

SESSION LAWS  
OF THE  
STATE OF WASHINGTON  
EIGHTEENTH SESSION

Convened January 8; Adjourned March 8

1923

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

Marginal Notes and Index

BY

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Attorney General

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PUBLISHED BY AUTHORITY

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## EXPLANATORY

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The Eighteenth Legislature of the State of Washington convened at 12 o'clock, noon, January 8, 1923, (being the second Monday in January), and adjourned *sine die* March 8, 1923.

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 6, 1923, except relief bills, appropriations and other acts declaring an emergency.

Chapter 1 of this volume became a law by vote of the people at the general election on November 7, 1922, and was officially promulgated as a law by the Chief Executive on December 7, 1922, in compliance with the initiative laws of the State of Washington.

J. GRANT HINKLE,  
*Secretary of State.*





# LAWS OF WASHINGTON

PASSED AT THE

## Eighteenth Regular Session 1923

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### CHAPTER 1.

#### REPEAL OF POLL TAX LAW.

AN ACT providing for the repeal of Chapter 174 of 1921 Session Laws of State of Washington relating to collection of an annual poll or capitation tax.

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

SECTION 1. That Chapter 174 of 1921 Session Laws of the State of Washington entitled "An Act providing for the levy and collection of an annual poll or capitation tax, and providing penalties, and declaring that this act shall take effect immediately," be and the same is hereby repealed.

Repeals Rem.  
Comp. Stat.  
§§ 11242 to  
11251.

Passed by vote of the People at the General Election November 7, 1922.

Proclamation signed by the Governor December 7, 1922.

## CHAPTER 2.

[S. B. 1.]

## LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred and five thousand dollars (\$105,000.00) or so much thereof as may be necessary for the expenses of the eighteenth legislature and declaring an emergency.

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

Appropriation,  
\$105,000.00.

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred and five thousand dollars (\$105,000.00), or so much thereof as may be necessary to be used for the purpose of paying the expenses of the eighteenth legislature of the State of Washington.

Emergency.

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

Passed the Senate January 8, 1923.

Passed the House January 8, 1923.

Approved by the Governor January 8, 1923.

## CHAPTER 3.

[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 eighteenth 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 print-

ing as may be ordered by the eighteenth legislature, or either branch thereof.

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

Passed the Senate January 8, 1923.

Passed the House January 8, 1923.

Approved by the Governor January 8, 1923.

## CHAPTER 4.

[S. B. 6]

### CONSERVATION AND DEVELOPMENT OF AGRICULTURAL RESOURCES.

AN ACT providing for the conservation and development of agricultural resources of the state, authorizing the director of conservation and development to furnish seed grain to indigent farmers in the drought devastated areas of the state, 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 director of conservation and development is authorized, in his discretion, to enter into contracts and arrangements with dealers in seed grains to furnish and deliver at convenient points in the drought devastated areas of the state, to be designated in such contracts, such quantities of seed grain as may be necessary for the sowing and planting of summer fallowed lands in the year 1923.

Contracts for  
seed grain.

SEC. 2. The director of conservation and development is authorized to make such investigation as he may deem necessary to determine the needs of indigent farmers in such drought devastated areas and, in his discretion, to receive from such farmers applications for not to exceed three hundred and twenty bushels of seed grain and agreements to pay

Investigation  
of needs of  
farmers.

therefor out of the proceeds of the crop raised therefrom the cost of such grain together with six per cent. interest thereon from the date of said agreement.

SEC. 3. Upon entering into any such agreement the director shall furnish to the farmer a requisition upon the most convenient grain dealer with whom a contract to furnish seed grain has been made, to furnish to such farmer the number of bushels of seed grain specified in the agreement, and the dealer furnishing such grain shall take from the farmer a receipt therefor, in triplicate, the original and duplicate of which shall be forwarded to the director of conservation and development, and such original, when duly countersigned by the director, shall constitute a voucher upon which the state auditor shall be authorized to issue a warrant on the state treasurer payable out of the funds appropriated by this act and in favor of the grain dealer mentioned therein for the contract price of the grain furnished. The duplicate receipt together with the application and agreement entered into between the director and farmer shall be filed in the office of the county auditor of the county in which the land described in such agreement is situated and shall constitute notice of a first lien in favor of the state on the crop raised on the land described in the agreement for the cost of the grain furnished and interest, which lien may be collected, enforced and foreclosed or satisfied and cancelled by the director of conservation and development, in the manner provided by law, as near as may be, for the enforcement, foreclosure, satisfaction and cancellation of chattel mortgages. All moneys collected by the director of conservation and development for seed furnished and interest shall be paid into the state treasury and credited to the state reclamation revolving fund.

Requisition  
for seed  
grain.

Warrants  
for payment  
for seed  
grain.

Lien.

Reclamation  
revolving  
fund.

SEC. 4. It shall be the duty of the county auditor of any county in which such notice of lien is filed, to file, index, satisfy and cancel such lien without the usual fees therefor, and it shall be the duty of the clerk of the superior court, the sheriff and all other officers of such county to perform the duties required of them in the foreclosure of any such lien without collecting and receiving the usual fees therefor.

County auditor to file and index lien.

SEC. 5. The director of conservation and development shall be authorized, with the approval of the attorney general, to employ attorneys to foreclose any lien provided for in this act and the expenses of such foreclosure shall be paid out of the funds appropriated by this act.

Employment of counsel to foreclose lien.

SEC. 6. For the purpose of carrying out the provisions of this act, the administrative expenses of the department of conservation and development therein and expenses of foreclosure of liens, there is hereby appropriated out of the reclamation revolving fund the sum of two hundred and fifty thousand dollars (\$250,000.00), or so much thereof as may be necessary.

Appropriation, \$250,000.00.

SEC. 7. This act is necessary for the immediate support of the state government and the existing public institutions of the state and shall take effect immediately.

Emergency.

Passed by the Senate January 18, 1923.

Passed by the House January 24, 1923.

Approved by the Governor January 26, 1923.

## CHAPTER 5.

[S. B. 9]

## REMINGTON'S COMPILED STATUTES.

AN ACT to adopt Remington's Compiled Statutes of Washington as an official compilation, and relating to additions and amendments thereto, and declaring that this act shall take effect immediately.

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

Adopted as  
official compila-  
tion.

SECTION 1. The compilation of the session laws of the State of Washington arranged and compiled by Arthur Remington, and known as Remington's Compiled Statutes of Washington, in three volumes, is hereby adopted as an official compilation of existing statutes of the State, up to and including the year 1921, but of no greater authority than all other existing official compilations or session laws of the State.

Reference  
and citation.

SEC. 2. It shall be proper for the Legislature in amending or repealing existing statutes to refer to or cite said compilations as "Remington's Compiled Statutes."

Amendments  
and additions.

SEC. 3. It shall be proper to amend or add to any designated title, chapter or section of said compilation, or to add new titles, chapters or sections thereto by new legislation, which may be given new section numbers, fractional or otherwise, by which the same can be thereafter known and cited as a component part of said compilation.

1923 laws  
certified for  
publication.

SEC. 4. The Secretary of State is hereby authorized and directed to certify the laws enacted by the present session of the Legislature for publication as a part of said compilation, and when printed in said code and so certified future editions of said code may be cited by the Legislature and Courts to the same effect as the compilation of 1921.

SEC. 5. This act is necessary for the support of the State government and its existing institutions, and shall take effect immediately. Emergency.

Passed by the Senate January 18, 1923.

Passed by the House January 18, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 6.

[S. B. 10]

### PIERCE'S CODE.

AN ACT to adopt Pierce's Washington Code as an official compilation and relating to additions and amendments thereto and declaring that this act shall take effect immediately.

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

SECTION 1. The compilation of the session laws of the State of Washington by Frank Pierce, known as Pierce's Code, is hereby adopted as official compilation of existing statutes up to, and including the year 1921. Adopted as official compilation.

SEC. 2. It shall be proper for the Legislature in amending or repealing existing statutes, or for the courts in referring to existing statutes, to refer to or cite Pierce's Washington Code containing such law, and in any such references or citations to abbreviate the same as Pierce's Code. Reference and citation.

SEC. 3. The Secretary of State is hereby authorized and directed to certify the laws enacted by the present session of the Legislature for publication as a part of said compilation, and when printed in said code and so certified the future editions of said code may be cited by the Legislature and Courts to the same effect as the compilation of 1921. 1923 laws certified for publication.

Emergency.

SEC. 4. This act is necessary for the support of the State government and its existing public institutions, and shall take effect immediately.

Passed by the Senate January 18, 1923.

Passed by the House January 18, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

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## CHAPTER 7.

[S. B. 21]

### PRIMARY STATE HIGHWAYS AND BRIDGES.

AN ACT making an appropriation for state highway purposes and declaring an emergency.

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

Appropriation,  
\$300,000.00.

SECTION 1. That there is hereby appropriated from the motor vehicle fund the sum of Three Hundred Thousand Dollars (\$300,000) for the use of the State Highway Committee in paying any money now due, or hereafter to become due, for any supplies, material or service for use in maintaining the primary state highways and bridges thereon during the months of January, February and March of the year 1923.

Emergency.

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

Passed the Senate January 17, 1923.

Passed the House January 31, 1923.

Approved by the Governor February 2, 1923.



## CHAPTER 8.

[S. B. 8.]

## SOCIAL, CHARITABLE AND EDUCATIONAL ASSOCIATIONS.

AN ACT relating to "An Act to provide for the incorporation of associations for social, charitable and educational purposes," and amending Section 4623, Pierce's Washington Code.

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

SECTION 1. That section 4623, Pierce's Washington Code, be amended to read as follows:

Amends  
Pierce's Code  
§ 4623; Rem.  
Comp. Stat.  
§ 3376.

Section 4623. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary secretary, and by the adoption of by-laws, and the election of a president, secretary, treasurer and a board of trustees, not less than three nor more than thirty-six in number, and such other officers as may be provided for by the by-laws. At such first meeting no person shall be eligible as an officer or trustee who has not subscribed to the agreement of the association, but any corporation now or hereafter organized under this act, may, by a by-law, increase or diminish the number of trustees, within the limits hereinbefore provided. The temporary secretary shall make and attest a record of the proceedings until the secretary has been chosen.

First meeting  
and bylaws.

Passed the Senate January 19, 1923.

Passed the House February 7, 1923.

Approved by the Governor February 16, 1923.

## CHAPTER 9.

[S. B. 24.]

## PARTITION SUITS.

AN ACT relating to costs in partition suits and amending Section 885 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 885; Pierce's  
Code § 8331.

SECTION 1. That section 885 of Remington's Compiled Statutes be amended to read as follows:

Costs and  
disbursements.

Section 885. The cost of partition, including fees of referees and other disbursements including reasonable attorney fees to be fixed by the court and in case the land is ordered sold, costs of an abstract of title, shall be paid by the parties respectively entitled to share in the lands divided, in proportion to their respective interests therein, and may be included and specified in the decree. In that case there shall be a lien on the several shares, and the decree may be enforced by execution against the parties separately. When, however, a litigation arises between some of the parties only, the court may require the expense of such litigation to be paid by the parties thereto, or any of them.

Passed the Senate January 24, 1923.

Passed the House February 7, 1923.

Approved by the Governor February 16, 1923.

## CHAPTER 10.

[S. B. 38.]

## LOGGERS' LIENS.

AN ACT relating to liens upon saw logs, spars, piles or other timber, and upon lumber and shingles and concerning the remedy to secure and obtain such liens, and the benefit thereof, and the procedure of obtaining the same, and amending Section 9679 Pierce's Code, same being Section 1162 Remington's Compiled Statutes.

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

SECTION 1. That section 9679 of Pierce's Code, same being section 1162, Remington's Compiled Statutes, be amended to read as follows:

Amends  
Pierce's Code  
§ 9679; Rem.  
Comp. Stat.  
§ 1162.

Section 9679. Every person performing labor upon or who shall assist in obtaining or securing saw logs, spars, piles, cord wood, shingle bolts or other timber, and the owner or owners of any tugboat or towboat, which shall tow or assist in towing, from one place to another within this state, any saw logs, spars, piles, cord wood, shingle bolts or other timber, and the owner or owners of any team or any logging engine, which shall haul or assist in hauling from one place to another within this state, any saw logs, spars, piles, cord wood, shingle bolts or other timber, and the owner or owners of any logging or other railroad over which saw logs, spars, piles, cord wood, shingle bolts, or other timber shall be transported and delivered, shall have a lien upon the same for the work or labor done upon, or in obtaining or securing, or for services rendered in towing, transporting, hauling, or driving, the particular saw logs, spars, cord wood, shingle bolts, or other timber in said claim of lien described whether such work, labor or services was done, rendered or performed at the instance of the owner of the same or his agent. Scalers, and bull cooks, and cooks, flunkeys and waiters in lumber camps,

Laborers.

Tugboat  
owner.

Logging  
engine.

Railroad  
owners.

Scalers, bull  
cooks, etc.

shall be regarded as persons who assist in obtaining or securing the timber herein mentioned.

Passed the Senate January 25, 1923.

Passed the House February 7, 1923.

Approved by the Governor February 16, 1923.

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## CHAPTER 11.

[S. B. 100.]

### PACIFIC HIGHWAY.

AN ACT relating to public highways and making appropriations for the engineering, construction, improvement and/or paving of the Pacific Highway between Centralia and Vancouver, and declaring this Act shall take effect immediately.

