured by dog.

or keeper of such dog or kennel a license, and a metallic tag for each dog taxed and licensed or kept in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it, the name and address of the owner of the dog or kennel licensed, and if a dog license, a description of the dog including its breed, age, color and markings; and if a kennel license, a description of the breed, number and ages of the dogs kept in such kennel. The metallic tag shall bear the name of the county issuing it, a serial number corresponding with the number on the license, and the calendar year in which it is issued. It shall be the duty of every owner or keeper of a dog to keep a substantial collar on the dog and attached firmly thereto the license tag for the current year.

SEC. 3. Any person becoming the owner of a dog or kennel after the assessment has been returned by the assessor and any owner of a dog or kennel which for any reason the assessor has failed to assess, may at any time apply to the county treasurer, and upon the payment of the required fee procure a license and a metallic tag or tags.

If any person whose name appears upon the list prepared by the county and township assessor as above provided shall fail to pay the license tax to the county treasurer on or before the first day of August in which the list is made, it shall be the duty of the county treasurer to proceed to collect the delinquent license taxes in the manner provided by law for collection of delinquent personal property taxes.

SEC. 4. All license taxes collected in accordance with the provisions of this act shall be placed in a separate fund in the office of the county treasurer to be known as the "county dog license tax fund."

SEC. 5. The owner or keeper of any dog shall be liable to the owner of any animal killed or injured

by such dog for the amount of damages sustained and costs of collection, to be recovered in a civil action: *Provided*, That in case the owner or keeper of such dog or dogs is unknown or the damages can not be collected, the person suffering damages may present a claim for such damages to a justice of the peace of the county in which he resides within not more than forty (40) days after any such animal or animals are killed or injured and make affidavit, stating the number of such animals killed or injured, the amount of the damages and the name of the owner of the dog or dogs, if known. The damages shall be proven by not less than two witnesses who shall be freeholders of the county. Justices of the peace are hereby required to administer oaths in such cases and shall issue and file with the county treasurer a certificate stating the amount of damages sustained. Such damages allowed in no event shall exceed the following amounts:

Unknown owner of dog, claim for damages filed with justice of the peace.

UNREGISTERED ANIMALS OR UNACCREDITED POULTRY.

Schedule of damages allowable.

	<i>Per Head</i>
For sheep or goats killed or injured.....	\$12 50
For cattle killed or injured.....	50 00
For horses or mules killed or injured.....	75 00
For turkeys killed or injured.....	4 00
For other poultry killed or injured.....	1 50
For swine killed or injured.....	12 50
For rabbits killed or injured.....	1 50

REGISTERED ANIMALS OR ACCREDITED POULTRY.

For sheep or goats killed or injured.....	\$25 00
For cattle killed or injured.....	100 00
For horses or mules killed or injured.....	150 00
For turkeys killed or injured.....	8 00
For other poultry killed or injured.....	3 00
For swine killed or injured.....	25 00
For rabbits killed or injured.....	3 00

Upon the filing with the county treasurer of the certificate of the justice of the peace fixing the damages as above provided, the treasurer shall pay to the claimant out of the county dog license tax

Treasurer to pay claim.

fund the amount of damages sustained as certified by the justice of the peace.

Lawful to
kill dog in
certain
cases.

SEC. 6. It shall be lawful for any person who shall see any dog or dogs chasing, biting, injuring or killing any sheep, swine or other domestic animal, including poultry, belonging to such person, on any real property owned or leased by, or under the control of, such person, or on any public highway, to kill such dog or dogs, and it shall be the duty of the owner or keeper of any dog or dogs so found chasing, biting or injuring any domestic animal, including poultry, upon being notified of that fact by the owner of such domestic animals or poultry, to thereafter keep such dog or dogs in leash or confined upon the premises of the owner or keeper thereof, and in case any such owner or keeper of a dog or dogs shall fail or neglect to comply with the provisions of this section, it shall be lawful for the owner of such domestic animals or poultry to kill such dog or dogs found running at large.

Duty of
owner to
kill dogs
in certain
cases.

SEC. 7. It shall be the duty of any person owning or keeping any dog or dogs which shall be found killing any domestic animal to kill such dog or dogs within forty-eight hours after being notified of that fact, and any person failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and it shall be the duty of the sheriff or any deputy sheriff to kill any dog found running at large (after the first day of August of any year and before the first day of March in the following year) without a metal identification tag.

Sheriff to
kill dogs
running at
large
without tag.

Excess of
county dog
license tax
fund trans-
ferred.

SEC. 8. On the first day of March of each year all moneys in the county dog license tax fund in excess of five hundred dollars (\$500.00) shall be by the county treasurer transferred and credited to the current expense fund of the county.

SEC. 9. Any person or officer who shall refuse to comply with or enforce any of the provisions of this act shall be deemed guilty of a misdemeanor.

Person or officer failing to comply with act, guilty of misdemeanor.

SEC. 10. The county treasurer shall allow two dollars (\$2.00) for each witness and two dollars (\$2.00) to a justice of the peace for each certificate of damage filed which shall be paid out of the fund created by this act.

Allowance for witnesses and justice.

SEC. 11. That chapter 6 of the Laws of 1919, pages 27 to 30, and section 2 of chapter 89 of the Laws of 1923, page 258, (sections 8304 to 8306 of Remington's Compiled Statutes) are hereby repealed.

Statutes repealed.

Passed the Senate March 7, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 199.

[S. S. B. 59.]

ASSESSMENT AND TAXATION OF PROPERTY.

AN ACT relating to the assessment and taxation of property in certain cases, and to sales thereof for delinquent taxes.

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

SECTION 1. Easements and the property constructed upon or occupying such easements owned by public service corporations shall be assessed and taxed together as personal property and the taxes thereon shall be collected as personal property taxes.

Easements owned by public service corporations.

SEC. 2. Real estate subject to any such easement shall be assessed and taxed as real estate subject to such easement.

Real estate.

SEC. 3. When any such real estate is sold for delinquent taxes thereon it shall be sold subject to

Real estate sold subject to easement.

such easement, and the purchaser at any such tax sale shall acquire no title to such easement or the property constructed upon or occupying the same.

Real estate
not to be
sold for
non-payment
of ease-
ment tax.

SEC. 4. Real estate subject to any such easement shall not be chargeable with any tax levied upon such easement or the property constructed upon or occupying such easement and shall not be sold for the non-payment of any such tax.

Railroads
excepted.

SEC. 5. This act shall not apply to railroad easements or property.

Passed the Senate March 8, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 200.

[S. B. 92.]

INTOXICATING LIQUOR.

AN ACT relating to the sale of intoxicating liquor and providing penalties for violation thereof.

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

Sale to
minor,
felony.

SECTION 1. Every person who shall sell any intoxicating liquor to any minor shall be guilty of a felony. The provisions and penalties of this act are independent of those of section 7328, Remington's Compiled Statutes, being section 11, chapter 19, Laws of 1917, page 60, relating to the offenses of "jointist" and "bootlegger" which shall remain in full force and effect.

Passed the Senate February 5, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 21, 1929.

CHAPTER 201.

[H. B. 152.]

REINSTATEMENT OF RICHARD STROBACH CONTRACT
FOR STATE LANDS.

AN ACT authorizing the reinstatement of a certain contract for the purchase of state lands and declaring that this act shall take effect immediately.

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

SECTION 1. That upon the payment within ninety (90) days after the taking effect of this act to the commissioner of public lands of two delinquent annual installments together with the interest on deferred payments for the years 1927, 1928 and 1929, under the terms of that certain contract number 8131 for the sale of the northwest one-fourth of the northeast one-fourth of section 36, township 13 north, range 17 east, made and entered into between the State of Washington, by the commissioner of public lands, and Richard Strobach on to-wit, the 7th day of September, 1912, and forfeited and cancelled by the commissioner of public lands, for the non-payment of installments, on to-wit, the 16th day of September, 1927, the commissioner of public lands shall be, and he is hereby authorized and directed to reinstate said contract.

Upon pay-
ment of
delinquent
installments
contract to
be re-in-
stated.

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

Effective im-
mediately.

Passed the House February 15, 1929.

Passed the Senate March 13, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 202.

[H. B. 106.]

INHERITANCE TAX ON PERSONAL PROPERTY OF
NON-RESIDENTS.

AN ACT concerning taxes on the transfer of personal property of non-residents and to make uniform the laws of the states with reference thereto.

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

Tax exempt
in certain
cases.

SECTION 1. The tax imposed by chapter VIII of Title LXXVIII of Remington's Compiled Statutes, and chapter VIII of Title LXXVIII of Remington's Compiled Statutes, 1927 Supplement, in respect of personal property (except tangible personal property having an actual situs in this state) shall not be payable (1) if the transferor is a resident of a state or territory of the United States which at the time of the transfer did not impose a transfer tax or death tax of any character in respect of personal property of residents of this state (except tangible personal property having an actual situs in such state or territory) or (2) if the laws of the state or territory of residence of the transferor at the time of the transfer contained a reciprocal provision under which non-residents were exempted from transfer taxes or death taxes of every character in respect of personal property (except tangible personal property having an actual situs therein) provided the state or territory of residence of such non-residents allowed a similar exemption to residents of the state or territory of residence of such transferor. For the purposes of this section the District of Columbia, Porto Rico and the Philippine Islands shall be considered territories of the United States.

Tax paid
elsewhere,
credit here.

SEC. 2. When the inheritance tax and escheats division is determining inheritance tax, in the man-

ner provided by law, on the succession to property from a decedent citizen resident of this state, if it is made to appear that an inheritance or succession tax has been assessed and paid in any other state, territory, district or possession of the United States, or foreign country on the succession to any part of such property of such estate located in or under the jurisdiction of this state, the court shall allow the successor by whom such inheritance tax has been paid, a credit of the amount so paid by him or in his behalf in such other state, territory, district or possession of the United States, or foreign country on that particular property, this credit to be applied on the tax assessed under the laws of this state, upon that particular property. *Provided, however,* That the amount of such credit so allowed shall in no case exceed the amount assessed or paid in this state on the succession of such successor in the said particular property so subject to inheritance tax elsewhere.

SEC. 3. 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. Construction.

SEC. 4. That in case this act or any part thereof shall be held unconstitutional, such holding shall only apply to this act or a part thereof and shall not apply to any other act. If any part unconstitutional not to affect balance.

Passed the House March 13, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 203.

[H. B. 165.]

COLLECTION AND PAYMENT OF BANK CHECKS.

AN ACT to expedite and simplify the collection and payment by banks of checks and other instruments for the payment of money.

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

SECTION 1. That for the purposes of this act:

Definitions— (a) Bank. The term "bank" shall include any person, firm or corporation engaged in the business of receiving and paying deposits of money within this state. A branch or office of any such bank shall be deemed a bank for the purpose of this act.

"Bank" (b) Item. The term "item" means any check, note or other instrument providing for the payment of money.

"Item." SEC. 2. Except as otherwise provided by agreement and except as to subsequent holders of a negotiable instrument payable to bearer or indorsed specially or in blank, where an item is deposited or received for collection, the bank of deposit shall be agent of the depositor for its collection and each subsequent collecting bank shall be sub-agent of the depositor but shall be authorized to follow the instructions of its immediate forwarding bank and any credit given by any such agent or sub-agent bank therefor shall be revocable until such time as the proceeds are received in actual money or an unconditional credit given on the books of another bank, which such agent has requested or accepted. Where any such bank allows any revocable credit for an item to be withdrawn, such agency relation shall nevertheless continue except the bank shall have all the rights of an owner thereof against prior

Deposited for collection, bank is agent of depositor.

and subsequent parties to the extent of the amount withdrawn.

SEC. 3. A credit given by a bank for an item drawn on or payable at such bank shall be provisional, subject to revocation at or before the end of the day on which the item is deposited in the event the item is found not payable for any reason. Whenever a credit is given for an item deposited after banking hours such right of revocation may be exercised during the following business day.

Credit
provisional.

SEC. 4. An indorsement of an item by the payee or other depositor "for deposit" shall be deemed a restrictive indorsement and indicate that the indorsee bank is an agent for collection and not owner of the item.

Indorse-
ment "for
deposit."

An indorsement "pay any bank or banker" or having equivalent words shall be deemed a restrictive indorsement and shall indicate the creation of an agency relation in any subsequent bank to whom the paper is forwarded unless coupled with words indicating the creation of a trustee relationship; and such indorsement or other restrictive indorsement whether creating an agency or trustee relationship shall constitute a guaranty by the endorser to all subsequent holders and to the drawee or payor of the genuineness of and the authority to make prior indorsements and also to save the drawee or payor harmless in the event any prior indorsement appearing thereon is defective or irregular in any respect unless such indorsement is coupled with appropriate words disclaiming such liability as guarantor.

"Pay any
bank or
banker."

Where a deposited item is payable to bearer or indorsed by the depositor in blank or by special indorsement, the fact that such item is so payable or indorsed shall not change the relation of agent of the bank of deposit to the depositor, but subse-

Payable to
bearer,
indorsed in
blank, or
specially.

quent holders shall have the right to rely on the presumption that the bank of deposit is the owner of the item. The indorsement of an item by the bank of deposit or by any subsequent holder in blank or by special indorsement or its delivery when payable to bearer, shall carry the presumption that the indorsee or transferee is owner provided there is nothing upon the face of the paper or in any prior indorsement to indicate an agency or trustee relation of any prior party. But where an item is deposited or is received for collection indorsed specially or in blank, the bank may convert such an indorsement into a restrictive indorsement by writing over the signature of the indorser the words "for deposit" or "for collection" or other restrictive words to negative the presumption that such bank of deposit or indorsee bank is owner; and in the case of an item deposited or received for collection payable to bearer, may negative such presumption by indorsing thereon the words "received for deposit" or "received for collection" or words of like import.

Bank to exercise ordinary care.

SEC. 5. It shall be the duty of the initial or any subsequent agent collecting bank to exercise ordinary care in the collection of an item and when such duty is performed such agent bank shall not be responsible if for any cause payment is not received in money or an unconditional credit given on the books of another bank, which bank shall be liable for its own lack of exercise of ordinary care but shall not be liable for the neglect, misconduct, mistakes or defaults of any other agent bank or of the drawee or payor bank.

Ordinary care, defined.

SEC. 6. (a) Where an item is received on deposit or by a subsequent agent bank for collection, payable in another town or city, it shall be deemed the exercise of ordinary care to forward such item by mail, not later than the business day next following its receipt either (1) direct to the drawee

or payor in the event such drawee or payor is a bank or (2) to another bank collecting agent according to the usual banking custom, either located in the town or city where the item is payable or in another town or city.

(b) Where an item is received on deposit or by a subsequent agent bank for collection, payable by or at another bank in the same town or city in which such agent bank is located, it shall be deemed the exercise of ordinary care to present the item for payment at any time not later than the next business day following the day on which the item is received either (1) at the counter of the drawee or payor by agent or messenger or (2) through the local clearing house under the regular established procedure, or according to the usual banking custom where the collecting or payor bank is located in an outlying district.

(c) The designation of the above methods shall not exclude any other method of forwarding or presentment which under existing rules of law would constitute ordinary care.

SEC. 7. Where the item is received by mail by a solvent drawee or payor bank, it shall be deemed paid when the amount is finally charged to the account of the maker or drawer.

Deemed paid when charged to maker's account.

SEC. 8. Where an agent bank forwards an item for collection, it shall not be responsible for its loss or destruction in transit or, when in the possession of others, for its inability to repossess itself thereof, provided there has been no lack of ordinary care on its part.

Loss or destruction in transit.

SEC. 9. Where ordinary care is exercised, any agent collecting bank may receive in payment of an item without becoming responsible as debtor therefor, whether presented by mail, through the clearing house or over the counter of the drawee or payor,

Different
methods
for payment.

in lieu of money, either (a) the check or draft of the drawee or payor upon another bank or (b) the check or draft of any other bank upon any bank other than the drawee or payor of the item or (c) such method of settlement as may be customary in a local clearing house or between clearing banks or otherwise: *Provided*, That whenever such agent collecting bank shall request or accept in payment an unconditional credit which has been given to it on the books of the drawee or payor or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

Check or
draft of
remitting
bank in
payment.

SEC. 10. Where ordinary care is exercised, any agent collecting bank may receive from any subsequent bank in the chain of collection in remittance for an item which has been paid, in lieu of money, the check or draft of the remitting bank upon any bank other than itself or the drawee or payor of the item or such other method of settlement as may be customary: *Provided*, That whenever such agent collecting bank shall request or accept an unconditional credit which has been given to it on the books of the remitting bank or on the books of any other bank, such agent collecting bank shall become debtor for such item and shall be responsible therefor as if the proceeds were actually received by it in money.

Dishonored
by non-
payment.

SEC. 11. Where an item is duly presented by mail to the drawee or payor, whether or not the same has been charged to the account of the maker or drawer thereof or returned to such maker or drawer, the agent collecting bank so presenting may, at its election, exercised with reasonable diligence, treat such item as dishonored by non-payment and recourse may be had upon prior parties thereto in any of the following cases:

- (1) Where the check or draft of the drawee or

payor bank upon another bank received in payment therefor shall not be paid in due course ;

(2) Where the drawee or payor bank shall without request or authority tender as payment its own check or draft upon itself or other instrument upon which it is primarily liable ;

(3) Where the drawee or payor bank shall give an unrequested or unauthorized credit therefor on its books or the books of another bank ; or

(4) Where the drawee or payor shall retain such item without remitting therefor on the day of receipt or on the day of maturity if payable otherwise than on demand and received by it prior to or on such day of maturity: *Provided, however,* That in any case where the drawee or payor bank shall return any such item unpaid not later than the day of receipt or of maturity as aforesaid in the exercise of its right to make payment only at its own counter, such item cannot be treated as dishonored by non-payment and the delay caused thereby shall not relieve prior parties from liability.

Provided, further, That no agent collecting bank shall be liable to the owner of an item where, in the exercise of ordinary care in the interest of such owner, it makes or does not make the election above provided or takes such steps as it may deem necessary in cases (2), (3) and (4) above.

SEC. 12. In case of the dishonor of an item duly presented by mail as provided for in the next preceding section, notice of dishonor of such item to prior parties shall be sufficient if given with reasonable diligence after such dishonor ; and further in the event of failure to obtain the return of any such item notice of dishonor may be given upon a copy or written particulars thereof, and delay in giving notice of dishonor caused by an attempt with reasonable diligence to obtain return of such item shall be excused.

Notice of
dishonor.

Bank
failure,
effect.

SEC. 13. 1. When the drawee or payor, or any other agent collecting bank shall fail or be closed for business by the supervisor of banking or by action of the board of directors or by other proper legal action, after an item shall be mailed or otherwise entrusted to it for collection or payment but before the actual collection or payment thereof, it shall be the duty of the receiver or other official in charge of its assets to return such item, if same is in his possession, to the forwarding or presenting bank with reasonable diligence.

2. Except in cases where an item or items is treated as dishonored by non-payment as provided in section 11, when a drawee or payor bank has presented to it for payment an item or items drawn upon or payable by or at such bank and at the time has on deposit to the credit of the maker or drawer an amount equal to such item or items and such drawee or payor shall fail or close for business as above, after having charged such item or items to the account of the maker or drawer thereof or otherwise discharged his liability thereon but without such item or items having been paid or settled for by the drawee or payor either in money or by an unconditional credit given on its books or on the books of any other bank, which has been requested or accepted so as to constitute such drawee or payor or other bank debtor therefor, the assets of such drawee or payor shall be impressed with a trust in favor of the owner or owners of such item or items for the amount thereof, or for the balance payable upon a number of items which have been exchanged, and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

3. Where an agent collecting bank other than the drawee or payor shall fail or be closed for business as above, after having received in any form the proceeds of an item or items entrusted to it for collection, but without such item or items having been paid or remitted for by it either in money or by an unconditional credit given on its books or on the books of any other bank which has been requested or accepted so as to constitute such failed collecting or other bank debtor therefor, the assets of such agent collecting bank which has failed or been closed for business as above shall be impressed with a trust in favor of the owner or owners of such item or items for the amount of such proceeds and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

SEC. 14. The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

Not retroactive.

SEC. 15. In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking, shall continue to apply.

Except for act, rules of law and equity apply.

SEC. 16. 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.

Construction of act.

SEC. 17. This act may be cited as the bank collection code.

Cited by name.

SEC. 18. All acts or parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

Passed the House February 14, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 204.

[H. B. 187.]

ASSESSMENT OF METROPOLITAN PARK DISTRICT LANDS.

AN ACT authorizing the assessment of lands held or owned by any metropolitan park district within the limits of any city for local improvements, and providing for the payment of such assessments.

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

Lands may be assessed for local improvements.

SECTION 1. That all lands held or owned by any metropolitan park district in fee simple in trust or otherwise within the limits of any city may be assessed and charged with the cost of all local improvements specially benefiting such land and property, which may be ordered by the proper authorities of such city.

Same as other property.

SEC. 2. In any local improvement assessment district in any city property in such district held or owned by any metropolitan park district in which such city or town is situated shall be assessed and charged for its portion of the cost of such local improvement in the same manner as any other property in such district.

Assessment roll confirmed, city treasurer to certify statement of lots of district.

SEC. 3. That upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any city, the city treasurer shall certify and forward to the board of park commissioners of the metropolitan park district in which such city is situated, a statement of all lots or parcels of land or other property held or owned by such metropolitan park district and charged on such assessment roll for the cost of such local improvement, separately describing each lot or parcel of land or other property of the metropolitan park district with the amount of the assessment charged against it, and the board of park com

missioners shall cause the amount of such local improvement assessments to be paid to the city as other claims and charges against such metropolitan park district are paid.

Passed the House February 25, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 205.

[H. B. 380.]

INHERITANCE TAX.

AN ACT relating to taxation of inheritances and ascertaining, determining and collecting of such tax, and providing certain transfers to be in contemplation of death, and amending Sections 11202, 11206, 11211 and 11216 of Remington's Compiled Statutes, and adding to Section 11216 of Remington's Compiled Statutes a new section to be known as Section 11216-A, and adding to Section 11201 of Remington's Compiled Statutes a new section to be known as Section 11201-A, providing a penalty for practicing a fraud upon the State of Washington relating to the ascertainment, determination and collection of inheritance taxes.

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

SECTION 1. That section 11202 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 11202,
Rem. Comp.
Stat.

Section 11202. The inheritance tax shall be imposed on all estates subject to the operation of this and other inheritance tax acts of the State of Washington, at the following rates:

If passing to or for the use of a father, mother, husband, wife, lineal descendant, adopted child or lineal descendant of an adopted child, the tax shall be one per centum of any value not exceeding fifty thousand dollars; two per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; three per centum of any

Rate,
schedule.

\$10,000
exemption.

Parents
deceased,
child
survives,
\$10,000
exemption.

value in excess of one hundred thousand dollars and not exceeding one hundred fifty thousand dollars; four per centum of any value in excess of one hundred fifty thousand dollars and not exceeding two hundred thousand dollars; five per centum of any value in excess of two hundred thousand dollars. A son-in-law, or a daughter-in-law, being in such relation, shall be taxed at the same rate as a son or a daughter: *Provided, however,* That in the above cases, ten thousand dollars of the net value of any estate shall be exempt from such tax, to the survivor, and to the father or mother and five thousand dollars shall be exempt to each minor, lineal descendant, step-child or adopted child, and three thousand dollars shall be exempt to each adult, lineal descendant: *Provided, however,* That where both parents are deceased and only one child, adopted child, or step-child survives, there shall be exempt from the estate passing to such child, adopted child, or step-child, the sum of ten thousand dollars.

If passing to or for the use of a sister, brother, uncle, aunt, nephew or niece, the tax shall be three per centum of any value not exceeding fifty thousand dollars; six per centum of any value in excess of fifty thousand dollars, and not exceeding one hundred thousand dollars; eight per centum of any value in excess of one hundred thousand dollars and not exceeding one hundred fifty thousand dollars; ten per centum of any value in excess of one hundred fifty thousand dollars and not exceeding two hundred thousand dollars; twelve per centum of any value in excess of two hundred thousand dollars.

Collateral
heirs.

If passing to or for the use of collateral heirs beyond the third degree of relationship or to strangers to the blood, the tax shall be ten per centum of any value not exceeding fifty thousand dollars; twelve per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand

dollars; fifteen per centum of any value in excess of one hundred thousand dollars and not exceeding one hundred fifty thousand dollars; twenty per centum of any value in excess of one hundred fifty thousand dollars and not exceeding two hundred thousand dollars; twenty-five per centum of any value in excess of two hundred thousand dollars.

SEC. 2. That section 11206 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 11206,
Rem. Comp.
Stat.

Section 11206. When property is transferred in trust or otherwise and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable and a tax shall be imposed upon such transfer at the highest rate which on the happening of any of said contingencies or conditions would be probable under the provisions of this act and such tax so imposed shall be due and payable in the same manner as other taxes: *Provided*, That if such tax, so determined, appears to be excessive, the matter may be submitted to the court for determination and adjustment: *Provided further, however*, Where such tax is not so determined by the court, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation which, under the provisions of this act is required to pay a tax at a lower rate than the tax imposed then such transferee shall recover from the State of Washington the difference between the tax imposed and the tax at the lower rate.

Trust
transfers
of property.

Estates in expectancy which are contingent or defeasible and in which proceedings for determination of the tax have not been taken or where the taxation thereof has been held in abeyance shall be

Estates in
expectancy

appraised at their full undiminished clear value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Amends
§ 11211,
Rem. Comp.
Stat.

SEC. 3. That section 11211 of Remington's Compiled Statutes be amended to read as follows:

Appraisers.

Section 11211. The superior court, having jurisdiction, shall appoint three suitable, disinterested persons to appraise the estate and effects of deceased persons for inheritance tax purposes, and unless otherwise provided by order of the court, the appraisers appointed under the probate law to appraise the estate and effects of deceased persons shall be and constitute the appraisers under the provisions of this act: *Provided, however,* That in all class A, 1st, 2nd and 3rd class counties, one of such appraisers, in either case, shall be recommended by the supervisor of the inheritance tax and escheat division, and appointed by the court as one of the three appraisers, and shall receive a like compensation as each of the other appraisers. The supervisor of the inheritance tax and escheat division or any person interested in the estate appraised, may file exceptions to the appraisement, which shall be heard and determined by the court having jurisdiction in probate of the estate involved. If, upon the hearing, the court finds the amount at which the property is appraised is its market value and the appraisement was fairly and in good faith made, it shall approve such appraisement; but if it finds that the appraisement was made at a greater or less sum than the market value of the property, or that the

Class A,
1st, 2nd and
3rd class
counties,
appraiser
recom-
mended by
supervisor.

Exceptions
to appraisal.

Hearing.

same was not fairly or in good faith made, it shall set aside the appraisement and determine such value. The supervisor of the inheritance tax and escheat division, or any one interested in the property appraised, may appeal to the supreme court from the order of the superior court in the premises.

Appeals to
supreme
court.

SEC. 4. That section 11216 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 11216 of
Rem. Comp.
Stat.

Section 11216. When any person dies leaving property within the jurisdiction of the State of Washington, which shall pass by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor, to any person in trust or otherwise, and there has been no application for letters of administration of the estate of such deceased person, or when administration of any estate has been completed without an adjudication of the inheritance tax, the liability of such property for the payment of an inheritance tax may be determined without administration in the manner hereinafter provided.

No probate
on estate.

When any person interested in such property shall deem the same not subject to an inheritance tax, or when he admits the liability for such tax but desires to adjust the same, he may file a petition in the superior court of the proper county to determine the questions arising under the inheritance tax statutes. Such petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such

Petition for
adjudication
filed with
court.

hearing, shall be served by the petitioner or his attorney upon the supervisor of the inheritance tax and escheat division and on each person interested in said property at least twenty days before the date of hearing, if served personally, and if served by publication the service shall be the same as the service of summons by publication in civil actions.

Hearing.

The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact; but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court allowed by the laws of the state.

Tax adjusted without probate.

In any case where the inheritance tax will not exceed three hundred dollars, the supervisor of inheritance tax and escheat division may compromise such tax and issue a satisfaction therefor, without probate proceedings, where the necessary facts are furnished and filed by affidavit, but such release shall be only as to the assets of the estate shown and disclosed by such proceedings.

Adds Section 11201-A to Rem. Comp. Stat.

SEC. 5. That section 11201 of Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 11201-A to read as follows:

Transfer without consideration deemed in contemplation of death.

Section 11201-A. Any transfer of property made by a decedent by deed, grant, sale or gift within two years prior to said decedent's death, without a valid and adequate consideration therefor, shall be presumed to have been made in contemplation of death.

SEC. 6. That section 11216 of Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 11216-A, to read as follows:

Adds Section 11216-A to Rem. Comp. Stat.

Section 11216-A. Any person or persons found guilty of practicing a fraud upon the State of Washington relating to the ascertainment, determination and collection of inheritance taxes, by misrepresentation of facts, or concealment of facts, and any person or persons who assist therein, either as principal, agent or accessory, either before or after the fact, shall be deemed guilty of a gross misdemeanor and upon conviction thereof be punished accordingly.

Fraudulent practices, gross misdemeanor.

SEC. 7. The foregoing provisions in this act shall apply to all cases pending in the inheritance tax and escheat division at the time this act takes effect.

Act not retroactive.

SEC. 8. That in case this act or any part thereof shall be held unconstitutional, such holding shall only apply to this act or a part thereof and shall not apply to any other act.

If unconstitutional in part, balance not affected.

Passed the House March 14, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 206.

[H. B. 167.]

INVESTMENT OF FUNDS BY TRUST COMPANIES.

AN ACT relating to the investment of funds held in trust by corporations doing a trust business, and amending Chapter 80 of the Laws of 1917.

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

Amends
§ 3255, Rem.
Comp. Stat.

SECTION 1. That section 48 of chapter 80 of the Laws of 1917, pages 294 to 296, (section 3255 of Remington's Compiled Statutes) be amended to read as follows:

Investment
as specified,
not other-
wise.

Section 48. A corporation doing a trust business may invest funds held in trust, in the manner hereinafter in this act specified and not otherwise.

Adds § 48a
to Chap. 80,
Laws 1917.

SEC. 2. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48a, to read as follows:

United
States bonds.

Section 48a. A corporation doing a trust business may invest funds held in trust in bonds, notes, or other obligations constituting the direct and general obligation of the United States, or of any state thereof, or bonds, payment of which, both principal and interest, is guaranteed by the United States or any state thereof.

Adds § 48 b
to Chap. 80,
Laws 1917.

SEC. 3. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48b, to read as follows:

Dominion
of Canada
bonds.

Section 48b. A corporation doing a trust business may invest funds held in trust in bonds, notes, or other obligations constituting the direct and general obligation of the Dominion of Canada or any province thereof, or bonds, notes, or other obligations, payment of which, both principal and interest, is guaranteed by the Dominion of Canada or any province thereof, provided such bonds, notes or

other obligations are payable within the United States of America in gold coin of the United States of America or its equivalent.

SEC. 4. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48c, to read as follows:

Adds § 48c to Chap. 80, Laws 1917.

Section 48c. A corporation doing a trust business may invest funds held in trust in direct and general obligation bonds or notes issued by any county, city, school district or port district in the State of Washington having the power to levy taxes for the payment of principal and interest thereof.

Bonds of county, city, school or port district of this state.

SEC. 5. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48d, to read as follows:

Adds § 48d to Chap. 80, Laws 1917.

Section 48d. A corporation doing a trust business may invest funds held in trust in the bonds of any first or second class city of this state for the payment of which the entire revenues of the city's water system less maintenance and operating costs is irrevocably pledged, even though the bonds are not general obligation bonds of the city.

Water system bonds of 1st or 2nd class cities of this state.

SEC. 6. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48e, to read as follows:

Adds § 48e to Chap. 80, Laws 1917.

Section 48e. A corporation doing a trust business may invest funds held in trust in the direct and general obligation bonds or notes issued by any county, city, school district or port district in any other state of the United States having the power to levy taxes for the payment of principal and interest thereof: *Provided*, That such bonds, or notes are acceptable by the United States government as security for deposits of postal savings funds.

Bonds of county, city, school or port district of other states.

SEC. 7. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48f, to read as follows:

Adds § 48f to Chap. 80, Laws 1917.

Section 48f. A corporation doing a trust business may invest funds held in trust in the following obligations of railroad corporations: Obligations issued, assumed or guaranteed as to principal and interest by endorsement by, or so guaranteed which guaranty has been assumed by, a railroad corporation or a successor railroad corporation thereof, incorporated under the laws of the United States or any state thereof, owning and operating not less than 500 miles of standard gauge railroad, exclusive of sidings: *Provided*, That if the mileage so owned shall be less than 500 miles, the railway operating revenues from the operation of such railroad shall have been not less than \$10,000,000 each year for at least five of the six fiscal years next preceding such investment; or obligations guaranteed as to principal and interest by, or so guaranteed which guaranty has been assumed by, such railroad corporation under the terms of a lease extending to a date not earlier than the maturity of the obligations so guaranteed, which lease shall provide that the rental thereunder shall be not less than twice the fixed charges of the lessor: *Provided, further*, That in each year for at least five of the six fiscal years next preceding such investment, the amount of earnings of such railroad corporation after deducting rent for hire of equipment and joint facility rents, if any, from gross income shall have been not less than one and one-half times the remaining deductions from such gross income as defined by the accounting regulations of the interstate commerce commission: *Provided further*, That such railroad corporation each year for at least five out of the six fiscal years next preceding such investment shall have paid dividends in cash upon its capital stock equivalent to at least one-fourth of such deductions: *Provided further*, That at no time within such period of six years such railroad corporation shall have failed regularly

Railroad corporation obligations.

