

harbor improvement funds, and the state treasurer shall pay all said warrants out of said funds.

SEC. 3. In keeping the account of this fund the state treasurer is directed to credit each harbor with the amount received for sale of tide lands, as provided in section 1 of this act, and debit each harbor for warrants drawn for improvements therein.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 10, 1891.

CHAPTER CLX.

[S. B. No. 182.]

PROVIDING FOR DRAINAGE IN CITIES OF THE SECOND, THIRD AND FOURTH CLASS.

AN ACT to provide for the drainage of cities of the second, third and fourth class, by the construction of sewers and drains.

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

SECTION 1. All cities of the second, third and fourth class in this state are empowered to establish drainage and sewerage, and for the purpose of determining whether or not the city is susceptible of one, or requires two or more modes of drainage and to determine the best system of drainage for the city, may have preliminary surveys made and estimates of the cost thereof. The system adopted may provide for draining the surface water and the underground water by separate plans and modes, or by the same system of drainage. The mode to be adopted shall be designed to effect the drainage, not only of the surface water but also the ground by under drainage where practicable to a depth sufficient to secure dryness of cellars and basement stories, and to relieve the land to be affected by such drainage from stagnant water.

SEC. 2. When a city is susceptible of one mode of drainage, the city may, after determining the proper location

therefor, and after determining the size, dimensions and the material to be used, provide for the construction of one trunk or main sewer at the cost and expense of the city. Sewer system. And when the city is not susceptible of one mode of drainage the city council may from time to time, as the public convenience and necessity may require, determine, locate and establish sewer districts and construct in each a trunk or main sewer for the drainage thereof at the cost and expense of the city.

SEC. 3. The city council may, on proper application, establish in connection with a main sewer sub-sewer districts for the purpose of drainage into a main sewer. The application may be made by petition signed by persons owning a majority of the land to be included within the sub-sewer district. The petition must set forth the following facts: 1. That the petitioners own a majority in quantity of the lands included within the boundaries stated therein. 2. That the petitioners desire to have a sub-sewer district created and established, embracing therein the lands included within the boundaries set forth in the petition, and to have constructed therein a sewer of the dimensions and of the material stated in the petition, and the same shall be described and stated with reasonable certainty. 3. The commencement, intermediate line and course and ending of the sub-sewer to be constructed.

SEC. 4. When such application is presented the city council shall fix a time for the hearing thereof, and direct that notice of the hearing be given by the city clerk; the notice must be given by publishing the same in a newspaper or posting such notice in writing in three public places within the city. Notice of hearing. The notice shall state the object of the petition, the time when it will be heard, and give the boundaries of the proposed sewer district. It shall be signed by the city clerk. When the notice is published in a newspaper it Publication. must appear at least six days before the time fixed for the hearing, and when posted it must be so posted at least six days before the hearing. The affidavits of the publisher or the city clerk shall be taken and filed, showing the publication or posting. At the time fixed for the hearing, if it be found that the petition is signed by persons owning a ma-

jority in quantity of the lands included within the boundaries set forth therein, and the city council find that it is practicable and expedient to construct the sewer as prayed for in the petition, or as changed or modified at the hearing thereof, and that the same when constructed will drain all the lands included in the petition, the city council may grant the petition and provide for the construction of the sub-sewer at the cost and expense of the real property within the boundaries set forth in the petition, according to benefits.

SEC. 5. The sub-sewer shall be constructed by contract, let to the lowest bidder furnishing satisfactory sureties; but before a contract is let notice shall be given by publication in a newspaper, or by posting written notices in three public places in the city, one of which must be within the sub-sewer district, at least six days before the time fixed for considering the bids. If published, the notice must appear in a newspaper published in the city at least six days before the time fixed for considering bids, and an affidavit of the publication or posting must be taken and filed with the city clerk. The notice must be signed by the city clerk, and must set forth that bids will be received on a certain date therein named for the construction of a sewer, and that the size, dimensions of the sewer, and the materials of which it is to be constructed may be seen at the office of the city clerk, and the date upon which the bids will be considered. All bids must be sealed and delivered to the city clerk. After the contract shall have been let and entered into, the city council may appoint some suitable person as superintendent on behalf of the sub-district to see that the work is done substantially as required by the contract, and whose compensation shall constitute part of the cost and expense of the construction of the sewer; or the superintendence of the construction may be required as part of the duties of the superintendent of streets when such office exists.

Contract upon
bids.