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

SECTION 1. For the engineering, construction, improvement and/or paving of the Pacific Highway between Centralia and Vancouver, heretofore or hereafter contracted for, there is hereby appropriated out of the public highway fund and the motor vehicle fund or either as funds are available the sum of one million six hundred seventy thousand dollars (\$1,670,000.00) to be expended under the direction of the state highway committee. *Provided*, That in case this allotment shall exceed the requirements for the engineering, construction, improvement and/or paving of this particular section of highway then and in that event the state highway committee shall have the power and authority to expend the balance remaining of this allotment for the engineering, construction, improvement and/or paving of any other highway or part thereof designated for improvement by the legislature.

Appropriation,  
\$1,670,000.00.

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

Passed the Senate February 2, 1923.

Passed the House February 8, 1923.

Approved by the Governor February 16, 1923.

## CHAPTER 12.

[S. B. 104]

### STATE CAPITOL BUILDINGS.

AN ACT relating to the construction of buildings at the state capitol and 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. All revenues hereafter received from leases and contracts of sale heretofore made, and from leases and sales hereafter made, of lands, timber and other products on the surface or beneath the surface of the lands granted to the State of Washington by the United States pursuant to an act of Congress approved February 22, 1889, for capitol building purposes, shall be paid into the "Capitol Building Construction Fund" and the unexpended balance now in the "Capitol Building Fund" is hereby transferred to the Capitol Building Construction Fund.

Revenues  
from land  
grant.

Capitol  
Building  
Fund.

Capitol  
Building  
Construction  
Fund.

SEC. 2. There is hereby appropriated out of the Capitol Building Construction Fund the sum of two million dollars (\$2,000,000.00) to be expended by the State Capitol Committee in the construction of an adequate administration and legislative building on the foundation story now constructed, according to the plans adopted by said Capitol Committee, and the acquisition by purchase or condemnation of the property heretofore authorized by law.

Appropriation,  
\$2,000,000.00.

Emergency.

SEC. 3. 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 2, 1923.

Passed the House February 9, 1923.

Approved by the Governor February 16, 1923.

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## CHAPTER 13.

[H. B. 37.]

### TOWNSHIPS.

AN ACT relating to townships and amending sections 11369, 11375, 11376, 11378, 11404, 11433, 11441, 11445 and 11456 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 11369;  
Pierce Code  
§ 7100-10.

SECTION 1. That Section 11369 of Remington's Compiled Statutes be amended to read as follows:

Section 11369. At the time of dividing any county into organized townships the county commissioners shall make out notices designating a suitable place for holding the first town meeting in each town, which shall be holden on the second Tuesday in January following the election at which township organization was adopted by vote of the county, and the auditor shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in each township not less than ten days before the day set for such town meeting.

First town  
meeting.

Amends Rem.  
Comp. Stat.  
§ 11375;  
Pierce's Code  
§ 7100-16.

SEC. 2. That Section 11375 of Remington's Compiled Statutes be amended to read as follows:

Section 11375. The citizens of the several towns of this state qualified to vote at town meetings shall annually assemble and hold town meetings in their several towns on the second Tuesday in January, at such place in each town as the electors thereof, at

Annual town  
meeting.

their annual town meetings from time to time appoint, and notice of the time and place of holding such meeting shall be given by the town clerk by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting. Every town meeting shall be held at the same place as the last preceding town meeting was held, unless the place of meeting be changed by vote of the town meeting or of the board of supervisors: *Provided*, That before any change of place of holding town meetings is made by the board of supervisors, notice of such contemplated change may be given by any member of the town board to the town clerk, who shall, in his regularly printed or written notices as provided herein, incorporate the notice of the change of place at which said town meeting is to be held.

SEC. 3. That section 11376 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 11376;  
Pierce's Code  
§ 7100-17.

Section 11376. There shall be elected at the annual town meeting in each town, one supervisor and there shall be elected at the annual town meeting in the odd numbered years one town clerk, one treasurer, one assessor, one justice of the peace and one constable to hold office for the term of two years and until their successors are elected and qualified: *Provided*, That at the first annual town meeting of every town hereafter organized there shall be elected three supervisors, one to hold office for the term of one year, one to hold office for the term of two years and one to hold office for the term of three years. The board of supervisors shall have power to employ and appoint and to fix the salary of an overseer of highways for said town or an overseer of highways for each road district in said town. Said overseer or overseers may or may not be a resident of said town or road district.

Election of  
officers.

Term of  
officers.

Amends Rem.  
Comp. Stat.  
§ 11378;  
Pierce's Code  
7100-18.

Powers of  
electors at  
annual  
meeting.

SEC. 4. That section 11378 of Remington's Compiled Statutes be amended to read as follows:

Section 11378. The electors of each town have power, at their annual town meeting:

First. To determine the number of pound-masters, and location of pounds.

Second. To select such town officers as are required to be chosen.

Third. To direct the institution or defense of actions in all controversies where such town is interested.

Fourth. To direct such sums to be raised in such town for prosecuting or defending such actions as they may deem necessary.

Fifth. To make all rules and regulations for ascertaining the sufficiency of fences in such town and for impounding animals.

Sixth. To determine the time and manner in which certain domestic animals may be permitted to go at large.

Seventh. To impose such penalties on persons offending against any rules or regulations established by said town, except such as relate to the keeping and maintaining of fences, as they think proper, not exceeding ten dollars for each offense, unless herein otherwise provided.

Eighth. To apply such penalties, when collected, in such manner as they may deem most conducive to the interests of the town.

Ninth. To vote to raise such sums of money for the repairs and construction of roads and bridges as they deem necessary, and to determine the amount thereof to be assessed by the supervisors as labor tax and the amount thereof to be assessed and collected as other town taxes. Also to vote such sums of money for other necessary town charges as they deem expedient: *Provided*, That they may, at their annual town meeting, direct



such an amount of the poll and road tax of the town to be expended on highways in an adjoining town as they deem conducive to the interests of the town, which labor and tax shall be expended under the direction of the supervisors of the town furnishing same: *And Provided*, That they shall not have power to raise money for the construction, maintenance or repair of bridges, the cost of construction whereof was or will be in excess of three hundred dollars (\$300), but such bridges shall be under the sole jurisdiction and control of the county.

Tenth. To instruct by vote the board to purchase grounds for a town cemetery; to limit the price to be paid therefor, to raise a tax for payment thereon and to establish rules for the care and management of the same.

Eleventh. To make such by-laws and regulations as may be deemed conducive to the peace, good order and welfare of the town; to license, tax, regulate and control hawkers, peddlers, auctioneers, shows, theatricals, circuses, lawful games, merry-go-rounds, ferris-wheels, or other amusement devices or places of amusement.

Twelfth. To vote to levy a tax in such an amount as in their judgment is necessary or advisable, but not to exceed four mills upon all taxable property in such township, for the purpose of creating a fund to be known as river improvement fund.

SEC. 5. That section 11404 of Remington's Compiled Statutes be amended to read as follows:

Section 11404. Town officers, except as otherwise provided, hold their offices for one year and until others are elected or appointed in their places and are qualified. All officers shall qualify and enter upon the duties of their offices at the first regular meeting of the board of supervisors following their election, and such first meeting of the

Amends Rem.  
Comp. Stat.  
§ 11404;  
Pierce's Code  
§ 7100-44.

Officers'  
term.

board of supervisors shall be held within thirty days after such election.

Amends Rem.  
Comp. Stat.  
§ 11433;  
Pierce's Code  
§§ 7100-71.

Finances.

SEC. 6. That section 11433 of Remington's Compiled Statutes be amended to read as follows:

Section 11433. The town treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his town, and on receipt of such moneys shall deliver proper vouchers therefor. Each town treasurer shall be allowed and entitled to retain, as his official compensation, one per centum of all moneys paid out in the redemption of war-rants: *Provided*, That the compensation of said treasurer shall in no case exceed the sum of seventy-five dollars (\$75) in any one year: *Provided further*, That in any town meeting, before the electors commence balloting for officers, they may by resolution, reduce or increase such compensation.

Treasurer's  
compensation.

Amends Rem.  
Comp. Stat.  
§ 11441;  
Pierce's Code  
§ 7100-79.

Assessors.

SEC. 7. That section 11441 of Remington's Compiled Statutes be amended to read as follows:

Section 11441. Each township assessor elected or appointed under this title shall take an oath and give a bond as now required of county assessors, the amount of said bond to be fixed, and the said bond to be approved, by the board of supervisors; and each township assessor shall, in his town, perform the same duties and exercise the same rights as are now performed and exercised by county assessors in their respective counties under the laws of this state, and shall be subject to the same penalties as county assessors now are. All township assessors of the respective counties shall meet at the office of the county assessor on the second Tuesday of February of each year, and formulate and adopt by a majority vote of those present a plan and policy for the purpose of securing the equitable and uniform listing and valuation of property throughout the county, and it shall be the duty of all

Annual  
meeting.

township assessors to make their respective assessments according to the plan and policy adopted at such meeting, and the county assessor shall have supervisory control over said township assessors for the purpose of enforcing the making of assessments according to such plan and policy.

SEC. 8. That Section 11445 of Remington's Compiled Statutes be amended to read as follows:

Section 11445. All taxes shall be levied or voted in specific amounts, and the rates per centum shall be determined from the amount of property, as equalized by the county board of equalization each year, except such general taxes as may be definitely fixed by law. The taxes voted by townships, and not previously returned to the county auditor, and all delinquent poll, road and other taxes to be collected by any town officer, and due and unpaid, shall be certified by the proper authorities to the county auditor on or before the first day of November, in each year. There shall be levied annually on each dollar of taxable property in the township (other than such as by law is otherwise taxed), as assessed and entered on the tax lists for the several purposes enumerated, taxes at the rates specified as follows: For township purposes, such sum as may be voted at any legal town meeting, the rate of which shall not exceed, exclusive of such sums as may be voted at the annual town meeting for road and bridge purposes, two mills in any township having a taxable valuation of one hundred thousand dollars or more, and the amount of which shall not exceed one hundred and fifty dollars in any township having a taxable valuation less than one hundred thousand dollars, and the rate of such tax shall not exceed one-half of one per cent in any township. The rate of tax for road and bridge purposes in any township shall not exceed eight

Amends Rem.  
Comp. Stat.  
§ 11445;  
Pierce's Code  
§ 7100-53.

Taxation,  
rates, levy,  
etc.

Purposes.

mills per dollar: *Provided*, that nothing in this section shall be construed to prevent the township supervisors or corporate authorities of any town from levying any tax which by any special law they may be authorized to levy.

Amends Rem.  
Comp. Stat.  
§11456;  
Pierce's Code  
§ 7100-94.

Compensation  
of officers.

SEC. 9. That Section 11456 of Remington's Compiled Statutes be amended to read as follows:

Section 11456. The following town officers are entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town, in the duties of their respective offices. The town assessors shall receive for their services three dollars (\$3) per day, while engaged in their respective duties as such assessors. Each road overseer shall receive for his services such salary as shall be fixed by the board of supervisors, while engaged in his duties as such road overseer. The town clerks and supervisors shall receive two dollars per day while engaged in their respective duties. No supervisor shall receive more than seventy-five dollars (\$75) for compensation in any one year, and no clerk shall receive more than one hundred dollars (\$100) for compensation in any one year: *Provided*, that the town clerks shall be paid fees for the following, and not a per diem: For filing any paper required by law to be filed in his office ten cents (10c) each; for posting up notices required by law, twenty-five cents (25c) each; for recording any order or any instrument of writing authorized by law, five cents (5c) for each one hundred words; for copying any record or instrument on file in his office and certifying the same, five cents (5c) for each one hundred words, to be paid for by the person applying for the same: *Provided*, *further*, that in any town meeting, before the electors commence balloting for officers, they may by resolution, reduce or increase the compensation of

Increase or  
decrease.

officers, and may fix the compensation of the town clerk at an annual salary not to exceed one hundred dollars, in lieu of the compensation per diem and fix his services other than copying and certifying records or instruments on file in his office for which he is paid by the person applying for the same.

Passed the House January 23, 1923.

Passed the Senate, January 31, 1923.

Approved by the Governor February 19, 1923.

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## CHAPTER 14.

[S. B. 16.]

### NIGHT COURT.

AN ACT creating a Night Court in cities having a population of over three hundred thousand (300,000) in the State of Washington, providing the method of appointment for the Judge thereof and one clerk for the same, their salaries, their term of office and its jurisdiction.

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

SECTION 1. That on and after the passage of this act there shall be created in cities having a population of over three hundred thousand (300,000) in the State of Washington, a Night Court. Created.

SEC. 2. The county commissioners of the county wherein said city is located shall, within ten days after the passage of this act, appoint one of the duly elected and qualified justices of the peace of said city who may act as judge of the night court with the power to appoint one clerk for the same. Judge appointed.

SEC. 3. The powers, duties and jurisdiction of the judge of the night court shall be the same as now provided by law for justices of the peace in cities having a population of three hundred thousand (300,000) or more in the State of Washington. Powers, duties and jurisdiction.

Judge's term  
of office.      SEC. 4. The term of office of the judge of said  
night court will be for the term for which he is  
elected as justice of the peace.

Judge's and  
clerk's salary.      SEC. 5. The salary of the judge of the night  
court will be seventy-five (\$75.00) dollars per month  
in addition to the salary now provided by law for  
justices of the peace in cities having a population  
of three hundred thousand or more with the power  
to appoint one clerk at a salary of twenty-five  
(\$25.00) dollars per month.

Payment of  
salary.      SEC. 6. The salaries of the justice of the night  
court and clerk thereof, heretofore provided for  
shall be paid monthly out of the County Treasury  
and from the same funds out of which salaried  
county officers are paid and it shall be the duty of  
the county auditor on the first Monday of each  
month and every month to draw his warrant upon  
the county treasurer in favor of the justice of the  
night court and clerk thereof for the amount of  
salary due them under the provisions of this chap-  
ter for the preceding month.