Operating not less than 500 miles.

Yearly revenue not less than \$10,000,000.

Earnings for five years.

Cash dividends on stock.

Paid regularly matured principal and interest on mortgage indebtedness.

and punctually to pay the matured principal and interest of all its mortgage indebtedness: *Provided further*, That all obligations so authorized for investment shall be

(a) Fixed interest-bearing bonds secured by direct mortgage on railroad operated by such railroad corporation; or

Fixed interest-bearing bonds.

(b) Bonds secured by first mortgage upon terminal, depot, bridge or tunnel property, including lands, buildings and appurtenances, used in the service of transportation by one or more such railroad corporations, provided that such bonds be the direct obligation of, or that payment of principal and interest thereof be guaranteed by endorsement by, or guaranteed by endorsement which guaranty has been assumed by, one or more such railroad corporations; or

First mortgage bonds.

(c) Debenture bonds of such railroad corporation secured by irrevocable pledge as collateral under a trust agreement of other railroad bonds that are legal investments for trust funds under this section, have a maturity not earlier than the bonds that they secure and of a total face amount not less than the total face amount of the bonds that they secure; or

Debenture bonds.

(d) Fixed interest-bearing mortgage bonds other than those described in paragraph (a) hereof, income mortgage bonds, collateral trust bonds other than those described in paragraph (c) hereof, or unsecured bonds, issued, assumed or guaranteed as to principal and interest by endorsement by, or so guaranteed which guaranty has been assumed by, such railroad corporation, the amount of earnings of which each year for at least five of the six fiscal years next preceding such investment after deducting rent for hire of equipment and joint facility rents, if any, from gross income shall have been not less than twice the remaining deductions from such

Other fixed interest-bearing bonds.

gross income as defined by the accounting regulations of the interstate commerce commission, including interest on such income mortgage bonds, if any, and the net income of which after such deductions shall have been not less than \$10,000,000 each year for at least five of the six fiscal years next preceding such investment, and which railroad corporation shall have made the dividend and principal and interest payment hereinbefore required. Street railroad corporations shall not be considered railroad corporations within the meaning of this section.

Adds § 48g
to Chap. 30,
Laws 1917.

SEC. 8. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48g, to read as follows:

Mortgage
bonds of
class one
railroad.

Section 48g. A corporation doing a trust business may invest funds held in trust in the mortgage bonds of any class one railroad, as defined by the interstate commerce commission, meeting the following requirements:

50 net
revenue
ton miles
per year.

(1) Such railroad shall have carried fifty net revenue ton miles per year each year for the five years next preceding the proposed investment for each dollar of mortgage bonds of the funded debt of the railroad prior or equal in lien to such bonds, and

Traffic
density.

(2) Such railroad shall have had a traffic density of at least one million net revenue ton miles per mile of line mortgaged to secure such bonds each and every year for a period of at least five years prior to the investment by any such corporation in such bonds, and

Prohibit
issuance of
additional
equal or
prior bonds.

(3) The trust indentures of such bonds and of any bonds prior in lien to such bonds secured by mortgages on said railroad and portions thereof shall prohibit the issuance of any additional bonds equal or prior in lien to such bonds except for the purpose of retiring existing prior lien bonds.

SEC. 9. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48h, to read as follows:

Adds § 48h to Chap. 80, Laws 1917.

Section 48h. A corporation doing a trust business may invest funds held in trust in railroad equipment obligations or equipment trust certificates which comply with the following requirements:

Railroad equipment obligations, equipment trust certificates.

(a) They must be the whole or part of an issue originally made payable within not more than fifteen years in annual or semi-annual installments substantially equal in amount beginning not later than one year after the date of the issue.

Maturity not more than 15 years.

(b) They must be secured by or be evidence of a prior or preferred lien upon or interest in, or of reservation of title to, the equipment in respect of which they have been issued or sold, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchase of such equipment.

Secured by prior or preferred lien.

(c) The total amount of principal of such issue of equipment obligations or trust certificates shall not exceed eighty-five per centum of the cost or purchase price of the equipment in respect of which they were issued.

Issue not to exceed 85% of cash or purchase price.

(d) The remaining fifteen per centum of said cost or purchase price shall have been paid by or for the account of the corporation so constructing, acquiring, purchasing or leasing said equipment, or by funds loaned or advanced for the purpose by the government of the United States or one of its agencies or instrumentalities but subordinated as to security, in the event of default, to the prior or preferred equipment obligations or equipment trust certificates.

Remaining 15% to have been paid.

SEC. 10. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48i, to read as follows:

Adds § 48i to Chap. 80, Laws 1917.

"Gross operating revenues," defined.

Section 48i. The words "gross operating revenues" whenever used in this section and in the next two succeeding sections of this act, shall mean and include the total amount earned from the operation of all property owned or operated and/or leased and operated by the corporation as shown by the official reports issued by the corporation.

"Operating expense," defined.

The words "operating expenses" whenever used in this section and in the next two succeeding sections of this act, shall mean and include all expenses of operation; current maintenance; all taxes, other than federal and state income taxes; and proper provision for the retirement of the physical property of the corporation.

"Proper provision for the retirement of the physical property of the corporation," defined.

The words "proper provision for the retirement of the physical property of the corporation" when used in this section and in sections 11 and 12 of this act, shall mean that for five years next preceding the proposed investment, the amount which the corporation shall have appropriated for retirement reserve, together with any part of the earnings not appropriated for dividends or other purposes but retained as a corporate surplus, shall have averaged per year not less than four per cent of the book value of all physical assets other than land or interest in lands, where such segregation of such assets is available, or shall have averaged per year not less than two and one-half per cent of the book value of all physical assets: *Provided, however,* That in the case of assets utilized in supplying water, the words "proper provision for the retirement of physical property of the corporation" shall mean, that for the five years next preceding the amount which the corporation shall have appropriated for retirement reserve together with any part of the earnings not appropriated for other purposes but retained as a corporate surplus shall have averaged per year not less than one per cent of the book value

of all physical assets, other than land, used in water supply.

“Book value of all physical assets” wherever used in this section and in sections 11 and 12 of this act shall mean the book cost of the fixed capital of the corporation, less the balance retained in the retirement reserve and less the earned surplus of the corporation not appropriated for dividends or other purposes, but retained as corporate surplus.

“Book value of all physical assets,” defined.

The words “fixed charges” whenever used in this section and in the next two succeeding sections of this act, shall mean and include all rentals for property operated under lease, interest on all indebtedness, guaranteed and assumed interest and dividends, and an amount sufficient to amortize any discount on outstanding securities within a reasonable time.

“Fixed charges” defined.

The words “net earnings of the corporation” whenever used in this section and in the next two succeeding sections of this act, shall mean the balance obtained by deducting from the gross operating revenue the operating expenses of the corporation as herein defined, and by adding to this balance the income of the corporation from securities and miscellaneous sources, but not to exceed, however, fifteen per cent of such balance.

“Net earnings of the corporation,” defined.

Corporations supplying water chiefly for the purpose of irrigation shall not be deemed to be engaged in the business of supplying water within the meaning of this section and the next two succeeding sections of this act.

Corporations supplying water for irrigation.

° SEC. 11. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48j, to read as follows:

Adds § 48j to Chap. 80, Laws 1917.

Section 48j. A corporation doing a trust business may invest funds held in trust in the mortgage bonds of corporations incorporated under the laws of the United States or of any state thereof, and

Bonds of telephone, electrical energy, artificial gas, or water corporations.

engaged in the business of supplying telephone service, electric energy, artificial gas, and/or water, meeting the following requirements:

75% of revenues to be derived from business.

(1) At least seventy-five per cent of the gross operating revenues of such corporation shall be derived from such business and shall have been derived from such business each year for the five years next preceding the proposed investment, unless the corporation shall be engaged in the business of furnishing telephone service or electrical energy and shall meet the requirements of section 48k of this act.

Regulation by public service commission.

(2) The corporation shall be subject to regulation by a public service commission or other similar regulatory body duly established by the laws of the United States or of the states in which such corporation transacts such business.

Official reports for five years to show.

(3) For a period of at least five fiscal years next preceding the investment in the bonds of any such corporation the official reports issued by the corporation shall show:

One million dollars gross revenues.

(a) Gross operating revenues of at least one million dollars for each of said years;

Regular payment of indebtedness.

(b) That such corporation has paid regularly and promptly the matured interest and matured principal of all its indebtedness, direct, guaranteed or assumed; and

Net earnings.

(c) That the net earnings of such corporation shall have averaged per year not less than twice the average annual fixed charges and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the fixed charges for the full year: *Provided, however,* That where any such corporation shall have acquired its property or any substantial part thereof within the period of the five fiscal years next preceding, either by purchase from or merger or consolidation with

any other corporation or corporations, the gross operating revenues, net earnings and fixed charges of the several predecessor or constituent corporations shall be consolidated and adjusted for the purpose of determining the qualifications of the bonds under the requirements of this section.

(4) The bonds of such corporation shall comply with the following requirements: Bonds part of original issue.

(a) The bonds shall be part of an original issue of not less than one million dollars, and

(b) The bonds shall be either

(1) Mortgage bonds secured by a first or refunding mortgage secured by property owned and operated by the corporation issuing or assuming them, or 1st or refunding mortgage bonds.

(2) Senior mortgage bonds secured by property owned and operated by the corporation issuing or assuming them, and which such senior mortgage bonds have been authorized to be refunded and retired by a junior mortgage authorizing refunding bonds which comply with the requirements of this section. Such senior mortgage shall be either a closed mortgage or shall remain open solely for the issue of additional bonds which are to be pledged under such junior mortgage. Senior mortgage.

(c) The aggregate principal amount of bonds described in this paragraph, secured by first or refunding mortgages, plus the principal amount of all outstanding bonds issued under senior mortgages shall not exceed sixty per cent of the value of the physical property owned as shown by the books of the corporation and subject to the lien of such mortgage or mortgages securing the total mortgage debt. Bonds not to exceed 60% value of physical property.

(d) If the bonds are secured by a refunding mortgage such mortgage shall provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property. Retirement provisions.

Adds § 48k
to Chap. 80,
Laws 1917.

SEC. 12. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48k, to read as follows:

Telephone
or electrical
energy cor-
poration
with less
than 75% of
gross
revenue
derived
from
operation.

Section 48k. A corporation doing a trust business may invest funds held in trust in the bonds of any corporation engaged in the business of furnishing telephone service or electrical energy, meeting the following requirements; even though less than seventy-five per cent of the gross revenues is derived from the operation of such property:

Regulation
by I. C. C.

(1) Such corporation shall be subject to regulation by the interstate commerce commission or by the public service commission or similar regulatory body of the states in which it operates;

Annual
gross
revenue
\$50,000,000.

(2) The official reports issued by the corporation for a period of ten fiscal years next preceding the investment in any such bonds shall show annual gross revenues of not less than \$50,000,000 during any year;

Regular
payment of
indebted-
ness.

(3) Such corporation shall have paid regularly and promptly each and every year for ten years next preceding the investment the matured interest and matured principal of all its indebtedness, direct, guaranteed or assumed;

Net
earnings.

(4) The net earnings of the corporation available for fixed charges for the ten year period next preceding such investment shall have been not less than three times such fixed charges during any year;

Part of
original
issue of at
least
\$5,000,000.

(5) Such bonds shall be part of an original issue of at least \$5,000,000.

Adds § 48l
to Chap. 80,
Laws 1917.

SEC. 13. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48l, to read as follows:

Section 48l. A corporation doing a trust business may invest funds held in trust in:

Real estate
first
mortgages.

(a) The legally issued first mortgages on improved real estate in this state, provided that such

encumbrance does not exceed fifty per cent of the reasonable value of such property at the time of said investment. Such mortgages shall be accompanied by an appraisal approved in writing by an officer of the corporation and by either a complete abstract of title with an approving legal opinion thereon or a policy of title insurance. Where buildings constitute a material part of the value of the mortgaged property they shall be kept insured against loss or damage by fire for the benefit of the mortgagee in a reasonable amount. The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental 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.

Buildings.

(b) In participating certificates in legally issued first mortgages on improved real estate in this state where the entire mortgage is held by the corporation making such investment and complies with all other provisions in paragraph (a) hereof.

Participating
certificates
on 1st real
estate
mortgages.

(c) In the legally issued first mortgage bonds on improved real estate in this state, provided that such bonds be issued under deed of trust or mortgage in favor of a corporation, authorized to do a trust business in this state, as trustee, and provided that such encumbrance does not exceed fifty per cent of the reasonable value of such property, based on the appraisal made, as of the date of the deed of trust or mortgage securing said bonds. Where buildings or other improvements constitute a material part of the value of the mortgaged property they shall be kept insured against loss or damage by fire in a reasonable amount in favor of the trustee. Title to such mortgaged property shall be evidenced by either a complete abstract of title with

First
mortgage
bonds.

approving legal opinion thereon or a policy of title insurance on file with said trustee.

Adds § 48m
to Chap. 80,
Laws 1917.

SEC. 14. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48m, to read as follows:

Real or
personal
property
held in
trust.

Section 48m. A corporation doing a trust business may hold during the life of the trust, all property real and/or personal, received by it into the trust from any source, though such property be not legal for the investment of trust funds, in the same manner and upon the same conditions as if such property were legal for the investment of trust funds, unless the terms of the instrument creating or declaring the trust specifically provide to the contrary.

Adds § 48n
to Chap. 80,
Laws 1917.

SEC. 15. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48n, to read as follows:

Savings
accounts of
mutual
savings
banks.

Approval of
bank super-
visor.

Section 48n. A corporation doing a trust business may invest funds held in trust in any securities, including savings accounts in mutual savings banks, other than those hereinabove in this act specified, except corporate stocks, with the approval in writing of the supervisor of banking.

Adds § 48o
to Chap. 80,
Laws 1917.

SEC. 16. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48o, to read as follows:

Investments
in accord-
ance with
trust agree-
ment.

Section 48o. A corporation doing a trust business may invest funds held in trust under an instrument creating such trust, in any manner and/or in any investment and/or in any class of investments authorized by such instrument, whether or not the same be otherwise eligible for the investment of trust funds.

Adds § 48p
to Chap. 80,
Laws 1917.

SEC. 17. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48p, to read as follows:

Section 48p. If the instrument creating the trust authorizes the corporation doing a trust business as trustee to invest funds held in trust under such instrument in the discretion of said trustee, or to that effect, it may, in the exercise of such discretion in good faith, invest the funds held in trust under such instrument, in any manner hereinabove in this act authorized and/or in any other manner, or in any other securities and/or property, that it shall deem advantageous to, or for the benefit of, the beneficiary, or beneficiaries, of such trust.

Trust agreement allows discretion as to investments.

SEC. 18. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48q, to read as follows:

Adds § 48q to Chap. 80, Laws 1917.

Section 48q. A corporation doing a trust business may exchange investments in any corporation held by it in trust, which investments are authorized to be held or made under the other provisions of this act, for investments in any reorganized, consolidated, successor or merged corporation, or holding company, and may exercise any option granted in respect of any such investments for the conversion of same into other investments in such reorganized, consolidated, successor or merged corporation or holding company, and may exercise any rights to subscribe to additional investments in respect of investments so held by it in trust, whether or not such new investments received in exchange or by reason of the exercise of any options or rights as above described, are eligible for the investment of trust funds, and such new investments may be held in the same manner and upon the same conditions as if they were eligible for the investment of trust funds, unless the terms of the instrument creating or declaring the trust specifically provide to the contrary.

Exchange of investments in consolidated and merged corporations.

SEC. 19. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48r, to read as follows:

Adds § 48r to Chap. 80, Laws 1917.

Defaulted
bonds,
mortgages,
notes, etc.

Section 48r. Nothing in this act contained shall be construed as authorizing any corporation doing a trust business, to invest any funds held in trust, in any bonds, mortgages, notes, or other securities, during any default in payment of either principal or interest thereof.

Adds § 48s
to Chap. 80,
Laws 1917.

SEC. 20. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section, to be known as section 48s, to read as follows:

Buy or sell
to self or
affiliated
company.

Section 48s. Unless the instrument creating the trust expressly provides to the contrary, a corporation doing a trust business may not buy or sell investments from or to itself or any affiliated or subsidiary company or association.

Adds § 48t
to Chap. 80,
Laws 1917.

SEC. 21. That chapter 80 of the Laws of 1917 be amended by adding thereto a new section to be known as section 48t to read as follows:

Circulars,
letters and
data with
respect to
securities.

Section 48t. It shall be the duty of any corporation which shall invest trust funds under sections 48f, 48g, 48h, 48i, 48j and 48k of this act to retain in its possession such circulars, letters or other data that it may have acquired for the purpose of establishing that the securities it has purchased comply with the requirements of the above sections until the next regular or special examination by the supervisor of banking, deputy supervisor of banking or any bank examiner, at which time it shall give the person conducting the examination a list of all securities purchased by it under the above sections since the last examination, and at the same time shall furnish him with the data above referred to to facilitate the examination. Thereupon such examiner shall ascertain from such data whether or not such securities comply with the above provisions of this act. If the examiner is satisfied that the securities do comply with the above provisions he shall forward a statement to that effect to the supervisor of banking. If the supervisor shall be of the

Examina-
tion by bank
supervisor
or deputy.

same opinion he shall forthwith give the corporation a statement to that effect, which shall be signed by the supervisor of banking or the deputy supervisor of banking, and thenceforward such statement shall be conclusive proof that the securities therein described comply in all respects with the above provisions. If, in the opinion of the person conducting the examination, the data furnished him by the corporation is insufficient to enable him to form an opinion as to whether or not any security complies with the above requirements he shall so notify the corporation and further notify it that it shall obtain the requisite data within a reasonable time from such notification and forward it to the supervisor of banking.

Statement of
supervisor.

Data
insufficient.

Passed the House March 13, 1929.

Passed the Senate March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 207.

[H. B. 355.]

FOREST WASTE MATERIAL.

AN ACT relating to waste forest material, disposal and burning thereof and the issuance of permits and certificates in connection therewith, and amending Sections 5788-1 and 5792-1 of Remington's Compiled Statutes, Supplement of 1927, and Section 5789 of Remington's Compiled Statutes.

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

SECTION 1. That section 5788-1 of Remington's Compiled Statutes, Supplement of 1927, as added by chapter 223 of the Laws of 1927, be amended to read as follows:

Amends
§ 5788-1,
Rem. Comp.
Stat., 1927
Sup.

Section 5788-1. Anyone desiring to dispose of the refuse or waste forest material resulting from logging, clearing, or other operation on forest lands,

Burning
during
closed
season.

Application.

Inspection
by warden
or ranger.

Permit.

Care of a
careful and
prudent man.

Amends
§ 5792-1,
Rem. Comp.
Stat., 1927
Sup.

Fire hazard.

by burning during the closed season, may make written application to the state supervisor of forestry, or to any duly appointed and authorized warden or ranger, for a permit so to do. Every such application shall state the location and extent of the area sought to be burned over, and by whom the burning is to be done. Upon receipt of any such application the state supervisor of forestry shall inspect, or shall cause to be inspected by a warden or ranger, the area described in the application and no permit shall be issued until after such inspection, and until the party making the inspection is satisfied as a result thereof that all requirements of law and of the rules and regulations prescribed by the director of the department of conservation and development relating to fire fighting equipment and the work to be done or precautions to be taken before commencing such burning, applicable to the particular area described in the application for the permit, shall have been complied with.

Any permit issued upon such an application and after such inspection, shall be effective only for the time or period stated, but with respect to any fires started by the permittee within such period, shall be conclusive evidence of the compliance by the permittee with all laws, rules and regulations, except as shall be noted or endorsed upon the permit when issued. The compliance with the terms of the permit and all laws, rules and regulations governing the issuance of such permit shall constitute, and be deemed the exercise of the care of a prudent and careful man with respect to the starting and control of such fire.

SEC. 2. That section 5792-1 of Remington's Compiled Statutes, Supplement of 1927, as added by chapter 223 of the Laws of 1927, be amended to read as follows:

Section 5792-1. Whenever any fire hazard shall exist, or shall have been created by any logging or

clearing operations, and whether the state supervisor of forestry shall have declared the same to be a fire hazard or not, and an effort shall have been made to remove or abate such fire hazard, an application may be made to the supervisor of forestry for a certificate of clearance.

Certificate of clearance.

As soon as practicable after the receipt of such written request said state supervisor shall cause the burned over area to be carefully inspected, and if it is found that the said waste and debris has been properly disposed of or the fire hazard abated, the said supervisor shall issue a certificate of clearance in duplicate, one copy to be delivered to the applicant, and one copy to be retained in the records of his office. Each such certificate of clearance shall describe the slashing, chopping or other area on which the waste or other debris or fire hazard has been satisfactorily disposed of with reasonable accuracy, by subdivision, section, township and range, shall give the approximate acreage of the area to which the certificate applies, shall name the person, firm or corporation which created such slashing, chopping, waste material or fire hazard if known, and name the person, firm or corporation by whom such burning was done, shall give the date on which such area was inspected and the name of the person making the inspection, and shall certify that in the opinion of the said inspector such waste forest material or debris has been properly disposed of and the fire hazard abated. Such certificate of clearance may be issued for any fraction or part of the area inspected when the inspector finds that only such fraction or part meets the requirements of satisfactory and legal disposition of such waste material or debris and of the abatement of such fire hazard.

Inspection of burned area.

Contents of certificate of clearance.

Whenever the state supervisor of forestry shall determine that the burning of any area will result in the destruction of seed trees and second growth

Destruction of seed trees and second growth.

and will be detrimental to the growth of a new forest crop, and that burning such area will create a greater fire hazard than already exists, he may issue a certificate of clearance for such areas.

All such certificates of clearance shall be conclusive evidence of the satisfactory and legal disposition and abatement of the waste material and debris and the fire hazard created thereby to the extent in such certificate set forth; but any such certificate may be cancelled or set aside by the state supervisor of forestry for fraud or collusion in the procuring for issuance thereof.

Certificate conclusive evidence.

Cancellation of certificate.

Amends § 5789, Rem. Comp. Stat.

SEC. 3. That section 5789 of Remington's Compiled Statutes be amended to read as follows:

Section 5789. No one shall burn any forest material or the waste or debris resulting from logging or land clearing operations until such work shall have been done in and around the slashing or chopping and/or the area proposed to be burned over to prevent the spread of fire therefrom as shall be required to be done by the state supervisor of forestry, or any warden or ranger. The said supervisor or any warden or ranger may require the cutting of such dry snags, stumps and dead trees within the area to be burned, which in his judgment constitute a menace or are likely to further the spread of fire therefrom.

Work around area to be burned.

Snags, stumps, dead trees.

Man to supervise burning.

When any person shall have obtained permission from the said supervisor, warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion, furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such a man shall serve only until

such time as the party burning may be able to keep the fire under control himself.

The said supervisor and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property of the state. The said supervisor, or any warden by special authority of the said supervisor, may provide needed tools and supplies, and transportation when necessary for men so employed.

Employment of men to prevent spreading of fire.

Tools and supplies.

Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to compensation at a rate to be fixed by the director of the department of conservation and development, and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by said supervisor, the men shall be entitled to receive payment from the state in the manner provided for in section 5783.

Compensation of men employed.

Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Refusing assistance, misdemeanor.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 208.

[S. B. 248.]

OREGON LICENSE FUND.

AN ACT providing for the disposition of certain poundage taxes held by the state treasurer in suspense.

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

SECTION 1. That the sum of \$1,649.21 now held in a suspense account in the "Oregon license fund" be deposited in and become a part of the state fisheries fund in the state treasury.

Passed the Senate February 19, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 209.

[S. B. 251.]

PRACTICE OF BARBERING.

AN ACT relating to the practice of barbering, providing for examination and licensing therefor, providing for and regulating barber schools and colleges in connection therewith, and amending Sections 2, 4, 6, 7, 10, 14 and 17 of Chapter 75 of the Laws of 1923, and further amending said chapter by adding thereto a new section to be known as Section 14-a, and repealing Section 11 of Chapter 75 of the Laws of 1923, and providing a penalty.

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

SECTION 1. That section 2 of chapter 75 of the Laws of 1923 be amended to read as follows:

Section 2. It shall be unlawful for any person to follow the occupation of barber or practice as a barber in any incorporated city or town in this state, except as a student in a barber school or college

Amends §2.
Chap. 75,
Laws 1923.

Unlawful to
practice
without
license.

or under a permit, as provided in this act, unless he shall first have obtained a license as provided in this act.

SEC. 2. That section 4 of chapter 75 of the Laws of 1923, as amended by section 4 of chapter 211 of the Laws of 1927, be amended to read as follows:

Amends § 4,
Chap. 75,
Laws 1923.

Section 4. Any person who makes application for an examination for a barber's license under this act, and who has practiced barbering for a period of two years within a period of five years prior to the time he makes such application, shall be allowed to practice the occupation of barbering under a licensed barber until the date of the next examination at which he is notified to appear; and a permit shall be issued to such person by the director of licenses, authorizing him to so practice said occupation under a licensed barber until the next barber's examination. An applicant who fails to pass any examination shall not be entitled to the issuance of any further permit.

Practice
pending ex-
amination.

SEC. 3. That section 6 of chapter 75 of the Laws of 1923, as amended by section 5 of chapter 211 of the Laws of 1927, be amended to read as follows:

Amends § 6,
Chap. 75,
Laws 1923.

Section 6. If an applicant shall pass a satisfactory examination, making an average grade of not less than 75%, and shall possess the other qualifications required by law, he shall be entitled to receive, and the director of licenses shall issue to him, a license which shall authorize him to practice the occupation of barbering as provided by this act, until the first day of July next following the issuance of such license.

Examina-
tion passing
grade 75%.

SEC. 4. That section 7 of chapter 75 of the Laws of 1923, as amended by section 6 of chapter 211 of the Laws of 1927, be amended to read as follows:

Amends § 7,
Chap. 75,
Laws 1923.

Section 7. Every person who has heretofore been granted, or shall hereafter be granted a license to practice the occupation of barber or of hair cut-

Barbers and
hair cutters'
annual
license fees.

ting in any beauty shop or hair dressing establishment within the State of Washington, shall, on or before the 30th day of June each year pay an annual license fee of one dollar for the year commencing with the first day of July next following, and upon the payment of such renewal fee the director of licenses shall issue to such licentiate a license renewal certificate, which certificate shall be *prima facie* evidence that the same has been paid. The failure, neglect or refusal of any licensed barber, or hair cutter to pay said annual license renewal fee before delinquency shall *ipso facto* work a forfeiture of his license, but such license may be renewed at any time upon application therefor by the licentiate and payment of a fee of five dollars to the state treasurer.

Amends § 10,
Chap. 75,
Laws 1923.

SEC. 5. That section 10 of chapter 75 of the Laws of 1923, as amended by section 7 of chapter 211 of the Laws of 1927, be amended to read as follows:

Reciprocity
between
states.

Section 10. Applicants for a barber's license who have been examined and licensed by a state board of barber examiners, or other licensing authorities of another state or province, which, through a reciprocity provision in its law, similarly accords holders of licenses from the director of licenses of this state the privilege to practice barbering within its boundaries, upon payment of a fee of five dollars to the state treasurer and on filing with the director of licenses a copy of such license certified by the president or secretary of the board of barbers' examiners, or licensing authority of such other state or province issuing the same, to be a full, true and correct copy thereof, and showing also that the standard of requirements adopted by such other state or provincial board or licensing authority, as provided by law for such state or province, is equal to that provided by the provisions of this act, shall without further examination receive a license to practice barbering in this state until the first day of July next

following the issuance of such license, and thereafter shall be permitted to continue the practice of barbering upon payment of the annual license renewal fee as provided in the case of persons licensed by examination under this act.

SEC. 6. That section 14 of chapter 75 of the Laws of 1923, as amended by section 11 of chapter 211 of the Laws of 1927, be amended to read as follows:

Section 14. Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of licenses a permit to do so, and shall keep the same prominently displayed. No barber school or college shall be issued a permit by the director of licenses unless such school or college is financially responsible, and will be able in the judgment of the director of licenses to carry out and perform any contract made for the instruction of students therein. Such school or college shall instruct students therein in the practice of barbering, including shaving and cutting of the hair and beard, and the various services incident thereto, preparation and care of tools used, sanitation as applied to barbering, and knowledge concerning the common diseases of the face and skin to avoid aggravation and spreading thereof in the practice of barbering. Such school or college shall at all times while open and in operation be in charge and under the direction of a barber duly licensed under the provisions of this act, which said licensed barber shall devote his entire time to the instruction of students therein and who shall at no time operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high com-

Amends § 14,
Chap. 75,
Laws 1923.

Barber
school or
college.

Permit.

Condition
precedent.

Instruction.

In charge
of licensed
barber.

Window
signs.

Revocation
of license.

posed of the words "barber school" or "barber college," placed as nearly as practicable in the center between top and bottom of any such window, and, if desired by the operator of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college any sign or words "barber shop," "expert barbering," or other similar words. The director of licenses shall revoke the license of any school or college which shall violate any of the provisions of this act, or which shall fail to impart to each student in such school or college the instruction herein required.

Adds new
section to
Chap. 75,
Laws 1923.

SEC. 7. That chapter 75 of the Laws of 1923 be amended by adding thereto a new section to be known as section 14-a, to read as follows:

Student
barber,
certificate.

Section 14-a. No person shall serve as a student in a barber school or college, as defined in this act, without obtaining and holding an unexpired student barber certificate, which shall be issued by the director of licenses upon application and payment of a fee of one dollar (\$1.00) to the state treasurer. The certificate shall be valid for one year from the date of its issue, and shall be subject to renewal annually thereafter upon payment of a fee of one dollar (\$1.00). No student barber certificate shall be issued to any person who cannot read intelligently and write clearly the English language and who does not file with the director of licenses with his application a certificate of a physician and surgeon licensed under the laws of this state, showing that such applicant is not afflicted with any contagious or infectious disease. Any person holding a student barber certificate or renewal thereof, shall be entitled to take

Fee.

Qualifica-
tions.

the barber's examination upon payment of a fee of five dollars (\$5.00).

SEC. 8. That section 17 of chapter 75 of the Laws of 1923, as amended by section 12 of chapter 211 of the Laws of 1927, be amended to read as follows:

Amends § 17
Chap. 75,
Laws 1923.

Section 17. Violation of the provisions of this act or of any rule or regulation made by the director of licenses pursuant thereto, shall constitute a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail not less than ten (10) days nor more than ninety (90) days, or by both such fine and imprisonment.

Penalties
for violation.

SEC. 9. That section 11 of chapter 75 of the Laws of 1923, as amended by section 8 of chapter 211 of the Laws of 1927, is hereby repealed.

Statutes
repealed.

Passed the Senate February 21, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 210.

[S. B. 256.]

QUARANTINE OF DOMESTIC ANIMALS.

AN ACT relating to, and providing for, the quarantine of domestic animals for the prevention and eradication of diseases of domestic animals, and amending Section 11 of Chapter 165 of the Laws of 1927.

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

SECTION 1. That section 11 of chapter 165 of the Laws of 1927 (section 3110-11, Rem. 1927 Sup.; section 2031-31 Pierce's Code 1927 Sup.), be amended to read as follows:

Amends
§ 3110-11,
Rem. 1927
Sup.;
§ 2031-31
Pierce's
Code, 1927
Sup.

Bovine animals to be examined and tested for tuberculosis.

Section 11. It is hereby made the duty of the director of agriculture of the state to cause all bovine animals within the state to be examined and tested to ascertain whether or not the same are infected with tuberculosis, such tests and examinations to be made under the supervision of the director of agriculture by any duly authorized veterinarian inspector of the department of agriculture, such tests to be made in such manner, and at such reasonable and seasonable times, and in such counties or localities as the director of agriculture may from time to time prescribe.

Bovine owners to petition director.

The giving of such tests and examinations shall commence immediately upon the taking effect of this act in any county or counties which the director of agriculture may select. *Provided, however,* That the owners of a majority of the bovine animals in any county, as shown by the last assessment roll in such county, may petition the director of agriculture to have the bovine animals in the county of their residence tested and examined forthwith, said petition to be filed with the county auditor in the county where such animals are located, and it shall be the duty of the county auditor of such county immediately upon the filing of such a petition to forward to the director of agriculture a certified copy of such petition. The director of agriculture upon receipt of the first petition so filed shall immediately cause the bovine animals in such county to be tested, and tuberculin tests in other counties shall be made under the direction of the director of agriculture in the order in which said petitions are filed as herein provided except when in the opinion of the director of agriculture an emergency exists, by reason of the outbreak of contagious or infectious diseases of animals, and in such event all or any portion of the tests being conducted in the state may be suspended until such time as the director of agriculture shall decide

Tests to be made.