SEC. 6. After the sub-sewer contracted for shall have been constructed and approved by the person specially appointed to superintend the construction thereof, or by the superintendent of streets, or by a committee of the city

council, and such fact be reported to the city council, notice shall be given to all persons interested that said sub-sewer has been reported as completed, and that all objections to accepting the same, as constructed and completed according to the terms of the contract, will be heard and considered at a time to be fixed and stated in the notice. The notice must be signed by the city clerk and published one time in a newspaper published in the city, or written notices posted by the city clerk in at least three public places in the city, one being within the sub-sewer district, at least six days before the date stated in the notice, and an affidavit of the publication or posting of the notices must be taken and filed. At the time fixed, or such other time as the hearing may have been adjourned to, the city council shall hear and determine all objections, written or oral, that may be presented to the acceptance of the sewer by reason of not having been constructed or completed according to the contract entered into for the construction thereof. After the sewer shall have been made to conform to the requirements of the contract, or after all objections made thereto shall have been overruled, the city council shall make an order accepting the same, and shall proceed to ascertain the entire cost of the construction of said sewer, including all necessary incidental expenses; immediately thereafter the city assessor shall proceed to assess and apportion the gross cost of such sewer to the real property within the sub-sewer district, to each lot, tract, subdivision or parcel a ratable proportion thereof, according to benefits enuring by reason of the construction of the sewer. Each lot, tract, subdivision or parcel shall be described with reasonable certainty sufficient to identify the same. The name of each owner shall be given when known; if not known the words "unknown owner" shall be written where the owner's name would appear if known. The assessment must state the amount charged to each lot or parcel separately. The city assessor must make out the assessment and return the same within such reasonable time as the same can be conveniently done. He shall be allowed for his compensation the same compensation as when making other official assessments

Cost; how paid.

for city taxable purposes, and the amount of his compensation shall be allowed by the city council and included as necessary incidental expenses. The assessment when made shall be known as the "assessment roll."

SEC. 7. As soon as the assessment roll shall have been made out and returned to the city clerk, the city council shall fix a time for hearing and determining objections thereto, and at the time fixed shall hear all written or oral objections to the assessment, and may adjourn the hearing thereof from time to time, not exceeding in all four weeks. Notice of the time fixed shall be given by publication at least one time in a newspaper published in the city, or by posting up written notices by the city clerk in three public places in the city, one of which shall be in the sub-sewer district, at least six days prior to the time fixed for the hearing, and an affidavit of the publishing or posting of the notice must be signed by the city clerk. After all objections shall have been heard and determined, the city council may make any order necessary or proper tending to equalize the assessment of the cost of construction of the sub-sewer proportionately to each lot, tract, subdivision or parcel within the sub-sewer district, according to benefits. The city clerk shall thereupon make out an equalized assessment roll of all the real property within the sub-sewer district, with the name of each owner or, if unknown, writing the words "unknown owners" in place of the owner's name, description of each lot, tract, subdivision or parcel, correcting any defective or misdescription, if any given, by the city assessor, and writing the amount of tax assessed to each lot, tract, subdivision or parcel separately. After completing the assessment roll the clerk must make out and append thereto his certificate to the effect that the assessment roll is true and correct as corrected and equalized, and is the assessment roll of the special tax for the construction of the sub-sewer of the sub-sewer district (giving the name or number thereof, if known by any), and thereafter the assessment roll shall be complete, valid and binding upon the property assessed.

Equalizing assessment.

SEC. 8. From and after the making out and signing by the city clerk of the assessment roll mentioned in the pre-

ceding section, the charges assessed upon each lot, tract, subdivision or parcel of land included within the sub-sewer district and listed upon the assessment roll, shall constitute a lien thereon, which lien shall continue for the full amount of the charges severally assessed to each lot, tract, subdivision or parcel of land, with delinquency, interest and costs, until paid or collected. Immediately thereafter the city clerk shall give notice by publication in a newspaper published in the city for a period of at least four weeks, one time each week, to the effect that the assessment roll has been delivered to the city marshal, and that if the assessments be not paid within two months from the date of the notice the same will be delinquent and ten per cent. will be added thereto for delinquency, and the assessment and delinquency collected with interest from date of delinquency at the rate of ten per cent. per annum and costs.

Tax lien.

Delinquencies.

SEC. 9. All assessments made under the provisions of this act shall become due and payable immediately after the assessment roll shall have been certified by the city clerk, and by him delivered to and received by the city marshal, which date must be noted on the assessment roll by the city marshal. And unless the payments be made within two months from said date the same shall become delinquent, and thereupon ten per cent. shall be added thereto for delinquency. Upon delivery of the assessment roll to the city marshal he shall stand charged therewith, and be liable therefor on his official bond.