Transfer of  
case.      SEC. 7. Upon good cause being shown, either  
plaintiff or defendant, in any action pending before  
a justice of the peace in cities wherein such night  
court is created, may have said cause transferred to  
the night court.

Transfer fee.      SEC. 8. Before any cause of action is tried in  
the night court, the party at the time of requesting  
the transfer as heretofore mentioned, shall pay to  
the justice before whom such request is made the  
sum of one dollar (\$1.00) as a trial fee.

Session.      SEC. 9. The night court shall be open from  
seven thirty in the evening until the finish of the  
night work, except during vacation.

Passed the Senate January 24, 1923.

Passed the House February 7, 1923.

Permitted to become a law without the signature of the  
Governor.

J. GRANT HINKLE,

*Secretary of State.*

## CHAPTER 15.

[S. B. 43.]

## FINES AND COSTS IN CRIMINAL CASES.

AN ACT relating to penalties for violation of criminal statutes  
and ordinances.

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

SECTION 1. Hereafter whenever any judge of  
any superior court, justice of the peace or police  
judge shall sentence any person to pay any fine and  
costs, he may, in his discretion, provide that such  
fine and costs may be paid in certain designated  
instalments, or within certain designated period or  
periods; and if such fine and costs shall be paid by  
the defendant in accordance with such order no  
commitment or imprisonment of the defendant  
shall be made for failure to pay such fine or costs.  
*Provided*, that the provisions of this act shall not  
apply to any sentence given for the violation of any  
of the liquor laws of this state.

Sentence.

Paid in in-  
stalments.

Passed the Senate January 25, 1923.

Passed the House February 7, 1923.

Permitted to become a law without the signature of the  
Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 16.

[S. S. B. 32.]

## REGULATING PRACTICE OF DENTISTRY.

AN ACT defining and regulating the practice of dentistry and dental hygiene, providing for the examination and licensing of dentists and dental hygienists, providing for an annual renewal of licenses and the payment of annual license renewal fees, providing for the revocation and suspension of licenses, defining reputable dental colleges, prescribing penalties and repealing Sections 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038 and 10039 of Remington's Compiled Statutes and declaring that this act is necessary for the immediate preservation of the public peace, health, and safety and shall take effect immediately.

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

SECTION 1. Any person shall be regarded as practicing dentistry within the meaning of this act who, for a fee, salary or other reward, paid or to be paid to himself or any other person, shall perform dental operations of any kind upon any human being, or who shall diagnose or profess to diagnose, or examine and contract for the treatment of, or who shall treat or profess to treat, or advertise as treating, any disease or disorder or lesion of the oral cavity, teeth, gums, maxillary bones, or extract teeth, or repair or fill cavities, or who shall correct malpositions of the teeth or jaws, or supply artificial teeth as substitutes for natural teeth, or administer an anæsthetic, general or local, except as a dental hygienist as hereinafter provided, or who shall use the words "Dentist," "Dental Surgeon," the letters "D. D. S." or other letters or titles in connection with his name or in any other manner which in any way represents him as being engaged in the practice of dentistry: *Provided, however,* that nothing in this section shall prohibit a doctor of medicine, registered and licensed as such, and

Practice  
defined.



authorized to practice under the laws of Washington, from performing such acts of dentistry as are expressly provided by this act, nor prevent a registered nurse or trained office assistant from administering an anaesthetic under the direct supervision of a licensed dentist *And Provided further*, That nothing in this act shall prohibit any person from performing mechanical work on inert matter.

SEC. 2. Any person who shall practice, or attempt to practice, or hold himself out as practicing dentistry, within this state without having, at the time of so doing, a valid unrevoked license and after the first year a valid and unexpired license renewal certificate as provided in this act shall be guilty of a misdemeanor. Each act of practicing or attempt to practice dentistry in violation of the provisions of this act shall be deemed a separate offense within the meaning of this act.

Practice without license penalty.

Any person licensed to practice dentistry or who shall own, operate or manage any dental office who shall employ or permit any person not regularly licensed to practice dentistry to practice the same in his office or under his control shall be guilty of a misdemeanor.

Employment of unlicensed dentist, penalty.

SEC. 3. In order to procure a license to practice dentistry in the State of Washington, the applicant for such license shall file his application in the manner provided by law, on forms furnished by the Director of Licenses, and shall state therein his name, age, place of residence, nationality, the name of the school or schools attended by such applicant, the period of such attendance and the date of his graduation, if said applicant is a graduate from such school or schools. Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths, and shall be accompanied by testimonials of the

Application for license.

Fee.

applicant's moral character and proof of his school attendance and graduation. Each applicant shall pay a fee of twenty-five dollars (\$25.00), which shall accompany his application.

Qualifications of applicant.

SEC. 4. Each applicant must be at least twenty-one years of age, of good moral character, and must be a graduate of a reputable dental college as defined by this act. Any person of good moral character who does not possess said educational qualifications who shall have practiced dentistry without a license in the State of Washington for not less than seven years prior to the date when this act shall take effect may apply for dental license under section three of this act and thereupon said applicant shall be entitled to all the rights and privileges accorded to those possessing said educational qualifications. Said application must be made within six months after this act shall take effect.

Dental college or institution defined.

SEC. 5. No dental college or dental institution shall be considered reputable unless the same shall possess the following qualifications and maintain a course of study, lectures, apparatus and instruction as herein provided:

First: It shall be chartered under the laws of the state in which it is located and operated, and shall be authorized by its charter to confer the degree of "Doctor of Dental Surgery" or "Doctor of Medical Dentistry."

Second: It shall deliver annually a full course of dental lectures or dental instruction by a competent faculty or corps of instructors on the following subject: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, dental metallurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia, oral surgery, oral hygiene, the administration of anaesthetics and other kindred subjects.

Said courses of instruction shall consist of not less than four terms in four separate academic years and of not less than thirty-two (32) weeks of at least five and one-half (5½) days for each term, this not to affect students in attendance at dental schools prior to the passage of this act.

Third: It shall possess apparatus and equipment adequate and sufficient for the ready and full teaching of the above named subjects.

SEC. 6. Each applicant shall present himself personally for examination at the first or second examination after his application shall have been filed. If default is made on the part of said applicant to so present himself for examination, the fee of such applicant shall be forfeited.

Applicant to appear for examination.

SEC. 7. Examination shall be conducted in the English language and shall be divided as follows:

Subject matter of examination.

1. An examination in writing by the examining committee in the following dental subjects as taught in reputable dental colleges, to wit: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, metallurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia, oral surgery and hygiene. Examinations in each subject shall consist of ten questions, answers to which shall be marked upon a scale of zero to ten.

2. A practical or clinical examination in operative dentistry.

3. A practical or clinical examination in prosthetic dentistry.

All applicants for dental license, except as hereinafter provided, shall be examined in all three of the divisions enumerated above.

Applicants who do not possess a high school or dental college education but who shall have practiced dentistry in the State of Washington for not

less than seven years prior to the date when this act shall take effect, shall not be required to take the oral or written examination provided for in this section but shall undergo a practical or clinical examination in operative and prosthetic dentistry: *Provided, however,* That time spent by such applicant in the Medical Department Dental Corps of the army, navy or marine corps of the United States during the World War, shall for the purpose of this act, be considered time spent in the actual practice of dentistry in this state.

SEC. 8. If an applicant shall pass a satisfactory examination making a grade of not less than 60 per cent in any division of said examination and not less than 70 per cent in at least two of said divisions 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 dentistry as provided by this act. The examination papers shall be kept on file by the Director of Licenses for a period of one year after each examination, and such examination papers and examination grades of applicants shall be kept permanently on file and shall be open to the inspection of the applicant or his authorized agent.

SEC. 9. Any applicant who shall fail to make the required grade in his first examination shall be entitled to a second examination before the expiration of one year at a time to be appointed by the Director of Licenses, and no fee shall be required for said second examination.

SEC. 10. The Director of Licenses shall refuse to grant a license to any applicant who shall have made any false statement in his application, or in the course of his examination, with intent to mislead said Director of Licenses, or an examining commit-

License  
issued.

Second  
examination.

False state-  
ment in  
application

tee, or any member thereof, or who shall cheat, or attempt to cheat, or deceive an examining committee, or any member thereof, in the course of his examination, or who shall receive or attempt to receive, any assistance from another applicant, or any other person, or give, or attempt to give, any assistance to any other applicant during the course of an examination.

Cheat, deceit or assistance in examination.

SEC. 11. Any person who shall assist any applicant to cheat or deceive the Director of Licenses, or an examining committee, or any member thereof, or who shall give, or attempt to give, assistance to any applicant in the course of his examination, or assist any applicant to fraudulently obtain any license to which said applicant is not entitled, shall upon conviction thereof be adjudged guilty of a misdemeanor.

Person assisting applicant, penalty.

SEC. 12. On or before October 1, 1923, all persons licensed to practice dentistry in this State shall make application to the State Treasurer for registration, on forms furnished by the Director of Licenses, which said application, together with a fee of two dollars, to be paid by the applicant, shall be disposed of in the manner provided by law in the case of applications for examination for licenses. It shall be the duty of the Secretary of the Department of Licenses, upon the receipt of such application, accompanied by the treasurer's duplicate receipt for the fee, to issue to said applicant a license renewal certificate, which shall authorize him to practice dentistry in the State of Washington until the first day of October, 1924, and said applicant shall pay such other and further annual license renewal fees as are provided in the case of persons licensed under this act.

Registration of present practitioners.

License renewal certificate, fee.

SEC. 13. Any dentist who has been lawfully licensed to practice in another state having and

Application for license by practitioners of other states.

maintaining a standard of proficiency equal with that maintained in this state under the provisions of this act, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more next before the filing of his application in this state, may file his application for license in this state in the manner provided by law in the case of applications for examination for licenses. He shall accompany his application with a duly attested certificate from the dental board of the state in which he is licensed, certifying to the fact of such license, and that he is a person of good moral character and professional attainments. Every such applicant shall pay a fee of fifty dollars (\$50.00) which shall accompany his application. Upon a satisfactory practical examination, demonstrating his proficiency, such applicant shall be granted a license to practice dentistry in this state without theoretical examination: *Provided, however,* that no one shall be licensed as provided in this section unless the state issuing the license to said applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state and removing to such other state.

Fee.

Temporary  
permit.

SEC. 14. The Director of Licenses may, in his discretion, issue a temporary permit to any applicant who is a graduate of a reputable dental college, who has not previously been licensed to practice dentistry in another state and who fails to pass the required examination in this state. Said permit shall authorize the person to whom it is issued to practice dentistry under the direct supervision of a licensed dentist until the next examination and no longer. Not more than one person holding such permit shall at the same time be employed, or work or assist in any one dental office or establishment. Two such temporary permits shall not be issued to

the same person. All temporary permits shall have written therein the date of their expiration and after the date of such expiration, such temporary permits shall be null and void.

SEC. 15. Every person holding a license authorizing him to practice dentistry in this state shall have it recorded in the office of the county auditor of the county in which the holder of said license is practicing his profession, in a book to be kept by said county auditor for that purpose. The fact of such recording shall be endorsed on the license by the county auditor recording the same, and the license shall then be returned to the licensee. Said auditor shall receive for such filing and recording a fee of one dollar. Every such person on each change of his residence must have the license recorded in the office of the county auditor of the county to which he shall have changed his residence. The absence of such record shall be *prima facie* evidence of the want of possession of such license. Any person holding a license to practice dentistry in this state who shall attempt to practice dentistry in this state without first having recorded his license with the county auditor as herein provided shall be guilty of a misdemeanor.

License recorded.

Fee.

Practice without recording license, penalty.

SEC. 16. Should any person fail, neglect or refuse to record his license, issued under the provisions of this act, with the county auditor of some county in this state for the space of six months after the same is issued, such failure shall work a forfeiture of such license, and if the same be presented to the county auditor of any county at any time after six months from the date of any such license unless the same shall be endorsed as having been recorded in some county in this state within six months after date of its issuance, the same shall not be filed, recorded or certified: *Provided*, That after

Failure to record license.

such license has been recorded as herein provided, and such person desires to practice dentistry in any other county of this state, then such person shall thereafter file his license and have it recorded by the county auditor in such other county before he shall practice or offer to practice dentistry in such other county. If a license is once forfeited for failure to comply with this section, then the person therein named may obtain a new license only upon his making application therefor and paying a fee of ten dollars (\$10.00).

Forfeiture,  
new license,  
fee.

License  
renewal  
fee.

SEC. 17. Every person who shall be granted a license under this act to practice dentistry in this state shall pay a license renewal fee of two dollars for the year commencing with the first day of October next following the issuance of such license, and annually thereafter; such payment to be effective shall be made prior to the commencement of the year for which the same accrues, and the license renewal certificate, which shall be issued by the Director of Licenses, shall be indispensable evidence that the same has been made. The failure, neglect or refusal of any licensed dentist to pay in advance said annual license renewal fee of two dollars shall *ipso facto* work a forfeiture of his license, and it shall not be reinstated except upon written application and the payment of a penalty of ten dollars (\$10.00), together with all annual license renewal fees delinquent at the time of such forfeiture, and the license renewal fee for each year thereafter up to the time of reinstatement.

Forfeiture  
of license.

Name of  
practitioner  
on office door.