Emergency.

that such emergency no longer exists, and in such event the testing and examinations herein mentioned shall be renewed.

In the event that no petitions to have tuberculin tests of bovine animals made is filed with the county auditor, as herein provided, or in the event that such tests, in the counties having petitioned for such tests, as herein prescribed, are completed, the director of agriculture shall designate in what counties or localities such tests shall be made.

Whenever the owner of any untested bovine animal within the state refuses to have his bovine animal or animals tested then the director of agriculture may order the premises or farm on which such untested animal or animals is harbored to be put in quarantine, so that no domestic animal shall be removed from or brought to the premises quarantined, and so that no products of the domestic animals on the premises so quarantined shall be removed from the said premises.

Quarantine
of premises.

Every inspector and veterinarian of the department of agriculture making examinations and tests, as provided in this section, shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state and shall, before making any examination and test, furnish and file with the department of agriculture a good and sufficient bond in the penal sum of two thousand dollars (\$2,000.00), payable to the State of Washington, conditioned that he will faithfully and honestly perform and discharge any work which he is authorized to undertake under this act: *Provided*, That the veterinary inspectors of the United States bureau of animal industry may be appointed by the director of agriculture to make such examinations and tuberculin tests as herein provided, and when so employed they shall act without bond or compensation, and shall possess the same power and authority in this

Inspectors
and veter-
inarian.

Bond.

U. S. veter-
inary
inspectors.

state as a veterinary inspector of the department of agriculture.

Owners to
select
veterinarian.

Should the owner or owners of any bovine animals desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture, for making such examination and tests in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with such examination and tests.

Passed the Senate February 28, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 211.

[S. B. 268.]

DRAINAGE AND DIKING IMPROVEMENT DISTRICTS.

AN ACT relating to drainage improvement districts and diking improvement districts and providing for the issuance of refunding bonds therein.

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

Bonds
payable.

SECTION 1. Whenever any bonds of any diking district, drainage district, or diking or drainage improvement district of this state shall become payable and the board of county commissioners shall determine that it will be for the best interests of the owners of the lands included in such district to issue refunding bonds and to levy an assessment to meet the same they may levy such assessment and fix the time for the payment thereof at either ten or fifteen years, and fix the installments in which such assessment shall be paid as provided for the payment of assessments for the costs of construction under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof; and they may issue refunding

Refunded.

bonds of the district in the manner hereinafter provided, to provide funds with which to pay such outstanding bonds then payable.

If such refunding bonds are to be deposited with, and the refunding loan to be procured from, the United States, pursuant to any act of the Congress of the United States, the assessment to support said refunding bonds may be spread over such period of years, exceeding 15 and not exceeding 40, and shall become due in such installments, and bear such interest or no interest, as shall be required by the proper official of the United States or by said act of Congress; and the bonds shall be payable in such series, and at such times, and shall bear such rate of interest, or no interest as may be prescribed by such official of the United States or by such act of Congress. The board of county commissioners shall have power to contract for the sale of said bonds to the United States, and to procure a refunding loan from the United States, on such terms and under such regulations as the proper official of the United States or such act of Congress may prescribe; and it shall not in such case be necessary to sell such refunding bonds at public sale.

Used for
refunding
loan from
United
States.

Sale to U. S.

In case no sale of such refunding bonds can be made on more advantageous terms, the county commissioners may exchange such refunding bonds of the district at not less than par value and at not more than the rate of interest of the old bonds for an equal amount of the outstanding bonds of said district.

Exchange
for outstand-
ing bonds.

SEC. 2. The board shall determine the amount of the assessment necessary to be levied to provide funds to liquidate the bonds of the district then payable, including all bonds whose holders may consent to their payment before they are due, and shall cause such assessment to be apportioned to the lands of the district in proportion to the original assessment

Assessment
necessary to
be deter-
mined.

- for construction costs of said district, and shall cause to be prepared an assessment roll showing the assessment apportioned against each tract, lot and parcel of land to be assessed and shall file such roll with the clerk of the board. Thereupon the board shall adopt a resolution which shall set forth:
- Assessment roll.** 1. A schedule showing the bonds outstanding against the district then payable which they propose to refund, and the assessment necessary to be levied to provide funds for the payment thereof.
- Resolution.** 2. That the assessment roll for the collection of the assessments proposed to be levied against the lands of the district is on file with the clerk of the board and open to the inspection of all persons interested.
- Outstanding bonds.** 3. That the commissioners propose to levy such assessments for collection in installments according to the schedule attached thereto.
- Assessment roll open to inspection.** 4. A schedule showing the installments in which such assessments are to be paid.
- Installments.** 5. That the assessments contained in such assessment roll may be paid in full at any time prior to the expiration of thirty days after such assessment roll shall have been turned over to the treasurer for collection and he shall have published a notice to that effect, and that all assessments not so paid shall thereafter bear interest until due at a rate to be fixed therein.
- Schedule.** 6. That the commissioners propose to issue bonds under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, or otherwise, as stated in section 1 hereof, payable in..... years (to be stated in the resolution), to refund such outstanding bonds then payable.
- Payment.** 7. A date which shall be not more than sixty nor less than thirty days from the date of the adoption of such resolution, on which the board will hear any
- Bonds outstanding.**
- Date for hearing.**

objections offered to the proposed levy and issuance of refunding bonds, or to the assessment roll prepared by the commissioners.

SEC. 3. Upon the preparation of the roll and the adoption of the resolution, the clerk of the board shall cause to be published in two successive weekly issues of the county official newspaper, a notice containing a copy of the resolution and stating that on the date fixed therein for the hearing the board will meet and hear any objection offered to the proposed levy of the assessment or to the issuance of refunding bonds or to the assessment roll or any assessment therein contained; and stating that all persons interested may file any objection they may have to the proposed levy or issuance of bonds or the assessment roll with the board of commissioners prior to the date fixed for such hearing. The last publication of such notice shall not be less than ten days prior to the date fixed for such hearing.

Publication
of notice
of hearing.

SEC. 4. The board shall meet on the day fixed in the notice or to which the hearing may have been adjourned, and shall consider all objections which shall have been filed, and may modify any action as proposed in said resolution; and may correct any errors in the assessment roll and shall confirm the roll as corrected and shall levy the assessments therein contained for collection as prescribed in the resolution or as finally adopted and shall enter an order confirming said roll.

Hearing.

Objections
considered.

Roll
corrected.

Upon the confirmation of the assessment roll and the levy of the assessments therein contained, the board shall cause the clerk to attach thereto a copy of the resolution and certify such roll and resolution and turn the assessment roll over to the county treasurer for collection in accordance with the resolution attached thereto.

Confirmation
of roll.

Objections
by 60% of
owners.

If before or at the hearing herein provided for protests have been filed by the owners of lands bearing more than sixty per cent of the new assessment in the district objecting to the proposed levy and issuance of bonds, the board shall enter an order dismissing the proceedings and shall charge the cost thereof to the district as a maintenance charge.

Collection
of assess-
ment roll.

Notice
published.

SEC. 5. As soon as the assessment roll has been turned over to the treasurer for collection, he shall publish a notice in the official newspaper of the county, once a week for at least two successive weeks, that the said roll is in his hands for collection and that any assessments therein or any portion of any such assessments may be paid at any time on or before a date stated in such notice, which date shall be thirty days after the date of the first publication, without interest. All assessments levied as provided herein, which shall not be paid within thirty days as herein provided for shall be collected in the manner provided for the collection of assessments levied to pay the costs of construction in drainage improvement districts, and all the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, shall govern the collection of such assessments so far as the same shall be applicable.

Sale of
refunding
bonds.

SEC. 6. Upon the expiration of thirty days from the first publication of the notice given by the treasurer as provided herein, the board of county commissioners may issue and sell refunding bonds of the district, payable as determined by them in their resolution, in the manner provided for the issuance of bonds to pay the costs of construction in drainage improvement districts; and all the provisions of law governing the issuance, sale and payment of such bonds shall govern the issuance, sale and payment of the bonds herein provided for, except as limited in section 1 hereof.

SEC. 7. The proceeds of all assessments paid within the thirty-day period herein provided for, and the proceeds of the sale of all refunding bonds, shall be paid into a proper fund to be established in the county treasury, and shall be applied to the payment of all outstanding bonds then due in the manner in which such bonds are required to be paid by the law under which they were issued, and such bonds shall be called and paid accordingly. The proceeds of all payments of assessments paid after the expiration of thirty days from the first publication of the notice given by the treasurer as herein provided, shall be paid into a fund to be established in the county treasury, to be known as the "refunding bonds redemption fund," and shall be applied to the payment of such bonds as provided by chapter 176 of the Laws of 1913, and acts amendatory thereof.

Proceeds of assessments and sale of refunding bonds.

Payment of outstanding bonds.

SEC. 8. The assessments contained in the original assessment roll of the district shall be satisfied and cancelled *pro rata* by the county treasurer to the amount of the principal of the old series of bonds that are thus retired.

Original assessments cancelled *pro rata*.

The proceeds arising from the collection of the remainder of the assessments on the original assessment roll of the district shall be applied to the payment of the bonds of the original issue that are not thus retired.

SEC. 9. The powers and duties of the board of county commissioners to make supplemental assessments or reassessments against the lands of the district to make up deficiencies arising in certain cases, as now provided by law, shall be in no wise curtailed by this act, but shall continue to be in full force and effect after such refunding proceedings shall have been had.

Supplemental and reassessments.

Passed the Senate February 26, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 212.

[S. B. 272.]

BONDS OF CITIES OF THE FIRST CLASS.

AN ACT relating to the issuance of bonds of cities of the first class, defining the powers and duties of certain officers in relation thereto, prohibiting the duplication thereof and prescribing penalties for violations thereof.

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

Mayor, comptroller and clerk may designate bonded person to affix their signatures.

SECTION 1. The mayor of any city of the first class and also the city comptroller and city clerk of any such city, may severally designate one or more bonded persons in the manner provided in this act, who shall have authority to affix the signature of the officer making such designation to any bond or bonds, which by law or by any city ordinance are required to be signed by said officers or any of them, respectively, whether the same constitute obligations of the city as a whole or of any local improvement or other district or subdivision thereof, and whether or not such bonds call for payment from the general funds of such city or from any local, special or other fund, and whether negotiable or otherwise. When the signature of such officer is so affixed to any such bond or bonds pursuant to such designation, during the continuance in office of the officer making such designation and before any revocation of such designation, such bond or bonds shall be in all respects as binding on the city and on all concerned as if signed by such officer in person.

City council to be notified.

SEC. 2. Whenever any such officer desires to designate a person for said purpose, such officer shall address a written notice to the city council or other governing body giving the name of the person whom he has selected therefor and stating, either generally or specifically, what bond or bonds such person shall

have authority to sign. Attached to, or included in, such notice shall be a written signature of the officer making such designation, executed by the person so designated, with the signature of the person so designated underneath preceded by the word "By": *Provided*, That if so stated and appearing in such notice, the name of such officer for his signature upon any such bond or bonds may be a fac simile reproduction of such officer's own signature impressed by some mechanical process followed by the word "By" and the original signature of the bonded person so designated by such officer. If such authority is intended to include authority to sign any bond or bonds bearing an earlier date than the effective date of such notice, such notice shall specify such prior-dated bond or bonds by reasonable reference. Such notice shall be filed in the office of the city comptroller or city clerk, together with the signatures attached thereto, and shall be recorded in the journal of the city council, or other governing body, and shall be effective from the time of such recording, which recording may be made by the official keeping such records at any time after the filing of the same, even during a period of recess or adjournment of the body to which the same is addressed. With such record there shall be a notation of the date of making the same. Any such designation may be revoked by written notice signed by the officer who has made such designation, addressed to the city council, or other governing body, and filed and recorded in like manner and such revocation shall be effective from the time of such recording, but shall not affect the validity of any signature theretofore validly made.

Signature
to be used
submitted.

Mechanical
process.

Revocation.

SEC. 3. Any such officer authorizing the affixing of his signature in the manner provided in this act shall be subject to the same liability, personally and on his official bond, for any signature so affixed, to

Liability of
officer.

the same extent as if such signature had been affixed by himself in person.

Coupons,
fac simile
signature
printed.

SEC. 4. In the case of coupons attached to any of the bonds referred to in section one (1) of this act, the signature or signatures of any of said officers on any such coupons shall be lawful and sufficient if a fac simile reproduction of such officer's own signature is printed, lithographed or engraved on such coupons without further authentication thereon, and as to signatures on coupons no compliance with the provisions of section two (2) of this act shall be required.

Deputies not
required.

SEC. 5. Nothing in this act shall be construed as requiring the appointment of deputies of city controllers or of city clerks in cities of the first class to be made in accordance with the provisions of this act, so far as concerns signatures or other doings which may be lawfully made or done by any such deputy under the provisions of any other law.

Number of
bonds
designated.

SEC. 6. The officer whose duty it shall be to cause any bonds to be engraved, printed or lithographed shall specify in a written order, or requisition delivered to the engraver, printer or lithographer the number of bonds to be engraved, printed or lithographed and the manner of numbering the same.

Felony to
print more.

Every person, firm or corporation engraving, printing or lithographing any bonds pursuant to such order or requisition who shall engrave, print or lithograph a greater number of bonds than that specified in the order or requisition, or who shall engrave, print or lithograph more than one bond of the same number, shall be guilty of a felony.

Passed the Senate February 28, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 213.

[S. B. 186.]

DAIRYING AND DAIRY PRODUCTS.

AN ACT relating to dairying, and products thereof, amending Sections 6164, 6165, 6178, 6186, 6193, 6203, 6206, 6210, 6211, 6215, 6222, 6232, 6267, 6268 and 6282 of Remington's Compiled Statutes, and repealing sections 6269, 6270, 6271, 6272, 6273, 6274, 6279 and 6281 of Remington's Compiled Statutes.

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

SECTION 1. That section 6164 of Remington's Amends § 6164 Rem. Comp. Stat. Compiled Statutes be amended to read as follows:

Section 6164. That for the purpose of this act Definitions. certain words, terms and expressions therein contained shall be construed as follows:

The term "dairy" shall mean any place where Dairy. milk from one or more cows or goats is produced for sale.

The term "creamery" shall mean any place, Creamery. building or structure wherein milk or cream is manufactured into butter for sale.

The term "milk plant" shall mean any place, Milk plant. building or structure wherein milk is received for bottling, pasteurizing, clarifying or otherwise processing.

The term "cheese factory" shall mean any place, Cheese factory. building or structure wherein milk is manufactured into cheese.

The term "factory of milk products" shall mean Factory of milk products. any place, building or structure, other than a creamery, milk plant, cheese factory, or milk condensing plant, wherein milk or any of its products is manufactured, altered, changed or compounded into any article, compound or product designed and intended for human consumption.

The term "milk" shall mean the fresh, clean, Milk. lacteal secretion obtained by the complete milking

of one or more healthy cows or goats, properly fed and kept, and not obtained or taken within ten days preceding the parturition of such cow or cows, goat or goats, nor within five days thereafter, and which contains not less than eight and fifty one-hundredths per cent of milk solids, exclusive of fat, and not less than three and twenty-five one-hundredths per cent of milk fat: *Provided, however,* That nothing in this act shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of the whole unadulterated milk from any cow or goats whose milk tests below the butter fat standard herein fixed.

Skimmed
milk.

The term "skimmed milk" shall mean any milk from which the cream has been removed, or which contains less than three and twenty-five one-hundredths per cent of butter fat, and not less than eight and eight-tenths per cent of milk solids exclusive of fat.

Sterilized
milk.

The term "sterilized milk" shall mean milk that has been heated under six pounds of steam pressure and maintained at such temperature not less than twenty minutes, which shall be sufficient to kill all organisms present in such milk.

Blended
milk.

The term "blended milk" shall mean milk which is modified in its composition so as to have a definite and stated percentage of all its constituents and not less than eight and eight-tenths per cent of milk solids exclusive of fat.

Condensed
milk, evapo-
rated milk,
concentrated
milk.

The term "condensed milk," "evaporated milk" and "concentrated milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from the whole, fresh, clean, lacteal secretion obtained by the milking of one or more healthy cows or goats, and not obtained within ten days before nor within five days after parturition, and which contains, all tolerances being allowed for, not less

than twenty-five and five-tenths per cent of total solids and not less than seven and eight-tenths per cent of milk fat.

The words "condensed milk" when used in this act, not in connection with "sweetened condensed milk" shall include condensed milk to which sucrose has been added.

Condensed milk.

The term "condensed skimmed milk," "evaporated skimmed milk" and "concentrated skimmed milk," and each or either of them shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, and which contains, all tolerances being allowed for, not less than eighteen per cent of milk solids.

Condensed skimmed milk, evaporated skimmed milk, concentrated skimmed milk.

The term "sweetened condensed milk," "sweetened evaporated milk" and "sweetened concentrated milk," and each or either of them, shall mean condensed milk conforming to the standards and definitions of this act, to which sugar (sucrose) has been added.

Sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk.

The term "sweetened condensed skimmed milk," "sweetened evaporated skimmed milk" and "sweetened concentrated skimmed milk," and each or either of them, shall mean the product resulting from the evaporation of a considerable portion of the water from skimmed milk, to which sugar (sucrose) has been added, and which contains, all tolerances being allowed for, not less than twenty-eight per cent of milk solids.

Sweetened condensed skimmed milk, sweetened evaporated skimmed milk, sweetened concentrated milk.

The term "dried milk" shall mean the product resulting from the removal of water from milk, and which contains, all tolerances being allowed for, not less than twenty-six per cent of milk fat and not more than five per cent of moisture.

Dried milk.

The term "dried skimmed milk" shall mean the product resulting from the removal of water from skimmed milk and which contains, all tolerances

Dried skimmed milk.

being allowed for, not more than five per cent of moisture.

Malted milk.

The term "malted milk" shall mean the product made by combining whole milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract, and by removing water, and which contains not less than seven and one-half per cent of butter fat and not more than three and one-half per cent of moisture.

Buttermilk,
cultured
buttermilk.

The term "buttermilk" or "cultured buttermilk" shall mean that portion of the milk which remains after the separation and removal therefrom of the butter fat and may contain not to exceed one-half of one per cent of gelatine.

Creamed
buttermilk,
cream
buttermilk.

The term "creamed buttermilk" or "cream buttermilk" shall be the same as above defined and to which enough butter fat has been added so as to contain not less than three and twenty-five one-hundredths per cent.

Ice-cream.

The term "ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and which contains not less than ten per cent of milk fats, and not less than twenty per cent of milk fats and milk solids, not fat, combined.

Fruit
ice-cream.

The term "fruit ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and mature fruits and which contains not less than ten per cent of milk

fat, and not less than twenty per cent of milk fats and milk solids, not fat, combined.

The term "nut ice-cream" shall mean the frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatine or vegetable gums, and to which has been added sound, clean and non-rancid nuts, and which contains not less than ten per cent of milk fat and not less than twenty per cent of milk fat and milk solids, not fat, combined.

Nut
ice-cream.

The term "ice milk" shall mean the frozen product made from the combination of pure, sweet milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless vegetable gum or gelatine.

Ice milk.

The term "milk fat" and "butter fat," and each or either of them, shall mean the fat of milk having a Reichert-Meissel number not less than twenty-four, and a specific gravity not less than .905 at a temperature of forty degrees centigrade.

Milk fat,
butter fat.

The term "cream" shall mean that portion of milk rich in butter fat which rises to the surface on standing, or is separated from it by centrifugal force, and which is fresh and clean and contains not less than eighteen per cent of milk fat.

Cream.

The term "butter" shall mean the clear, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass containing not less than eighty per cent of milk fat, and which also contains a small portion of other milk constituents with or without harmless coloring matter.

Butter.

The term "renovated butter" shall mean butter that has been reduced to a liquid state by melting and drawing off such liquid or butter oil, and has

Renovated
butter.

thereafter been churned or manipulated in connection with milk, cream or other product of milk.

Reworked
butter.

The term "re-worked butter" shall mean the product obtained by mixing, rechurning or re-working butter manufactured on different dates or at different places: *Provided, however,* That the mixing of the clean, fresh trimmings or remnants from one day's churning or cutting with butter from the churning of the same creamery on the day next following shall not make the product re-worked butter within the meaning of this act.

Milk
products.

The term "milk products" shall mean and include each, every and any article, substance, product or compound manufactured, produced or compounded from milk, whether such milk conform to the standard and definitions set forth in this section or not.

Milk
by-products.

The term "milk by-product" shall mean any and all products of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and shall include skimmed milk, buttermilk, whey, casein and milk powder.

Cheese.

The term "cheese" shall mean the sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid or pepsin with or without the addition of ripening ferments and seasoning, and with or without salt or harmless coloring matter.

Full cream
cheese, full
milk cheese.

The term "full cream cheese" or "full milk cheese", and each or either of them, shall mean cheese which contains in the water-free substance thereof not less than fifty per cent of milk fat.

Half skim
cheese.

The term "half skim cheese" shall mean cheese which contains in the water-free substance thereof less than fifty per cent and not less than twenty-five per cent of milk fat.

The term "skim cheese" shall mean cheese which contains in the water-free substance thereof less than twelve per cent of milk fat. Skim cheese.

The term "quarter skim cheese" shall mean cheese which contains in the water-free substance thereof less than twenty-five per cent and not less than twelve per cent of milk fat. Quarter skim cheese.

The term "imitation cheese" shall mean any article, substance or compound, other than that produced from pure milk or from the cream from pure milk, which shall be made in the semblance of cheese, and designed to be sold or used as a substitute for cheese made from pure milk or cream: *Provided, however,* That the use of salt, rennet, lactic acid, or pepsin, and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation, and *Provided further,* That nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese. Imitation cheese.

The term "whey" shall mean the product remaining after the removal of fat and casein from milk in the process of cheese making. Whey.

The term "oleomargarine" shall mean all manufactured substances, extracts, mixtures or compounds, including mixtures or compounds with butter, heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and shall include all lard and tallow extracts and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter, or calculated or intended to be sold as butter or for butter. Oleo-margarine.

The term "substitute butter" shall mean and include all compounds of vegetable oils with milk fats or milk solids, and all compounds of milk fats or milk solids with butter, when such compound contains less than eighty per cent of milk fat. Substitute butter.

Person.

The term "person" shall import both and singular and plural as the case may demand, or as shall be applicable, and shall include individuals, co-partnerships, corporations and unincorporated societies and associations.

Amends
§ 6165 Rem.
Comp. Stat.

SEC. 2. That section 6165 of Remington's Compiled Statutes be amended to read as follows:

Dairy,
insanitary.

Section 6165. A dairy shall be deemed insanitary in the following cases:

Drinking
water.

(a) If the drinking water provided for the cows or goats therein be stagnant, polluted with manure, urine, drainage, or decaying vegetable or animal matter.

Yards filthy.

(b) If the yards or enclosures in which the cows or goats are confined or kept be filthy or insanitary.

Manure
in yard.

(c) If any part of the yards or enclosures in which the cows or goats are confined or kept, other than pastures, be made depositories of manure in heaps, or otherwise, where it is allowed to ferment and decay.

Suitable
milk house,
milk room.

(d) If a suitable milk house or milk room is not provided and maintained, properly screened to exclude flies and insects, for the purpose of cooling, mixing, bottling, canning, keeping or separating the milk or cream. Such milk house or milk room shall not be located in, or be a part of, any barn or poultry house, and shall not be used for any other purpose whatsoever, and if contained in any building or structure in which any business, occupation or trade, other than handling, bottling or processing milk is conducted or carried on, such milk room shall be separated from the portion or portions of such building or structure in which such business, trade or occupation is conducted or carried on, by a tightly ceiled or plastered partition constructed in such manner as to meet with the approval of and comply

with any regulations issued by the department of agriculture.

(e) If milk or cream shall be cooled, stored, mixed, bottled, canned or kept in any room or place occupied by any person as a sleeping or living apartment, or occupied by horses, cows, hogs or other animals, or by fowl of any kind.

Milk stored
in sleeping
room.

(f) If any urinal, privy vault, open cesspool, pig pen, stagnant water, accumulation of manure, or other filth shall be permitted within one hundred feet of such milk house, or milk room or within fifty feet of any cow stalls or stanchions, or other place where milking is done.

Privy vault,
urinal.

(g) If the walls or floor of such milk house or milk room shall become soiled with manure, urine, dirt or other filth.

Walls and
floors of milk
house.

(h) If an application of lime whitewash or paint to the interior of any cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, shall not be made as often as once in one year, and if three (3) square feet of window light per cow or goat are not provided.

Whitewash,
paint.

(j) If the milking machines, pails, cans or other containers of milk, or the strainers or coolers coming in contact [contact] with the milk are not thoroughly cleansed and sterilized with boiling water or live steam each and every time the same are used. Such washing and sterilizing shall be done in the milk room.

Milking
machines,
containers,
sterilized.

(k) If the person or wearing apparel of the dairyman, or his employees, or other persons coming in contact [contact] with milk and its products, are allowed to become soiled, or are not washed from time to time with reasonable frequency.

Wearing
apparel of
dairyman,
soiled.

(l) If the milking stools are not kept clean.

(m) If there shall be permitted to exist any

Conditions rendering milk unclean, impure, etc.

other cause or thing calculated or tending to render the milk or its products in such dairy unclean, impure and unhealthy.

Water under floors.

(n) If the floor of such cattle stable, barn or milking shed in which cows or goats are kept or milked, or any milk house or milk room in which milk is cooled, stored, mixed, bottled, canned or kept, is so constructed, or in such condition, as to permit the flowing or soaking of water, milk or other liquids underneath such floor, or among the interstices of such floor in such manner as to permit fermentation or decay to take place.

Dairy closed.

For failure to comply with the above regulations a dairy may be closed until such time as the regulations have been complied with, and it shall be unlawful to sell milk or dairy products from a closed or insanitary dairy.

Amends § 6178 Rem. Comp. Stat.

SEC. 3. That section 6178 of Remington's Compiled Statutes be amended to read as follows:

Pasteurizing plant.

Section 6178. Every pasteurizing plant or apparatus by which the process of pasteurizing is applied to any milk, skimmed milk or cream, shall be equipped with a registering thermometer device which will accurately indicate and record the temperature and the time of holding at such temperature of such milk, skimmed milk or cream.

Registering thermometer device.

Amends § 6186 Rem. Comp. Stat.

SEC. 4. That section 6186 of Remington's Compiled Statutes be amended to read as follows:

Sampler's license—fraudulent sample.

Section 6186. No person holding a sampler's license shall take, extract or return to any creamery, milk plant, cheese factory or factory of milk products, any unfair, fraudulent or manipulated sample of any cream or milk purchased, received, hauled, sold or delivered.

Amends § 6193 Rem. Comp. Stat.

SEC. 5. That section 6193 of Remington's Compiled Statutes be amended to read as follows:

Section 6193. No person, firm or corporation shall convey, transport or carry any milk, skimmed

milk, buttermilk or cream in any manner for the purpose of selling or vending the same within the state or sell or vend any milk, skimmed milk, buttermilk or cream in any such manner within the state, unless such person, firm or corporation shall have first obtained a milk vendor's license therefor.

Vendor's
license.

SEC. 6. That section 6203 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6203 Rem.
Comp. Stat.

Section 6203. The department of agriculture shall provide blanks for reporting statistics of the production of milk and milk products. The department shall when it deems necessary, but at least annually, on or before the first day of January of each year cause to be mailed to the owners or operators of all creameries, cheese factories, milk plants, milk condensing factories, factories of milk products, and to all milk vendors and milk dealers, one or more of such blanks. All such persons shall during the thirty days next following transmit to said department such blanks properly filled out and signed by such person and showing a full and accurate report of the amount of milk, cream, butter, cheese, ice-cream, ice milk, buttermilk, skimmed milk, or other milk produce received, produced, manufactured or distributed during the required period as set forth by the department. The words "milk vendor" or "milk dealer" shall mean any person, firm or corporation who sells, vends, furnishes or delivers milk, skimmed milk, buttermilk or cream in any manner.

Statistics,
report.

Forms
provided.

SEC. 7. That section 6206 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6206 Rem.
Comp. Stat.

Section 6206. No oleomargarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for butter or any condensed milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor shall be used in any of the

Oleo-
margarine,
substitute
butter,
renovated
butter.

educational, charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever.

Amends
§ 6210 Rem.
Comp. Stat.

SEC. 8. That section 6210 of Remington's Compiled Statutes be amended to read as follows:

Section 6210. No person, firm or corporation shall sell, expose or offer for sale, or exchange with, present or deliver to any creamery, milk plant, cheese factory, milk condensing factory, factory of milk products, or other buyer or consumer of milk or milk products, any unclean, unwholesome, adulterated, stale or impure milk, cream, butter or other milk product: *Provided*, That milk, cream or milk products when found to be rancid or in such condition as to be unfit for human consumption may be condemned, destroyed or rendered unfit for human food.

Unclean,
unwholesome,
adulterated,
stale, or im-
pure milk—
not to be
sold.

Condemned.

Amends
§ 6211 Rem.
Comp. Stat.

SEC. 9. That section 6211 of Remington's Compiled Statutes be amended to read as follows:

Section 6211. No person, firm or corporation shall knowingly sell, expose or offer for sale, present, exchange with or deliver to any creamery, consumer, milk plant, cheese factory, milk condensing factory, factory of milk products, or any other buyer or consumer of milk or milk products, any milk, or any cream, skimmed milk, buttermilk, butter, ice-cream, ice milk, cheese, condensed milk or other milk product made or manufactured from milk produced from cows or goats affected with any disease, or herds of cows or goats the owners of which have refused officials the right to examine or test for diseased conditions, or that was produced within ten days preceding parturition or within five days thereafter.

Diseased
cows or
goats.

Amends
§ 6215 Rem.
Comp. Stat.

SEC. 10. That section 6215 of Remington's Compiled Statutes be amended to read as follows:

Section 6215. All milk and sweet cream shall be cooled in the dairy where it is produced to a tem-

Milk and
sweet cream
to be cooled.

perature of not more than fifty-five degrees Fahrenheit within thirty minutes after the same is drawn from the cows or goats, or separated, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty degrees Fahrenheit, and all such milk and cream shall thereafter be maintained at a temperature not to exceed fifty degrees Fahrenheit until delivered to the consumer: *Provided*, Nothing in this section shall be deemed applicable to milk or cream while being pasteurized.

Temperature.

SEC. 11. That section 6222 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6222 Rem.
Comp. Stat.

Section 6222. No person, firm or corporation shall fill any bottle or other commercial container with milk, skimmed milk, buttermilk, cream, ice-cream, or ice milk until such bottle or other container has been cleansed and sterilized with live steam or boiling water for twenty minutes.

Container
cleaned
and
sterilized.

SEC. 12. That section 6232 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 6232 Rem.
Comp. Stat.

Section 6232. Any milk or sweet cream which shall not be free from foreign substances, coloring matter or preservatives, pus cells or blood cells, or which contains more than 100,000 bacteria or germs of all kinds to the cubic centimeter or which has been infected by or exposed to any contagious or infectious disease, or which has not been cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after drawn from the cow or goat, or separated, shall be deemed to be impure, unwholesome and adulterated within the meaning of this act.

Impure and
infected milk
or sweet
cream.

Any pasteurized milk shall be considered unlawful that contains in excess of 25,000 bacteria per cubic centimeter in the finished product.

Pasteurized
milk, when
unlawful.

Amends
§ 6267 Rem.
Comp. Stat.

SEC. 13. That section 6267 of Remington's Compiled Statutes be amended to read as follows:

Inspectors.

Section 6267. The state department of agriculture, any board of any county or legal municipal subdivision may appoint one or more inspectors of milk, dairies and dairy products. All inspectors hereafter appointed shall be graduates of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given.

Graduates.

Amends
§ 6268 Rem.
Comp. Stat.

SEC. 14. That section 6268 of Remington's Compiled Statutes be amended to read as follows:

Powers of
inspectors.

Section 6268. Such inspectors may enter all places in which milk or its products are stored and kept for sale and all carriages used for the conveyance of milk or cream and may take therefrom samples for analysis: *Provided, however,* That this shall not apply to samples of milk or cream taken for bacteriological examination.

Milk in 1st
and 2nd
class cities—
sold in
bottles only.

SEC. 15. It shall be unlawful for any person to sell, serve, offer for sale or expose for sale in cities of the first and second class any milk for human consumption unless the same is bottled in glass bottles: *Provided, however,* That this section shall not apply to milk purchased in bulk to be used exclusively for cooking or manufacturing purposes.

Statutes
repealed.

SEC. 16. That sections 6269, 6270, 6271, 6272, 6273, 6274, 6279 and 6281 of Remington's Compiled Statutes be and the same are hereby repealed.

Amends
§ 6282 Rem.
Comp. Stat.

SEC. 17. That section 6282 of Remington's Compiled Statutes be amended to read as follows:

Bottle caps
to have
names on.