SEC. 10. Within ten days, or other reasonable time, after any assessment shall have become delinquent by reason of non-payment, the city marshal [shall] advertise the property liable for the payment thereof for sale. A notice of the time and place of the sale must be advertised by posting a written or printed copy of notice upon or near to the lands to be sold, and in two other public places in the city; also by publishing such notice in a newspaper published in the city, if any published therein. Posted notices must be so posted at least 30 days prior to the day of sale. Notices published in a newspaper must be so published one time each week for four successive weeks, the last insertion to be at least five days before the day of sale. Affidavits of

Advertising and sale of property.

the publication and posting must be taken and filed with a return of sale with the city clerk. The notice shall state the name of the person assessed, a description of the land assessed and the amount charged against the land, and must be signed by the city marshal.

SEC. 11. All lands sold under the provisions of this act shall and must be sold at or near the front door of the city hall, or in case there be no city hall, then in front of the building where the city council holds its meetings (or did when the notice was given) and between the hours of 10 o'clock A. M. and 12 o'clock M. on the day specified in the notice. The law providing for the sale of lands for delinquent state and county taxes, except as otherwise herein provided, not inconsistent with the provisions of this act, and which can be applied thereto, shall be applicable and applied to all sales of lands made for delinquent taxes or assessments under the provisions of this act. When there is no bidder at the sale willing to take the land offered for any delinquent assessments, the property shall be struck off and sold to the city treasurer for the benefit of the sewer district fund; and shall thereafter be held and sold at private sale to any purchaser who will pay the amount for which the land was sold with interest from the date of sale at the rate of ten per cent. per annum, and any subsequent taxes paid thereon, with interest thereon at the same rate from payment thereof, subject to all taxes and assessments accrued against the same: *Provided*, Any lands sold under the provisions of this act may be redeemed as now provided, or as may hereafter be provided by law, for the redemption of property sold for state and county taxes or either, and all deeds made upon sale of any property under the provisions of this act shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds of property sold for non-payment of state and county taxes or either: *Provided*, When lands are struck off and sold to the city treasurer, as hereinbefore provided, the title thereto if not redeemed, unless sold to a purchaser before the time of redemption expires, shall vest in the city treasurer in trust, without the execution of a deed. If sold to a purchaser before redemption and not redeemed,

Redemption of
land.

the title, after expiration of the time for redemption, shall pass without a deed other than the deed of the city treasurer.

SEC. 12. All moneys, when collected for any assessment herein, shall be paid over to the city clerk, and by him immediately to the city treasurer, first charging him therewith. All moneys accruing and becoming due to any person or persons on account of the creation of a sub-sewer district, or the construction of a sub-sewer therein, shall be audited by the city council and paid out of the sub-sewer district fund, and warrants shall be drawn payable by the city treasurer out of said fund. Warrants so drawn, if not paid for want of funds, shall be endorsed by the city treasurer "Not paid for want of funds," with date and signature, and a register thereafter [thereof] be kept by the city treasurer, and payment of warrants registered shall be made in chronological order of their registry. After their registry for non-payment interest shall be paid thereon at the rate of six per cent. per annum.

Moneys; how paid.

Register.

SEC. 13. If it be necessary to any system of drainage adopted by the city council to construct a drain or part of the system outside of the limits of the city, to connect with any stream of water, river, lake or other place of discharge of the city drainage, or any part thereof, the city council may acquire a right-of-way over any lands necessary for that purpose. All sewers constructed under authority of this act must be laid out and constructed over and within a public street, alley or other public place or highway, so far as practicable, but whenever it becomes necessary to construct a sewer upon and through the lands of private persons or owners, within or without the city, the right-of-way therefor may be obtained as provided for by law, and the city council may direct proceedings to be taken to obtain such right-of-way as is or may hereafter be provided by law. Drains for sewerage or for carrying away sewerage may be covered or open, as the city council may direct.

SEC. 14. Whereas, there is no legal provision authorizing cities of the second and third classes to obtain the right-of-way outside of their city limits for the construction of sewers; it is, therefore, hereby declared that an emergency

Emergency.

exists, and this act shall be in force from and after its passage and approval.

Approved March 10, 1891.

CHAPTER CLXI.

[H. B. No. 83.]

REGULATING SCREENING AND WEIGHING OF COAL.

AN ACT concerning the screening and weighing of coal.

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

SECTION 1. It shall be unlawful for any mine owner, lessee or operator of coal mines in the State of Washington employing miners at bushel or ton rates, or other quantity, to pass the out-put of coal mined by said miners over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employé sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of the State of Washington.

SEC. 2. The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace, or other officer authorized to administer oaths, to do justice between employer and employé, and weigh the out-put of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator or lessee, or any mine in this state, shall have the privilege, if they desire, of employing at their own expense a check-weighman who shall have like rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weigh office, and any weigher of coal, or any person so employed, who shall knowingly violate any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be pun-

Oath of weighman.

Rights of employes.