SEC. 18. Every person engaged in the practice of dentistry, or who shall attempt to practice, or hold himself out as practicing dentistry, shall place his name in a conspicuous place upon the outer door of the office wherein the licensee practices, or offers to practice dentistry, which name shall be in plain



English letters not less than one and one-half (1½) inches high, giving the name or initials and name of the licensee as it is written in said license. Any person practicing or attempting to practice dentistry, or holding himself out to the public as a practicing dentist, without complying with the provisions of this section, shall be upon conviction adjudged guilty of a misdemeanor.

Failure to  
comply,  
penalty.

SEC. 19. After receiving a license to practice dentistry as herein provided, it shall be the duty of the licensee to display said license in a conspicuous place in the office in which said licensee practices, or offers to practice dentistry, and each new annual license renewal certificate shall be kept and displayed with said license, and it shall be the duty of each licensee to produce said license and renewal certificate upon the demand of the Director of Licenses, or any person authorized to represent him, or any officer authorized to enforce the laws of the State of Washington. Any person who shall practice or attempt to practice or hold himself out as practicing dentistry without complying with the provisions of this section shall be guilty of a misdemeanor.

Display of  
license.

Failure to  
comply,  
penalty.

SEC. 20. It shall be unlawful for any person or persons in this state to use the name of any company, association, corporation, trade name, or business name, in the operation of any office where dental work is done or contracted for or advertised to be done, under the name of any company, association, corporation, trade name, or business name unless said person shall display upon the entrance or nearby in a conspicuous place, the names of every dentist who shall be engaged in the practice of dentistry within the office operated under said company, association, corporation, trade or business name. Said name shall be in plain English letters not less

Practicing  
under trade,  
association,  
or corporate  
name.

Certificate of  
name of  
owner.

than one and one-half (1½) inches in height. Such person or persons shall file a certificate in the office of the Director of Licenses, which certificate shall set forth the designation or name under which said business is to be conducted, and the true and real name or names of the person or persons conducting or intending to conduct the same, together with the names and addresses of all persons having an interest therein. Such certificate shall be executed and acknowledged before an officer authorized to take acknowledgment of deeds.

See Rem.  
Comp. Stat.  
§ 10861;  
Pierce's Code  
§4-103.

Revocation  
of license.

SEC. 21. Any license to practice dentistry heretofore or hereafter issued may be revoked in the manner provided by Section 103, Chapter 7, Laws of Washington, 1921, for any one or more of the following causes:

1. Obtaining license by any person if such license shall have been obtained illegally or fraudulently.

Causes.

2. Conviction of any offense involving moral turpitude.

3. Chronic or persistent inebriety, or extended or habitual drunkenness, or confirmed drug habit.

A license which has been revoked for any of the above causes shall not be restored to the licensee.

License  
suspended.

Any license to practice dentistry heretofore or hereafter issued may be suspended in the manner provided for the revocation of licenses for a period of not to exceed one year for any one or more of the following causes:

Causes.

1. Publication or circulation of any false, fraudulent or misleading statements as to the skill or methods of any licensee or operator.

2. Publication or circulation by letters, circulars, newspapers or advertising in any manner of false, fraudulent or misleading statement with a view to

deceiving the public, or in any way that will tend to deceive or defraud the public.

3. If such licensed dentist shall permit any person employed by him as a dental mechanic or office assistant, and who is not regularly licensed to practice dentistry, to practice the same in the office or under the control or direction of such licensed dentist.

Any license which has been suspended for any of the above named causes may be restored after the expiration of the period of suspension upon the payment of a fee of ten dollars (\$10.00).

Suspended  
license re-  
stored, fee.

SEC. 22. In all proceedings having for their purpose the revocation or suspension of a license to practice dentistry, the holder of such license shall be given twenty days notice in writing, which said notice shall specify the offense or offenses against this act with which said accused person is charged, and said notice shall also give the day and place where the hearing is to be held, which place of hearing shall be in the city of Olympia unless a different place shall be fixed by the Director of Licenses. The Director of Licenses shall have power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have opportunity to make his defense, and may have issued such subpoenas as he may desire, and as the Director of Licenses deems necessary. Subpoenas shall be served in the same manner as in civil cases in the Superior Court. Witnesses shall testify under oath, administered by the Director of Licenses. Testimony shall be taken in writing, and may be taken by deposition under such rules as the Director of Licenses may prescribe. The committee appointed as provided by law to hear and determine the charges shall make findings upon the evidence produced, and shall file with the Director of Licenses its findings and recommendations

Revocation or  
suspension  
proceedings.

Hearing.

Witnesses.

Testimony.

Findings.

together with a transcript of the evidence, a duplicate to be given the accused.

Practice by physician and surgeon.

SEC. 23. Nothing in this act shall prevent a legally qualified and licensed physician and surgeon from extracting teeth or performing oral surgery or a legal practitioner of another state from making a clinical demonstration before a dental society or at a convention, nor shall this act prevent students from practicing or performing dental operations under the supervision of competent instructors in any reputable dental college.

Clinical demonstration.

Students.

Pharmacists.

SEC. 24. Registered pharmacists of this state may fill prescriptions of legally licensed dentists of this state for any drug necessary in the practice of dentistry, other than narcotics.

Sanitation of office and equipment.

SEC. 25. It shall be the duty of every person engaged in the practice of dentistry or who shall own, operate or manage any dental office to keep said office and dental equipment in a thoroughly clean and sanitary condition.

Dental hygienists' practice.

SEC. 26. No person shall practice as a dental hygienist in this state without having a license as such and after the first year an unexpired license renewal certificate.

Work performed by dental hygienists.

SEC. 27. Any person licensed as a dental hygienist in this state may remove calcareous deposits, accretions and stains from the exposed surfaces of the teeth and may prescribe or apply ordinary mouth washes of soothing character but shall not perform any other operation on the teeth or mouth or upon diseased tissues of the oral cavity.

Employed in schools.

Such licensed dental hygienists may be employed by boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, but may operate only under the direct supervision of one or more licensed dentists, and may also be employed in any dental office under

the direct supervision of a licensed dentist provided that the number of hygienists so employed in any dental office shall not exceed in number the licensed dentists practicing therein.

SEC. 28. Any citizen of this state of good moral character who shall have attained the age of nineteen (19) years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the Director of Licenses and shall submit with said application proof of said applicants graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay a fee of ten dollars (\$10.00) which shall accompany his application.

Qualification  
of applicant  
for dental  
hygiene license.

Application,  
fee.

SEC. 29. Examination of applicant shall consist of written and practical tests and shall include the subjects of inorganic chemistry, physiology, anatomy, bacteriology, anæsthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, practical demonstration in hygiene, other kindred subjects contained in the curriculum of training schools for dental hygienists. Said written examinations shall consist of ten questions only, graded from zero to ten on each subject and the applicant must obtain an average grade of sixty-five per cent (65%) to pass. Said practical examination shall consist of a clinical demonstration upon one or more patients of the removal of deposits from and the polishing of the exposed surfaces of the teeth, and the applicant must obtain an average grade of seventy-five per cent (75%) to pass. The Director of Licenses shall keep on file the examination papers and records of examinations for at least one year, which file shall be open to the inspection of the applicant or his agent.

Subjects of  
examination.

Passing  
grade papers.

SEC. 30. Any citizen of this state who has been engaged in the practice of dental hygiene in this

License for  
present  
dental  
hygienists.

state under the direction of a licensed dentist for a period of not less than two years prior to the date when this act shall take effect, shall be entitled to a license as a dental hygienist under this act, upon filing his application within thirty (30) days after this act shall take effect, paying a filing fee of ten dollars (\$10.00), furnishing proof of practice and citizenship by the affidavits of two licensed dentists and passing the practical tests provided for in section twenty-nine of this act.

Fee.

License issued.

Display.

SEC. 31. Upon passing an examination as provided in section twenty-nine of this act the Director of Licenses shall issue to the successful applicant a license as dental hygienist, which said license shall be recorded in the office of the auditor of the county in which the licensee shall engage in practice and shall be displayed in a conspicuous place in the operation room where such licensee shall practice.

License renewal, fee.

SEC. 32. Every person licensed as a dental hygienist shall pay on or before the first day of October of each year after a license is issued to him a license renewal fee of one dollar (\$1.00) and the license renewal certificate which shall be thereupon issued by the Director of Licenses, shall be displayed with the license of said licensee.

Applicants licensed in other states.

Fee.

SEC. 33. Applicants license as dental hygienists under the laws of other states whose requirements are equal to those of this state and who have been engaged in the lawful practice of dental hygiene for a period of not less than three years in such state may, upon the payment of a fee of ten dollars (\$10.00), be granted licenses as dental hygienists in this state without examination: *Provided, however,* That the privileges of this section shall be extended only to those states which extend to this state the same privilege.

Practicing dental hygiene without license, penalty.

SEC. 34. Any person other than a licensed dentist who shall practice or attempt to practice or hold

himself out as practicing dental hygiene within this state without having at the time of so doing a valid unrevoked license and after the first year a valid and unexpired license renewal certificate as provided in this act, shall be guilty of a misdemeanor.

Any licensed dental hygienist who shall violate any of the provisions of this act shall be guilty of a misdemeanor and may be punished either by fine or by a suspension of his license for a period of one year or by both such fine and suspension.

Dental hygienist violating act.

SEC. 35. Any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted to dental hygienists under the provisions of this act, shall be guilty of a misdemeanor.

Licensed dentist permitting unlawful acts by dental hygienists, penalty.

SEC. 36. Any person who shall violate any provision of this act shall be guilty of a misdemeanor. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this act arising within his county. The attorney general may assist in such prosecutions and shall appear at all hearings when requested to do so by the Director of Licenses.

Penalty.

Prosecuting attorney.

Attorney General.

SEC. 37. Words used in this act importing the singular number may also be applied to the plural of persons and things. Words importing the plural may be applied to the singular, and words importing the masculine gender may be extended to females also.

Words defined.

SEC. 38. Should any section of this act, or any portion of any section be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Unconstitutionality of sections.

SEC. 39. Sections 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038 and 10039 of Remington's Compiled Statutes and all other acts and parts of acts in conflict with this act are hereby repealed.

Repeals Rem. Comp. Stat. § 10030 to § 10039; Pierce's Code § 1935 to § 1944.

Emergency.

SEC. 40. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 8, 1923.

Passed the House February 15, 1923.

Approved by the Governor February 20, 1923.

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## CHAPTER 17.

[S. B. 99.]

### SOLDIERS, SAILORS AND MARINES.

AN ACT relating to the duties of County Auditors and amending Chapter 86 of the Session Laws of 1919.

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

Certificate of discharge recorded.

SECTION 1. It shall be the duty of county auditors to record without charge, in a book kept for that purpose, the certificate of discharge of any honorably discharged soldier, sailor or marine who served with the United States Forces in the war with Germany and her allies and veterans of the Spanish American War.

Passed the Senate February 2, 1923.

Passed the House February 14, 1923.

Approved by the Governor February 21, 1923.



## CHAPTER 18.

[H. B. 2.]

## DEPOSITARIES.

AN ACT relating to city and town depositaries of public funds and amending Section 5571 Remington's Compiled Statutes.

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

SECTION 1. That section 5571 Remington's Compiled Statutes be, and the same is hereby, amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5571;  
Pierce's Code  
§ 979.

Section 5571. Any city or town in the State of Washington having a population of less than seventy-five thousand inhabitants, shall, upon a majority vote of its city council, instruct its city or town treasurer, upon this bill becoming a law and annually thereafter at the end of each fiscal year, or at such other times as may be deemed necessary by the treasurer, to designate one or more banks in the county wherein such city or town is located as depositary or depositaries of the moneys required to be kept by said treasurer: *Provided*, That where any bank has been designated as a depositary hereunder such designation shall continue in force until revoked by a majority vote of said city or town council.

Cities and  
towns to  
designate.

Passed the House January 23, 1923.

Passed the Senate February 7, 1923.

Approved by the Governor February 21, 1923.

CHAPTER 19.

[H. B. 6.]

PUBLIC LANDS.

AN ACT relating to the disposition of state lands and valuable materials thereon, and amending Section 7870 Remington's Compiled Statutes.

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

SECTION 1. That section 7870 Remington's Compiled Statutes be amended to read as follows:

Section 7870. When the board of state land commissioners shall have decided to sell any lot, block, tract or tracts of granted lands, or timber, fallen timber, stone, gravel or other valuable materials thereon, it shall be the duty of the commissioner of public lands to forthwith fix the date of sale and give notice thereof by advertisement published once a week for five weeks next before the time he shall name in said notice, in at least one newspaper of general circulation published in the county in which the lands are situated, which notice shall specify the place, time and terms of sale, describing with particularity each parcel of land to be sold and stating the appraised value thereof, and by causing to be posted in a conspicuous place in the office of the auditor of the county wherein such lands are situated a copy of said notice. And the commissioner of public lands shall cause all such lands or materials thereon to be sold and arrange such date of sale so that it will fall on the first Tuesday of the month, except where such Tuesday would fall on a legal holiday, in which case no sales shall be made until the following month. The commissioner of public lands shall cause to be printed in pamphlet form a list of all school, granted or other public lands or materials thereon, or tide or shore lands of the first or second class, or detached tide-lands, or har-

Amends Rem. Comp. Stat. § 7870: Pierce's Code § 6366.

Sale of granted lands, timber, stone, gravel, valuable material.

Date of sale.

Notice published.

Time of sale.