Section 6282. Hereafter no bottled milk or bottled cream shall be offered for sale, sold or otherwise disposed of in the State of Washington, unless the caps on all such bottles containing the milk or cream indicate and have inscribed thereon the name of the dairy, person, firm or corporation offering the same for sale, and nothing shall be on the cap indi-

cating quality which cannot be determined by laboratory, chemical or bacteriological examination.

Passed the Senate February 8, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 214.

[S. B. 210.]

CLOSING OF STREETS AND HIGHWAYS.

AN Act providing for the closing of certain city or town street, or township roads, county and state roads, or parts thereof, and amending Section 1 of Chapter 21 of the Laws of 1921, as amended by Chapter 232 of the Laws of 1927.

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

SECTION 1. That section 1 of chapter 21 of the Laws of 1921, page 87, as amended by chapter 232 of the Laws of 1927, pages 359 to 360, (section 6839 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6839 Rem.
Comp. Stat.

Section 1. Whenever the condition of any city or town street, or township road, state or county road, either newly constructed, repaired or improved, or of prior construction, or any part thereof, is such that its use or continued use by vehicles will greatly damage such road, the state highway engineer, if it be a state road, or the board of county commissioners, if it be a county road, or the governing body of any city or town, or township, if it be a city or town street, or township road, is authorized to close such road to travel by all vehicles, or to any class of vehicles for such period as they shall determine.

Passed the Senate February 19, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 215.

[S. B. 258.]

EXCHANGE OF LANDS TO PRESERVE TIMBER ALONG
PACIFIC HIGHWAY.

AN ACT authorizing the exchange of certain state lands for other lands of equal value.

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

SECTION 1. For the purpose of securing and preserving the stand of timber bordering the Pacific Highway in township 10 north, range 2 west for state park purposes, the commissioner of public lands with the advice and approval of the board of state land commissioners, is hereby authorized to exchange any state lands of equal value for such quantity of timber lands in township 10 north, range 2 west, as may be selected by the state parks committee for state park purposes, and with the advice and approval of the attorney general, is hereby authorized to execute such agreements, writings, or relinquishments and deeds as are necessary or proper for the purpose of carrying said exchange into effect, and when said exchange shall have been effected, the land so acquired in exchange shall be under the supervision and control of the state parks committee as a state park.

Passed the Senate February 25, 1929.

Passed the House March 13, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 216.

[S. B. 255.]

HOTELS, INNS, BOARDING AND LODGING HOUSES.

AN ACT to protect hotel keepers, inn keepers, boarding house keepers and lodging house keepers, to prescribe and regulate their duties and liabilities toward their guests, boarders and lodgers, to punish fraud, to define and regulate the lien of keepers of hotels, inns, boarding houses and lodging houses, and amending Sections 1, 3, 5, 6 and 7 of Chapter 190 of the Laws of 1915 and Section 4 of Chapter 190 of the Laws of 1915 as the same is amended by Chapter 57 of the Laws of 1917 (Sections 6860, 6862, 6863, 6864, 6865 and 6866 of Remington's Compiled Statutes) and repealing Section 1, page 95 of the Laws of 1890 and Section 8 of Chapter 190 of the Laws of 1915 (Sections 1203 and 6867 of Remington's Compiled Statutes).

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

SECTION 1. That section 1 of chapter 190 of the Laws of 1915 (section 6860 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6860 Rem.
Comp. Stat.

Section 1. Any building held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations, whether with or without meals, or the facilities for preparing the same, are furnished for hire to transient guests, in which fifteen or more rooms are used for the accommodation of such guests, shall for the purposes of this act, or any amendment thereof, only, be defined to be a hotel, and whenever the word hotel shall occur in this act, or any amendment thereof, it shall be construed to mean a hotel as herein described.

Hotel,
defined.

SEC. 2. That section 3 of chapter 190 of the Laws of 1915 (section 6862 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6862 Rem.
Comp. Stat.

Section 3. Whenever the proprietor, keeper, owner, operator, lessee, or manager of any hotel, lodging house or inn shall provide a safe or vault

Safe or
vault.

Safe-keeping of valuables. for the safekeeping of any money, bank notes, jewelry, precious stones, ornaments, railroad mileage books or tickets, negotiable securities or other valuable papers, bullion, or other valuable property of small compass belonging to the guests, boarders or lodgers of such hotel, lodging house or inn, and shall notify the guests, boarders or lodgers thereof by posting a notice in three or more public and conspicuous places in the office, elevators, or public rooms, or in the public parlors of such hotel, lodging house or inn, stating the fact that such safe or vault is provided in which such property may be deposited; and if such guests, boarders or lodgers shall neglect to deliver such property to the person in charge of such office, for deposit in the safe or vault, the proprietor, keeper, owner, operator, lessee or manager, whether individual, partnership or corporation, of such hotel, lodging house or inn shall not be liable for any loss or destruction of any such property, or any damage thereto, sustained by such guests, boarders or lodgers, by negligence of such proprietor, keeper, owner, operator, lessee or manager, or his, her, their or its employees, or by fire, theft, burglary, or any other cause whatsoever; but no proprietor, keeper, owner, operator, lessee or manager of any hotel, lodging house or inn, shall be obliged to receive property on deposit for safekeeping exceeding one thousand dollars in value; and if such guests, boarders or lodgers shall deliver such property to the person in charge of said office for deposit in such safe or vault, said proprietor, keeper, owner, operator, lessee, or manager, shall not be liable for the loss or destruction thereof, or damage thereto, sustained by such guests, boarders or lodgers in any such hotel, lodging house, or inn, exceeding the sum of one thousand dollars, notwithstanding said property may be of greater value, unless by special arrangement in writing with such

Posting notice in 3 public places.

Loss or destruction, no liability.

Property in excess of \$1,000 in value.

Special arrangements in writing.

proprietor, keeper, owner, operator, lessee or manager; *Provided, however,* That in case of such deposit of such property, the proprietor, keeper, owner, operator, lessee or manager of such hotel, lodging house, or inn, shall in no event be liable for loss or destruction thereof, or damage thereto, unless caused by the theft or gross negligence of such proprietor, keeper, owner, operator, lessee, or manager, or his, her, their, or its agents, servants or employees.

Liable only for theft or gross negligence.

SEC. 3. That section 4 of chapter 190 of the Laws of 1915 as the same is amended by chapter 57 of the Laws of 1917 (section 6863 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 6863 Rem. Comp. Stat.

Section 4. Except as provided for in the foregoing section, the proprietor, keeper, owner, operator, lessee or manager, whether individual, partnership or corporation, of a hotel, lodging house, or inn, shall not be liable for the loss or destruction of, or damage to any personal property brought or sent into such hotel, lodging house, or inn, by or for any of the guests, boarders or lodgers thereof, unless such loss, destruction or damage is occasioned by the gross negligence of such proprietor, keeper, owner, operator, lessee or manager, or his, her, their, or its agents, servants or employees; but in no event shall such liability exceed the sum of two hundred dollars, unless such proprietor, keeper, owner, operator, lessee, or manager, shall have contracted in writing with such guest, boarder, or lodger to assume a greater liability; *Provided, however,* That in no event shall liability of the proprietor, keeper, owner, operator, lessee or manager, or his, her, their, or its agents, servants or employees, of a hotel, lodging house, or inn exceed the following: For a guest, boarder or lodger, paying twenty-five cents per day, for lodging, or for any person who is not a guest, boarder or lodger, the liability

Except as otherwise provided, no liability except for gross negligence.

Limit of liability \$200.

Liability limited.

Schedule.

\$50.00 for trunk; \$10 for suitcase; \$5.00 for box; \$10.00 for wearing apparel.

\$75.00 for trunk; \$20.00 for suitcase; \$10.00 for box; \$20.00 for wearing apparel.

\$150.00 for trunk; \$50.00 for suitcase; \$10.00 for box; \$50.00 for wearing apparel.

By writing assumed greater liability.

Non-guest.

for loss, destruction or damage, shall not exceed the sum of fifty dollars for a trunk and contents, ten dollars for a suitcase or valise and contents, five dollars for a box, bundle or package, and ten dollars for wearing apparel or miscellaneous effects. For a guest, boarder or lodger, paying fifty cents a day for lodging, the liability for loss, destruction or damage shall not exceed seventy-five dollars for a trunk and contents, twenty dollars for a suitcase or valise and contents, ten dollars for a box, bundle or package and contents, and twenty dollars for wearing apparel and miscellaneous effects. For a guest, boarder or lodger paying more than fifty cents per day for lodging, the liability for loss, destruction or damage shall not exceed one hundred fifty dollars for a trunk and contents, fifty dollars for a suitcase or valise and contents, ten dollars for a box, bundle or package and contents, and fifty dollars for wearing apparel and miscellaneous effects, unless in such case such proprietor, keeper, owner, operator, lessee, or manager of such hotel, lodging house, or inn, shall have consented in writing to assume a greater liability: *And provided further*, Whenever any person shall suffer his baggage or property to remain in any hotel, lodging house, or inn, after leaving the same as a guest, boarder or lodger, and after the relation of guest, boarder or lodger between such person and the proprietor, keeper, owner, operator, lessee, or manager of such hotel, lodging house, or inn, has ceased, or shall forward or deliver the same to such hotel, lodging house, or inn, before, or without, becoming a guest, boarder, or lodger thereof, and the same shall be received into such hotel, lodging house, or inn, the liability of such proprietor, keeper, owner, operator, lessee, or manager thereof shall in no event exceed the sum of one hundred dollars, and such proprietor, keeper, owner, operator, lessee, or manager, may

at his, her, their or its option, hold such baggage or property at the risk of such owner thereof; and when any baggage or property has been kept or stored by such hotel, lodging house, or inn, for six months after such relation of guest, boarder or lodger has ceased, or when such relation does not exist, after six months from the receipt of such baggage or property in such hotel, lodging house, or inn, such proprietor, keeper, owner, operator, lessee, or manager, may, if he, she, they or it so desires, sell the same at public auction in the manner now or hereinafter provided by law for the sale of property to satisfy a hotel keeper's lien, and from the proceeds of such sale pay or reimburse himself the expenses incurred for advertisement and sale, as well as any storage that may have accrued, and any other amounts owing by such person to said hotel, lodging house, or inn; *Provided*, That when any such baggage or property is received, kept or stored therein after such relation does not exist, such proprietor, keeper, owner, operator, lessee, or manager, may, if he, she, or it, so desires, deliver the same at any time to a storage or warehouse company for storage, and in such event all responsibility or liability of such hotel, lodging house, or inn, for such baggage or property, or for storage charges thereon, shall thereupon cease and terminate.

Stored for
six months.

Sale at pub-
lic auction.

Delivery to
warehouse.

SEC. 4. That section 5 of chapter 190 of the Laws of 1915 (section 6864 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6864 Rem.
Comp. Stat.

Section 5. The keeper of any hotel, boarding house or lodging house, whether individual, partnership or corporation, has a lien upon, and may retain, all baggage, sample cases, and other property, lawfully in the possession of a guest, boarder, or lodger, brought upon the premises by such guest, boarder, or lodger, for the proper charges due from him or her, on account of his or her food, board, room rent,

Lien for
charges on
baggage,
sample cases,
or property.

lodging and accommodation, and for such extras as are furnished at his or her request, and for all money and credit paid for or advanced to him or her; and for the costs of enforcing such lien; and said hotel keeper, inn keeper, lodging house keeper or boarding house keeper, shall have the right to retain and hold possession of such baggage, sample cases and other property until the amount of such charges and moneys be fully paid, and to sell such baggage, sample cases, or other property for the payment of such lien, charges and moneys in the manner provided in the next succeeding section of this chapter; and such baggage, sample cases and property shall not be subject to attachment or execution until such lien and storage charges and the cost of satisfying such lien are fully satisfied; *Provided, however,* That if any baggage, sample cases, or property becoming subject to the lien herein provided for does not belong to the guest, boarder or lodger who incurred the charges or indebtedness secured thereby at the time when such charges or indebtedness shall be incurred, and if the hotel, inn, boarding house or lodging house keeper entitled to such lien receives actual notice of such fact at any time before the sale of such baggage, sample cases or property hereunder, then and in that event such baggage, sample cases and property which are subject to said lien and do not belong to said guest, boarder or lodger at the time when such charges or indebtedness shall be incurred, shall not be subject to sale in the manner herein provided, but the same may be sold in the manner provided by law for the sale of property under a writ of execution to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness. A guest, within the meaning of this chapter, includes each and every person who is a member of the family of, or dependent upon, a guest, boarder or lodger, in

Right to hold possession.

Sale.

Property does not belong to guest.

Guest defined.

such hotel, inn, boarding house or lodging house, and for whose support such tenant, guest, boarder or lodger is legally liable.

SEC. 5. That section 6 of chapter 190 of the Laws of 1915 (section 6865 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6865 Rem.
Comp. Stat.

Section 6. If such lien and all such charges and moneys are not fully paid and satisfied within sixty days from the time when such charges and moneys, respectively, become due, the keeper of such hotel, inn, boarding house or lodging house, may then proceed to sell such baggage, sample cases and other 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 public places in the city or town wherein such hotel, inn, boarding house or lodging house is located, and by mailing a notice of the time and place of sale to such guest boarder or lodger at the place of residence, if any, registered by him or her on the register, if any, of said hotel, inn, boarding house or lodging house; and after satisfying the lien and paying all legal charges due from such guest, boarder or lodger, including proper charges for storage of the said baggage, sample cases or property, and any expense of selling the same that may accrue, any residue remaining shall, on demand, within one year after such sale, be paid to such guest, boarder or lodger, or his or her legal representatives; *Provided, however,* That should such guest, boarder or lodger fail or refuse to register from any particular town or city, or not register at all, the notice herein required to be mailed shall be addressed to the name of such guest, boarder or lodger at the city or town wherein such hotel, inn, boarding house or lodging house is located; and such sale shall be a perpetual bar to any action against said hotel, inn, boarding house or lodging house keeper for the recovery of such bag-

Lien and
charges not
paid within
60 days.

Sale.

Notice.

Guest's
failure to
register.

Sale bar to
action.

gage, sample cases, or property, or of the value thereof, or for any damage arising from the failure of such guest, boarder or lodger to receive such baggage, sample cases, or property.

Amends
§ 6866 Rem.
Comp. Stat.

SEC. 6. That section 7 of chapter 190 of the Laws of 1915 (section 6866 of Remington's Compiled Statutes) be amended to read as follows:

Obtaining
food, money,
credit with
intent to
defraud.

Section 7. Any person who shall wilfully obtain food, money, credit, lodging or accommodation at any hotel, inn, boarding house or lodging house, without paying therefor, with intent to defraud the proprietor, owner, operator or keeper thereof; or who obtains food, money, credit, lodging or accommodation at such hotel, inn, boarding house or lodging house, by the use of any false pretense; or who, after obtaining food, money, credit, lodging, or accommodation at such hotel, inn, boarding house, or lodging house, removes or causes to be removed from such hotel, inn, boarding house or lodging house, his or her baggage, without the permission or consent of the proprietor, manager or authorized employee thereof, before paying for such food, money, credit, lodging or accommodation, shall be guilty of a gross misdemeanor. Proof that food, money, credit, lodging or accommodation were obtained by 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, money, credit, lodging or accommodation on demand, or that he or she gave in payment for such food, money, credit, lodging or accommodation, negotiable paper on which payment was refused, or that he or she absconded, or departed from, or left, the premises without paying for such food, money, credit, lodging or accommodation, or that he or she removed, or attempted to remove, or caused to be removed, or caused to be attempted to be removed his or her property or baggage, shall be *prima facie*

Prima facie
evidence of
fraudulent
intent.

evidence of the fraudulent intent hereinbefore mentioned.

SEC. 7. In the event that any section or any part of any section of this act, or this act as it applies to any persons or under any circumstances, should be adjudged invalid, such adjudication shall not affect or impair the validity of the remainder of this act, or the act as it applies to other persons and under other circumstances.

Invalidity
of part not
to affect
balance.

SEC. 8. Section 1, page 95 of the Laws of 1890 and section 8 of chapter 190 of the Laws of 1915 (sections 1203 and 6867 of Remington's Compiled Statutes) are hereby repealed.

Statutes
repealed.

Passed the Senate February 26, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 217.

[S. B. 270.]

APPROPRIATION FOR PORTRAITS, PHOTOGRAPHS AND FLAG PRESERVATION.

AN ACT relating to and providing for securing the portraits of the former governors and the members of the Legislature of the State of Washington, providing for the care of service flags, making an appropriation, and declaring that this act shall take effect immediately.

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

SECTION 1. The state capitol committee is hereby authorized and directed to procure and hang in the governor's office in the legislative building of the state capitol, appropriately framed portraits of the Honorable M. E. Hay, the Honorable Louis F. Hart, and the Honorable Roland H. Hartley, painted in oil by skilled artists.

Oil paintings
of M. E. Hay,
Louis F.
Hart, Roland
H. Hartley.

SEC. 2. The state capitol committee is hereby authorized and directed to cause to be reframed in

Group photo-
graphs of
members of
the legis-
lature.

a uniform style the group photographs of the members of the senate and house of representatives, and to cause the senate groups to be hung in the hallway surrounding the senate gallery, and the house groups to be hung in the hallway surrounding the house gallery.

Flags.

SEC. 3. The state capitol committee is hereby authorized and directed to cause the colors of the First Washington Volunteer Infantry in the Spanish-American War and other historic service flags of the state to be placed under glass in an appropriate place in the legislative building.

Appropriation.

SEC. 4. For the purpose of carrying out the provisions of this act there is hereby appropriated from the general fund in the state treasury, for the biennium ending March 31, 1931, the sum of two thousand five hundred (\$2,500.00), or so much thereof as may be necessary.

Effective immediately.

SEC. 5. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately.

Passed the Senate February 26, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 218.

[S. B. 319.]

LIABILITY FOR DEBTS OF REAL ESTATE OF DECEASED PERSON.

AN ACT relating to the estates of deceased persons and amending Section 1368 of Remington's Compiled Statutes.

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

SECTION 1. That section 1368 of Remington's Compiled Statutes be amended to read as follows:

Amends
§ 1368 Rem.
Comp. Stat.

Section 1368. No real estate of a deceased person shall be liable for his debts unless letters testamentary or of administration be granted within six years from the date of the death of such decedent: *Provided, however,* That this section shall not affect the lien of any mortgage, upon specific real property, existing and recorded as required by law at the date of the death of such decedent.

Passed the Senate March 7, 1929.

Passed the House March 13, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 219.

[S. B. 321.]

VALIDATING PORT DISTRICT ELECTIONS.

AN ACT validating certain port district elections, and declaring that this act shall take effect immediately.

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

SECTION 1. Each port district election which was called by the election board for any class "A" county or county of the first class, and which was held at the time of the last general election in November, 1928, and at which a proposition for the

Class "A"
and first
class
counties.

Bonds.

issuance of bonds of such district was approved by three-fifths of the voters therein voting on such proposition, is hereby validated, notwithstanding any irregularity or omission in the calling or holding of such election.

Effective immediately.

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

Passed the Senate March 8, 1929.

Passed the House March 13, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 220.

[S. B. 324.]

SALE OF MATERIALS BELONGING TO STATE.

AN ACT relating to the sale of materials belonging to the state and defining the duties of the Commissioner of Public Lands, and amending Section 31 of Chapter 255 of the Session Laws of 1927.

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

Amends
§ 31, Chap.
255 Laws
1927.

SECTION 1. That section 31 of chapter 255, Laws of 1927, be amended to read as follows:

Materials
on state
lands and
tide and
shore lands.

Section 31. Timber, fallen timber, stone, gravel, or other valuable material situated upon state lands, except capitol building lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the same, and in case the estimated amount of timber on any tract of state lands, except capitol building lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land. When application is made for the

Timber more
than
1,000,000
feet, sold
separate
from land.

purchase of any valuable material, situated upon state lands, except capitol building lands, or upon tide or shore lands, or the bed of navigable waters belonging to the state, the same inspection and report shall be had as upon an application for the appraisement and sale of such lands, and the commissioner of public lands shall appraise the value of the material applied for. No timber, fallen timber, stone, gravel or other valuable material, shall be sold for less than the appraised value thereof. The commissioner of public lands is authorized and empowered to confer with and enter into any agreements with the public authorities of the State of Oregon, which, in the judgment of said commissioner of public lands will assist the State of Washington and the State of Oregon in securing the maximum revenues for sand, gravel or other materials taken from the bed of the Columbia River where said river forms the boundary line between said states.

Appraised
value.

Agreements
with Oregon
respecting
Columbia
River bed.

Passed the Senate March 7, 1929.

Passed the House March 13, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 221.

[S. B. 205.]

GAME CODE.

AN ACT relating to and providing for the protection and disposition of wild animals, providing for the licensing and regulation of hunting and fishing, fixing certain seasons when hunting is prohibited, amending Sections 43-a, 47, 50, 51, 56, 57, 58, 59, 60, 63, 64, 65, 75, 95, 106 of Chapter 178 of the Laws of the Extraordinary Session of 1925 and adding thereto one new section to be known as section 90-a.

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

SECTION 1. That chapter 178 of the Laws of the Extraordinary Session of 1925 be amended by adding thereto a new section to be known as section 43a to read as follows:

Adds § 43a to Chap. 178 Laws Ex. Sess. 1925.

Section 43a. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States, who has been an actual resident of this state for six months and who holds a state or county hunting and fishing license may, by paying to a county auditor the sum of five dollars (\$5.00) obtain a supplemental license which shall entitle the holder thereof to hunt elk within the county for which such license is issued until the first day of March next following the date of its issuance, at any time when it is otherwise lawful to hunt elk in such county. Any non-resident of the State of Washington who holds a state hunting and fishing license may obtain such supplemental license to hunt elk upon payment of a fee of twenty-five dollars (\$25.00): *Provided*, That it shall always be unlawful to kill elk in the counties of Clallam, Jefferson, Grays Harbor and Mason.

Supplemental license to hunt elk.

\$5.00 for resident.

\$25.00 non-resident.

Two dollars and fifty cents (\$2.50) of the fee received for each resident license and fifteen dollars (\$15.00) of the fee received for each non-resident

license issued under the provisions of this section shall be paid into the county game fund of the issuing county and two dollars and fifty cents (\$2.50) and ten dollars (\$10.00) of such fees, respectively, shall be paid into the state game fund.

SEC. 2. That section 47 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 519, be amended to read as follows:

Amends § 47,
Chap. 178,
Laws Ex.
Sess. 1925.

Section 47. Any alien by paying to any county auditor the sum of twenty-five dollars (\$25.00), and exhibiting his permit to carry firearms issued in the manner provided by law, may obtain a state hunting and fishing license which shall entitle the holder thereof to hunt game birds and game animals and fish in any county of the state until the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in such county.

Alien with
permit to
carry fire-
arms, may
obtain hunt-
ing and fish-
ing license.

SEC. 3. That section 50 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 519, be amended to read as follows:

Amends § 50,
Chap. 178,
Laws Ex.
Sess. 1925.

Section 50. Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States may by paying to a auditor the sum of five dollars (\$5.00), obtain a state hunting license which shall entitle the holder thereof to hunt game birds in any county of the state until the first day of March next, following the date of its issuance, when it would otherwise be lawful to hunt within said county.

\$5.00 for
state hunting
license.

SEC. 4. That section 51 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 520, be amended to read as follows:

Amends § 51,
Chap. 178,
Laws Ex.
Sess. 1925.

Section 51. Any resident citizen over the age of sixteen years by paying to the county auditor in the county in which he desires to trap, the sum of five dollars (\$5.00), may obtain a license which shall entitle the holder thereof to trap fur-bearing an-

\$5.00 for
trapper's
license.

imals for their hides or their pelts only, within the county where such license is issued until the first day of April next, following its issuance. Nothing in this act shall be construed as requiring any land owner or lease holder of any land to obtain or have a license to trap fur-bearing animals on the premises owned or leased by him. And it shall be unlawful to use the flesh of any game bird, or game animal or game fish for trap bait in trapping fur-bearing animals.

Amends §56,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 5. That section 56 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 521, be amended to read as follows:

Rabbits,
squirrels—
closed
season.

Section 56. It shall be unlawful for any person to hunt or trap any cottontail rabbit, snowshoe rabbit, gray squirrel or black squirrel between the first day of May and the fifteenth day of September of any one year. It shall be unlawful to hunt or trap any bear between the first day of April and the fifteenth day of September of any one year: *Provided*, That it shall be lawful for any stockman, land owner or lease holder to kill any predatory bear at

Bear—
closed
season.

Predatory
bear.

any time when they have reason to believe that such predatory bear is destroying or damaging property. *And provided further*, That United States predatory animal hunters may by and with the consent and direction of the county game commissioners kill any predatory bear when directed by the county game commission so to do. It shall be unlawful to hunt or trap any bull-frog between the first day of December in any year and the first day of July of the following year.

Bull-frogs.

Amends § 57,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 6. That section 57 of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 521 and 522, be amended to read as follows:

Section 57. It shall be unlawful for any person to hunt, trap, kill, catch, take, ship, convey, or cause

to be shipped or transported by common or private carrier to any person either within or without the state, or to purchase, sell, expose for sale, have in possession with intent to sell, or have in possession or under his control at any time any elk, moose, antelope, mountain sheep, mountain goat, caribou, deer, or fawn, or the meat thereof, or the hides, hoofs, horns or teeth of any elk, moose, antelope, mountain goat, mountain sheep or caribou unless lawfully acquired: *Provided*, That any person having in force a hunting license issued under the provisions of this act may kill, catch, take, ship, convey or cause to be conveyed by common or private carrier, and have in his possession for his personal use between the fifteenth day of September and the fifteenth day of November in any year, one buck deer with visible horns, killed, caught or taken in the manner provided by law: *Provided further*, That any person having in force a supplemental license to hunt elk issued under the provisions of this act may kill, catch, take, ship, convey or cause to be conveyed by common or private carrier, and have in his possession for his personal use between the first day of November and the tenth day of November, both dates inclusive, in any one year one elk killed, caught or taken in the manner provided by law. Any person violating the provisions of this section shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment, and any person killing, conveying, or having in his possession more than one buck deer with visible horns or more than one elk during the open season in any year, as herein above defined, shall be guilty of a gross misdemeanor and punished by a fine of not less than \$100.00 or more than \$250.00 or by imprisonment in the county jail for not less

Elk, moose,
antelope,
mountain
sheep,
mountain
goat, caribou,
deer, or
fawn.

Lawful to
take one
buck deer
with visible
horns.

Penalties for
violation.

than thirty or more than ninety days, or both such fine and imprisonment.

Amends § 58,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 7. That section 58 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Deer or
elk tag.

Section 58. It shall be unlawful for any person to hunt any deer or elk unless he shall have in his possession a deer or elk tag numbered to correspond with and attached to his license.

Attached to
carcass.

Any person having lawfully killed a deer or elk shall immediately attach and leave attached to the carcass or part thereof the deer or elk tag corresponding to his license; and it shall be unlawful for any person to have in his possession or under his control or have in storage or as a common carrier any such carcass before being dismembered, without having such tag attached, and it shall be unlawful for any person to so mutilate the carcass of any deer or elk that the sex cannot be determined.

Amends § 59,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 8. That section 59 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Deer or elk
in water.

Section 59. It shall be unlawful for any person to shoot or kill in any manner any deer or elk when such deer or elk is in any river or lake, or body of water, and it shall be unlawful for any person to hunt deer or elk with dogs.

Amends § 60,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 9. That section 60 of chapter 178 of the Laws of the Extraordinary Session of 1925 be amended to read as follows:

Dogs unlaw-
ful in
wooded
section.

Section 60. It shall be unlawful for any person to have with him either loose or in leash any dog in any wooded section of any county of the state during the time in each year when it is lawful to hunt deer or elk in such county, without having first obtained and having in force a written permit so to do, issued by the unanimous vote or action of the game com-

missioners of such county. *Provided*, That nothing in this section shall be construed to prohibit stockmen from having either loose or in leash any dog in any wooded section of any county where such stock are grazing during the time in each year when it is lawful to hunt deer or elk in such county. *And provided, further*, That bird dogs or dogs used for hunting upland game birds may be trained or used at any time except during the months of April, May, June and July of each year, during which months it shall be unlawful for any such dogs to run at large. The county game commissioners by unanimous action and with the approval of the supervisor of game and game fish may permit field trials during closed months, of bird dogs in such portion of their respective counties as in their judgment will not injure the upland game birds thereon.

Dogs permitted with grazing stock.

Bird dogs.

SEC. 10. That section 64 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 524, be amended to read as follows:

Amends § 64, Chap. 178, Laws Ex. Sess. 1925.

Section 64. It shall be unlawful for any person to hunt or possess any upland game bird between the fifteenth day of November in any year and the fifteenth day of September in the following year.

Upland game birds—closed season.

SEC. 11. That section 65 of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 524 to 525, be amended to read as follows:

Amends § 65, Chap. 178, Laws Ex. Sess. 1925.

Section 65. It shall be unlawful for any person to hunt or possess any migratory game birds at the times prohibited by, and in violation of, the rules and regulations established by the United States department of agriculture.

Migratory game birds.

SEC. 12. That section 75 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 528, be amended to read as follows:

Amends § 75, Chap. 178, Laws Ex. Sess. 1925.

Section 75. It shall be unlawful for any person to lay, set, use or prepare any drug, poison, lime, medicated bait, nets, fish berries, formaldehyde,

Drugs, poison, lime, medicated bait, etc. prohibited.

Dynamite, or
explosives.

Trot line.

Officials may
take game
and game
fish.

Adds § 90a
to Chap. 178,
Laws Ex.
Sess. 1925.

Gross mis-
demeanor to
remove only
head, hide,
horns, etc.

Dress and
care for
game ani-
mal killed.

dynamite or other explosives, or any other deleterious substance, or to lay, stretch or place any tip-up, snare or net or trot line or any wire, string, rope or cable of any kind, class or description in any of the waters of this state with intent thereby to catch, take or kill any game fish. It shall be unlawful for any person, other than a regular game officer, to molest any of the above names [named] devices without first notifying the game department of the location of such illegal device, and then not until some game official is present: *Provided*, That nothing in this section shall prevent the supervisor of game and game fish anywhere in the state, or any county game commission by unanimous vote, within its county, from killing or taking by any means, any of the fish in any waters.

SEC. 13. That chapter 178 of the Laws of the Extraordinary Session of 1925 be amended by adding thereto a new section, to be known as section 90-a, to read as follows:

Section 90-a. Any person who, at any time, kills, captures or destroys any game animal of this state, and detaches or removes from the carcass only the head, hide, antlers, horns, tusks or any or all of the aforesaid parts, is guilty of a gross misdemeanor, and upon conviction thereof shall be fined not less than \$250.00 and not more than \$1,000.00 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. The purpose and intent of this section is to protect game animals of the state from wanton, ruthless or wasteful destruction or mutilation for their heads, hides, antlers, horns or teeth or tusks alone, and its provisions are to be so construed. The failure of any person to properly dress and care for any game animal killed by such person or persons, within twenty-four hours, and to take or transport to the camp of such person or persons such carcass and

there properly take care of the same, shall be *prima facie* evidence of the violation of the provisions of this section. Any person who, at any time, after killing any game animal, game bird, game fish, or fur-bearing animal of this state, leaves such animal, bird, or fish to needlessly go to waste, shall be guilty of a misdemeanor.

SEC. 14. That section 106 of chapter 178 of the Laws of the Extraordinary Session of 1925, pages 539 to 540, be amended to read as follows:

Amends
§ 106, Chap.
178, Laws
Ex. Sess.
1925.

Section 106. For the purpose of encouraging game farming and the domestication and propagation of wild animals, except foxes, and the domestication and propagation of game fish and game birds, a game farmer's license, which shall authorize the licensee to engage in the business of purchasing, breeding and selling game animals, fur-bearing animals, and game fish, as defined by this act, game birds or non-game birds, shall be issued, subject to the provisions of this act by the supervisor of game and game fish to any responsible resident person duly applying therefor, such license to expire on March 31st following the date of its issuance. The fee for such license shall be twenty dollars (\$20.00). After such license has been issued, it shall be valid as long as said licensee pays the supervisor of game and game fish, for the benefit of the game fund, an annual fee of ten dollars (\$10.00), unless otherwise determined under the provisions of this act: *Provided, however,* That this section shall not be construed to require the granting of licenses to free public parks or to persons domesticating such animals or birds for pleasure and not for profit but such persons shall before domesticating any such animals or birds secure a permit so to do from the county game commission of the county where he resides.

Domestica-
tion of wild
animals.

Game
farmers'
license.

Fee.

Public
parks.

Amends § 95,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 15. That section 95 of chapter 178 of the Extraordinary Session of 1925, page 535 be amended to read as follows:

Lawful to possess skin, hide, head, etc., game fish, game bird when lawfully taken.