Lists.

bor area leases or mineral lands required by law to be sold at public auction and the appraised value, where the law provides for appraisement, that are to be sold in the several counties of the state, said lists to be issued each month, at least four weeks prior to the date of sale of such lands or materials enumerated thereon, such lands and materials to be listed under the name of the county wherein located, in alphabetical order, giving the appraised values, character of same and such other information as may be of interest to prospective buyers. Said commissioner of public lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively, as reported by such auditors, not exceeding one hundred copies in any one county. And said county auditors shall keep the lists so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and when requested so to do shall mail copies of such lists to residents of their counties. The commissioner of public lands shall retain for free distribution in his office five hundred copies of said lists, as above set forth, such lists to be kept in a conspicuous place or receptacle on the counter of the general office of the commissioner of public lands; and when requested so to do, the commissioner shall mail copies of said lists each month as issued to any applicant therefor. Proof of publication shall be made by affidavit of the publisher or person in charge of the newspaper publishing the notice of sale and by certificate of the auditor showing the posting of the notice of sale as aforesaid and the receipt of the lists as aforesaid, which shall forthwith be sent to and filed with the commissioner of public lands. The board of state land commissioners is hereby authorized to expend any sum of money; not exceeding fifteen dollars; in additional

Lists  
distributed.

Proof of  
publication  
of notice of  
sale.

Additional  
advertising.

Time and  
place of sale.

Sold to  
highest  
bidder.

Memorandum  
of purchase.

advertising of such sale as the said board shall determine to be for the best interests of the state. Such sale shall take place on the day advertised, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, in front of the court house, or of the building in which the superior court is held, in the counties in which there is no court house, when any such lot, block, tract or tracts of granted lands, or timber, fallen timber, stone, gravel or other valuable material thereon is situate or lies wholly within such county, when, however, any lot, block, tract or tracts of granted lands or timber, fallen timber, stone, gravel or other valuable materials thereon to be sold shall be situate or lie in more than one county of the State of Washington, such sale shall be advertised in each county wherein any of such land or materials lie or is situate as in this chapter provided, but such sale shall take place on the day advertised between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, in front of the court house, or of the building in which the superior court is held, in the counties in which there is no court house, in which the greater part of such land lies or is situate as shown by the official plat thereof on file in the office of the commissioner of public lands of the State of Washington, and shall be sold at public auction to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided; and no land shall be sold for less than its appraised value. Such sale shall be conducted under the direction of the board, or the commissioner of public lands; by the county auditor of the county in which the lands are situate; and such auditor shall at once deliver to the purchaser under his hand and seal, a memorandum of his purchase, containing a description of the land purchased, the price bid and the terms of sale, upon the delivery to such auditor, by the purchaser, either in cash or by

certified check, or draft drawn upon some bank doing business in this state, or by postal order, of an amount equal to one-tenth of the price of the land by him purchased, payable to the order of the commissioner of public lands; and such auditor shall at once send to the commissioner of public lands such cash or certified check, draft or postal order and a copy of the memorandum delivered to the purchaser, together with such additional report of his doings and proceedings with reference to such sale as may be required by the commissioner of public lands or the board of state land commissioners. If any land so offered for sale be not sold the same may again be advertised for sale, as provided in this act, whenever in the opinion of the board it shall be expedient so to do; and such land shall again be advertised for sale as provided in this act, whenever any person shall apply to said board in writing to have such land sold and shall agree to pay, at least the appraised price thereof and shall deposit with the commissioner of public lands at the time of making such application, a sufficient sum of money to pay the cost of advertising for such sale, as provided in making original application.

Payment.

Report of  
auditor.

Re-advertised.

Passed the House January 24, 1923.

Passed the Senate February 7, 1923.

Approved by the Governor February 21, 1923.

## CHAPTER 20.

[H. B. 7.]

## SCHOOL BONDS.

AN ACT relating to the investment of school district sinking funds, and amending Section 5116 of Pierce's Code, the same being Section 4947 of Remington's Compiled Statutes.

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

SECTION 1. That section 5116 of Pierce's Code, the same being section 4947 of Remington's Compiled Statutes be amended to read as follows:

Section 5116, the same being section 4947 of Remington's Compiled Statutes. The county commissioners must ascertain and levy annually, in addition to the school district tax, the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter, until full payment of said bonds is made, they shall levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payments of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property of said district, and must be collected in the same manner as the taxes for other school purposes: *Provided*, That the county treasurer, when authorized to do so by the board of directors of any school district, may invest any accumulated or other sinking fund of said district in United States bonds or certificates of indebtedness, in general bonds or warrants of the State of Washington, or of any school district, city or county therein, if the maturity of the bonds or such certificates of indebtedness precedes the ma-

Amends  
Pierce's Code  
§ 5116; Rem.  
Comp. Stat.  
§ 4947.

Tax levy.

Sinking fund.

Redemption  
fund.

Investment  
of funds.

turity of the bonds for which said sinking fund is being accumulated, and all profits accruing from such investment and the fund so invested shall revert to the sinking or other fund of said district, and the county treasurer shall be custodian of all bonds or warrants purchased by and with the said sinking fund, until the same are redeemed: *And Provided further*, That the county treasurer, when authorized to do so by the board of directors of any school district, may purchase and redeem any of the outstanding bonds of said district, paying for said bonds out of the accumulated sinking fund of the district; all revenues provided for in this section shall constitute a separate fund, to be known as the bond redemption fund.

Purchase and redemption.

Passed the House January 26, 1923.

Passed the Senate February 7, 1923.

Approved by the Governor February 21, 1923.

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## CHAPTER 21.

[H. B. 19.]

### GAMES FOR HIRE.

AN ACT prohibiting the maintenance of games for hire in the vicinity of the University of Washington, and providing penalties for violations thereof.

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

SECTION 1. It shall be unlawful for any person to keep, maintain, conduct, or carry on, for hire, any game of pool, billiards, cards, punch board, dice, or other game of skill or chance, on or within one mile of the grounds of the University of Washington, otherwise known as fractional section 16 in township 25, north of range 4 east of the Willamette Meridian.

Pool, billiards, cards, punch board, dice, or other games of skill or chance.

University of Washington.

Phrase  
defined.

SEC. 2. The phrase "to keep, maintain, conduct, or carry on, for hire, any game," as used in this act, shall be held and construed to mean and include charging, accepting or receiving any money, consideration, compensation, reward or thing of value for the privilege of playing any such game, or the granting of the privilege of playing such game in consideration of the purchase of any article or thing.

Penalty.

SEC. 3. Every person violating any provision of this act shall be guilty of a misdemeanor.

Passed the House January 23, 1923.

Passed the Senate February 7, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 22.

[H. B. 33.]

### MILK PRODUCTS.

AN ACT relating to milk products, to prevent fraud therein and the adulteration thereof, regulating the manufacture and sale thereof, and providing penalties for violations thereof.

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

Condensed  
and  
evaporated  
milk.

SECTION 1. It shall be unlawful for any person or corporation to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any condensed or evaporated milk, or any substance containing any milk or milk products and designed or intended to be used, or capable of being used for or as a substitute for condensed or evaporated milk, unless the milk used in the manufacture thereof is pure, clean, fresh, healthful, unadulterated and wholesome milk: *Provided*, That nothing herein



contained shall be construed as prohibiting the manufacture or sale of condensed or evaporated milk manufactured from pure, clean, fresh, healthful unadulterated and wholesome skimmed milk; and it shall be unlawful for any person or corporation to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange any condensed or evaporated milk containing any vegetable fat.

Vegetable  
fat.

SEC. 2. It shall be unlawful for any person or corporation to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any substance containing any milk or milk product and designed or intended to be used, or capable of being used, for or as a substitute for butter, unless the milk contained therein, or used in the manufacture thereof, is pure, clean, fresh, healthful, unadulterated and wholesome milk from which none of the cream or butter fat has been removed, or to manufacture for sale, sell, or exchange, or expose or offer for sale or exchange, any substance containing any milk or milk products, and designed or intended to be used, for or as a substitute for butter, which contains any vegetable fat.

Butter  
substitute.

Vegetable  
fat.

SEC. 3. Every person or corporation violating any provisions of this act shall be guilty of a misdemeanor, and for a second and each subsequent violation thereof shall be guilty of a gross misdemeanor.

Penalty.

Passed the House January 30, 1923.

Passed the Senate February 7, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 23.

[S. B. 72.]

## PRIVATE SEALS.

AN ACT abolishing the use of private seals and validating the instruments heretofore executed without seals, and amending Sections 10556 and 10557 of Remington's Compiled Statutes of Washington, the same being Sections 1912 and 1913 of Pierce's Code.

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

Amends Rem.  
Comp. Stat.  
§ 10556;  
Pierce's Code  
§ 1912.

SECTION 1. That section 10556 of Remington's Compiled Statutes of Washington, the same being section 1912 of Pierce's Code, be amended to read as follows:

Abolished on  
deeds, mort-  
gage, lease,  
bond, etc.

Section 10556. The use of private seals upon all deeds, mortgages, leases, bonds, and other instruments, and contracts in writing, including deeds from a husband to his wife and from a wife to her husband for their respective community right, title, interest or estate in all or any portion of their community real property, is hereby abolished, and the addition of a private seal to any such instrument or contract in writing hereafter made, shall not affect its validity or legality in any respect.

Amends Rem.  
Comp. Stat.  
§ 10557;  
Pierce's Code  
§ 1913.

SEC. 2. That section 10557 of Remington's Compiled Statutes of Washington, the same being section 1913 of Pierce's Code, be amended to read as follows:

Deeds,  
mortgages,  
etc., without  
seal validated.

Section 10557. All deeds, mortgages, leases, bonds and other instruments and contracts in writing, including deeds from a husband to his wife and from a wife to her husband for their respective community right, title, interest or estate in all or any portion of their community real property, which have heretofore been executed without the use of a

private seal, are, notwithstanding, hereby declared to be legal and valid.

Passed the Senate January 31, 1923.

Passed the House February 14, 1923.

Approved by the Governor February 23, 1923.

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## CHAPTER 24.

[S. B. 45.]

### STATE FUNDS.

AN ACT relating to funds of the state treasury.

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

SECTION 1. The state treasurer is hereby au- Transferred.  
thorized to withdraw and transfer and place in the general fund of the state treasury, all sums now in the following named funds of the state treasury: state nautical school fund, state board of medical examiners fund, and United States social hygiene fund.

Passed the Senate January 27, 1923.

Passed the House February 14, 1923.

Approved by the Governor February 23, 1923.

## CHAPTER 25.

[S. B. 80.]

## JURORS.

AN ACT relating to peremptory challenges of jurors in criminal cases and amending Section 2138 of Remington's Compiled Statutes, same being Section 9365 of Pierce's Code, and repealing Section 2139 of said statutes, same being 9366 of Pierce's Code.

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

Amends Rem.  
Comp. Stat.  
§ 2138;  
Pierce's Code  
§ 9365.

SECTION 1. That section 2138 of Remington's Compiled Statutes, same being section 9365 of Pierce's Code, be amended to read as follows:

Peremptory  
challenges.

Section 2138. In prosecution for capital offences, the defendant and the state may challenge peremptorily twelve jurors each; in prosecution for offences punishable by imprisonment in the penitentiary, six jurors each; in all other prosecutions, three jurors each. When several defendants are on trial together, they must join in their challenges.

Repeals Rem.  
Comp. Stat.  
§ 2139;  
Pierce's Code  
§ 9366.

SEC. 2. That section 2139 of Remington's Compiled Statutes, same being section 9366 of Pierce's Code, is hereby repealed.

Passed the Senate January 31, 1923.

Passed the House February 14, 1923.

Approved by the Governor February 23, 1923.

## CHAPTER 26.

[H. B. 60.]

## INSURANCE.

AN ACT relating to insurance and amending Sections 7033, 7088 and 7089 of Remington's Compiled Statutes.

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

SECTION 1. That section 7033 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 7033; Pierce's Code § 2909.

Section 7033. The terms "company," "corporation," or "insurance company" or "insurance corporation," in this act, unless the context otherwise requires, includes all corporations, associations, partnerships, or individuals engaged as insurers in the business of insurance.

Definitions.

Company, corporation.

"Domestic" designates those companies incorporated or formed in this state. "Foreign" designates those companies incorporated or formed under the laws of the United States or any other state in the United States, and "alien" designates those companies incorporated or formed under the laws of any country other than the United States.

Domestic, foreign.

"Admitted company" designates companies duly qualified and licensed to transact business under the provisions of this act. "Non-admitted companies" designates companies not licensed to transact business in this state under the provisions of this act.

Admitted company.

Non-admitted companies.

"Commissioner" or "insurance commissioner," where used in this act, shall mean the "State Insurance Commissioner."

Commissioner.

"Unearned premiums" and "net value of policies," severally means the liability of an insurance company upon its insurance contracts, other than accrued claims, computed by rules of valuation established by this act.

Unearned premiums, net value of policy.

Net assets.

“Net assets” means the property and funds of an insurance company available for the payment of its obligations; including uncollected premiums not more than three months past due on policies actually in force, and including in the case of a mutual company, its premiums, premium notes, and contingent liability of its policy holders, after deducting from such funds all unpaid losses and claims and all other debts and liabilities except capital.

Profits.

“Profits” of a mutual insurance company means that portion of its cash funds not required for payment of losses and expenses, nor set apart for any purpose allowed by law.

Agent,  
local agent.

“Agent,” “insurance agent” or “local agent” is a person, copartnership or corporation, duly authorized and commissioned by an insurance company, to solicit applications for and effect insurance in the name of the company, and to keep a complete record of all such transactions, and to discharge such other duties as may be vested in or required of the agent by said insurance company.

General agent,  
manager.