Section 95. It shall be lawful for any person, firm or corporation to have in possession at any time the skin, hide, head or dead body of any game or fur-bearing animal, or game or non-game bird, or game fish, or any part thereof, lawfully taken outside the boundaries of the State of Washington or lawfully taken within the state for purposes of sale, tanning, manufacturing, mounting or ornamental purposes with the right to dispose of same in the usual course of trade: *Provided*, That each specimen retained for mounting or ornamental purposes shall be reported in writing within three days to the supervisor of game and game fish or the county game commission of the county where the same is to be mounted, who shall tag or mark the same for identification and shall be authorized to charge and collect for tagging and marking the sum of twenty-five cents (\$0.25) for each tag, and in addition thereto the usual mileage fee charged by sheriffs in the county where the services are to be performed.

Mounting and ornamental purposes.

Amends § 63,
Chap. 178,
Laws Ex.
Sess. 1925.

SEC. 16. That section 63 of chapter 178 of the Laws of the Extraordinary Session of 1925, page 524, be amended to read as follows:

Beaver protected.

Section 63. It shall be unlawful for any person to in any manner hunt or trap any beaver in this state, except as otherwise provided in this act, or have in his possession alive or dead any beaver or part thereof that has been caught or killed in this state. Nothing in this section, however, shall be construed to prevent any person residing in this state from having in his possession or from buying, selling or handling skins of beaver lawfully caught or killed outside of this state. Before any beaver skins are shipped or brought into this state it shall be the duty of the consignee or person in whose

Beaver skins.

possession the beaver skins are, to make an affidavit before some person authorized to administer oaths, that each and every skin was lawfully taken without the State of Washington. Which affidavit shall accompany each shipment and the person, firm or corporation to whom the skins are delivered shall forthwith notify in writing the supervisor of game and game fish, and the county game commission, of the place where said skins are stored, or may be inspected and said supervisor of game and game fish, or county game commission, shall inspect said skins and if satisfied from said affidavit and an examination of each skin that they were not killed within the State of Washington shall, upon the payment of a fee of ten cents (\$0.10) for each skin, stamp said skins with the words "killed outside the State of Washington" together with a fac simile signature of the supervisor of game and game fish. On said skins being so stamped, they may be offered for sale, and all fees so collected shall be paid one-half into the state game fund and one-half into the county game fund of the county in which the same were stamped.

Passed the Senate February 15, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 222.

[S. B. 150.]

FIRST CLASS TIDE LANDS OF ILWACO.

AN ACT providing for the survey and re-platting of the first class tide lands of Ilwaco, providing for the setting apart and donating for public use certain tide lands and making an appropriation for such purposes.

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

Survey and
replat.

SECTION 1. That as soon as practicable after the taking effect of this act it shall be the duty of the commissioner of public lands to survey and re-plat the first class tide lands of Ilwaco and to select for the use of the public, out of such tide lands, sites for slips, docks, wharves, warehouses, streets, avenues, alleys, waterways, and other purposes, insofar as such tide lands may be available for any and all such purposes, and upon the filing of such plat of tide lands with such reservations and selections thereon, in the office of the commissioner of public lands, the title to all selections for streets, avenues and alleys located within the city limits of Ilwaco, shall vest in said city. The title to all selections for slips, docks, wharves, warehouses and other purposes shall vest in the Port of Ilwaco, and any sales of such tide lands hereafter shall be made subject to such selections and reservation for public use: *Provided, however,* That said re-plat shall not vacate the existing Holman Waterway in whole or in part nor shall any existing vested rights be abrogated by said survey or re-plat.

Appropriation.

SEC. 2. There is hereby appropriated from the general fund for the commissioner of public lands the sum of five thousand dollars (\$5,000.00) for the fiscal term beginning April 1st, 1929, and ending March 31st, 1931, for the purpose of making neces-

sary surveys and plats and other work incident to carrying out purposes and provisions of this act.

Passed the Senate February 20, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 223.

[H. B. 327.]

PUBLIC SERVICE PROPERTIES AND UTILITIES.

AN ACT relating to public service properties and utilities, to tow boats, tugs, scows, barges and lighters, and amending Section 8, Chapter 117 of the Laws of 1911, as amended by Chapter 116 of the Laws of 1923.

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

SECTION 1. That section 8 of chapter 117 of the Laws of 1911, as amended by chapter 116 of the Laws of 1923, be amended to read as follows: Amends § 8,
Chap. 117,
Laws 1911.

Section 8. The term "commission," when used in this act, means the public service commission hereby created. Terms
defined—
commission,

The term "commissioner," when used in this act, means one of the members of such commission. commis-
sioner,

The term "corporation," when used in this act, includes a corporation, company, association or joint stock association. corporation,

The word "person," when used in this act, includes an individual, a firm or copartnership. person,

The term "street railroad," when used in this act includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, street
railroad,

tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

railroad,

The term "railroad," when used in this act, includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

street
railroad
company,

The term "street railroad company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

railroad
company,

The term "railroad company," when used in this act, includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

express
company,

The term "express company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

The term "common carrier," when used in this act, includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state. common carrier,

The term "gas plant," when used in this act, includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas (natural or manufactured) for light, heat or power. gas plant,

The term "gas company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state. gas company,

The term "electric plant," when used in this act, includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power. electric plant,

The term "electrical company," when used in this act, includes any corporation, company, association, joint stock association, partnership and electrical company,

person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state.

transportation of property,

The term "transportation of property," when used in this act, includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

transportation of persons,

The term "transportation of persons," when used in this act, includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

service,

The term "service," is used in this act in its broadest and most inclusive sense.

telephone company,

The term "telephone company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire within this state.

telephone line,

The term "telephone line," when used in this act, includes conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any

telephone company to facilitate the business of affording telephonic communication.

The term "telegraph company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.

telegraph
company.

The term "telegraph line," when used in this act, includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph.

telegraph
line.

The term "water system," when used in this act, includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

water
system.

The term "water company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any water system for hire within this state.

water
company.

The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, for the public use in the conveyance of persons or property for hire over and upon the

vessel.

waters within this state, excepting all tow boats, tugs, scows, barges, and lighters, and excepting row boats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

steamboat
company,

The term "steamboat company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

dock,
wharf,

The term "dock" or "wharf," when used in this act, includes any and all structures at which any steamboat, vessel or other water craft lands for the purpose of receiving or discharging freight from or for the public, together with any building or warehouse used for storing such freight for the public for hire.

warehouse,

The term "warehouse," when used in this act, includes any building or structure in which freight is received for storage from the public for hire, intended for shipment or discharged by any water craft.

wharfinger,
warehouse-
man,

The term "wharfinger" or "warehouseman," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, operating or managing any dock, wharf or structure where steamboats, vessels or other water craft land for the purpose of discharging freight for the public, and where such freight is received on such dock, wharf or structure for the public for hire within this state.

public
service
company.

The term "public service company," when used in this act, includes every common carrier, gas com-

pany, electrical company, water company, telephone company, telegraph company, wharfinger and ware-houseman as such terms are defined in this section.

Passed the House March 8, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 26, 1929.

CHAPTER 224.

[H. B. 108.]

STATE OYSTER RESERVES.

AN ACT authorizing the vacation of State Oyster Reserves or portions thereof, and providing for the manner of sale or lease thereof and the disposition of the proceeds.

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

SECTION 1. The commissioner of public lands is hereby authorized to sell or lease tide lands which have heretofore or which may hereafter be set aside as state oyster reserves in the same manner as provided for the disposition of second class shore lands in so far as the statutes relating to the sale of such second class shore lands may be applicable to the sale of tide lands in state oyster reserves.

Sale or
lease of tide
lands.

SEC. 2. The commissioner of public lands, upon the receipt of an application for the purchase or lease of any tide lands which have heretofore or which may hereafter be set aside as state oyster reserves, shall notify the director of fisheries and game of the filing of the application, describing the lands applied for. And it shall be the duty of the director of fisheries and game to cause an inspection of the reserve to be made for the purpose of determining whether said reserve or any part thereof should be retained as a state oyster reserve or vacated.

Application.

Director of
fisheries and
game.

Vacation.

SEC. 3. In case the director of fisheries and game approves the vacation of the whole or any part of said reserve, the commissioner of public lands may vacate and offer for sale or lease such parts or all of said reserve as he deems to be for the best interest of the state, and all monies received for the sale or lease of such lands shall be paid into the state treasury to the credit of the state oyster reserve fund. *Provided*, That nothing in this act shall be construed as authorizing the sale or lease of any tide lands which have heretofore, or which may hereafter, be set aside as state oyster reserves in Eld Inlet, Hammersley Inlet or Totten Inlet, situated in Mason or Thurston counties.

Passed the House March 13, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor March 26, 1929.

CHAPTER 225.

[H. B. 424.]

REAPPROPRIATION FOR STATE HIGHWAYS.

AN ACT re-appropriating certain sums from the motor vehicle fund for the purpose of construction and maintenance of state highways and declaring that this act shall take effect immediately.

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

Reappropriation of \$5,497,569.10 for state highway.

SECTION 1. That the sum of five million, four hundred ninety-seven thousand, five hundred sixty-nine and 10/100 dollars (\$5,497,569.10) from the motor vehicle fund or so much thereof as may be necessary be and the same is hereby re-appropriated for completing and maintaining work already under contract, or in progress and for new work on certain state roads hereinafter mentioned, the same being the unexpended balances of certain existing appro-

priations as shown by the state auditor's books on December 31, 1928, the said balances being re-appropriated as follows: *Provided*, That no expenditures under authority of this act shall in any event exceed the amount of the unexpended balances shown by the state auditor's books for the respective items.

Unexpended balance.

STATE ROAD No. 1—		State Road No. 1—
(a) SEATTLE-BLAINE		
Ferndale-Dakota Creek construction.....	\$50,301 77	Seattle-Blaine
Seattle North construction.....	11,119 68	
Seattle-Blaine location and right of way.....	20,643 96	
(b) BELLINGHAM-AUSTIN PASS		Bellingham-Austin Pass
Bellingham-Austin Pass bridges, betterment and reconstruction	101,147 97	
(c) SEATTLE-VANCOUVER		Seattle-Vancouver
Seattle-Pierce County Line construction.....	107,221 06	
Camp Lewis-Nisqually construction.....	63,505 52	
Seattle-Vancouver location and right of way...	16,713 14	
STATE ROAD No. 2—		State Road No. 2—
(a) BOTHELL-FALL CITY		Bothell-Fall City
Bothell-Fall City grading and surfacing.....	133,971 94	
(b) SEATTLE-WENATCHEE		Seattle-Wenatchee
Renton-Seattle construction.....	131,918 82	
Snoqualmie-North Bend construction.....	57,074 60	
Tanner-Snoqualmie Pass construction	268,940 07	
Wenatchee River Bridge construction.....	6,070 35	
Snoqualmie Pass-Easton construction.....	75,460 84	
Easton-Cle Elum construction.....	81,673 56	
Cle Elum-Swauk Creek construction.....	34,655 07	
Cle Elum River Bridge construction.....	8,338 60	
Seattle-Wenatchee location and right of way...	14,740 09	
(c) WENATCHEE-IDAHO STATE LINE		Wenatchee-Idaho State Line
Wenatchee-Orondo construction.....	16,976 73	
End of Pavement to Junction State Road No. 7 construction	32,836 58	
Creston-Rocklyn construction.....	14,108 79	
STATE ROAD No. 3—		State Road No. 3—
(a) JUNCTION STATE ROAD No. 2 TO COLUMBIA RIVER AT PASCO		
Teanaway to Ellensburg construction.....	188,612 46	
Grandview-Columbia River bridge at Pasco, grading, surfacing and paving Kennewick to Columbia River bridge.....	329,981 92	
Junction State Road No. 2 to Columbia River at Pasco, location and right of way.....	17,068 02	

Pasco- Walla Walla- Oregon State Line	(b) PASCO-WALLA WALLA-OREGON STATE LINE Pasco-Walla Walla-Oregon State Line location and right of way.....	6,748 53
Walla Walla- Asotin	(c) WALLA WALLA-ASOTIN Walla Walla Asotin location and right of way..	7,726 66
Pullman- Colfax- Spokane	(d) PULLMAN-COLFAX-SPOKANE Rosalia-Spokane reconstruction, paving, loca- tion and right of way..... Pullman-Colfax-Spokane location and right of way	37,333 34 17,351 27
Spokane- Laurier	(e) SPOKANE-LAURIER Kettle Falls bridge construction.....	120,365 05
State Road No. 4— Columbia River- Republic	STATE ROAD No. 4— (a) COLUMBIA RIVER-REPUBLIC Columbia River-Republic construction, location and right of way.....	112,376 70
State Road No. 5— Renton- Yakima	STATE ROAD No. 5— (a) RENTON-YAKIMA Silver Creek east construction and bridges.... American River-Summit construction and bridges	80,841 41 168,072 39 22,917 55
Auburn- Tacoma	(b) AUBURN-TACOMA Auburn-Tacoma location and right of way....	7,425 37
Lewis County	(c) LEWIS COUNTY Elbe-Morton construction.....	156,621 32
State Road No. 7— Davenport- Vantage	STATE ROAD No. 7— (a) DAVENPORT-VANTAGE Vantage Hill bridge approach..... Davenport-Vantage location and right of way..	9,823 24 6,188 27
Vantage- Ellensburg	(b) VANTAGE-ELLENSBURG Vantage-Ellensburg location and right of way	5,763 09
State Road No. 8— Vancouver- Maryhill	STATE ROAD No. 8— (a) VANCOUVER-MARYHILL Cape Horn construction..... Washougal-Prindle construction..... Woodard Creek-Greenleaf construction..... Rands-Stevenson construction..... Stevenson-Nelson Creek and Greer Creek-Wind River be expended, Stevenson-Wind River and bridge construction	124,913 80 28,699 74 15,524 64 68,853 22 103,910 26
Maryhill- Buena	(b) MARYHILL-BUENA Toppenish south construction.....	201,936 53

STATE ROAD No. 9—		State Road No. 9—
(a) OLYMPIA-PORT ANGELES-ABERDEEN-OLYMPIA		Olympia-Port Angeles-Aberdeen-Olympia.
Forest Project-Hoh grading.....	136,732 49	
Hoh-Harlow Creek grading.....	344,425 88	
Hoh-Queets bridges.....	193,484 74	
STATE ROAD No. 10—		State Road No. 10.
Chelan-Howard Flats construction.....	33,172 66	
Orondo north construction.....	5,281 59	
STATE ROAD No. 11—		State Road No. 11.
Lind east bridge and approach construction...	20,000 00	
Pasco-State Road No. 2 right of way.....	1,883 00	
STATE ROAD No. 12—		State Road No. 12—
(a) KELSO-CATHLAMET		Kelso-Cathlamet.
Kelso-Cathlamet location, right of way, betterment and construction.....	250,898 64	
(b) CHEHALIS-ASTORIA FERRY		Chehalis-Astoria Ferry.
Adna-Y Bridge construction.....	2,304 48	
Y-Bridge-Mays Crossing.....	14,509 95	
Mays Crossing-Pluvius construction.....	90,894 74	
STATE ROAD No. 13—		State Road No. 13.
Grays Harbor to Willapa Harbor construction	226,615 58	
STATE ROAD No. 14—		State Road No. 14.
Port Orchard-Harper construction.....	43,143 42	
STATE ROAD No. 22—		State Road No. 22.
Hunters-Cedonia construction.....	37,403 90	
EXTENSION OF STATE ROAD No. 22—		Extension of State Road No. 22.
Beginning at a point approximately one mile south of Meyers Falls via Marcus to Northport, extension of State Road No. 22.....	88,267 59	
PACIFIC HIGHWAY, MT. VERNON-GREAT NORTHERN VIADUCT—		Pacific Highway, Mt. Vernon-Great Northern Viaduct.
For one-half cost of viaduct over Great Northern railway to be matched by city of Mt. Vernon when Second Avenue in the city of Mt. Vernon has been paved by said city to the south city limits, all money to be expended under full charge, supervision, and control of the State Highway Engineer (or so much thereof as may be necessary)	4,697 94	
PACIFIC HIGHWAY-CITY OF TACOMA—		Pacific Highway-City of Tacoma, connection Edison and Puyallup Ave.
For a connection between Edison Avenue and Puyallup Avenue to be located by the State Highway Engineer, provided that the City of Tacoma secure all right of way and supply sufficient funds to complete the construction including paving, under the full charge, supervision, and control thereof by the State Highway Engineer.....	179,325 59	

Pacific Highway-Seattle-Lake Union Bridge.

PACIFIC HIGHWAY-CITY OF SEATTLE-LAKE UNION BRIDGE—

For the construction of such bridge: *Provided*, That the city of Seattle, or county of King, jointly or severally, upon not less than sixty days' notice in writing by the State Highway Engineer, shall deposit in city or county depository banks in the city of Seattle, payable to the order of the State Auditor upon vouchers signed by the State Highway Engineer, double the amount of this re-appropriation to be applied on the construction of such bridge to be built under full charge, supervision and control of construction thereof by the State Highway Engineer; *And Provided further*, That it is hereby declared to be the purpose of the State of Washington to furnish and appropriate from the Motor Vehicle Fund in the State Treasury to aid in the construction of such bridge the sum of Five Hundred Thousand Dollars (\$500,000.00) hereby re-appropriated and the further sum of One Million Dollars (\$1,000,000.00) to be appropriated by the Twenty-first Legislature, and no more, and that said sum shall be the full obligation of the State of Washington toward the construction, maintenance and operation of said bridge; *And Provided further*, That said bridge, when constructed shall be operated and maintained by the city of Seattle or the county of King, or both, as is now or may be hereafter provided by law and without any expense or responsibility on the part of the State of Washington.

Everett City Limits, Broadway Street south.
Asotin-South.
State Road No. 5—Tacoma to Junction of Roy Road.
State Road No. 12—Ilwaco to North Head Military Reservation.
Cascade Wagon Road.

Table with 2 columns: Description and Amount. Rows include: Everett City Limits, Broadway Street south.. 33,118 45; Asotin-South, construction..... 51,154 25; State Road No. 5 from Tacoma to the junction of the Roy Road, for paving and widening 41,918 60; For the improvement of a road in the vicinity of Ilwaco, Pacific county, from junction of State Road No. 12 by the most feasible route to the North Head Military Reservation 8,842 53; For the construction of the Cascade Wagon road 103,019 16

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

Passed the House March 14, 1929.

Passed the Senate March 14, 1929.

Approved by the Governor March 26, 1929.

CHAPTER 226.

[S. B. 267.]

TAXATION INSURANCE COMPANIES.

AN ACT relating to marine insurance, providing for the regulation and taxation of marine insurance companies, and amending Section 7071 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 7071 of Remington's Compiled Statutes of Washington be amended to read as follows: Amends § 7071, Rem. Comp. Stat.

Section 7071. 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 Annual statement before February 15.

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 names of the companies so re-insured.

Commissioner to file with state treasurer.

Tax of $2\frac{1}{4}\%$ on premiums.

Fire companies.

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 insurance, or any other line of insurance, except life insurance, and marine insurance as hereinafter provided, 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 mortgages upon improved real estate within this state, then the tax shall be but one per centum on the amount so collected: *And provided further*, That with the exception of license fees, real estate and personal property taxes, and taxes under the reciprocal provisions of section 7092, every insurer organized, admitted or licensed to transact the business of marine insurance (as hereinafter defined) within

Investment of funds in public bonds or warrants.

1% tax.

Marine insurance.

this state, shall with respect to all marine insurance written within this state upon hulls, freights, or disbursements, or upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise and inter-coastal, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, and while being prepared for, and while awaiting shipment, and during any delays, storage, transshipment, or reshipment incident thereto, including war risks and marine builder's risks, be taxed only on that proportion of the total underwriting profit of such insurer from such insurance written within the United States, which the gross premiums of the insurer from such insurance written within this state bear to the gross premiums of such insurer from such insurance written within the United States. The term "underwriting profit" as used herein, shall be arrived at by deducting from the net earned premiums on such marine insurance contracts written within the United States during the calendar year (1) the losses incurred, and (2) expenses incurred, including all taxes, state and federal, in connection with such net earned premiums.

Net earned premiums on such marine insurance contracts written during the calendar year shall be arrived at as follows:

Gross premiums on such marine insurance contracts, written during the calendar year, less any and all return premiums, any and all premiums on policies not taken and any and all premiums paid for such reinsurance.

Add unearned premiums on such outstanding marine business at the end of the preceding calendar year.

Taxed.

Underwriting profit.

Net earned premiums computed.

Gross premiums.

Unearned premiums.

Losses
incurred.

Deduct unearned premiums on such outstanding marine business at the end of the current calendar year.

Losses incurred, as used herein, shall mean gross losses incurred during the calendar year under such marine contracts written within the United States, less reinsurance claims collected or collectible and salvages or recoveries collectible from any source applicable to the aforesaid losses.

Expenses—
Specific.

Expenses incurred shall include :

(a) Specific expenses incurred on such earned marine premiums, consisting of all commissions, agency expenses, taxes, licenses, fees, loss-adjustment expenses, and all other expenses incurred directly and specifically in connection with such premiums, less recoveries or reimbursements on account of or in connection with such commissions or other expenses collected or collectible because of reinsurance or from any other source.

General.

(b) General expenses incurred on such earned premiums, consisting of that proportion of general or overhead expenses, such as salaries of officers and employees, printing and stationery, all taxes of this state and of the United States, except as otherwise provided herein, and all other expenses not chargeable specifically to a particular class of insurance which the net premiums of such marine insurance written bear to the total net premiums written by such insurer from all classes of insurance written by it during the current calendar year.

Deductible
expense not
to exceed
40% of
gross
premiums.

Provided, however, That in arriving at the aforesaid "underwriting profit," for purposes of taxation under this section there shall not be deducted in respect to expenses incurred, as hereinbefore defined and specified in paragraphs (a) and (b) amounts which, in the aggregate, exceed forty per centum of the aforesaid gross premiums on such marine insurance contracts.

Every insurer transacting marine insurance in this state shall file on or before the fifteenth day of February in each year with the insurance commissioner, and in the form prescribed by him, a report of all the items pertaining to its insurance business as enumerated and prescribed in the preceding subdivision. To determine the basis of the tax on underwriting profit, every insurer which has been writing such marine insurance in this state for three years shall furnish to the insurance commissioner a statement of all of the aforementioned items, in the form prescribed by him for each of the preceding three calendar years. An insurer which has not been writing such marine insurance for three years shall furnish to the insurance commissioner a statement of all the aforementioned items for each of the calendar years during which it has written such marine insurance.

Report filed
Feby. 15.

If the insurance commissioner finds the report of the insurer reporting correct, he shall, if the insurer has transacted such marine insurance for three years (1) ascertain the average annual underwriting profit, as defined by this section, derived by the insurer from such marine insurance business written within the United States during the last preceding three calendar years, (2) ascertain the proportion which the average annual premiums of the insurer from such marine insurance written by it in this state during the last preceding three calendar years bears to the average total of such marine premiums of the insurer during the same three years, (3) compute an amount of five (5) per centum on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurance, and (4) charge the amount of tax thus computed to such insurer as a tax upon such marine insurance written by it in this state during the current calendar year. The insurance commis-

Method of
computing
tax.

sioner shall each year compute the tax, according to the method described in this section, upon the average annual underwriting profit of such insurer from such marine insurance during the preceding three years, including the current calendar year, namely, at the expiration of each current calendar year, the profit or loss on such marine insurance business of that year is to be added or deducted, and the profit or loss upon such marine insurance business of the first calendar year of the preceding three year period is to be dropped so that the computation of underwriting profit for purposes of taxation under this section will always be on a three-year average, *Provided, however,* That an insurer which has not been writing such marine insurance in this state for three years shall, until it has transacted such business in this state for that number of years, be taxed on the basis of its annual underwriting profit on such marine insurance written within the United States for the current calendar year, subject, however, to an adjustment in the tax as soon as the insurance commissioner, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned three-year basis; *And provided, further,* That in the case of mutual companies, the insurance commissioner shall not include in underwriting profit, when computing the tax prescribed by this section, the amounts refunded by such companies on account of premiums previously paid by their policy-holders.

Business
transacted
less than
3 years.

Mutual
companies.

Notice and
payment of
tax.

When the insurance commissioner has computed the tax on an insurer's underwriting profit, he shall forthwith mail to the last known address of the principal office of such insurer a statement of the amount so charged against it, which amount the insurer shall pay to the state treasurer through the insurance commissioner's office within thirty days after receipt of such notice from the insurance commis-

sioner, *Provided, however,* That in assessing taxes upon the reciprocal provisions of section 7092, credit shall be allowed for any taxes paid or payable under this section. The tax, and the basis thereof, provided for in this section, shall apply to the year ending December thirty-first, nineteen hundred and twenty-nine, as well as to subsequent years; *And provided further,* That for the purpose of this section, the terms "marine insurance" and "marine business" and "marine risks" shall mean insurance or reinsurance against any and all kinds of loss of or damage to:

Reciprocal provisions.

"Marine insurance," "marine business," "marine risks," defined.

(a) Vessels, craft, air craft, cars, automobiles and vehicles of every kind (excluding air craft and automobiles operating under their own power or while in storage not incidental to transportation), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, securities, choses in action, evidences of debt, valuable papers, bottomry and *respondentia* interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builder's risks, and all personal property floater risks including bailees customers risks and risks commonly known as bundle insurance, and

Vessels and other property.

Cargoes.

(b) Person or to property in connection with or appertaining to a marine, transit or transportation insurance, including liability for loss of or damage, arising out of or in connection with the con-

Marine transportation of person or property.

struction, repair, operation, maintenance or use of the subject-matter of such insurance (but not including life insurance or surety bonds); but, except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person, and

Precious stones, jewelry, etc.

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise.

Tax payable March 1st.

The taxes herein provided, except taxes upon marine insurance, shall be due and payable on the first day of March succeeding the filing of the statement provided for herein.

Penalty for delinquency.

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.

Form of annual statement.

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. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Inconsistent
acts
repealed.

Passed the Senate March 5, 1929.

Passed the House March 11, 1929.

Approved by the Governor March 26, 1929.

CHAPTER 227.

[S. B. 323.]

CORPORATION FEES.

AN ACT relating to fees of foreign and domestic corporations, repealing certain acts and parts of acts relating thereto, and declaring an emergency.

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

SECTION 1. All corporations hereafter organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall pay for the filing of its articles of incorporation a fee of twenty-five (\$25.00) dollars for the first fifty thousand (\$50,000.00) dollars, or less, of its authorized capital stock, and one-twentieth (1/20) of one per cent (1%) additional on all amounts in excess of fifty thousand (\$50,000.00) dollars and not exceeding one million (\$1,000,000.00) dollars, and one-fiftieth (1/50) of one per cent (1%) additional on all amounts in excess of one million (\$1,000,000.00) dollars, and not exceeding four million (\$4,000,000.00) dollars, and one one-hundredth (1/100) of one per cent (1%) additional on all amounts in excess of four million (\$4,000,000.00) dollars; but in no case shall the amount exceed twenty-five hundred (\$2500.00) dollars. Domestic,
schedule.

Every corporation heretofore or hereafter organized under the laws of this state, except the corporations for which existing law provides a differ-

Amendatory
or supple-
mental
articles.

ent fee schedule, desiring to file in the office of the secretary of state, articles amendatory or supplemental articles increasing its capital stock, or certificates of increase of capital stock, shall pay to the secretary of state the fees hereinabove in this section provided, in proportion to such increased capital stock, and every such corporation desiring to file other amendatory or supplemental articles shall pay to the secretary of state a fee of ten dollars (\$10.00).

Foreign.

SEC. 2. All foreign corporations doing intrastate business, or hereafter seeking to do intrastate business in the State of Washington shall pay for the privilege of so doing the same fees as are prescribed in section one (1) hereof for the filing of articles of incorporation of a domestic corporation, such fees to be computed upon the portion of capital stock of such corporation represented or to be represented in the State of Washington, to be ascertained by comparing the value in money of its entire property and capital with the value in money of its property and capital in, or to be brought into, and used in this state. Any corporation that shall employ an increased amount of its capital stock within the state shall pay fees at the same rate upon such increase, and whenever such increase is made such corporation shall file with the secretary of state, a statement showing the amount of such increase.

Statement
required of
foreign
corporation.

SEC. 3. Before any foreign corporation shall be authorized to do intrastate business in the State of Washington it shall file with the secretary of state upon a blank form to be furnished for that purpose under the oath of its president, secretary, treasurer, superintendent or managing agent in this state, a statement showing the following facts:

Contents.

(a) The number of shares of capital stock of the company and the par value and market value of each share, and if such shares have no par value,

then the value of the assets represented by non-par shares.

(b) The portion of the capital stock of the company which is represented and/or to be represented, employed and/or to be employed in its business transacted or to be transacted in the State of Washington.

(c) The value of the property in or to be brought into, and the amount of capital to be used by the company in the State of Washington and the value of the property and capital owned and/or used by the company outside of the State of Washington.

(d) Such other facts as the secretary of state may require.

From the facts thus reported, and such other additional information as the secretary of state may require, the secretary of state shall determine the amount of capital or the proportionate amount of the capital stock of the company represented by its property and business in the State of Washington and upon which the fees prescribed herein are payable.

SEC. 4. Every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall pay, on or before the first day of July of each and every year, to the secretary of state, for the use of the state, an annual license fee of fifteen (\$15.00) dollars for the first fifty thousand (\$50,000.00) dollars or less of its authorized capital stock; and one-fortieth (1/40) of one per cent (1%) additional on all amounts in excess of fifty thousand (\$50,000.00) dollars, and not exceeding one million (\$1,000,000.00) dollars; and one one-hundredth (1/100) of one per cent (1%) additional on all amounts in excess of one million (\$1,000,000.00) dollars, and not exceeding four million (\$4,000,000.00) dollars; and one two-hundredth (1/200) of one per cent (1%) addi-

Domestic corporations, annual license fee, schedule.

tional on all amounts in excess of four million (\$4,000,000.00) dollars; but in no case shall an annual license fee exceed the sum of twelve hundred fifty (\$1,250.00) dollars: *Provided*, That such corporations as have heretofore paid the license fee required by existing law for the period ending July 1, 1929, shall not be required to pay further annual license fees for such period ending July 1, 1929.

Foreign
corporations,
annual
license fee.

SEC. 5. All foreign corporations doing intrastate business, or hereafter seeking to do intrastate business in this state shall pay for the privilege of doing such intrastate business in this state the same fees as are prescribed for domestic corporations for annual license fees in the preceding section, such fees to be computed upon the proportion of the capital stock represented or to be represented by its property and business in this state to be ascertained by comparing the entire volume of business with the volume of intrastate business in this state and any such corporation that shall employ an increased amount of its capital stock within this state shall pay license fees upon such increase in the same proportion as provided in the preceding section for payment of license fees by domestic corporations and such corporations shall file with the secretary of state a statement showing the amount of such increase and shall forthwith pay to the secretary of state the increased license fee brought about by such increased use of capital represented by its property and business in this state, such fees to be paid on or before the first day of July of each and every year: *Provided, however*, That such foreign corporations as have heretofore paid, and renounce claim for repayment of, license fees as provided for in chapter 149 of the Laws of 1925, Extraordinary Session, for the period ending July 1, 1929, shall not be required to pay further annual license fees for the period ending July 1, 1929.

SEC. 6. That in the event any such foreign corporation shall feel aggrieved at the decision of the secretary of state relative to the fee for the filing of its articles of incorporation, or by the action of the secretary of state in fixing its annual license fee, it may, within thirty days file its notice of appeal from such order in the superior court of Thurston county, Washington, together with a statement of the grounds of its appeal and the reductions or changes in such fees sought, and the court shall proceed summarily to hear and determine the questions raised by such appeal and make and enter such order therein as to the court may seem meet and proper: *And provided further*, That either party may have the right of appeal from such judgment and decision to the supreme court of the State of Washington, the practice and procedure in appeals in civil cases to govern such appeals.

Foreign corporations appeal to courts.

SEC. 7. Building and loan and savings and loan associations paying special fees provided for in the act under which the same are incorporated shall not be required to pay the filing and license fees provided for herein and shall be exempted from the provisions of this act.

Building and loan and savings and loan associations exempted.

SEC. 8. That the annual fee required to be paid to the department of public works by any public service company shall be deducted from the annual license fee provided herein and the excess only shall be collected.

Public service companies allowed deductions.

SEC. 9. That sections 1, 2 and 6 of chapter 140 of the Laws of 1907, as amended by chapter 149 of the Laws of the Extraordinary Session of 1925, (sections 3836, 3837 and 3841 of Remington's Compiled Statutes, 1927 Supplement) are hereby repealed.

Statutes repealed.

SEC. 10. If any section or provision of this act shall be adjudged to be invalid or unconstitutional,

Invalidity of part not to affect balance.

such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Effective im-
mediately.

SEC. 11. This act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1929.

Passed the House March 13, 1929.

Approved by the Governor March 26, 1929.

CHAPTER 228.