“General agent” or “manager” is a person, copartnership or corporation who has been appointed and commissioned by an insurance company to represent said company in this state, and to receive service of process served on the insurance commissioner as attorney for said company, as provided in sections 7044 of Remington’s Compiled Statutes and 7045 of Remington’s Compiled Statutes, and to manage the affairs of said company in this state the same as if performed by said company itself, and whose appointment as such general agent or manager has been filed by said company with the insurance department of this state on a form furnished by said department: *Provided*, That a resident general agent or manager may be licensed to solicit applications for and effect insurance and appoint solicitors in the same manner as provided for local agents:

Rem. Comp.  
Stat. §§ 7044,  
7045; Pierce’s  
Code §§ 2920,  
2920a.

Resident  
general  
agent or  
manager.

*Provided further*, That the appointment of a resident general agent or manager may be in addition to the number of local agents otherwise provided for, which each company may appoint in this state. The fee for resident general agent's or manager's license shall be the same as for local agent's.

"Special agent" is a person appointed by an insurance company to supervise the operations of the local agent of said company in this state and to perform such other duties as the company appointing him may direct: *Provided*, That such special agent shall not be authorized to countersign policies of insurance on risks located in this state, but shall be required to obtain and keep in force a license to do business in this state: *And Provided further*, That this does not prohibit the issuing and countersigning of reinsurance policies by a special agent. Special agent.

"Solicitor" or "insurance solicitor" is a person duly appointed, authorized and employed by a duly commissioned and licensed insurance agent or broker to solicit, receive, and forward applications for insurance and to collect premiums for such agent or broker, and who makes his principal vocation the soliciting of insurance for the said agent or broker: *Provided*, That all business transacted by said solicitor shall be in the name of the agent or broker appointing him, and said agent or broker shall be responsible for all acts of said solicitor while acting for such agent or broker: *And Provided further*, that a person devoting his whole time to clerical work in the office of an agent or broker shall not be deemed a solicitor and shall not be required to be licensed. Solicitor.

"Broker" or "insurance broker" is any person, copartnership or corporation who, for a compensation, not being an appointed agent for the company in which insurance or reinsurance is effected, acts or aids in any manner in negotiating contracts of in- Broker.

insurance or reinsurance or placing risks or effecting insurance or reinsurance for a party other than himself or itself.

Adjuster.

“Adjuster” or “insurance adjuster” is a person representing either an insurer or an insured, who undertakes to ascertain and report to his principal the actual loss or damage to the subject matter of the insurance due to the hazard or peril insured against.

Surveyor.

“Surveyor” or “insurance surveyor” is a person, committee, board, bureau, copartnership, or corporation resident within the state, who, in person or by deputy, inspects and surveys the various municipalities and fire hazards in this state, and the means and facilities for preventing, confining and extinguishing fires, and for the purpose of estimating fair and equitable rates for insurance; who furnishes to municipalities and owners of property information and advice as to the measures to be adopted for the reduction of fire hazards on property in this state and lessening the cost of insurance thereon; and, as relating to marine insurance, who inspects vessels and reports on their seaworthiness.

Director.

“Director” within the intent of this act means trustee.

Insurable interest.

“Insurable interest” is every interest in property, or any relation thereto, or liability in respect thereof, of such a nature that a contemplated peril might directly damnify the insured. “Insured Interest” in the matter of life and health insurance exists when the beneficiary, because of relationship, either pecuniary or from ties of blood or marriage, has reason to expect some benefit from the continuance of the life of the insured.

Bottomry.

“Bottomry” is a contract by which a ship or freight is hypothecated as security for a loan which is to be repaid only in case the ship survives a particular risk, voyage or period.



“Double Insurance” exists where the same party is insured by several insurers separately, in respect to the same subject and interest.

Double insurance.

“Over-Insurance” exists where a party having an insurable interest in property has insurance thereon against the same hazard or peril in excess of the actual value of his interest therein.

Over-insurance.

“Reinsurance” means a contract by which an insurer procures a third party to insure it against loss or liability by reason of such original insurance.

Reinsurance.

SEC. 2. That Section 7088 of Remington’s Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 7088; Pierce’s Code § 2951.

Section 7088. It shall be unlawful for any company, corporation or association to transact the business of insurance in this state, except as provided in Section 7120 of Remington’s Compiled Statutes, unless the company, corporation, or association, shall have complied with all the provisions of this act, and shall have obtained a certificate of authority from the commissioner.

Rem. Comp. Stat. § 7120; Pierce’s Code § 2982.

No person, firm or corporation shall act as agent for any insurance company, in the transaction of any business of insurance within this state, or negotiate for, or place risks for, any such company, or in any way or manner aid such company in effecting insurance, or otherwise in this state, except as provided in Section 7120 of Remington’s Compiled Statutes, unless such company shall in all things have complied with the provisions of this act. All business transacted by any solicitor shall be in the name of the agent or broker appointing him, and said agent or broker shall be responsible for all acts of said solicitor while acting for such agent or broker.

Unlawful to transact Business without certificate.

Rem. Comp. Stat. § 7120; Pierce’s Code § 2982.

Every insurance agent, solicitor or broker shall annually, on or before the first day of April, procure a license from the commissioner who shall make and keep a record thereof. Every insurance company which shall jointly with any other company or com-

Underwriter’s policy.

Rem. Comp.  
Stat. § 7051;  
Pierce's Code  
§ 2926.

panies issue an underwriter's policy of insurance, as provided in Section 7051 of Remington's Compiled Statutes, shall be subject to all the provisions of this section and each company joining in any such policy shall procure a license for any agent authorized to write such policy for it.

Fire or  
marine  
insurance.

Any insurance company which shall be authorized to write fire or marine insurance, not including ocean marine as classified by sub-division 1, or marine not including ocean marine insurance, as classified by sub-division 2, or motor vehicle insurance, as classified by sub-division 13 $\frac{1}{2}$ , of Section 7128 of Remington's Compiled Statutes, may appoint for the purpose of writing said classes one (1), two (2), and thirteen and one-half (13 $\frac{1}{2}$ ) not more than one agent to represent such company under its corporate name and one agent to represent such company under its underwriter's agency title in any city, town, township, village or school district; *Provided, however,* That any such insurance company doing business in any city having a population according to the last Federal census of more than fifty thousand inhabitants may appoint one additional agent to represent such company under its corporate name in such city and one additional agent to represent such company under its underwriter's agency title in such city: and *Provided,* That no agent shall be appointed to represent any such insurance company under its underwriter's agency title unless such title shall have been approved by the commissioner: and *Provided further,* That two or more companies writing an underwriter's policy as provided in Section 7051 of Remington's Compiled Statutes, may have for said underwriter's policy two local agents in cities having a population of fifty thousand or more according to the last Federal census and one agent in any other city, town, township, village or school

Rem. Comp.  
Stat. § 7128;  
Pierce's Code  
§ 2990.

Additional  
Agent.

Rem. Comp.  
Stat. § 7051;  
Pierce's Code  
§ 2926.

district in addition to the number of agents above provided for.

If any insurance company, corporation, or association, its agents or attorney, shall solicit insurance or shall issue a policy without having complied with the laws of this state, the company, corporation or association, or its agent, or attorney, so issuing the policy or accepting the application for the same, shall be guilty of a gross misdemeanor and shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars, and imprisonment for a term of not exceeding six months in the discretion of the court.

Penalty.

SEC. 3. That Section 7089 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7089;  
Pierce's Code  
§ 2952.

Section 7089. No license shall be issued to any applicant for an agent's, solicitor's, or broker's license until such applicant shall have first made and filed in the commissioner's office an application therefor upon a form to be prescribed and furnished by the commissioner, which must show the applicant's name, business and residence addresses, and in the case of an agent's or solicitor's license, the name of the company or agent to be represented, whether as solicitor, agent, special agent, general agent, or manager; present occupation, occupation for last twelve months, portion of time to be devoted to the work, previous insurance experience and name of employers during five years next preceding, and such other information as the commissioner may require. These statements and answers made in the application shall be warranted by the applicant and shall have the same force and effect as if such statements and answers had been made by the applicant as a sworn witness testifying in a superior court in this state. Applications for agent's or solicitor's license must be approved by some one company or by the agent to be represented; and in the case of

Application  
for license.

an application for a broker's license, it must also show how long applicant has been engaged in the insurance business and in what branches, under whom applicant received his training, what income, if any, applicant has other than that to be derived from such business, and financial condition of applicant. It shall be the duty of the commissioner to withhold any license applied for, or revoke any license to any agent, solicitor, or broker when he is satisfied that the principal use of such license is to effect insurance upon the property or liability of such agent, solicitor, or broker, or to circumvent or violate the anti-rebate law and he shall withhold or revoke any insurance solicitor's license whenever he shall be satisfied that the provisions of this act requiring such solicitor who makes his principal vocation the soliciting of insurance for the agent or broker for whom he is licensed are being or will be violated by the holder of such license. Each agent or solicitor shall be required to file but one application, regardless of the number of companies he represents: *Provided*, That no person shall act as agent for any company which shall not have applied for a license and paid the fee provided in this act, for such agent: and *Provided further*, That no solicitor shall hold a license for more than one agent for the same class or classes of insurance at the same time; neither can he be licensed as agent and solicitor for the same class or classes of insurance at the same time.

License withheld or revoked.

Revocation of license, hearing.

The insurance commissioner, after notice and hearing, and for cause shown, may revoke the license of any agent, solicitor or broker, if it is evident that such agent, solicitor or broker conducts his business in a dishonest manner, or misrepresents the policies or contracts he sells; or misrepresents the policies or contracts of other agents or companies; or makes any misrepresentation or incomplete comparison of

policies, oral, written, or otherwise, to any person insured in any company for the purpose of inducing or tending to induce a policyholder in any company to lapse, forfeit, or surrender his insurance therein, and to take out a policy of insurance in another company insuring against similar risks; or is conducting his business in such a manner as to cause injury to the public and those dealing with him. Unless revoked by the commissioner, or unless the company by written notice to the commissioner cancels the agent's, solicitor's or broker's authority to act for it, such license and any other license issued to an agent, solicitor or broker or any renewal thereof shall expire on the thirty-first day of March next after its issue. But any license issued and in force when this act takes effect or thereafter issued, may, in the discretion of the commissioner, be renewed for a succeeding year or years by a renewal certificate without the commissioner's requiring the detailed information required by this act.

Expiration  
of license.

Passed the House February 2, 1923.

Passed the Senate February 15, 1923.

Approved by the Governor February 23, 1923.

## CHAPTER 27.

[S. B. 121.]

### MILK AND MILK PRODUCTS.

AN ACT relating to milk and milk products, amending sections 6166, 6172, 6174, 6188, 6189, 6192, 6194, 6210, 6215, 6259 of Remington's Compiled Statutes and repealing sections 6173 and 6187 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6166 of Remington's Compiled Statutes be amended to read as follows:

Section 6166. A creamery, milk plant, cheese factory, milk condensing factory or factory of milk

Amends Rem.  
Comp. Stat.  
§ 6166;  
Pierce's Code  
§§ 1855-3.

Factories  
deemed  
unsanitary.

products, and any store, market, depot, booth or other place where milk is handled, stored or kept for sale, shall be deemed unsanitary in the following cases:

(a) If milk or cream is received that has reached an advanced state of fermentation, or that shows a stage of putrefactive fermentation.

(b) If milk or cream be received, stored or kept in cans or other containers that have not been sterilized with boiling water or live steam after each delivery.

(c) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using.

(d) If the floor of such creamery, factory, plant, store, market, depot, booth or place 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 and decay to take place.

(e) If the condition of the floor in any such creamery, factory, plant, store, market, depot, booth or other place be such that it may not be readily kept free from dirt and filth.

(f) If drains are not provided that will convey refuse milk, water and sewage to a point at least fifty yards distant from such creamery, factory, plant, store, market, depot, booth or place.

(g) If any cesspool, privy vault, hog yard, slaughter house, hen house, manure, or any decaying vegetable or animal matter that will emit or produce foul odors, shall be permitted to exist within such distance as will permit the odors therefrom to reach any such creamery, factory, plant, store, mar-

ket, booth, depot or other place where milk or milk products are handled, stored or kept for sale.

(h) If such creamery, factory, plant, depot, booth, store, market or other place where milk or milk products are handled, stored, or kept for sale is so constructed, or is so maintained as not to permit access thereto of sufficient light and air to secure good ventilation.

(i) If in any building or buildings used in connection with any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products any insects, vermin or other species of animal life are permitted.

(j) If upon the floor of any creamery, cheese factory, milk plant, milk condensing factory or factory of milk products, or upon the sides of walls thereof, any milk or its products, or any other filth is allowed to accumulate, ferment or decay.

(k) If the body or wearing apparel of any person employed in any creamery, cheese factory, milk plant, milk condensing factory, or factory of milk products, or coming in contact therein with any milk or milk product, shall be unclean, or shall not be washed from time to time with reasonable frequency.

(l) If there shall be permitted to exist any other cause or thing calculated or tending to render the milk or its products produced, kept, handled, or manufactured in such creamery, plant, factory, store, booth, or depot unclean, impure and unhealthy.

SEC. 2. That section 6172 of Remington's Compiled Statutes be amended to read as follows:

Section 6172. No person shall sell, offer to sell or expose for sale any milk or cream taken from any cream separator kept in any stable or other building wherein any animal or fowl is housed or kept, or in any place where the conditions are unsanitary or where the air is foul or contaminated, or in the open air or in any place other than a milk house or milk

Amends Rem.  
Comp. Stat.  
§ 6172;  
Pierce's Code  
§§ 1855-9.

Separator.