[S. B. 290.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the payment of salaries of certain officers and employees of the state and for the operation, maintenance and other expenses of certain state institutions, departments and offices, for the purchase of land, the construction of buildings and improvements for the various state institutions designated and mentioned, and for emergencies, and for sundry civil expenses of the state government, and for miscellaneous purposes for the fiscal biennium beginning April 1, 1929, and ending March 31, 1931, except as otherwise provided, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums, or as much thereof as shall severally be found necessary are hereby appropriated out of any of the monies in the several funds in the state treasury hereinafter named for the payment of salaries of certain officers and employees of the state, and for the operation of certain state institutions, departments and offices, and for the purchase of land and construction of buildings, and improvements for the various state institutions, and for emergencies, and for sundry civil expenses of the state government, and for

miscellaneous purposes hereinbelow designated and mentioned and hereinafter expressed, for the fiscal biennium beginning April 1, 1929, and ending March 31, 1931, except as otherwise provided.

SEC. 2. The words "capital outlays," as used herein, include the purchase of land and erection of buildings. "Capital outlays."

SEC. 3. The word "operations," as used herein, includes salaries and wages and necessary traveling expenses of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government. "Operations."

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE:		Governor's office.
Operations	\$63,400 00	
Investigation and emergency purposes, to be distributed on vouchers approved by the Governor....	18,000 00	
Extradition expenses.....	10,000 00	
	<hr/>	
Total Governor's Office.....	\$91,400 00	
FOR THE GOVERNOR'S MANSION:		Governor's mansion.
Maintenance and furnishings of every kind, to be distributed on vouchers approved by the Governor...	\$12,500 00	
FOR THE LIEUTENANT GOVERNOR:		Lieutenant Governor.
Salary of Lieutenant Governor and hotel bills and traveling expenses while attending sessions of the legislature and when acting Governor	\$3,400 00	
FOR THE SECRETARY OF STATE:		Secretary of state.
Operations	\$46,100 00	
Blue Sky Enforcement (Securities Act)	43,000 00	Blue Sky Law.
Printing, advertising and mailing initiative and referendum measures and constitutional amendments..	31,200 00	Initiative and referendum and constitutional amendments.
Printing expert.....	4,800 00	
	<hr/>	
Total	\$125,100 00	Printing expert.

State Treasurer.	FOR THE STATE TREASURER:		
	Operations		\$64,500 00
	FROM THE MOTOR VEHICLE FUND.		
	Operations		\$32,600 00
	FROM THE FISHERIES FUND.		
	Operations		\$24,000 00
	FROM THE HIGHWAY SAFETY FUND:		
	Operations		\$5,000 00
	FROM THE GENERAL FUND.		
State Auditor.	FOR THE STATE AUDITOR:		
	Operations	\$87,000 00	
Division of Municipal Corporations.	Division of Municipal Corporations—		
	Operations	29,000 00	
	Total		\$116,000 00
Attorney General.	FOR THE ATTORNEY GENERAL:		
	Operations		\$128,450 00
Superin- tendent of Public Instruction.	FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		
	Operations	\$136,500 00	
Washington State Manual.	To publish the Washington State Manual and other publications re- quired by law.....	3,500 00	
	Total		\$140,000 00
Commis- sioner of Public Lands.	FOR THE COMMISSIONER OF PUBLIC LANDS:		
	Operations		\$211,500 00
Insurance Commis- sioner.	FOR THE INSURANCE COMMISSIONER:		
	Operations		\$175,500 00
Supreme Court.	FOR THE SUPREME COURT:		
	Operations		\$178,000 00
Supreme Court Reporter.	FOR THE SUPREME COURT REPORTER:		
	Operations		\$24,000 00
Superior Court Judges.	FOR THE SUPERIOR COURT JUDGES:		
	Operations		\$258,000 00
State Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE:		
	Operations		\$15,000 00

FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

FOR THE STATE CAPITOL COMMITTEE:

Reappropriation for the completion of furniture and furnishings of the Legislative Building and purchase of land.....	\$32,653 89	State Capitol Committee. Reappropriation.
Grading and landscaping of Capitol Grounds, including sewers, light, water and other plant equipment, and soldiers' monuments	202,164 63	Grading and landscaping of capitol grounds.
Tablets and directory.....	3,000 00	
Page call system.....	4,500 00	
Type "A" painting (Legislative Bldg.)	65,000 00	
Architects' fees for above.....	15,124 80	
	\$322,443 32	

Total

"The same being the unexpended balance of certain existing appropriations as shown by the State Auditor's books on December 31, 1928."

"Provided, however, That the several amounts above stated, together with the amount expended, shall not exceed the original appropriations made in 1927 for said purposes."

For fuel oil pipe line, and storage facilities	3,500 00	Fuel oil pipe line.
To complete installation of lockers, intercommunicating telephone system (dictograph) and other furniture and furnishings (including deficiency)	14,422 50	Lockers and intercommunicating telephone system.
	\$17,922 50	

FROM THE GENERAL FUND.

FOR THE STATE BOARD OF EDUCATION:		State board of education.
Operations	\$6,635 00	
FOR THE STATE BOARD OF VOCATIONAL EDUCATION:		State Board of Vocational Education.
Operations	\$35,000 00	
FOR TEACHERS' RETIREMENT FUND:		Teachers' Retirement Fund.
Operations	\$1,000 00	
FOR THE STATE BOARD OF EQUALIZATION:		State Board of Equalization.
Operations	\$1,500 00	

State Finance Committee.	FOR THE STATE FINANCE COMMITTEE: Operations	\$2,200 00
Reclamation Revolving Fund.	FROM THE RECLAMATION REVOLVING FUND.	
State Forest Board.	FOR THE STATE FOREST BOARD: Operations	\$800 00
	FROM THE GENERAL FUND.	
Judicial Council.	FOR THE JUDICIAL COUNCIL: Operations	\$4,000 00.
State Board of Law Examiners.	FOR THE STATE BOARD OF LAW EXAMINERS: Operations	\$8,965 00
	FROM THE PARKS AND PARKWAY FUND.	
Vetoed.	FOR THE STATE PARKS COMMITTEE: For all purposes (not to exceed receipts)	\$150,000 00
	FROM THE GENERAL FUND.	
	FOR THE UNIFORM LAW COMMISSION: Operations	\$800 00
State Law Library.	FOR THE STATE LAW LIBRARY: Operations	\$26,800 00
State Library.	FOR THE STATE LIBRARY: Operations	\$15,000 00
Vetoed.	FOR THE STATE TRAVELING LIBRARY: Operations	\$30,000 00
Department of Public Works.	FOR THE DEPARTMENT OF PUBLIC WORKS: Operations	\$124,200 00
Public Service Revolving Fund.	FROM THE PUBLIC SERVICE REVOLVING FUND. Operations	\$186,750 00 (Not to exceed fees collected).
	FROM THE GENERAL FUND.	
Department of Business Control.	FOR THE DEPARTMENT OF BUSINESS CONTROL: Operations	\$88,200 00
Capitol Building and grounds.	Capitol Building and Grounds: Operations	\$230,300 00
Parole Department.	Parole Department: Operations	\$32,000 00
Transportation Department.	Transportation Department: Operations	\$75,000 00

Deportation of Alien and Non-Resident Insane:		Deportation Insane.
Operations	\$40,000 00	
Western State Hospital:		Western State Hospital.
Operations	\$815,000 00	
Replacing roofs on main buildings	20,000 00	
Farm ward building and equipment	50,000 00	
Combination dairy warehouse and feed barn and equipment.....	30,000 00	
Slaughter house.....	2,000 00	
Concrete silo.....	1,200 00	
Total	\$918,200 00	
Eastern State Hospital:		Eastern State Hospital.
Operations	\$660,000 00	
One ward building and equipment	175,000 00	
Chapel and auditorium building and equipment	125,000 00	
Superintendent's residence and furnishings	12,500 00	
Chicken house.....	2,500 00	
Total	\$975,000 00	
Northern State Hospital:		Northern State Hospital.
Operations (including deficiency)	\$650,000 00	
One ward building and equipment	110,000 00	
Employes' dining room addition	25,000 00	
Tuberculosis building and equipment	10,000 00	
Total	\$795,000 00	
Washington State Penitentiary:		Washington State Penitentiary.
Operations	\$525,000 00	
New cell block 1.....	150,000 00	
Water tube boiler and stoker....	28,000 00	
Execution chamber and quarters	5,000 00	
Addition to storehouse.....	4,000 00	
Total	\$712,000 00	
FROM THE PENITENTIARY REVOLVING FUND.		Penitentiary Revolving Fund.
Industrial operations.....	\$423,675 00	

FROM THE GENERAL FUND.

Washington
State Re-
formatory.

Washington State Reformatory:

Operations	\$345,000 00
Septic tank.....	4,000 00
Completion of cell wing and equipment	23,000 00

Total	\$372,000 00
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FROM THE REFORMATORY REVOLVING FUND.

Reforma-
tory Revolv-
ing Fund.

Industrial operations.....	\$300,000 00
Farm cottages.....	9,500 00
Milk house and calf barn.....	2,500 00
Buildings and structures—Farm No. 2	18,000 00

Total	\$330,000 00
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FROM THE GENERAL FUND.

State
Custodial
School.

State Custodial School:

Operations (including deficiencies)	\$525,000 00
Laundry building and equipment	20,000 00
Milk house and equipment.....	2,000 00
Coal bunkers.....	1,500 00

Total	\$548,500 00
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State
Training
School.

State Training School:

(From C. E. P. & R. I. Current
Fund until exhausted.) Bal-
ance from General Fund.

Operations	\$272,000 00
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FROM THE GENERAL FUND.

Remodeling Co.'s B. and D. build- ing	\$17,220 00
Employees' cottage.....	4,000 00
Silo	1,300 00

Total	\$22,520 00
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State
School
for Girls.

State School for Girls:

Operations	\$170,000 00
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State
School for
Blind.

State School for Blind:

Operations	\$112,580 00
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State
School
for Deaf.

State School for Deaf:

Operations	\$161,900 00
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State
Soldiers'
Home.

State Soldiers' Home:

Operations	\$163,175 00
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State Soldiers' Colony:		State Soldiers' Colony.
Operations	\$40,000 00	
Washington Veterans' Home:		Washington Veterans' Home.
Operations	\$328,350 00	
Hospital building and equipment	150,000 00	
	<hr/>	
Total	\$478,350 00	
FOR DEPARTMENT OF EFFICIENCY:		Department of Efficiency.
Operations	\$83,650 00	
FROM THE HIGHWAY SAFETY FUND.		
Highway Patrol Division:		Highway Patrol Division.
Operations	\$543,723 00	
FROM THE GENERAL FUND.		
Division of Banking:		Division of Banking.
Operations	\$130,600 00	
Industrial Loan:		Industrial Loan.
Operations	\$1,000 00	
(Not to exceed fees collected.)		
Division of Savings and Loan Associations:		Division of Savings and Loan Associations.
Operations	\$60,000 00	
FOR THE TAX COMMISSION OF THE STATE OF WASHINGTON:		State Tax Commission.
Operations	\$113,200 00	
Inheritance Tax and Escheats Division:		Inheritance Tax and Escheats.
Operations	\$61,000 00	
FOR DEPARTMENT OF HEALTH:		Department of Health.
Operations	\$85,000 00	
FROM THE FISHERIES FUND.		
Operations	\$15,000 00	Fisheries Fund.
FROM THE GENERAL FUND.		
FOR DEPARTMENT OF CONSERVATION AND DEVELOPMENT:		Conservation and Development.
General office operations.....	\$8,700 00	
Forestry Division:		Forestry Division.
Operations	156,475 00	
Division of Hydraulics:		Division of Hydraulics.
Operations	40,000 00	
Water Code:		Water Code.
Provisions of Act (Not to exceed receipts)	20,000 00	
Geological survey.....	5,000 00	Geological Survey.
	<hr/>	
Total	\$230,175 00	

Reclamation
Revolving
Fund.

FROM THE RECLAMATION REVOLVING FUND.

Reclamation Division:

Reclamation
Division.

Operations	\$28,000 00
Hydrographic survey	5,000 00
Topographic survey	5,000 00
Kittitas Land Settlement and con- tracts and bond purchases....	400,000 00
Columbia Basin survey	10,000 00

Total \$448,000 00

FROM THE GENERAL FUND.

Department
of Agricul-
ture.

FOR DEPARTMENT OF AGRICULTURE:

Hay, grain
and other
commodities.

Operations	\$331,970 00
Hay, Grain and Other Commodities.	
Inspection Service:	
Operations	216,000 00
(Not to exceed fees heretofore or hereafter collected.)	

Bovine tu-
berculosis.

Vetoed. }

Eradication of Bovine Tuberculosis..	100,000 00
For matching U. S. Veterinary Inspectors	23,700 00

Predatory
animals.

Destruction of Predatory Animals:	
Operations	25,000 00

Washington
State Fair.

Washington State Fair:	
Operations, including unexpended balance of receipts on hand...	40,000 00
Purchase of land.....	10,000 00

Total \$746,670 00

FROM THE AGRICULTURAL SEED REVOLVING FUND.

Seed
inspection.

Seed Inspection:	
Operations	\$12,000 00

FROM THE COMMISSION MERCHANTS FUND.

Commission
Merchants
Act.

Commission Merchants Act:	
Operations	\$6,000 00

FROM THE GENERAL FUND.

Dept.
Licenses.

FOR DEPARTMENT OF LICENSES:

Operations	\$86,320 00
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FROM THE MOTOR VEHICLE FUND.

Operations	\$355,000 00
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FROM THE HIGHWAY SAFETY FUND.

Operations	\$55,000 00
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FROM THE GENERAL FUND.

FOR THE REAL ESTATE DIRECTOR:

Operations	\$15,475 00	Real Estate Director.
(Not to exceed fees collected)		

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:

Operations	\$515,000 00	Dept. of Labor and Industries.
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FROM THE MEDICAL AID FUND.

Operations	\$150,000 00
Revolving	3,000,000 00

Total	\$3,150,000 00
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FROM THE ACCIDENT FUND.

Revolving	\$8,000,000 00
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FROM THE FISHERIES FUND.

FOR DEPARTMENT OF FISHERIES AND GAME:

Division of Fisheries:

Operations	\$342,561 00
Fisheries Board.....	5,000 00
Capital outlays.....	56,900 00
Biological survey.....	20,000 00
Destruction of seals.....	8,000 00
Stream improvements.....	6,000 00

Total	\$438,461 00
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FROM THE OYSTER RESERVE FUND.

Improvement and protection of oyster

reserves	\$19,480 00
Capital outlays	3,600 00

Total	\$23,080 00
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FROM THE GAME FUND.

DIVISION OF GAME AND GAME FISH:

Operations	\$200,000 00
Capital outlays	42,000 00
Biological survey	13,000 00
County Game Commissions	15,000 00

Total	\$270,000 00
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FROM THE MOTOR VEHICLE FUND.

FOR DIRECTOR OF HIGHWAYS:

Operations	\$254,100 00	Director of Highways.
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University
of Wash-
ington.

FOR THE UNIVERSITY OF WASHINGTON:
(From the University Current
Fund until exhausted. Balance
from University of Washington
Fund.)

Operations \$3,738,300 00

FROM THE GENERAL FUND.

Vetoed. } Operations 150,000 00

Total Operations \$3,888,300 00

University
of Wash-
ington
Building
Fund.

FROM THE UNIVERSITY OF WASHINGTON
BUILDING FUND.

For the erection, equipment or fur-
nishings of the following build-
ings:

New laboratory and classroom build-
ing or buildings \$455,000 00
Supply House 25,000 00
Remodeling old Science Hall 30,000 00
Grounds and roadways..... 15,000 00
Vetoed. } Biological Station..... 15,000 00
Green House 6,000 00

Total \$546,000 00

State
College.

FOR THE STATE COLLEGE OF WASHINGTON:
(From the Scientific School Cur-
rent and Agricultural College Cur-
rent Funds until exhausted. Bal-
ance from the Washington State
College Fund.)

Operations \$2,119,686 00

FROM THE WASHINGTON STATE COLLEGE FUND.

Puyallup
Experiment
Station.

Puyallup Experiment Station opera-
tions \$100,000 00

Apiculture.

For apiculture 4,000 00

Cranberry
investigation.

For cranberry investigation 10,000 00

Prosser
Experiment
Station.

For Prosser Experiment Station.... 36,836 00

Total \$150,836 00

FROM THE GENERAL FUND.

Vetoed. } For amount to secure Smith-Lever
Fund from U. S. Government for
agricultural extension work..... \$127,736 58

FOR BELLINGHAM STATE NORMAL SCHOOL:		Bellingham
From Normal School Current Fund	\$30,866 35	State
From Bellingham Normal School		Normal.
Fund	587,148 00	
	<hr/>	
Operations	618,014 35	618,014 35
From Bellingham Normal School		
Fund. Gymnasium and recreation		
equipment		15,000 00
		<hr/>
Total		\$633,014 35
FOR CHENEY STATE NORMAL SCHOOL:		Cheney
From Normal School Current Fund	\$30,866 35	State
From Cheney Normal School Fund	454,133 65	Normal.
	<hr/>	
Operations	485,000 00	
From Cheney Normal School Fund		
New boilers, heating plant.....	38,900 00	} Vetoed.
	<hr/>	
Total		\$523,900 00
FOR ELLENSBURG STATE NORMAL SCHOOL:		Ellensburg
From Normal School Current Fund	\$30,866 35	State
From Ellensburg Normal School Fund	370,360 00	Normal.
	<hr/>	
Total Operations.....		\$401,226 35

FROM THE GENERAL FUND.

Unit of classroom construction....	\$100,000 00	
Remodeling president's residence....	4,000 00	
Electric service lines	3,800 00	
Campus lighting system	3,000 00	
Boiler	12,150 00	
Irrigation of campus	2,000 00	
Tunnel	4,250 00	
	<hr/>	
Total		\$129,200 00

FROM THE GENERAL FUND.

FOR LEGISLATIVE EXPENSE:		Legislative
For printing, indexing, binding and		expense.
editing Session Laws, Senate and		
House Journals, other legislative		
printing, and binding public docu-		
ments of the Twenty-first Session	\$17,500 00	
For indexing Senate and House Jour-		
nals	700 00	
	<hr/>	
Total		\$18,200 00

FROM THE MILITARY FUND.

Military Dept.	FOR THE MILITARY DEPARTMENT:	
	Operations	\$362,750 00
	Photographic Building — Spokane	
	Aviation Field	6,000 00
Vetoed.	Walla Walla Armory (completion of)	4,500 00
	Total	\$373,250 00

FROM THE GENERAL FUND.

Washington State Historical Society.	FOR WASHINGTON STATE HISTORICAL SOCIETY:	
	Operations	\$15,000 00
	FOR BOUNTIES ON WILD ANIMALS (Including Deficiency)	\$20,000 00

FROM THE GAME FUND.

Bounties on wild animals.	FOR BOUNTIES ON WILD ANIMALS	\$15,000 00
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FROM THE GENERAL FUND.

Spanish War Veterans' graves.	FOR CARE OF GRAVES—Spanish War Veterans (Including Deficiency)	\$416 80
Insanity cases.	FOR COURT COSTS IN INSANITY CASES....	\$4,000 00
Criminal costs.	FOR CRIMINAL COST BILLS	\$30,000 00
Tuberculosis hospitals.	FOR TUBERCULOSIS HOSPITALS (Including Deficiency)	\$275,000 00

FROM THE HARBOR IMPROVEMENT FUND.

Harbor improvement.	To be distributed in accordance with Chapters 168, 169 and 170, Laws of 1913, based on receipts	\$100,000 00
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FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

Interest Capitol Building bonds.	For interest on Capitol Building Construction Fund Bonds	\$360,000 00
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FROM THE GENERAL FUND.

Interest on state shore land warrants.	For guaranteed interest on Shore Land Warrants	\$2,316 32
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FROM THE VETERANS' COMPENSATION BOND RETIREMENT FUND.

Veterans' compensation bonds.	For Bond Retirement	\$800,000 00
	For Interest	1,078,000 00
	Total	\$1,878,000 00

FROM THE GENERAL FUND.

FOR EMERGENCIES APPROVED PURSUANT TO SEC. 10, CHAP. 9, LAWS OF 1925: Repair and reconstruction of Old Capitol Building destroyed by fire (Deficiency)	\$75,000 00	Emergencies. Old Capitol Building.
FOR INTEREST ON WARRANTS DRAWN FOR EMERGENCY PURPOSES	\$1,412 82	Interest on warrants.

FROM THE PERMANENT HIGHWAY FUND.

FOR EMERGENCIES APPROVED PURSUANT TO SEC. 10, CHAP. 9, LAWS OF 1925: Permanent Highways in Island Coun- ties (Deficiency)	\$73,854 82	Emergencies. Permanent highways, island counties.
FOR INTEREST ON WARRANTS DRAWN FOR EMERGENCY PURPOSES	\$4,426 10	Interest on warrants.

FROM THE GENERAL FUND.

For the payment of Warrants drawn for Emergency Purposes approved during the biennium April 1, 1929, to March 31, 1931, pursuant to Sec. 10, Chap. 9, Laws of 1925	\$150,000 00	Emergency warrants.
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SEC. 4. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its existing public institutions, and shall take effect immediately. Effective im-
mediately.

Passed the Senate February 26, 1929.

Passed the House March 9, 1929.

Approved by the Governor with the exception of those items which are vetoed March 25, 1929.

CHAPTER 229.

[S. B. 310.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations and reappropriations for the construction of buildings, for maintenance and for sundry expenses at the various state institutions, schools, and state offices, for the relief of certain individuals, corporations, counties and municipalities, and for miscellaneous purposes for the biennium beginning April 1, 1929, and ending March 31, 1931, except as otherwise provided and providing this act shall take effect immediately.

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 monies in the several funds of the state treasury hereinafter named for the construction of buildings, for maintenance and for sundry expenses at the various state institutions, schools, and state offices, for the relief of certain individuals, corporations, counties and municipalities, and for miscellaneous purposes for the biennium beginning April 1, 1929, and ending March 31, 1931, except as otherwise provided.

“Capital outlays.”

SEC. 2. The words “capital outlays,” as used herein, include the purchase of land and erection of buildings.

“Operations.”

SEC. 3. The word “operations,” as used herein, includes salaries and wages of officers and employees, and all expenses necessary for supplies, material, services and maintenance of the various institutions, departments and offices of the state government, including necessary traveling expenses:

FROM THE GENERAL FUND.

Seattle.

FOR THE CITY OF SEATTLE:

For local improvement assessments
against state lands

\$52,294 13

FOR THE CITY OF SPOKANE:		Spokane.
Assessments against School Section		
16-25-43E. Dist. 1694	\$383 20	
School Section 16-25-43 E. Dist. 1617	63 55	
School Section 16-25-43 E. Dist. 1598	688 27	
School Section 16-25-43 E. Dist. 1157	59 23	
School Section 16-25-43 E. Dist. 1583	239 58	
	<hr/>	
Total		\$1,433 83
FOR THE CITY OF BELLINGHAM:		Bellingham.
Assessments against part of Blocks		
42, 97, 99, and 124, Whatcom Tide		
Lands, Dist. 873		\$47 17
FOR THE CITY OF PORT ANGELES:		Port
Assessments against Harbor Area in		Angeles.
front Lots 8 and 9, Block 2½ and		
Lot 6, Block 1, Dist. 118		\$459 00
FOR KLICKITAT COUNTY:		Klickitat
White Salmon Irrigation District tax		county.
for 1927 and 1928 on SW¼ of		
NW¼ Sec. 36-4-10E		\$241 50
FOR OKANOGAN COUNTY:		Okanogan
Whitestone Reclamation District tax		county.
for 1927 and 1928 on part of Twp.		
38-26E and 38N-27E.....	\$1,793 61	
Methow Valley Irrigation Dist. tax		
for 1926, 1927 and 1928 on part		
SW¼ of NW¼ Sec. 15-32-22E...	265 12	
Methow-Okanogan Reclamation Dist.		
(Brewster Division) tax for 1918		
to 1925 inclusive on part Secs. 5		
and 7, 30-25E	324 77	
Methow-Okanogan Reclamation Dist.		
(Okeh Division) for 1926, 1927,		
and 1928 on part Sec. 36-31-24E..	488 23	
	<hr/>	
Total		\$2,871 73
FOR STEVENS COUNTY:		} Vetoed.
Fruitland Irrigation Dist. tax for		
1926-27 on part Sec. 5, 33-37E....	\$7,054 34	
FOR GRAYS HARBOR COUNTY:		Grays Har-
For 1928 maintenance tax, diking		bor county.
(and Drainage) Dist. No. 4.....		\$967 12
FOR ISLAND COUNTY:		Island
Drainage tax on part Sec. 33-33-1E,		counties.
Dist. 3, for 1928 and 1929		\$110 92

Pend Oreille county.	FOR PEND OREILLE COUNTY: Drainage tax on part Sec. 35-33-43E, Dist. 2, for 1927 and 1928	\$76 04
Skagit county.	FOR SKAGIT COUNTY: Dike tax on NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 16- 35-3E, Dist. 14, for 1925 to 1928 inc. \$57 76 Dike tax on Lots 3 and 4, Sec. 36-34- 3E, Dist. 15, for 1925 to 1928 inc. 35 88 Dike tax on part Sec. 16-35-4E, Dist. 14, 1925 to 1928 inc. 1,078 28 Dike tax on Lots 3 and 4, Sec. 36-34- 3E, Dist. 1, for 1925 to 1928 inc... 31 05 Dike tax on E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 16-33-3E, Dist. 15, for 1925 to 1928 inc. 1,075 54	
	Total	\$2,278 51
Walla Walla county.	FOR WALLA WALLA COUNTY: Drainage tax on part Sec. 16-8-31E, Dist. 2, for 1917 to 1928 inc.	\$2,996 05
Benton county.	FOR BENTON COUNTY: Sunnyside Irrigation Dist. tax for 1927 and 1928	\$2,048 68
Thurston county.	FOR THURSTON COUNTY: Drainage tax for 1927, Dist. 101, on SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 36-17-3W....	\$62 27
Grays Har- bor county.	FOR GRAYS HARBOR COUNTY: Weed Dist. No. 1, 1927 and 1928 tax on part Sec. 16-17-7W	\$95 97
Everett.	FOR THE CITY OF EVERETT: Assessments against SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 36-29-4E, Dist. 293, for 1928 \$2,322 88 Assessments against SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 36-29-4E, Dist. 400, for 1928 29 27	
	Total	\$2,352 15
Clark county.	FOR CLARK COUNTY: Maintenance and Construction tax, Dist. 5, for 1924 to 1928 inc. on part Sec. 36-3-2E	\$389 58
Ellensburg.	FOR THE CITY OF ELLENSBURG: Street improvements on Walnut- Ninth-"E" Streets, Dist. 1927-"A", on Normal School tract	\$17,873 26

FOR YAKIMA COUNTY:		Yakima
Yakima Benton Irrigation Dist. tax		county.
for 1927	\$247 60	
Outlook Irrigation Dist. tax for 1927		
and 1928	195 65	
Dike and Drainage tax on State Fair		
Grounds for 1917 to 1927 inc.....	749 07	
	<hr/>	
Total		\$1,192 32
FOR JEFFERSON COUNTY:		Jefferson
Dike and Drainage tax against part		county.
Sec. 36-29-1W, Chimacum Drain-		
age Dist. for 1927 and 1928.....	\$181 53	
FOR WAHKIAKUM COUNTY:		Wahkiakum
Drainage assessments against part		county.
Sec. 24-8-6W, Dist. 1, for the years		
1926-27-28	\$3,077 66	
Drainage assessments against part		
Sec. 16-9-6W, Dist. 4, for the years		
1926-27-28	2,513 84	
	<hr/>	
Total		\$5,591 50
FOR THE CITY OF SEATTLE:		Seattle.
For construction of park and play-		
field in Scottish Heights Addition;		
Improvement of E. 37th St. et al;		
Dists. 4648 and 5430, on lands do-		
nated to the University of Wash-		
ington by deed dated Sept. 16, 1927,		
by the Associated Students of the		
University of Washington.....	\$7,631 73	
For improvement of Taylor Avenue		
et al., Dist. 4721, on old University		
grounds	1,168 65	
For improvement of Broad Street et		
al., Dist. 4488, on old University		
grounds	530 20	
	<hr/>	
Total		\$9,330 58
FOR THE CITY OF BELLINGHAM:		Bellingham.
For Holly Street bridge etc., Dist.		
No. 685, on SE 70 ft. of Lots 9		
and 10, Block 88, New Whatcom	\$4 36	
For improvement of High St., Dist.		
882, on Normal School tract,		
Blocks 1 and 2, Geo. A. Jenkins		
Addition	1,369 97	

	For improvement of Maple St. Extension and Happy Valley Road, Dist. 807, on Normal School tract in Blocks 3 and 6, South Whatcom Addition	68 18
	Total	\$1,442 51
Aberdeen.	FOR THE CITY OF ABERDEEN: For Sewer Dist. A, H St. from Chehalis River to 3rd St., on Lots 1, 2, 3 and 4, Block 13, W. & B. Add., Aberdeen Armory tract....	\$235 80
Sunnyside.	FOR THE CITY OF SUNNYSIDE: For Sewer Dist. 101, Highway Patrol and Supply Station, on part of Lots 6 and 7, Block 47, Town of Sunnyside	\$403 56
Bellingham.	FOR THE CITY OF BELLINGHAM: For paving alley East of Boulevard, Dist. 901, on Armory tract, Lots 13, 14, 15 and 16, Block 56, New Whatcom	\$715 18
Tax refunds for certain counties.	FOR STATE'S PORTION OF TAXES REFUNDED BY COURT ORDERS: (See Sec. 97, Chap. 130, Laws of 1925):	
	Pacific County	\$339 26
	Spokane County	21,312 66
	Grant County	4,378 52
	Snohomish County	1,689 07
	Thurston County	2,703 33
	Yakima County	8,118 48
	Pend Oreille County	253 29
	Benton County	1,709 08
	Walla Walla County	1,097 45
	Lincoln County	3,390 90
	Franklin County	2,170 94
	Douglas County	3,086 72
	Adams County	5,744 41
	Total	\$55,994 11
Grant county.	FOR GRANT COUNTY: For State's portion of taxes remitted by Grant County on lands sold by the State to sundry persons under contract of sale, said contracts having been subsequently cancelled	\$9,216 87

FOR DOUGLAS COUNTY:

For Donohue Road Dist. No. 8,
assessment NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$
SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, Twp.
27-27, (320 acres)..... \$149 64

For Donohue Road Dist. No. 4,
assessment NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$
NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 7-26-24; and NW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NE $\frac{1}{4}$, Sec. 12, 26-23, (320 acres) 370 44

Total \$520 08

FOR YAKIMA COUNTY:

Pomona Heights Irrigation Dist. for
1917; Fr. SW $\frac{1}{4}$ NW $\frac{1}{4}$, 6-14-19,
tax, including penalty \$4 83

Summitview Cowichee & Tieton Road
Improvement Dist. Assessment for
1922-23-24-25-26, including interest:
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ and
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16-14-17 326 38

Drainage Districts No. 27 and 32,
assessments and interest; 1927
and 1928: The por SE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$ ly S and E of diag-
onal line joining NE and SW cor
thereof ex road ad the pt SW $\frac{1}{4}$
NW $\frac{1}{4}$ ly S of line drawn from
NE cor NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ to SW
cor of said subd less R/W of Sec.
16-10-21 11 98

Drainage Dist. No. 32 and Sunnyside
Valley Irrigation Dist. taxes, 1921-
22-23-24-25-26-27-28, and interest:
the pt NE $\frac{1}{4}$ NW $\frac{1}{4}$ ly N of line
drawn from NE cor SE $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$ to SW cor said sub.
less Co. Rd. and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.
16-10-21 3,210 04

Drainage Dist. No. 41 and Nob Hill
and Ahtanum Rd. Dist. taxes,
1922-23-24-25-26-27-28, and interest,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ less Co. Rd.: the pt
ly S of the center line of Co. Rd.
No. 456, as laid out across the sd

Vetoed.

Vetoed.	{	subdiv.:NE $\frac{1}{4}$ SW $\frac{1}{4}$ less Co. Rd. the pt ly S of cent. li of Co. Rd. No. 456, as laid out across the subdiv.; NW $\frac{1}{4}$ SW $\frac{1}{4}$ less Co. Rd.; the pt ly S of the center line of Co. Rd. No. 456, as laid out across the sd subdiv.; SE $\frac{1}{4}$ NW $\frac{1}{4}$ less Co. Rd.; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1; NW $\frac{1}{4}$ SW $\frac{1}{4}$ less Co. Rd.; all in Sec. 36-13-17	881 18
	{	Sunnyside Valley Irrigation Dist. assessment, 1921-24-25-26-27, including penalty. NW $\frac{1}{4}$ NW $\frac{1}{4}$ less R/W Sec. 16-10-21.....	1,084 40
	{	Sunnyside Valley Irrigation Dist. assessment, 1927. The pt SW $\frac{1}{4}$ NW $\frac{1}{4}$ ly S of li drawn from NE $\frac{1}{4}$ cor NW $\frac{1}{4}$ SW $\frac{1}{4}$ to SW cor of said subdiv. less R/W, Sec. 16-10-21, and penalty	91 03
		Total	\$5,609 84

Seattle.

FOR THE CITY OF SEATTLE:

Vetoed.	{	For the relief of the City of Seattle for payments made in the con- demnation of the W $\frac{1}{2}$ of W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 20-22-7, Sec. 36-22-10; and N $\frac{1}{2}$ Sec. 16-22-8 in connection with Cedar River watershed and later found not to be state lands	\$1,407 89
	{	For the relief of the City of Seattle for int. and principal for local improvement dists. 3277 and 4519 for the improvement of Blocks 24 and 25, Lake Washington Shore Lands	8,619 35
		Total	\$10,027 24

Commis-
sioner of
Public
Lands.

FOR THE COMMISSIONER OF PUBLIC LANDS:

Survey and platting of first class tide lands of Everett in the Snohom- ish River	\$4,000 00
Survey and establishment of harbor lines resurvey of existing tide lands and survey and platting of additional tide lands of the first class at Port Angeles	7,500 00

For the relief of Clark V. Savidge, Commissioner of Public Lands, for worthless check given as pay- ment on contract of sale No. 8468	42 24	Clark V. Savidge.
Total		\$11,542 24
FOR THE GOVERNOR:		
For special investigation of records in Washington, D. C. re. amount of war supplies turned over to this state by the War Dept.....	\$672 00	Governor.
For traveling expenses incurred in connection with official business incident to discharge of duties as Governor during period from April 1, 1925 to March 31, 1926	3,115 00	
Total		\$3,787 00
FOR LIEUTENANT GOVERNOR:		
For hotel bills and traveling expense	\$600 00	Lieutenant Governor.
FROM THE FISHERIES FUND.		
FOR DIVISION OF FISHERIES:		
Re-appropriation for hatcheries....	\$36,650 00	Fisheries.
FROM THE GENERAL FUND.		
JUDGMENTS:		
MARTIN E. SNYDER	\$577 96	Judgments. Martin E. Snyder.
(State of Washington vs. Martin E. Snyder.)		
HERTZ DRIV-UR-SELF STATIONS, INC.....	\$88 38	Hertz Driv-Ur- Self.
(State of Washington vs. Hertz Driv-Ur-Self Stations, Inc.)		
J. L. CROSS, Admr. of the estate of LeRoy W. Cross, deceased	\$57 05	J. L. Cross.
(State of Washington vs. J. L. Cross, Admr.)		
C. P. HARTVEDT.....	\$594 40	C. P. Hart- vedt.
(C. P. Hartvedt vs. State of Washington.)		
FIBREBOARD PRODUCTS, INC.	\$19 02	Fibreboard Products, Inc.
(State ex rel. Fibreboard Products, Inc., vs. J. Grant Hinkle.)		
MARVIN EVANS, Administrator of the estate of Agnes McLaughlin, deceased	\$46 62	Marvin Evans.
(State of Washington vs. Marvin Evans, Ad- ministrator.)		
NETHERLAND AMERICAN MORTGAGE BANK	\$14 98	Netherland American Mortgage Bank.
(Vergil Finos vs. Netherlands American Mort- gage Bank, State of Washington Dept. of Labor and Industries et al.)		

Phineas Saffron.	PHINEAS SAFFRON	\$77 71
	(State of Washington vs. Phineas Saffron.)	
R. A. O'Brien.	R. A. O'BRIEN	\$774 77
	(State of Washington vs. R. A. O'Brien.)	
Geo. Smith, Agnes Smith.	GEO. SMITH and AGNES SMITH.....	\$131 73
	(Geo. Smith and wife vs. State of Washington and State Highway Department.)	
Northern Pacific Railway.	NORTHERN PACIFIC RAILWAY COMPANY	\$6,152 20
	(Northern Pacific Railway Co. vs. State of Washington.)	
Mabel O'Neal.	MABEL O'NEAL	\$66 56
	(State of Washington vs. Mabel O'Neal.)	
Theodore Sterling.	THEODORE STERLING	\$25 44
	(State of Washington vs. Theodore Sterling.)	
Lawrence and Louis Costello and Jack Barton.	LAWRENCE COSTELLO, LOUIS COSTELLO and JACK BARTON	\$151 30
	(State of Washington vs. Lawrence Costello et al.)	
Geo. Opacich.	GEO. OPACICH	\$81 45
	(State of Washington vs. Geo. Opacich.)	
M. R. Arnold.	M. R. ARNOLD	\$149 94
	(State of Washington vs. M. R. Arnold.)	
Geo. Manos.	GEO. MANOS	\$330 81
	(State of Washington vs. Geo. Manos.)	
Geo. S. Heaton.	GEO. S. HEATON.....	\$549 70
	(State of Washington vs. Geo. S. Heaton.)	
Great Northern Ry. Co.	GREAT NORTHERN RAILWAY Co.	\$5,783 09
	(Great Northern Ry. vs. State of Washington.)	

FROM THE MOTOR VEHICLE FUND.

Sam Warwick.	SAM WARWICK	\$2,034 96
	(Sam Warwick vs. State of Washington.)	

FROM THE GENERAL FUND.

United States Shoe Machinery Corporation.	FOR UNITED STATES SHOE MACHINERY CORPORATION... (For rental of machinery to state penitentiary.)	\$7 75
Florence Cope.	FLORENCE COPE..... (For cancelled general fund warrant No. 436156.)	\$37 74
Amund Orset.	AMUND ORSET	\$79 70
	(For cancelled general fund warrant No. 430996.)	
Puget Sound Power & Light Co.	PUGET SOUND POWER & LIGHT Co..... (For light furnished prior to present biennium.)	\$8 50
North River Transportation Co.	NORTH RIVER TRANSPORTATION Co. (For refund of overpayment of corporation license tax.)	\$45 00
Twin City Transit Co.	TWIN CITY TRANSIT Co. (For refund of overpayment of corporation license tax.)	\$75 00

KOHLER Co.	\$76 00	Kohler Co. (For overpayment of corporation license tax.)
GARFIELD COUNTY.....	\$60 65	Garfield county. (For overpayment of 1924 Centralia Normal School Fund Tax.)
PRESIDENTIAL ELECTORS	\$277 00	Presidential electors. (For per diem and mileage.)
TUBERCULOSIS HOSPITALS	\$30,000 00	Tuberculosis hospitals. (For an additional hospital in King County.)
G. W. COLLINS	\$63 09	G. W. Collins. (For transporting prisoners prior to present biennium.)
CONTINENTAL TELEGRAPH Co.	\$205 00	Continental Telegraph Co. (For refund of corporation license tax a/c Supreme Court decision—G. N. Ry. Co. vs. State of Washington.)
SPOKANE, PORTLAND & SEATTLE RAILWAY Co.....	\$1,491 00	Spokane, Portland & Seattle Ry. Co. (For refund of corporation license tax a/c Supreme Court decision—G. N. Ry. Co. vs. State of Washington.)
CHICAGO, MILWAUKEE & ST. PAUL RAILWAY Co.	\$4,000 00	Chicago, Milwaukee & St. Paul Ry. (For refund of corporation license tax a/c Supreme Court decision—G. N. Ry. Co. vs. State of Washington.)
OREGON TRUNK RAILWAY	\$1,489 00	Oregon Trunk Railway. (For refund of corporation license tax a/c Supreme Court decision—G. N. Ry. Co. vs. State of Washington.)
CHICAGO, MILWAUKEE & PUGET SOUND RAILWAY Co....	\$946 50	Chicago, Milwaukee & Puget Sound Ry. Co. (For refund of corporation license tax a/c Supreme Court decision—G. N. Ry. Co. vs. State of Washington.)

FROM THE MOTOR VEHICLE FUND.

BALLOU & WRIGHT	\$29 75	Ballou & Wright. (For material furnished prior to present biennium.)
D. J. W. MURDOCK.....	\$15 80	D. J. W. Murdock. (For services prior to present biennium.)

FROM THE GENERAL FUND.

FOR BOUNTIES ON WILD ANIMALS	\$8,000 00	Wild animal bounties. (For period ending March 31st, 1929.)
FOR DEPARTMENT OF AGRICULTURE	\$25,000 00	} Vetoed. (For destruction of predatory animals.)

FROM THE FISHERIES FUND.

Seals destruction.	FOR DESTRUCTION OF SEALS to March 31, 1929.....	\$1,500 00
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FROM THE PARKS AND PARKWAYS FUND.

State Parks Committee.	FOR THE STATE PARKS COMMITTEE (For the period ending March 31st, 1929, on account of restoration of caretaker's residence which was destroyed by fire.)	\$2,202 86
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FROM THE PERMANENT HIGHWAY FUND.

Garfield county.	FOR GARFIELD COUNTY (For overpayment of 1924 Permanent Highway tax.)	\$5 95
Walla Walla county.	FOR WALLA WALLA COUNTY (For overpayment of 1927 Permanent Highway tax.)	\$139 05

FROM THE GENERAL FUND.

Fleischmann Co.	THE FLEISCHMANN Co. (For supplies furnished prior to present biennium.)	\$371 10
	FOR SERVICES RENDERED OR MATERIAL FURNISHED PRIOR TO PRESENT BIENNIUM:	
	UNDERWOOD TYPEWRITER Co.	\$14 85
	PACIFIC COAST COAL Co.	\$36 00
	FORDS PRAIRIE COAL Co.	\$11 81
	MILLER-CALLISON STORAGE & TRANSFER Co.	\$25 76
	DR. L. G. KIMSEY	\$14 00
	DR. J. F. PATRICK	\$118 00
	DR. G. M. MACGREGOR	\$9 00

FROM THE ACCIDENT FUND.

Samuel Weimer.	SAMUEL WEIMER (For cancelled Accident Fund warrants Nos. 155921, 158569, 150514, 153138, 147898, 145228, 142690, 140040, 137195, 133918, 163567, 65513, 67527, 69490, 71532, 73267, 75618, 77687, 80218, 82312, 84618, 86684, 93920, 96520, 98938, 101581, 104854, 108368, 112007, 114949, 117836, 121311, 124396, 127843, 131195, 161856, 61969, 56168, 60255, 58293, 54138, 89206, 91579.)	\$107 50
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FROM THE GENERAL FUND.

Consul General of Latavia.	FOR CONSUL GENERAL OF LATAVIA, as representative of the heirs of Martin Essar (Eser), deceased, (Yakima County)	\$471 44
Seattle Trust Co.	FOR SEATTLE TITLE TRUST Co., as executor of the estate of James O'Malley, deceased	\$200 00

FOR W. W. SHIELDS, Treasurer of King County, Wash- ington:		W. W. Shields.
For refund for 1923 general taxes due and unpaid on real property escheated in the Estate of William Curtin, Deceased, on March 5, 1927...	\$14 54	
FOR ALEX M. PEABODY, as Executor of the Estate of Charles E. Peabody, Deceased:		Alex M. Peabody.
Refund of overpayment of inheritance tax	\$219 54	
FOR E. B. PALMER, as Executor of the Estate of Vir- ginia Gans Ruckman, Deceased:		E. B. Palmer.
Refund of overpayment of inheritance tax	\$98 51	
FOR A. A. LAFROMBOISE, as Administrator of the Es- tate of Joseph Goslin, Deceased:		A. A. La- Fromboise.
Refund for 1925 general taxes due and unpaid on real property escheated in the Estate of Joseph Goslin, Deceased, on September 28, 1927	\$6 75	
FOR ED. ENGELSEN, as Administrator of the Estate of Arthur Lawson, Deceased:		Ed. Engel- sen.
Refund of overpayment of inheritance tax	\$198 87	
FOR HELEN HELDER, as Administratrix of the Estate of Bert Helder, Deceased:		Helen Helder.
Refund of overpayment of inheritance tax.....	\$27 25	
FOR GEORGE W. MORGAN, as Executor of the Estate of Mary F. Severance, Deceased:		George W. Morgan.
Refund of overpayment of inheritance tax	\$188 00	
FOR ALMA MOONEY, as Administratrix of the Estate of John Hulik, Deceased	\$505 41	Alma Mooney.
FOR LEROY W. CHAMBERS, as Administrator of the Estate of Mary Mathews, Deceased:		LeRoy W. Chambers.
Refund of overpayment of cash escheated to the State of Washington.....	\$200 70	
FOR W. K. INMAN, as Administrator of the Estate of Alexander K. Pesonen, Deceased:		W. K. Inman.
Refund of costs paid in Supreme Court of the State of Washington, said costs being taxed against the State of Washington	\$51 85	
FOR C. C. PINNICK, Administrator of Estate of John P. Kuros:		C. C. Pinnick.
Claim of heirship by Oscar Klocker, estate	\$843 27	
And One Liberty Bond	100 00	
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	\$943 27	Austin E. Case.
FOR AUSTIN E. CASE, as Executor of the Estate of John Buchanan, Deceased:		
Refund of inheritance tax paid	\$1,378 15	
FOR JOHN E. GALLAGHER, as Administrator of the Estate of Gabriel Olsen Weig, Deceased	\$5,510 79	John E. Gallagher.

Vetoed.	FOR J. L. CROSS, as Administrator of the Estate of LeRoy W. Cross, Deceased: Refund of costs paid in Supreme Court of the State of Washington, said costs being taxed against the State of Washington	\$54 80
Neil W. Bell estate.	FOR THE ADMINISTRATOR of the Estate of Neil W. Bell, Deceased	\$4,222 94
Nils Han- sen estate.	FOR THE ADMINISTRATOR of the Estate of Nils Hansen, Deceased	\$2,689 60
J. F. My- han estate.	FOR THE ADMINISTRATOR of the Estate of J. F. Myhan, Deceased: Refund of overpayment against estate of J. F. Myhan, State Hotel Inspector	\$65 86
Norma Dahlin.	FOR THE GUARDIAN OF NORMA DAHLIN, minor child: Damages for injuries received when struck by Northern State Hospital Cadillac sedan.....	\$750 00
C. H. Fry.	FOR THE RELIEF OF C. H. FRY: For construction of sewer on 6th Ave. So. between Holgate and Connecticut Sts. authorized under Ordinance No. 50792 of the City of Seattle.	\$278 96
Kinman, Morris & Company.	FOR THE RELIEF OF KINMAN, MORRIS & COMPANY, Spokane, Washington	\$25 00
L. S. Lamb.	FOR THE RELIEF OF L. S. LAMB, Seattle, Washington.	25 00
Geo. A. Hall, Adm.	FOR THE RELIEF OF GEO. A. HALL, Executor of the Estate of T. J. McBratney: On Account of purchase of Olympia Tidelands tract plus int. from Oct. 17, 1927 to April 1, 1929	\$664 69
Joseph Zamberlain.	FOR THE RELIEF OF JOSEPH ZAMBERLAIN: On account of purchase of Olympia Tidelands tract plus int. from Oct. 17, 1927, to April 1, 1929	\$1,041 61

FROM THE ACCIDENT FUND.

Vetoed.	FOR THE RELIEF OF EMERY and NELSON: For refund of merit rating credit, balance	\$634 87
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FROM THE GENERAL FUND.

Montesano.	FOR THE CITY OF MONTESANO: For refund of application fee No. 2309, for a permit to divert water of east branch of Satsop River...	\$200 00
	And publication fee	7 20
	Total	\$207 20

FOR THE RELIEF OF F. O. HASTINGS:		F. O. Hastings.
For reimbursement of amount paid for tide lands, Island County, due to re-survey	\$120 60	
FOR THE ATTORNEY GENERAL:		Attorney General.
Tax litigation	\$50,000 00	
FROM THE GAME FUND.		
FOR THE RELIEF OF MRS. EDWIN JARRISH	\$1,120 00	Mrs. Edwin Jarrish.
FROM THE GENERAL FUND.		
FOR THE DEPARTMENT OF BUSINESS CONTROL. Archives:		Business Control.
Operations	\$10,000 00	
FROM THE CAPITOL BUILDING CONSTRUCTION FUND.		
Lunch room equipment	\$16,000 00	Lunch room.
FROM THE GENERAL FUND.		
FOR WASHINGTON STATE REFORMATORY:		Reformatory.
Operations	\$19,964 00	
Kitchen, Mess Hall, Auditorium, Hospital and Bakery	178,759 00	
Total	\$198,723 00	
FOR WASHINGTON VETERANS' HOME:		Veterans' Home.
Paying	\$6,000 00	
FOR WESTERN STATE HOSPITAL:		Western State Hospital.
Operations	\$16,000 00	
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES:		Labor and Industries.
Operations	\$19,000 00	
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION:		Supt. Public Instruction.
For the purpose of paying the increased salary as provided in Chapter 163 of the Laws of 1925, from Jan. 15 to April 1, 1929	\$210 00	
FOR THE STATE TREASURER:		State Treasurer.
For the purpose of paying the increased salary as provided in Chapter 90 of the Laws of the Extraordinary Session of 1925, from Jan. 15, to April 1, 1929	\$206 99	
FOR THE DIVISION OF SAVINGS AND LOAN:		Savings and Loan Division.
Operations	\$7,500 00	
FOR THE DIVISION OF BANKING:		Banking Division.
Operations	\$10,000 00	

Legislative expense.	FOR LEGISLATIVE EXPENSE:	
	For the expense of Twenty-first Legislature	\$5,000 00
	For indexing Senate and House Journals	100 00
	Printing	3,000 00
	For printing, indexing, binding and editing Session Laws, Senate and House Journals and other legislative printing	1,000 00
	Total	\$9,100 00
State library.	FOR THE STATE LIBRARY	\$5,000 00
	FROM THE RECLAMATION REVOLVING FUND.	
Columbia Basin survey.	COLUMBIA BASIN SURVEY.....	\$13,000 00
	FROM THE GENERAL FUND.	
Conservative Land & Investment Co.	FOR THE RELIEF OF THE CONSERVATIVE LAND & INVESTMENT COMPANY, a corporation	\$2,000 00
	FOR THE RELIEF OF MRS. LIDA M. PALMER:	
	Refund of overpayment to the State Land Commissioner	\$35 00
	FOR THE RELIEF OF SARILDA McKEOWN	\$365 45
	(Upon delivery of subrogation of claim.)	
	FOR THE RELIEF OF A. K. MILLAY	\$709 44
	(Upon delivery of subrogation of claim.)	
Vetoed.	FOR THE RELIEF OF ETHEL B. FOLEY	\$1,142 52
	(Upon delivery of subrogation of claim.)	
	FOR THE RELIEF OF J. B. HERGESHEIMER	\$194 00
	(Upon delivery of subrogation of claim.)	
	FOR THE RELIEF OF A. W. PLATTS:	
	Refund on truck license	\$56 00
	FOR THE RELIEF OF FRED BOARDMAN:	
	Indemnity for cattle	\$50 00
	FOR THE RELIEF OF ALFRED JUNQUEST	\$375 00
	FROM THE MOTOR VEHICLE FUND.	
Copenhagen Bros.	FOR THE RELIEF OF COPENHAGEN BROTHERS:	
	For balance due on Road Contract No. 459 in Lewis County	\$114 56
	FROM THE GENERAL FUND.	
James Hall.	FOR THE RELIEF OF JAMES HALL, Vancouver, Washington	\$1,120 00
Tieton Water User's Ass'n.	FOR TIETON WATER USERS' ASSOCIATION:	
	For water charge assessments on the NW¼ and N½ of SW¼ of Sec. 36-13-17 E	\$12,130 88

FROM THE HARBOR IMPROVEMENT FUND.		Harbor improvement.
To be distributed in accordance with Chapters 168, 169 and 170, Laws of 1913, based on receipts, (including deficiency)	\$30,121 92	
FROM THE OREGON LICENSE FUND.		
To be deposited and become part of the State Fish- eries Fund	\$1,649 21	} Vetoed.
FROM THE MOTOR VEHICLE FUND.		
FOR THE DEPARTMENT OF LICENSE:		Department of License.
To carry out the provisions of Senate Bill No. 104, Operations	\$12,000 00	
FROM THE GENERAL FUND.		
FOR WASHINGTON STATE PENITENTIARY:		State penitentiary.
Operation	\$21,000 00	
Women's Ward building and equipment	\$85,000 00	
FOR THE MILITARY DEPARTMENT:		
Operation	\$15,000 00	
FOR COLUMBIA IRRIGATION DISTRICT:		
SW $\frac{1}{4}$, NE $\frac{1}{4}$ ly of Canal and south of ry. and SE $\frac{1}{4}$, lying N of Canal and south of railroad, all in Sec. 36, Twp. 8, Range 30, in Benton County, taxes for 1927	\$1,299 87	
FOR SUNNYSIDE VALLEY IRRIGATION DISTRICT:		
State Addition to Prosser, Blocks 1 to 8 inclusive, taxes for 1925, 1926 and 1927.....	\$1,459 71	
State Addition to City of Prosser, Benton Co.: Blocks 17 to 20 inclusive; Blocks 21 to 24 in- clusive; Blocks 40 to 43 inclusive; Blocks 44 to 47 inclusive; Blocks 48 to 49 inclusive; Blocks 63 to 66 inclusive—taxes for 1925, 1926 and 1927.....	\$475 73	} Vetoed.
FOR HORSE HEAVEN IRRIGATION DISTRICT:		
SW $\frac{1}{4}$ of Sec. 16, Twp. 6, Range 27; SE $\frac{1}{4}$ of Sec. 16, Twp. 6, Range 27; N $\frac{1}{2}$ of Sec. 16, Twp. 6, Range 27, Benton County—taxes for 1927	\$32 00	
FOR KENNEWICK IRRIGATION DISTRICT:		
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 16, Twp. 9, Range 27, Benton County, taxes for 1927	\$2 14	
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 9, Range 27, Benton County, taxes for 1927	\$26 00	
FROM THE GENERAL FUND.		
FOR THE STATE TREASURER.....	\$42 00	State Treasurer.

	FROM THE MOTOR VEHICLE FUND.	
Vetoed.	{ FOR THE STATE TREASURER.....	\$275 00
	FROM THE GENERAL FUND.	
Ferry county.	FOR FERRY COUNTY.....	\$1,825 25
	FROM THE GAME FUND.	
Dept. Fisheries and Game.	FOR THE DEPARTMENT OF FISHERIES AND GAME.....	\$25,000 00
	FROM THE CAPITOL BUILDING CONSTRUCTION FUND.	
Capitol Committee.	FOR THE STATE CAPITOL COMMITTEE.....	\$100,000 00
	FROM THE GENERAL FUND.	
Tax Commission.	FOR THE TAX COMMISSION.....	\$21,800 00
	(To carry out the provisions of House Bill No. 217).	
	FROM THE LATERAL HIGHWAY FUND.	
Vetoed.	{ FOR THE STATE TREASURER.....	\$5,000 00
	(To carry out the provisions of Senate Bill No. 115).	
	FROM THE GENERAL FUND.	
License Dept.	FOR THE DEPARTMENT OF LICENSE:	..
	Blue Sky Enforcement (Securities Act).....	\$43,000 00
	(To carry out the provisions of House Bill No. 247).	
Vetoed.	{ FOR DEDICATORY EXERCISES FOR THE STATE CAPITOL BUILDING	\$10,000 00
Emergency warrants.	FOR THE PAYMENT OF WARRANTS DRAWN FOR EMERGENCY PURPOSES, pursuant to Sec. 10, Chap. 9 Laws of 1925.....	\$100,000 00
State Auditor.	FOR THE STATE AUDITOR:	
	Operations	\$5,000 00

Effective immediately. SEC. 4. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 11, 1929.

Passed the House March 13, 1929.

Approved by the Governor, with the exception of those items which are vetoed, March 25, 1929.

CHAPTER 230.

[H. B. 105.]

LABOR AND MATERIAL LIENS ON REAL PROPERTY.

AN ACT relating to liens for labor and materials furnished or used in the improvement of real property and granting a lien to all persons furnishing materials used in the improvement of real property, and amending Section 3 of Chapter XXIV of the Laws of 1893.

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

SECTION 1. That section 3 of chapter XXIV, Laws of 1893, page 33 (section 1131 Remington's Compiled Statutes; section 9808 Pierce's Code) be amended to read as follows:

Amends
§ 1131, Rem.
Comp. Stat.;
§ 9808,
Pierce's
Code.

Section 3. Any person who, at the request of the owner of any real property, his agent, contractor or sub-contractor, clears, grades, fills in or otherwise improves the same, or any street or road in front of, or adjoining the same, and every person who, at the request of the owner of any real property, his agents, contractor, or sub-contractor, furnishes materials, including blasting powder, dynamite, caps and fuses, for clearing, grading, filling in, or otherwise improving any real property or any street or road in front of or adjoining the same, has a lien upon such real property for the labor performed, or the materials furnished for such purposes.

SEC. 2. That chapter XXIV (24) of the Laws of 1893, be amended by adding thereto a new section, to be known as section 3-a, to read as follows:

Section 3-a. Every person, firm or corporation furnishing materials for clearing, grading, filling in or otherwise improving any real property or any street or road in front of or adjoining the same, at the request of any agent of the owner of such real property, or at the request of any contractor or sub-

Vetoed.

Vetoed.

contractor, as provided in the previous section, shall, not later than five days after the date of the first delivery of such materials to any agent, contractor or sub-contractor, deliver or mail to the owner or the reputed owner of the property on, upon or in front of or adjoining which such materials are to be used, a notice in writing, stating in substance and effect that such person, firm or corporation, has commenced to deliver materials for use thereon, with the name of the agent, contractor or sub-contractor ordering the same, and that a lien may be claimed for all materials furnished by such person, firm or corporation for use thereon; and no further notice to the owner shall be necessary. No materialman's lien shall be enforced unless the provisions of this section have been complied with.

Passed the House February 14, 1929.

Passed the Senate March 12, 1929.

Approved by the Governor except section 2, which is vetoed, March 22, 1929.

CHAPTER 231.

[H. B. 417.]

APPROPRIATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS, STREETS AND BRIDGES.

AN ACT relating to public highways, making appropriations for the location, rights of way, engineering, maintenance, improvement, construction and paving thereof, and the construction or purchase of bridges, prescribing the powers and duties of certain officers in relation thereto, and declaring that this act shall take effect immediately.

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

SECTION 1. For the location, right of way, engineering, maintenance, improvement, construction and/or paving of the respective state highways here-

inafter specified, and the construction or purchase or condemnation of bridges, and maintenance and/or improvement of streets in cities and towns, there is hereby appropriated out of the motor vehicle fund and the highway safety fund in the state treasury, for the biennium ending March 31st, 1931, the respective amounts hereinafter specified for the respective highways and purposes specified: *Provided*, That, after the awarding of the contract for or completion of the project specified any allotment shall exceed the requirement, then, and in that event, the balance remaining of any such allotment shall be expended for the maintenance, engineering, construction, improvement and/or paving on the same highway, to be expended under the direction of the director of highways, except the amounts appropriated for cities and towns:

Biennium
ending
March 31,
1931.

STATE ROAD No. 1—

State Road
No. 1.

Dakota Creek-Blaine construction..	\$24,000 00
Waterfront Road—paving—retaining wall	97,000 00
Blanchard overhead bridge and ap- proach	205,000 00
Blanchard North—cooperation city of Bellingham—paving	78,000 00
Snohomish River bridge approach— paving gaps	5,000 00
Marysville North—paving—widening	50,000 00
Marysville Cut-Off approaches (be- tween Snohomish River bridge and Marysville)	5,000 00
King County Line-Everett—location and right of way.....	2,000 00
Everett South—shoulder widening— construction	17,000 00
Seattle-Snohomish County Line—pav- ing	234,000 00
Miscellaneous Location	5,000 00
Seattle-B. C. Line—oiling.....	6,750 00
Seattle-B. C. Line—betterment and reconstruction	57,845 00

Total—Seattle-B. C. Line..

\$786,595 00

Seattle-Vancouver.

SEATTLE-VANCOUVER—

Pierce County Line-E. Marginal Way 20' pavement.....	\$585,000 00
Pierce County Line-Kent-Des Moines Road—shoulder widening.....	32,000 00
East Marginal Way 20' pavement and widening	67,000 00
King County Line-Tacoma—construc- tion—paving	186,250 00
Fort Lewis-Nisqually—construction— paving	127,000 00
LaCenter-Woodland—paving gaps...	11,000 00
Pioneer Curves—construction.....	27,000 00
Vancouver-Salmon Creek —grading shoulders and surfacing.....	12,500 00
Vancouver Bridge—betterment and reconstruction	15,000 00
Seattle-Vancouver Bridge — better- ment and reconstruction.....	63,110 00
For co-operation with city of Vancou- ver in the extension of Washing- ton Street, 80 feet wide, from 19th Street to 24th Street, the same to be extended in curvature and/or diagonally across south half of block 14 Vaughn's First Addition, and north half block 14 and block 7 in Moody and Rothrock's Addi- tion, to make such intersection; vacating all of lots 16, 21, 22, 23 and 24, and north 10 feet of lot 20 in said block 7, extending pav- ing, curbing, sidewalk and light- ing system from 11th Street to said intersection including bal- ance lots vacated in said block 7 in order to make desirable inter- sections. (Balance of cost to be provided and paid for by city of Vancouver)	75,000 00

Vetoed.

Total—Seattle-Vancouver .. \$1,200,860 00

Bellingham-Austin Pass.