Rem. Comp.  
Stat. § 6165;  
Pierce's Code  
§§ 1855-2.

room as defined in paragraph (d) of section 6165 Remington's Compiled Statutes: *Provided*, That this section shall not be construed to prohibit the keeping of such cream separator in any room which is wholly separated by tightly ceiled or plastered partitions having no openings from that part of the stable or building in which milking cows are housed or kept: *And Provided further*, That any milk or cream produced or kept at any dairy must at all times while at said dairy be kept in a milk house or milk room as defined in paragraph (d) of section 6165 Remington's Compiled Statutes.

Repeals Rem.  
Comp. Stat.  
§ 6173;  
Pierce's Code  
§§ 1855-10.

SEC. 3. That section 6173 of Remington's Compiled Statutes is hereby repealed.

Amends Rem.  
Comp. Stat.  
§ 6174;  
Pierce's Code  
§§ 1855-11.

SEC. 4. That section 6174 of Remington's Compiled Statutes be amended to read as follows:

Pasteuriza-  
tion.

Section 6174. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is here defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty degrees Fahrenheit and of holding the same at such temperature for a period of not less than twenty-five minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty degrees Fahrenheit and of holding the same at such temperature for a period of not less than twenty-five minutes, or of heating the same to a temperature of one hundred and seventy-six degrees Fahrenheit, without holding: *Provided, however*, That whenever milk or cream shall be subjected to such process before being used in the manufac-



ture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *And Provided further*, That the heating of milk to above one hundred and ten degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such milk marked and sold as pasteurized milk.

SEC. 5. That section 6187 of Remington's Compiled Statutes is hereby repealed.

Repeals Rem.  
Comp. Stat.  
§ 6187;  
Pierce's Code  
 §§ 1855-24.

SEC. 6. That section 6188 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6188;  
Pierce's Code  
 §§ 1855-25.

Section 6188. All tests of milk or cream sold, purchased or delivered on the basis of the amount of milk fat or butter fat contained therein shall be performed by a Babcock licensed tester. Such tester shall personally operate and conduct each test and shall be personally responsible to any person injured by any careless, negligent or unskillful operation thereof, and for any fraudulent, intentionally inaccurate or manipulated report or return of any such test: *Provided*, That it shall be the duty of each and every licensed Babcock tester to make and keep for a period of four months one or more legible carbon copies of the original report of each and every test made by him or her, and that the record or records of any and all tests shall be subject to examination at any and all times by the director of agriculture or his duly authorized agent or agents. Whoever violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined for each and every offence not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), and the license of the Babcock tester revoked. Any person, firm or corporation

Milk tests.

who refuses to allow, or fails to assist in such examination of records by an authorized representative of the department of agriculture may be enjoined in such complaint and punished by a like fine.

Amends Rem.  
Comp. Stat.  
§ 6189;  
Pierce's Code  
 §§ 1855-26.

SEC. 7. That section 6189 of Remington's Compiled Statutes be amended to read as follows:

License as  
Babcock  
tester.

Section 6189. Any person may receive from the department of agriculture a license as a Babcock licensed tester upon application therefor and upon the payment to said department of a license fee of two dollars (\$2.00) therefor. Before issuing such license the department of agriculture shall inquire into the qualifications of the applicant, and shall require such applicant to submit to examination as to his qualifications, and may require the applicant to submit to it satisfactory proof that he is of good moral character.

Amends Rem.  
Comp. Stat.  
§ 6192;  
Pierce's Code  
 §§ 1855-29.

SEC. 8. That section 6192 of Remington's Compiled Statutes be amended to read as follows:

Factories  
licensed.

Section 6192. Every creamery, milk plant, shipping station, milk condensing plant, ice cream factory or factory of milk products, or other person receiving or purchasing milk or cream in bulk and not bottled, and by weight or measure or upon the basis of the amount of milk fat contained therein, shall annually obtain a license therefor. Such license shall be issued by the department of agriculture upon being satisfied that the building, structure, place or premises where such milk is to be received or purchased is maintained in a sanitary condition in accordance with the provisions of this act; and upon the payment to the department of a license fee of ten dollars (\$10.00) therefor. Such license shall be for the period of one year and shall expire on the 30th day of June subsequent to the date of its issue, and may be sooner revoked by the department of agriculture, upon reasonable notice to the licensee, if such licensee shall fail to comply with

the provisions of this act and the rules and regulations issued and promulgated by the department of agriculture under the authority of this act: *Provided, however,* That the provisions of this section shall not apply to individuals purchasing milk or cream for consumption by themselves or their families, nor to the owners or keepers of hotels, restaurants, boarding houses and eating houses purchasing milk or cream to be served or consumed therein.

SEC. 9. That section 6194 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6194;  
Pierce's Code  
 §§ 1855-32.

Section 6194. Milk vendor's licenses shall be issued by the department of agriculture upon application and upon the payment therefor of a license fee of two dollars (\$2.00). Such licenses shall be for the period of one year, unless sooner revoked, and shall expire on the 30th day of June next subsequent to the issue thereof. Each milk vender's license shall contain the number of the license, and the name, residence and place of business, if any, of the licensee, and no such license shall be sold, assigned or transferred. Any milk vender's license may be at any time revoked by the department of agriculture upon reasonable notice to the licensee, if such licensee shall be guilty of violation of or shall fail to comply with this act or any section or provision thereof, or shall violate or refuse or neglect to comply with any lawful regulation or order of the department of agriculture, or any officer, agent or inspector thereof.

Vendor's  
license.

SEC. 10. That section 6210 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6210;  
Pierce's Code  
 §§ 1855-48.

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

Sale of  
impure 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 and destroyed.

SEC. 11. That section 6215 of Remington's Compiled Statutes be amended to read as follows:

Section 6215. All milk shall be cooled in the dairy where it is produced to a temperature of not more than fifty-five degrees Fahrenheit within thirty minutes after the same is drawn from the cows, 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 shall thereafter be maintained at a temperature of not exceeding fifty degrees Fahrenheit until delivered to the consumer: *Provided*, Nothing in this section shall be deemed applicable to milk or cream while being subject to the process of pasteurization.

SEC. 12. That section 6259 of Remington's Compiled Statutes be amended to read as follows:

Section 6259. Any person, firm or corporation engaged in the manufacture, sale or transportation of milk, cream, ice cream or any other dairy product may adopt a mark or marks of ownership to be stamped, marked or otherwise affixed to any milk bottle, can, tub or case used in the manufacture, sale or transportation of any such product and may upon the payment of a fee of fifteen dollars (\$15.00) file an application for the exclusive right to use such mark or marks, in the office of the department of agriculture, which application shall contain the name and address of the applicant, a description of the mark or marks proposed and the use to be made of

Amends Rem.  
Comp. Stat.  
§ 6215;  
Pierce's Code  
§§ 1855-53.

Cooling  
regulations.

Amends Rem.  
Comp. Stat.  
§ 6259;  
Pierce's Code  
§ 1902.

Containers,  
ownership  
marks.

the milk bottles, cans or tubs, or cases by such applicant. The department of agriculture shall refuse such application if such mark or marks of ownership shall be the same or so nearly similar to any mark or marks of ownership theretofore registered as to be misleading. Otherwise such application shall be granted and such fact, together with a description of the mark or marks of ownership, shall be entered in a register to be kept by said department of agriculture: *Provided*, That a mark or marks of ownership must be stamped, embossed or affixed by means of a metal plate, or in the case of wooden containers must be burned therein, and that upon the sale of any milk bottles, cans, tubs or containers so registered the mark or marks of ownership of said person, firm or corporation shall become void: *And Provided further*, That it shall be unlawful for any person, other than the registered owner thereof, to have or keep in his possession for the purposes of sale, barter or use, any such branded, stamped or marked can, bottle, tub or container, and the possession of any such branded, stamped or marked cans, bottles, tubs or containers by any junk dealer, or vender, shall be *prima facie* evidence of possession for the purpose of sale, barter or use, and in violation of this act, and when it shall come to the knowledge of the director of agriculture or his duly authorized agent that any such branded, stamped or marked can, bottle, tub or container is in the possession of any person, firm or corporation other than the registered owner thereof, the said director of agriculture or his authorized agent shall have the power to immediately seize and hold all such cans, bottles, tubs and containers until it shall be established to the satisfaction of the said director of agriculture or his duly authorized agent that such possession is in accordance with the provisions of this act. The said director of agriculture or his au-

thorized agent shall upon the establishment of the right of possession of such cans, bottles, tubs or containers release the same to the person, firm or corporation entitled to the possession thereof.

Passed the Senate February 8, 1923.

Passed the House February 13, 1923.

Approved by the Governor February 24, 1923.

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## CHAPTER 28.

[S. B. 54.]

### LIMITATION OF ACTIONS.

AN ACT relating to limitation of actions and the accrual thereof and applying to actions now barred as well as those not barred, and amending section 159 of Remington's Compiled Statutes.

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

SECTION 1. That section 159 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 159; Pierce's  
Code § 8166.

Section 159. Within Three Years:

Waste or  
trespass.

1. An action for waste or trespass upon real property;

Personal  
property.

2. An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;

Contract not  
in writing.

3. An action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;

Fraud.

4. An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

5. An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his official capacity and by virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution; but this subdivision shall not apply to action for an escape;

Sheriff,  
coroner,  
constable.

6. An action upon a statute for penalty or forfeiture, where an action is given to the party aggrieved, or to such party and the state, except when the statute imposing it prescribed a different limitation: *Provided, however,* The cause of action for such penalty or forfeiture, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitation, or the bar thereof, even though complete, shall not be deemed to accrue or to have accrued until discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise, and such liability, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitation, or the bar thereof, even though complete, shall exist and be enforceable for three years after discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise: *Provided further,* That no action heretofore barred under the provisions of this paragraph shall be commenced after ninety days from the time this act becomes effective;

Penalty or  
forfeiture.

7. An action for seduction and breach of promise to marriage.

Seduction or  
breach of  
promise.

Passed the Senate February 2, 1923.

Passed the House February 15, 1923.

Approved by the Governor February 24, 1923.

## CHAPTER 29.

[H. B. 34.]

## LEASES FOR BOOMING GROUNDS.

AN ACT relating to unplatted tide and shore lands and amending section 8005 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 8005;  
Pierce's Code  
§ 6522-2.

SECTION 1. That section 8005 of Remington's Compiled Statutes be amended to read as follows:

Term.

Section 8005. Any lease under this act shall not be granted for a longer term than ten (10) years from the date thereof and shall be subject to termination upon a ninety (90) day notice in the event that the commissioner of public lands shall decide that said tide or shore lands are to be surveyed and platted. The commissioner of public lands shall, prior to the issuance of any such lease, fix an annual rental for the lands so leased and prescribe the terms and conditions of said lease. Failure to use any of such lands leased for booming purposes under the provisions of this act, for boom purposes, for a period of more than one (1) year shall work a forfeiture of such lease and such land shall revert to the state without any notice or declaration of forfeiture.

Re-lease.

At the expiration of any lease issued under the provisions of this section the lessee, his successor or assignee, shall have a preference right to re-lease the lands covered by the original lease (or such portions thereof as the commissioner of public lands shall determine, if he deems it for the best interest of the state to re-lease said lands for a further term) same may be re-leased for succeeding periods not to exceed five (5) years each at such rental and upon



such terms and conditions as may be prescribed by said state commissioner of public lands.

Passed the House February 1, 1923.

Passed the Senate February 7, 1923.

Vetoed February 21, 1923.

Passed over Governor's veto February 23, 1923.

J. GRANT HINKLE,  
Secretary of State.

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## CHAPTER 30.

[S. H. B. 15.]

### STILLS.

AN ACT relating to crimes and the possession of stills used for separation of alcoholic spirits from any fermented substance, and providing a penalty for violations thereof.

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

SECTION 1. The word "still" in this act means Defined.  
an apparatus, device or combination of utensils capable of being used in separating alcoholic spirits from any fermented substance.

SEC. 2. Every person who shall have in his possession or knowingly permit to be placed or kept in Possession.  
any building, or boat, or on any premises owned, leased, rented or occupied by such persons, any still used or intended to be used for the manufacture of intoxicating liquors capable of being used as a beverage, shall be guilty of a gross misdemeanor.

SEC 3. The provisions of this act shall not be Under Federal permit.  
construed to prohibit the possession of stills under Federal permit or license.

Passed the House February 6, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor February 28, 1923.

## CHAPTER 31.

[H. B. 69.]

## SCHOOL DISTRICTS.

AN ACT relating to the consolidation of school districts and amending section 4703 of Remington's Compiled Statutes.

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

SECTION 1. That section 4703 of Remington's Compiled Statutes be amended to read as follows:

Section 4703. Every incorporated city in the state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That any two or more contiguous or adjacent districts of the second and third class may form a union high school district in the manner and with all the powers provided by law for union high school districts: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city district a reasonable distance beyond the limits of such city: *And Provided further*, That any two or more contiguous or adjacent districts of the second class may form a consolidated school district in the manner and with all the powers provided by law for consolidated school districts: *And Provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city, except in cases of incorporation of cities lying partly in two or more school districts organized prior to the incorporation of such city, or the extension of the boundaries of cities beyond the limits of the school districts in which they are situated, or in cases where two or more cities unite, as provided by law: *And Provided further*, That the fact of the issuance of bonds by school districts, heretofore or hereafter,

Amends Rem. Comp. Stat. § 4703; Pierce's Code § 4907.

Incorporated city one district.

Union high school district.

Extension of district beyond city limits.

2d class districts form consolidated district.

Boundaries prior to incorporation of city.

Bonds.

shall not prevent the formation of new school districts, whether or not such bonds have been redeemed, canceled, or paid in whole or in part and shall not prevent the transfer or uniting with another school district of a portion or the whole of a district where bonds have been or may hereafter be issued.