BELLINGHAM-AUSTIN PASS—

Summit—end of grade—1½ miles south—construction	\$92,000 00
Warnick-Glacier—construction	128,000 00
Bellingham-Warnick—location engi- neering	10,000 00

Bellingham-Austin Pass—oiling	20,400 00		
Bellingham-Austin Pass—betterment and reconstruction	36,100 00		
Total — Bellingham-Austin Pass		\$286,500 00	
STATE ROAD No. 2—			
BOTHELL-FALL CITY—			
Redmond-Fall City—construction ..	\$110,000 00	State Road No. 2. Bothell- Fall City.	
Redmond-Fall City—paving	100,000 00		
Bothell-Fall City—oiling	9,120 00		
Bothell-Fall City—betterment and re- construction	13,100 00		
Total—Bothell-Fall City...		\$232,220 00	
SEATTLE-WENATCHEE—			
Renton to Seattle—construction ...	\$275,000 00	Seattle- Wenatchee.	
Renton to Seattle—location engineer- ing—pavement	4,000 00		
Foot Bridge at Fall City.....	6,000 00		
Snoqualmie Falls Bridge.....	80,000 00		
North Bend—east—paving	100,000 00		} Vetoed.
North Bend-Edgwick Road—location engineering	3,000 00		
Edgwick Road to Summit—slides— grading	100,000 00		
Lake Keechelus Vicinity—construc- tion	230,000 00		
Snoqualmie Pass-Kachess River— construction	100,000 00		
Easton-Yakima River—construction	45,000 00		
Kachess River-Teaaway—construc- tion	89,100 00		
Under Crossing at Cashmere in co- operation with Great Northern Ry. and/or city of Cashmere...	15,000 00		
Columbia River Bridge Approach at Wenatchee	76,000 00		
Seattle-Wenatchee—oiling	200,000 00		
Seattle-Wenatchee—betterment and reconstruction	95,085 00		
Total—Seattle-Wenatchee .		\$1,418,185 00	
WENATCHEE-IDAHO STATE LINE—			
Wenatchee-East State Road No. 2— heavy oiling and construction...	\$268,000 00	Wenatchee- Idaho State Line.	
Spokane West-Great Northern Ry. Crossing—paving	145,000 00		

	Davenport-Cottonwood Creek-Bridge-		
	Davenport-West	15,000	00
	Wenatchee-Idaho State Line—better-		
	ment and reconstruction.....	70,085	00
		<hr/>	
	Total—Wenatchee-Idaho State Line		\$498,085 00
State Road No. 3.	STATE ROAD No. 3—		
	Jct. State Road No. 2-Columbia River:		
	Teanaway-Bristol—grading	\$81,000	00
	Swauk Creek-Ellensburg City Wells		
	—construction	342,000	00
	Sunnyside-Prosser—construction ...	275,000	00
	Yakima River Bridge at Prosser....	40,000	00
	Prosser-End of Pavement at Kenne-		
	wick—surfacing	100,000	00
	Jct. S. R. No. 2-Columbia River—		
	heavy oiling	107,500	00
	Jct. S. R. No. 2-Columbia River—		
	betterment and reconstruction...	86,300	00
		<hr/>	
	Total—Jct. S. R. No. 2-Co-		
	lumbia River		\$1,031,800 00
Pasco-	PASCO-WALLA WALLA-OREGON STATE LINE—		
Walla Walla-	Wallula Cut-off—construction	\$18,000	00
Oregon State	Walla Walla West—paving	103,500	00
Line.	Touchet-Lowden—construction	36,000	00
	Betterment and reconstruction	24,000	00
		<hr/>	
	Total—Pasco-Walla Walla-		
	Oregon State Line		\$181,500 00
Walla Walla-	WALLA WALLA-ASOTIN—		
Asotin.	Waitsburg Bridge—location engineering	\$20,000	00
	Walla Walla-Asotin—oiling	91,500	00
	Walla Walla-Asotin—betterment and		
	reconstruction	149,500	00
		<hr/>	
	Total—Walla Walla-Asotin		\$261,000 00
Dodge-	DODGE-COLFAX—		
Colfax.	Colfax-South—oiling (heavy).....	\$108,500	00
	Dodge-Colfax—betterment and recon-		
	struction	52,750	00
		<hr/>	
	Total—Dodge-Colfax		\$161,250 00
Pullman-	PULLMAN-COLFAX-SPOKANE—		
Colfax-	Colfax-Parvin Road—grading and		
Spokane.	surfacing	\$18,000	00
	Spokane-Spangle—paving	100,000	00

Spangle-Colfax—paving—grading and bridges	295,000 00	
Pullman-Colfax-Spokane—oiling	66,200 00	
Pullman-Colfax-Spokane—betterment and reconstruction	11,000 00	
Total—Pullman-Colfax-Spokane		\$490,200 00
SPOKANE-LAURIER—		
Dennison-Deer Park—construction..	\$67,000 00	Spokane-Laurier.
Kettle Falls to Bridge—surfacing...	6,000 00	
Spokane-Laurier—oiling	140,000 00	
Spokane-Laurier—betterment and reconstruction	46,350 00	
Total—Spokane-Laurier ..		\$259,350 00
INLAND EMPIRE HIGHWAY—EASTERN DIVISION—		
ROSALIA-IDAHO STATE LINE—		
Pullman-Idaho State Line—construction	\$151,000 00	Inland Empire Highway. Eastern Division.
Rosalia-Idaho State Line—oiling	80,000 00	Rosalia-Idaho State Line.
Rosalia-Idaho State Line—betterment and reconstruction	53,500 00	
Total—Rosalia-Idaho State Line Inland Empire Highway E. Div.		\$284,500 00
Bridge between College and No. 3, co-operation with county or city of Pullman, jointly or severally..	\$5,000 00	
STATE ROAD NO. 4—TONASKET-SAN POIL HIGHWAY—		
WILBUR-REPUBLIC—		
Columbia River-Cache Creek—bridges and surfacing	\$110,000 00	State Road No. 4.
Cache Creek-Forest Boundary—location and right of way.....	15,000 00	Wilbur-Republic.
Republic-Tonasket—betterment and reconstruction	1,500 00	
Total—State Road No. 4...		\$126,500 00
STATE ROAD NO. 5—NATIONAL PARK HIGHWAY—		
RENTON-YAKIMA—		
Crystal Creek-Chinook Pass—construction	\$680,000 00	State Road No. 5.
Chinook Pass-Morse Creek-Normile Grade—construction	238,000 00	Renton-Yakima.
Morse Creek-American River Hotel—surfacing	75,000 00	

	Oak Flats-Yakima — location and right of way.....	38,000 00	
	Renton-Yakima—oiling	14,500 00	
	Renton-Yakima—betterment and reconstruction	70,650 00	
	Total—Renton-Yakima		\$1,116,150 00
Auburn-Tacoma.	AUBURN-TACOMA—		
	King County Line—location and paving	\$17,700 00	
	Sumner-Puyallup—location and paving	50,400 00	
	Puyallup-Tacoma—right of way....	30,000 00	
	Auburn-Tacoma—betterment and reconstruction	5,840 00	
	Total—Auburn-Tacoma ...		\$103,940 00
Tacoma-Rainier National Park.	TACOMA-RAINIER NATIONAL PARK—		
	Forest Line—Park Entrance—location and paving	\$85,000 00	
	Tacoma-Rainier National Park—heavy oiling	9,000 00	
	Tacoma-Rainier National Park—betterment and reconstruction	9,270 00	
	Total—Tacoma-Rainier National Park		\$103,270 00
Jct. S. R. No. 1—Cayuse Pass-Elbe.	JCT. S. R. No. 1-CAYUSE PASS-ELBE—		
	Mossy Rock-Nesike—location and engineering	\$2,000 00	
	Kosmos-Randle—location and engineering	1,500 00	
	Divide-West Fork—engineering and construction	46,000 00	
	Lewis County Section—betterment and reconstruction	47,585 00	
	Total—Jct. S. R. No. 1 Cayuse Pass-Elbe		\$97,085 00
State Road No. 6. Spokane-B. C. Line.	STATE ROAD No. 6—PEND OREILLE HIGHWAY— SPOKANE-B. C. LINE—		
	Spokane County Line-Diamond Lake—right of way and grading.....	\$68,000 00	
	Ione-Metaline—surfacing	27,000 00	
	McCloud Creek Bridge and revisions—construction	30,000 00	
	Spokane-B. C. Line (heavy oiling)..	92,000 00	

Spokane-B. C. Line—betterment and reconstruction and purchase or condemnation or construction of bridge over Clark Fork Columbia River in vicinity of Metaline Falls

124,000 00

Total—Spokane-B. C. Line \$341,000 00

STATE ROAD NO. 7—NORTH CENTRAL HIGHWAY—
DAVENPORT-VANTAGE—

State Road No. 7.

Vantage-Burke—construction

\$164,500 00

Davenport-Vantage.

Davenport-Vantage—betterment and reconstruction

20,000 00

Total—Davenport-Vantage \$184,500 00

ELLENSBURG-VANTAGE—

Ellensburg-Vantage.

Kittitas-Rock Canyon—right of way

\$10,000 00

Ellensburg-Vantage—oiling

48,000 00

Total—Ellensburg-Vantage \$58,000 00

STATE ROAD NO. 8—NORTH BANK HIGHWAY—
VANCOUVER-MARYHILL—

State Road No. 8.

Lacamas Fill—location and paving.. ..

\$5,200 00

Vancouver-Maryhill.

Wing Creek-Prindle—construction

62,000 00

Wing Creek-Cape Horn—bridges and walls

50,000 00

Stevenson-Nelson Creek — construction and bridge.....

72,500 00

Nelson Creek-Greer Creek—construction

170,000 00

Greer Creek-Wind River—construction

106,000 00

Wind River-Cooks—location engineering

4,000 00

Snowden Road-Lyle—construction... ..

168,000 00

Maryhill West—construction

255,000 00

Vancouver-Maryhill—betterment and reconstruction

81,600 00

Total—Vancouver-Maryhill \$974,300 00

MARYHILL-BUENA—

Maryhill-Buena.

Goldendale-Summit—construction

\$252,000 00

Maryhill East—location and engineering

26,000 00

Toppenish-Simcoe Ridge — construction

140,000 00

Klickitat County-Simcoe Ridge—sur- facing	40,000 00	
Maryhill-Buena—betterment and re- construction	21,900 00	
Total—Maryhill-Buena		\$479,900 00

State Road
No. 9.

STATE ROAD NO. 9—OLYMPIC HIGHWAY—
OLYMPIA-PORT ANGELES-PORT TOWNSEND—

Olympia-
Port
Angeles-
Port
Townsend.

Purdy Creek-Jct. S. R. No. 14—con- struction	\$152,500 00
Hoodsport-South—construction	76,950 00
North of Sunds Creek—construction	20,000 00
Lilliwaup North—location and right of way	9,500 00
Jorsted Creek Crossing—location and right of way.....	1,000 00
Hidden Cove Camp Revision—right of way	15,000 00
Duckabush North—right of way....	5,000 00
Dosewallips-Jackson Cove—location and right of way.....	6,000 00
Duckabush River Bridges—location and engineering	2,000 00
Jacksons Cove-Lake Hooker—right of way and grading	34,000 00
Port Townsend-Tyler St. South— engineering and paving	91,500 00
End of pavement-Clallam County Line—construction	123,000 00
Agnew-Port Angeles exceptions— paving	15,000 00
Olympia-Port Angeles-Port Townsend —oiling	97,000 00
Olympia-Port Angeles-Port Townsend —betterment and reconstruction	50,000 00

Total—Olympic Highway..		\$698,450 00
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State Road
No. 9.

STATE ROAD NO. 9—PORT ANGELES-HOH RIVER—

Port Angeles-Elwha River—construc- tion	\$169,000 00
Fairholm West—right of way.....	3,000 00
Sniders Ranger Sta. East and West —location	5,000 00
Bear Creek Crossing—construction and bridges	52,000 00
Sappho-Lake Creek—location and engineering	6,000 00

Sol Duc River Crossing—Const. and bridges	65,000 00	
Bogachiel River-Hoh River—construction	85,000 00	
Hoh River Crossing—location and bridges	17,000 00	
Port Angeles-Hoh River—oiling.....	41,000 00	
Port Angeles-Hoh River—betterment and reconstruction	60,000 00	
Total—Port Angeles-Hoh River.....		\$503,000 00
PERRY CREEK-HOH RIVER—		Perry Creek-Hoh River.
Montesano-Aberdeen — location and engineering	\$10,000 00	
East City Limits of Aberdeen on St. R. No. 9 to a point one mile more or less west—construction	209,000 00	
Neilton-Lunch—location and engineering	3,500 00	
Harlow Creek-Cedar Creek—location and surfacing	165,000 00	
Kalalock Creek Bridge—location and bridge	14,000 00	
Cedar Creek Bridge—location and bridge	20,000 00	
Braden Creek Bridge	4,500 00	
Nolan Creek Bridge	5,000 00	
Hoh Crossing Bridge	10,000 00	
Hoh River-Cedar Creek—construction	262,000 00	
Perry Creek-Hoh River—oiling	21,000 00	
Perry Creek-Hoh River—betterment and reconstruction	46,830 00	
Total—Perry Creek-Hoh River		\$770,830 00
GRAND MOUND-ELMA—		Grand Mound-Elma.
Grand Mound-Elma—construction..	\$50,000 00	
Elma East—location and right of way	21,500 00	
Grand Mound-Elma—paving	120,000 00	
Grand Mound-Elma—betterment and reconstruction	26,000 00	
Total—Grand Mound-Elma		\$217,500 00
STATE ROAD NO. 10—CHELAN OKANOGAN HIGHWAY—		State Road No. 10.
Conconully St. in Okanogan to 2nd Ave. North in Omak—paving....	\$170,000 00	

	Methow River Bridge Approach		
	North and connection with town		
	of Pateros—construction	12,000	00
	Methow River Bridge—location and		
	bridge	65,000	00
	Pateros-Brewster Flats—location and		
	engineering	2,500	00
	Chelan County Line—North—oiling.	27,000	00
	B. C. Line-Chelan County Line—bet-		
	terment and reconstruction	57,120	00
	Total—Okanogan County..		\$333,620 00
Wenatchee-	WENATCHEE-OKANOGAN CO. LINE—		
Okanogan	Orondo-North—construction and sur-		
Co. Line.	facing	\$60,000	00
	Wenatchee-Okanogan Co. Line—		
	heavy oiling	51,000	00
	Wenatchee-Okanogan Co. Line—bet-		
	terment and reconstruction	13,450	00
	Total—Wenatchee-Okanogan Co. Line		\$124,450 00
Wenatchee-	WENATCHEE-QUINCY—		
Quincy.	Trinidad-Quincy—location and right		
	of way	\$5,000	00
	Wenatchee-Quincy—oiling (heavy)..	65,000	00
	Wenatchee-Quincy—betterment and		
	reconstruction	24,250	00
	Total—Wenatchee-Quincy .		\$94,250 00
State Road	STATE ROAD NO. 11—CENTRAL WASHINGTON HIGHWAY—		
No. 11.	PASCO-JCT. STATE ROAD NO. 2—		
Pasco-Jct.	Lind-E. Bridge and grade—construc-		
State Road	tion	\$55,000	00
No. 2.	Pasco-Jct. State Road No. 2—oiling		
	(heavy)	219,000	00
	Pasco-Jct. State Road No. 2—better-		
	ment and reconstruction	75,800	00
	Total—Pasco-Jct. State Road No. 2		\$349,800 00
State Road	STATE ROAD NO. 12—		
No. 12.	CHEHALIS-ASTORIA FERRY LANDING—		
Chehalis-	Chehalis-Walville—paving	\$143,300	00
Astoria	Rock Creek Over-crossing	51,500	00
Ferry	Walville-Astoria Ferry Landing—		
Landing.	location—engineering — right of		
	way — grading — construction —		
	surfacing — bridges — oiling —		
	betterment and reconstruction...	572,500	00

For painting bridge across South
Fork Willapa River on State Road
No. 12 2,500 00

Total—Chehalis-Astoria Ferry Landing \$769,800 00

KELSO-JOHNSON'S LANDING—

Kelso-
Johnson's
Landing.

Kelso-Johnson's Landing—location—
engineering—right of way—con-
struction — grading — surfacing
—bridges—betterment and recon-
struction \$737,850 00

For survey and report by State Di-
rector of Highway to determine
the feasibility of a state high-
way from Brookfield, Wahkiakum
County to Megler, Pacific County 1,000 00

For painting bridge across Cowlitz
River at Kelso on State Road No.
12 6,100 00

Total—Kelso-Johnson's Landing \$744,950 00

STATE ROAD NO. 13—WILLAPA-GRAYS HARBOR HIGHWAY—

State Road
No. 13.

RAYMOND-JCT. S. R. No. 9—

Raymond-
Jct. S. R.
No. 9.

Raymond-Smith Creek—location and
surfacing \$28,500 00

Smith Creek North—location and
surfacing 53,000 00

Smith Creek Road to Quarry—con-
struction 20,500 00

Smith Creek Bridge—location and
bridge 20,500 00

Elk Horn Bridge—location and
bridge 20,500 00

Fill and culvert at Station 768—
grading 2,000 00

Arctic-Pacific County Line—surfacing
..... 80,000 00

Arctic-Salmon Creek—grading 50,000 00

Salmon Creek-Bridge—location and
bridge 12,500 00

North River Bridge—location and
bridge 100,000 00

Arctic North—right of way..... 5,000 00

Raymond-Jct. S. R. No. 9—better-
ment and reconstruction 30,000 00

Total—Raymond-Jct. S. R. No. 9 \$422,500 00

State Road No. 14.	STATE ROAD No. 14—NAVY YARD HIGHWAY— Union River-Tidewater Creek—loca- tion and right of way.....	\$16,000 00
	Tidewater Creek-Bremerton — loca- tion and paving.....	101,000 00
	Tidewater Creek-Port Orchard—loca- tion	3,500 00
	Port Orchard-South Colby-Manches- ter—construction	156,000 00
	Burley-Pierce County Line—con- struction	18,200 00
	State Road No. 14—oiling.....	46,900 00
	State Road No. 14—betterment and reconstruction	64,690 00
	Total—State Road No. 14	\$406,290 00
State Road No. 21.	STATE ROAD No. 21— Silverdale-Keyport—construction ...	\$125,000 00
State Road No. 22.	STATE ROAD No. 22—DAVENPORT-KETTLE FALLS—	
Vetoed.	{ Bissell South—location—right of way and construction	\$60,000 00
	{ State Road No. 22—betterment and reconstruction	23,000 00
	Total—S. R. No. 22.....	\$83,000 00
Methow Valley Highway.	METHOW VALLEY HIGHWAY— Winthrop to 3 miles east of Twisp— construction	\$167,000 00
	Methow Valley betterment and recon- struction	15,600 00
	Total—Methow Valley Highway	\$182,600 00
Cascade Wagon Road.	CASCADE WAGON ROAD— Marblemount East—construction ..	\$200,000 00
	Total—Cascade Wagon Road	\$200,000 00
Asotin South.	Asotin south (location, survey and construction)	\$95,500 00
Marcus- Northport.	Marcus-Northport extension S. R. No. 22—con- struction	\$55,000 00
Stevens Pass Highway.	For maintenance of Stevens Pass Highway from Leavenworth to Junction of State Road No. 1— Everett (construction and reconstruction).....	\$424,600 00
State Road No. 7. Soap Lake- Coulee City.	From State Road No. 7 at Soap Lake via Grand Coulee to a connection with State Road No. 2 west of Coulee City.....	\$60,000 00
Vetoed.	{ Mansfield easterly to connection State Road No. 2, at the most feasible point between Coulee and Baird	\$100,000 00

District Offices (operations and capital outlays) ..	\$388,735 00	District Offices.
Emergencies (limited to unforeseen damages to state highways and/or bridges caused by elements)	\$280,000 00	Emergencies.
For streets in certain cities and towns.....	\$182,650 00	Streets in cities.
Maintenance road signs and construction.....	\$3,003,754 00	
Construction and/or improvement of a highway in Moran State Park to Summit of Mount Constitution under direction of the State Highway Engineer	\$40,000 00	} Vetoed.
Pacific Highway—City of Seattle—Lake Union Bridge right of way, engineering and construction	\$1,000,000 00	

Provided that this appropriation shall be expended in conjunction with moneys furnished and deposited by the county of King and/or the city of Seattle, jointly or severally, in county and/or city depository banks in the city of Seattle, from time to time upon the demand of the State Highway Engineer by not less than sixty days notice in writing, payable to the order of the State Auditor upon vouchers signed by the State Highway Engineer, to the total amount of Two Million Dollars (\$2,000,000.00), such bridge to be built under full charge, supervision and control of construction thereof, by the State Highway Engineer; *And Provided further*, That it is hereby declared to be the purpose of the State of Washington to furnish and appropriate from the Motor Vehicle Fund in the State Treasury to aid in the construction of such bridge the sum of One Million Dollars (\$1,000,000.00) hereby appropriated and the further sum of Five Hundred Thousand Dollars (\$500,000.00) re-appropriated by the Twenty-first Legislature and no more and that said sum shall be the full obligation of the State of Washington toward the construction, maintenance and operation of said bridge; *And Provided further*, That said bridge, when constructed shall be operated, and maintained by the city of Seattle or the county of King, or both, as is now or may be hereafter provided by law, and without any expense or responsibility on the part of the State of Washington.

For the construction of a highway from Fairfax to Spray Park in Pierce county in conjunction with Bureau of Public Roads of United States, under the direction of the State Highway Engineer	\$200,000 00	} Vetoed.
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Edison Ave.-Puyallup Ave., Tacoma.	For the construction and improvement of the Pacific Highway in the city of Tacoma between Edison Avenue (South Tacoma Way) and Puyallup Avenue as located by the Highway Engineer; full control of construction, improvement and supervision shall be under the State Highway Engineer. Any funds needed above this amount shall be supplied by city of Tacoma. (This being the full amount to be appropriated by the State on this project).....	\$120,000 00
Tacoma limits-King county line-Valley Road.	For the reconstruction and repair of the Old Pacific Highway (commonly called the Valley Road) from Tacoma city limits north to King county line to be expended under full control of State Highway Engineer	\$100,000 00
Vetoed.	Snohomish-Cathcart Heights-Bothell in Snohomish county to be expended under full control of the State Highway Engineer—betterment and reconstruction	\$50,000 00
Dolphins, shear booms, Des Chutes Waterway, Olympia.	RELIEF FOR CITY OF OLYMPIA— (Local Improvement District No. 417)..... For the construction and maintenance of dolphins and shear booms for the protection of a bridge over Des Chutes Waterway on State Road No. 9 under the direction of the State Highway Engineer	\$11,735 00 \$2,500 00
Blaine-Lake Samish Road.	RELIEF FOR CITY OF BLAINE— (For right of way—general obligation bonds) For engineering, construction, reconstruction and betterment of Lake Samish Road in Skagit and Whatcom counties, to be expended under the direction of the State Highway Engineer.....	\$16,000 00 \$150,000 00
Queets bridge-Harlow Crossing.	Queets-Bridge-Harlow Crossing	\$78,641 00
Everett-Broadway Street South.	Everett City Limits-Broadway St. South..... From S. R. No. 1, at the most feasible point north of Marysville, thence through Arlington and Sedro Woolley to Belfast—location and engineering and report on feasibility	\$100,000 00 \$5,000 00
Vetoed.	From Sumner to La Grande in Pierce county—survey	\$5,000 00
	Survey from Ellensburg to a junction of S. R. No. 5 at or near mouth of American River in Yakima county	\$5,000 00
	S. R. No. 5 at Auburn westerly to S. R. No. 1—paving	\$100,000 00
Ilwaco, North Head Military Reservation.	For the improvement of a road in the vicinity of Ilwaco, Pacific county, from Junction S. R. No. 12, to North Head of Military Reservation.....	\$52,000 00
Total		\$23,334,045 00

From the Highway Safety Fund (not to exceed from that fund)	\$400,000 00	\$400,000 00	Kennewick- Pasco Bridge. .
Purchase or condemnation of bridge, vicinity of Kennewick- Pasco.			
Grand Total		<u>\$23,734,045 00</u>	

SEC. 2. It shall be the duty of the director of highways to prepare and submit to the legislature at its convening in the regular biennial session in 1931 an itemized and detailed report showing the expenditure of the moneys appropriated by the respective items of this act and the expenditures contracted under each of said items and the unexpended and uncontracted balances of said items, respectively, down to and including the 31st day of December, 1930.

Director of
Highways,
report of
expenditures
to Legisla-
ture.

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

Effective im-
mediately.

Passed the House March 14, 1929.

Passed the Senate March 14, 1929.

Approved by the Governor, with the exceptions of those items which are vetoed, March 25, 1929.

AUTHENTICATION.

I, J. Grant Hinkle, Secretary of State of the State of Washington, do hereby certify that I have carefully compared the foregoing published laws passed by the twenty-first Legislative Session of the State of Washington, held from January 14, 1929, until March 14, 1929, inclusive, with the original enrolled laws, now on file in this office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, 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.

Dated at Olympia, Washington, this 7th day of May, 1929.



A handwritten signature in cursive script, reading "J. Grant Hinkle".

Secretary of State

JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE

(Minor Resolutions and Memorials, of no public importance, are
not printed herein.)

SENATE JOINT RESOLUTION NO. 10.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1930, there shall be submitted to the qualified voters of this state for their adoption and approval, or rejection, an amendment to section 23 of article II of the Constitution of the State of Washington so that said section shall read as follows:

Section 23. Each member of the legislature shall receive for his services an annual salary of Five Hundred Dollars (\$500), and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.

There shall be provided on all ballots for said election an opportunity for the people to vote for or against such amendment by means of the following proposition and ballot title:

“Shall section 23 of article 2 of the Constitution be amended so that it shall provide that the members of the legislature shall receive an annual salary of Five Hundred Dollars (\$500.00)”

Yes
No

Adopted by the Senate February 18, 1929.

Adopted by the House March 13, 1929.

SENATE JOINT MEMORIAL NO. 1.

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, The State of Washington and Yakima County have expended more than a million dollars in the construction and the maintenance of highways upon the Yakima Indian Reservation, and the completion of the Mt. Adams Highway is a necessity for the protection of more than three billion feet of ripe merchantable timber, in the best interests of the United States, the State of Washington, and Yakima County, and for the benefit of the Indians upon said reservation.

NOW, THEREFORE, The legislature of the State of Washington respectfully petition the congress of the United States to give early consideration to the completion of that portion of the Mt. Adams Highway between White Swan and the southerly limits of the Yakima Indian Reservation, within said reservation.

And your memorialists will ever pray.

Passed the Senate January 24, 1929.

Passed the House February 7, 1929.

SENATE JOINT MEMORIAL NO. 5.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, The quarrying of lime rock and the manufacture of lime and hydrated lime is one of the important industries of the State of Washington; and

WHEREAS, Said industry is being carried on in the province of British Columbia with Chinese coolie labor; and

WHEREAS, The present United States tariff act imposes a duty on the importation of lime rock, lime and hydrated lime which is not equal to the difference in the cost of production of such products in the province of British Columbia with the low paid labor there used, and the cost of production of such products in the State of Washington with American labor;

Therefore, Your memorialists do most earnestly pray that your Honorable Body place a duty upon the importation of lime rock, lime and hydrated lime into the United States sufficient to cover the difference in cost of production in the United States and in foreign countries, and permit the manufacturers of such products in the United States to pay fair compensatory wages to their workmen, give them full time employment, and perpetuate the industry in the United States.

Be It Further Resolved, That this memorial be immediately telegraphed to the Senate and Representatives in Congress, of the State of Washington, and to the chairman of the Ways and Means Committee of the House of Representatives of the United States.

Passed the Senate February 14, 1929.

Passed the House March 1, 1929.

SENATE JOINT MEMORIAL NO. 7.

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

WHEREAS, When the Congress of the United States enacted the so-called Harrison Narcotic Law in 1914, it did

confer upon the Commissioner of Internal Revenue "The Right to Compromise," by *Accepting Money*, in Civil or Criminal cases:

WHEREAS, This "Right to Compromise" in the Commissioner of Internal Revenue was first derived from the initial act of July 20, 1868, long prior to the manifestation of the drug addiction evil, and at a time when the Federal Government was concerned, primarily, with the collection of taxes on liquor and tobacco:

WHEREAS, The use of narcotics has spread, unchecked, with such appalling rapidity, and is destroying the vitality and vigor of countless thousands:

WHEREAS, During the fiscal year ending June 30, 1928, 1221 cases were compromised by the United States Government *By Accepting Money* amounting to the sum of \$67,210.95, collected from offenders capable of paying, thereby discriminating in favor of the influential and rich violators, as against the small and poor offenders, and enabling them to escape punishment and to go unwhipped of justice and without feeling the sting of the law:

WHEREAS, This "Right to Compromise" is out of harmony with the spirit of narcotic law enforcement, and is unjust, unfair and un-American.

Now Therefore Be It Resolved, That the Senate and House of Representatives of the State of Washington now in session, do request the Congress of the United States to amend the Harrison Narcotic Law by eliminating the right to compromise in all Criminal Narcotic Drug prosecutions.

And Be It Further Resolved, That a copy of this resolution be forthwith transmitted to the Senate and the House of Representatives of the United States at Washington, D. C., and to each Senator and Congressman from the State of Washington for their use in endeavoring to secure the passage of such legislation.

And your memorialists will ever pray.

Passed the Senate February 19, 1929.

Passed the House February 20, 1929.

SENATE JOINT MEMORIAL NO. 8.

To the Honorable W. W. Jardine, Secretary of Agriculture, Washington, D. C.

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

That the open season for migratory water-fowl in the State of Washington be established as follows:

For that portion of the State of Washington, lying east of the summit of the Cascade mountains except that portion lying south of the Snake River, be from September 16th to December 31st, both dates inclusive;

For that portion of the State of Washington lying south of the Snake River, be from October 1st to January 15th, both dates inclusive.

For that portion of the State of Washington lying west of the summit of the Cascade mountains, be from October 1st to January 15th, both dates inclusive;

Now, Therefore, The legislature of the State of Washington respectfully petition the Agriculture Department of Washington, D. C., to give early consideration to the above memorial.

And your memorialists will ever pray.

Passed the Senate February 28, 1929.

Passed the House March 11, 1929.

HOUSE JOINT RESOLUTION NO. 13.

RELATING to the submission of an amendment to Section 15 of Article II of the constitution relating to vacancies in the legislature.

Be It Resolved, By the House of Representatives and the Senate of the State of Washington in legislative session assembled:

That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1930, there shall be submitted to the qualified electors

of this state for their adoption and approval, or rejection, an amendment to section 15 of article II of the constitution of the State of Washington, so that the same shall, when amended, read as follows:

Section 15. Such vacancies as may occur in either house of the legislature shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: *Provided*, That in case of a vacancy occurring in the office of joint senator, the vacancy shall be filled by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial district.

Adopted by the House March 4, 1929.

Adopted by the Senate March 12, 1929.

HOUSE JOINT RESOLUTION NO. 14.

WHEREAS, The Congress of the United States has passed an act approved by the President, May 22, 1928, entitled, "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An Act donating public lands of the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," and,

WHEREAS, It is provided in section 1 of the act aforesaid, that the grants of money authorized by this act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this act;" therefore, be it

Resolved, By the Senate and the House of Representatives that the assent of the legislature of the State of Washington be and is hereby given to the provisions and

requirements of said act, and that the Board of Regents of the State College of Washington be and they are hereby authorized and empowered to receive the grants of money appropriated under said act, and to organize and conduct agricultural extension work which shall be carried on in connection with the college of agriculture of the State College of Washington, in accordance with the terms and conditions expressed in the act of congress aforesaid.

Adopted by the House March 8, 1929.

Adopted by the Senate March 9, 1929.

HOUSE JOINT MEMORIAL NO. 1.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the House of Representatives and the Senate of the State of Washington, most respectfully represent and petition your honorable body as follows:

WHEREAS, Since the removal of the tariff on the importation of shingles and lumber into the United States, the shingle and lumber industry in the State of Washington has suffered extreme and heavy losses to labor, manufacturing, incident operations, and business receiving a direct benefit from the industry, of more than \$200,000,000.00, which is not only a loss to the State of Washington, but to the nation as a whole, and

WHEREAS, The Republican party in its platform adopted at its last National Convention reaffirmed its belief in a protective tariff and did assert:

“We realize there are certain industries which cannot now successfully compete with foreign producers because of lower foreign wages and lower costs of living abroad,

and we pledge the next Republican Congress to an examination and where necessary a revision of these schedules to the end that American labor in these industries may again command the home market, may maintain its standard of living, and may count upon steady employment in its accustomed field.”

and

WHEREAS, The Democratic party in its platform adopted at its last National Convention did declare itself in favor of a sufficient tariff which would afford

“The maintenance of legitimate business, and a high standard of wages for American labor.”

and.

WHEREAS, The present United States Tariff Act actually discriminates against American production of shingles and lumber, in favor of foreign production of such products; forces approximately 125,000 American workmen into direct competition with foreign Oriental labor, thereby effectually annulling the United States Exclusion Act, so far as it affects American shingle and lumber workers, and is fast destroying the American shingle and lumber industry;

Therefore, Your memorialists do most earnestly pray that your honorable body place a duty upon the importation of shingles and lumber into the United States, sufficient to cover differences in cost of production in the United States and in foreign countries, and permit American shingle and lumber manufacturers to pay fair compensatory wages to their workmen; give them full time employment, and perpetuate the American shingle and lumber industry, its incident and dependent operations, and prevent stagnation and distress to American business.

Be It Further Resolved, That this Memorial be immediately telegraphed to the president of the United States, and to the State of Washington's Senators and Representatives in Congress, and to the Chairman of the

Ways and Means Committee of the House of Representatives of the United States.

Passed the House January 14, 1929.

Passed the Senate January 14, 1929.

HOUSE JOINT MEMORIAL NO. 5.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, Within the State of Washington there are some 9,633,900 acres of national forest lands set aside for the continuous production of timber and the protection of stream flow for the public benefit; whereas with the importance of timber-growing and lumbering as a basic industry of this state, and with the national forest timber becoming increasingly needed to help contribute to industrial and community stability, the great amount of undeveloped water for irrigation and power, and the large and growing use of the national forests for outdoor recreation, the necessity for the proper protection and use of the federal forest lands is becoming more and more realized; whereas these publicly-owned resources of timber, water, forage and recreation can not be adequately protected, developed and managed without larger annual expenditures for the construction and repair of lookout cabins, telephone lines, fire roads and trails, and other improvements; and whereas, the federal government has never expended nor is now expending sufficient funds for the full protection nor permanent development of these lands, commensurate with their value and use,

Therefore, Be It Resolved, By the legislature of the State of Washington that the attention of Congress be

called to the urgent need of larger expenditures for the better protection and fuller development of the national forest areas within the State of Washington, and it is believed that such added expenditures will be much more than repaid by the saving in public resources of the greatest value and in the reduction of the costs for fire fighting, and

Be It Further Resolved, That this memorial be immediately forwarded to the State of Washington's senators and representatives in Congress.

Adopted by the House February 28, 1929.

Adopted by the Senate March 13, 1929.

HOUSE JOINT MEMORIAL NO. 7.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the House of Representatives and the Senate of the State of Washington, in regular session assembled, most respectfully represent and petition as follows:

WHEREAS, It is the belief of your petitioner that the limitations imposed by Federal laws upon the taxation by states of national banks is too inelastic and restrictive to permit the states to tax such institution without completely revolutionizing their existing revenue systems:

Therefore, We your memorialists, most respectfully urge that section 5219 of the Revised Statutes of the United States be amended forthwith in such manner as to give the states greater freedom of action in the taxation of national banks.

Adopted by the House March 9, 1929.

Adopted by the Senate March 13, 1929.

**All Initiative and Referendum Measures, Filed
in the Office of the Secretary of State,
and the Disposition Thereof.**

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.

- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921, Collection of Poll Tax)—Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—No petition filed.

- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—No petition filed.
- INITIATIVE MEASURE NO. 45 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (Pertaining to Sanipractic)—No petition filed.
- INITIATIVE MEASURE NO. 54 (Regulating Horse Racing—Par-Mutuals)—No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps and fish wheels)—No petition filed.

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- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Submitted to the people November 7, 1916; failed to pass.

- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—No petition filed.
- REFERENDUM MEASURE NO. 12 (Chapter 59, Laws 1921, Certificate of Necessity)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13 (Chapter 175, Laws 1921, Physical Examination of School Children)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14 (Chapter 177, Laws 1921, Primary Nominations and Registration)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Submitted to the people November 4, 1924; failed to pass.

CONSTITUTIONAL AMENDMENTS

- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.
- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1920.
- No. 10. To Section 22 of Article I. Re: Trial for offense committed on public conveyance. Adopted November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.

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