Passed the House February 8, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor February 28, 1923.

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## CHAPTER 32.

[H. B. 142.]

### MEDICAL AID FUND.

AN ACT making an appropriation from the medical aid fund for the use of the director of labor and industries 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 from the medical aid fund of the state treasury, the sum of one million dollars (\$1,000,000.00) to be expended under direction of the director of labor and industries, for the fiscal term beginning April 1st, 1923, and ending March 31st, 1925.

Appropriation,  
\$1,000,000.00.

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

Emergency.

Passed the House February 14, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor February 28, 1923.

## CHAPTER 33.

[H. B. 65.]

## LIVESTOCK.

AN ACT relating to livestock running at large and amending sections 3069 and 3070 of Remington's Compiled Statutes.

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

SECTION 1. That section 3069 of Remington's Compiled Statutes be amended to read as follows:

Section 3069. Whenever ten residents within a proposed district shall file with the county auditor a petition, asking that no livestock of any kind, or livestock of a particular kind or kinds or sex, shall be permitted to run at large within the district described therein, the county commissioners shall, at their next meeting, make an order fixing a time and place when a hearing will be had upon such petition, which time shall not be less than twenty nor more than ninety days from the filing of such petition; and shall cause notice of the time and place to be given by publishing such notice in some newspaper having a general circulation within such territory for three successive weeks before the day fixed in such order; if there be no newspaper having a general circulation in such territory, then by posting such notice in three public places in such territory at least twenty days before the day of hearing, and such notice shall set forth the petition. It shall be the duty of the board of county commissioners at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in the question presented by such petition, and to determine whether such district shall be created.

Amends Rem.  
Comp. Stat.  
§ 3069;  
Pierce's Code  
§ 1949.

Running at  
large.

Hearing.

SEC. 2. That section 3070 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.-  
Comp. Stat.  
§ 3070;  
Pierce's Code  
§ 1950.

Section 3070. If the board of county commissioners shall determine to prohibit the running at large of livestock, or of any particular class or classes or sex of livestock, within the territory described in such petition or in any portion thereof, it shall make an order defining the boundaries of such territory, and designating the class or classes or sex of livestock or all livestock, as the case may be, which order shall be entered upon the records and published in a newspaper having general circulation in such territory for four successive weeks, or by posting in three public places in such territory for four weeks.

Establish-  
ment of  
district  
prohibiting.

Passed the House January 31, 1923.

Passed the Senate February 14, 1923.

Approved by the Governor February 28, 1923.

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## CHAPTER 34.

[H. B. 100.]

### LAND SETTLEMENT.

AN ACT relating to land settlement, defining the duties and powers of the director of the department of conservation and development in reference thereto and amending section 3023 of Remington's Compiled Statutes.

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

SECTION 1. That Section 3023 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.-  
Comp. Stat.  
§ 3023;  
Pierce's Code  
§ 94-6.

Section 3023. The lands disposed of under this act shall be leased or sold, in accordance with regulations adopted by the director of the department of conservation and development, after public notice in at least one newspaper published in the state and of general circulation therein, and one newspaper

Sale.

Notice.

published in the county where the land is situated, once a week for five consecutive weeks, the first date of publication being at least sixty days prior to the date of lease or sale, setting forth generally the location of the land and the terms of lease or sale and stating that detailed information can be obtained at the office of the said director and such other convenient places as are designated in the notice: *Provided*, That said director shall have authority to sell and convey in such manner and on such terms as he may determine, but at not less than the sum or sums paid therefor, any land acquired for land settlement purposes, which in the opinion of said director is not suitable for such purposes, and to execute a proper deed of conveyance, conveying such land to the purchaser thereof.

Passed the House February 9, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor February 28, 1923.

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## CHAPTER 35.

[H. B. 8.]

### SOLDIERS, SAILORS AND MARINES.

AN ACT relating to the payment of equalized compensation to veterans of the war with the Central Allied Powers and amending section 10743-1 of Remington's Compiled Statutes.

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

SECTION 1. That Section 10743-1 of Remington's Compiled Statutes be amended to read as follows:

Section 10743-1. There shall be paid to each person who was regularly called, enlisted, drafted, inducted or commissioned and who served on active duty in the army, navy, or marine corps of the United States between the 6th day of April, 1917,

Amends Rem.  
Comp. Stat.  
§§ 10743-1.

Equalized  
compensation.

and the 11th day of November, 1918; and to each person who, being a citizen of the United States at the time of his entry therein, served on active duty in the naval, military or air forces of any of the governments associated with the United States during the war with the central allied powers between the 6th day of April, 1917, and the 11th day of November, 1918; and who, at the time of his call, enlistment, induction, commission or service, was a *bona fide* resident of the State of Washington, the sum of fifteen dollars (\$15.00) for each and every month or major fraction thereof of active duty performed subsequent to April 6, 1917, and prior to November 11, 1919: *Provided*, That if any such person shall have borrowed money from the Veteran's Welfare Commission and shall have failed to repay said money, then the amount thereof shall be deducted from any sums payable to any such person under this act and said loan shall thereupon be cancelled and discharged: *Provided, further*, That persons who have received extra compensation from any other state, or nation other than the United States for such active service shall not be entitled to compensation under this act unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this act and the extra compensation already received from such other state or nation: *Provided, further*, That persons who have received greater compensation than the regular pay of the army, navy or marine corps and commutation for quarters and subsistence, shall not be entitled to receive compensation under this act unless the amount of extra compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this act and such extra compensation. In

Amount.

case of the death of any such person prior to his filing an application for compensation under this act an equal amount shall be paid to his surviving widow, if not remarried at the time compensation is requested, or in case he left no widow and left children, then to his surviving children, or in the event he left no widow or children or left a widow who remarried, then to his surviving parent or parents if actually dependent upon such deceased person for support. Persons of the female sex, or their surviving children or parents, who are in all other respects within the terms of this act, shall be entitled to compensation thereunder.

Passed the House January 25, 1923.

Passed the Senate February 14, 1923.

Approved by the Governor February 28, 1923.

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## CHAPTER 36.

[H. B. 44.]

### FOODS, DRINKS AND DRUGS.

AN ACT relating to drugs, foods and drinks, and the adulteration and misbranding thereof, and amending sections 6146 and 6147 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6146 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Section 6146. For the purposes of this act an article shall be deemed to be adulterated: In the case of drugs: First, If when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at

Amends Rem.  
Comp. Stat.  
§ 6146;  
Pierce's Code  
§ 2537.

Drugs  
adulterated.



the time of investigation: *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary. Second, if its strength or purity fall below the professed standard or quality under which it is sold.

In case of confectionery: If it contains terra Confectionery.  
 alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spiritous liquor or compound or narcotic drug. In case of food: Food. First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second, If any substance has been substituted wholly or in part for the article. Third, If any valuable constituent of the article has been wholly or in part abstracted. Fourth, If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed. Fifth, If it contains sodium sulphite or any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. Sixth, If it consists in whole or in part of a filthy, decomposed or putrid animal

or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Amends Rem.  
Comp. Stat.  
§ 6147;  
Pierce's Code  
§ 2538.

SEC. 2. That Section 6147 of Remington's Compiled Statutes be amended to read as follows:

Misbranded.

Section 6147. The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

Drugs.

For the purposes of this act an article shall also be deemed to be misbranded: In the case of drugs: First, If it be an imitation of or offered for sale under the name of another article, Second, If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide or any derivative or preparation of any such substances contained therein. Third, If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or fraudulent.

Food.

In the case of food: First, If it be an imitation of or offered for sale under the distinctive name of any other article. Second, If it be labeled or branded so as to deceive or mislead the purchaser or purport to

be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein. Third, If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure or numerical count; *Provided, however,* That the reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of Chapter 168, Session Laws of 1917. Fourth, If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases: First, In the cases of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the said article has been manufactured or produced. Second, In the case of articles labeled, branded or tagged so as plainly to indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale:

See Rem.  
Comp. Stat.  
 §§ 6137 to  
6139;  
Pierce's Code  
 §§ 2546 to  
2548.

*Provided*, That the term "blend" as used herein shall be construed to mean a mixture or like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade mark formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Passed the House January 24, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor February 28, 1923.

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## CHAPTER 37.

[S. H. B. 43.]

### HORTICULTURE.

AN ACT relating to horticulture and horticultural products and amending sections 2841, 2842, 2843, 2845, 2854, 2855, 2858 and 2872 of Remington's Compiled Statutes.

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

SECTION 1. That Section 2841 of Remington's Compiled Statutes be amended to read as follows:

Section 2841. Inspectors-at-large may be assigned to duty in one or more counties and transferred from one county to another in the discretion of the director, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the state treasurer by the state auditor upon vouchers signed and verified under oath by such inspectors and countersigned by the director or the assistant director. In addition to inspectors-at-large whenever a petition is pre-

Amends Rem.  
Comp. Stat.  
§ 2841;  
Pierce's Code  
§ 2709.

Inspectors  
at large.

sented to the board of county commissioners of any county signed by twenty-five or more persons each of whom is a resident free-holder and owner of an orchard, berry farm, fruit farm, cultivated cranberry marsh or nursery, within said county stating that certain or all orchards, berry farms, fruit farms, cultivated cranberry marshes or nurseries or trees or plants of any variety or kind, within the county are infected, and that they desire the help of a local horticultural inspector in combating the infection, said board of county commissioners shall by resolution request the appointment and assignment to duty in such county by the director of agriculture of such number of local inspectors and for such length of time as such petition shall specify: *Provided, however,* That such local inspectors shall pass such an examination by the director of agriculture as will prove to his satisfaction that their knowledge and experience qualifies them to successfully perform horticultural inspection work. The salaries as fixed by the county commissioners and actual and necessary traveling expenses, within the county, of all local inspectors shall be paid out of the current expense fund of their respective counties upon vouchers signed and verified under oath by such inspectors and approved by the director or the assistant director, and ordered paid by the county commissioners, and the county auditor shall issue warrants therefor upon the said county fund. All local inspectors shall be under the direction and control of the director of agriculture and the assistant director. In case any inspector is dismissed from the service or transferred to another place, or to other duties, any qualified inspector or officer of the agricultural department may continue or complete any work or perform any duty initiated by such dismissed or transferred officer.

Local  
inspectors.

Salaries.

Amends Rem.  
Comp. Stat.  
§ 2842;  
Pierce's Code  
§ 2710.

SEC. 2. That Section 2842 of Remington's Compiled Statutes be amended to read as follows:

Nursery  
stock.

Section 2842. It shall be the duty of every person owning, leasing or occupying any land or premises on which there is or shall be growing, grown or situate any nursery stock, fruit trees, vines or bushes, shade trees, ornamental trees or shrubbery, or any horticultural plants, and of the owner or lessee of any such nursery stock, trees, fruit trees, vines, bushes, shrubbery or plants growing or situate on premises leased or occupied by him, and of the owner of any such nursery stock, trees, fruit trees, vines, bushes, shrubbery or plants growing, situate or being at any place within the State of Washington, for sale or delivery, and of every grower, shipper, commission merchant, consignee, dealer in and person in charge of any nursery stock, fruit or vegetables about to be shipped, or shipped, or held for delivery or offered for sale, to take and use sufficient methods and means for the prevention of infection by all pests and diseases to which such nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables may be subject, and to keep the same free from disease and pests, and, in event it is found that any such nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables are infected with any disease or pest, to promptly take and use effective means to control, cure, remove, eradicate and disinfect for the same, and in case such nursery stock, trees, fruit trees, vines, bushes, shrubbery, plants, fruits or vegetables cannot be successfully disinfected, to promptly destroy the same, and it shall be the duty of every owner and of the lessee of any premises upon which there are growing any infected fruit, fruit trees, shade or ornamental trees, vines or bushes, to thoroughly spray the same with a proper solution or emulsion or otherwise disinfect the same for the control, cure or removal of such

Pests and  
diseases.

Cure and  
removal.

Spraying.

infection, except that in any county where black stem rust infection occurs, it shall be the duty of every person owning or having charge of any premises on which barberry bushes of the rust-producing varieties are grown, or are at any time found growing, to forthwith destroy such bushes.

SEC. 3. That Section 2843 of Remington's Com-

Amends Rem.  
Comp. Stat.  
§ 2843;  
Pierce's Code  
§ 2711.

Section 2843. The pests injurious to and diseases of nursery stock, fruit trees, shade trees, ornamental trees and shrubbery, horticultural plants, fruit and vegetables to be guarded against, controlled, treated, removed, eradicated and disinfected for, as in the next preceding section provided, shall be all bacterial diseases, including fire blight of apple, pear and quince, crown gall or root gall, and hairy root; all fungus diseases, including black spot canker, pear scab, apple scab, apple powdery mildew, peach leaf curl, peach mildew, brown rot of peach, cherry and prune, chestnut blight, potato wart, powdery scab of potato and peach twig blight, blue stem of black raspberry, black stem rust of barberry and wheat, eastern filbert blight, European apple canker; all insect pests, including chewing insects, such as bud moth, peach twig borer, caterpillars, pear slug, flat headed borer, round headed borer, imported cabbage worm, potato tuber moth, potato nematode or eel worm, Mediterranean fruit fly, lesser apple worm, tussock moth, gypsy moth, brown tail moth, codling moth, fruit tree leaf roller, cherry maggot, cherry fruit saw-fly, satin moth, currant maggot, Colorado potato beetle, strawberry weevil, European earwig, Japanese beetle, pear thrips, and the larva of any thereof, and sucking insects, such as San Jose scale, scurfy scale, oyster shell bark louse, aphids, pear leaf blistermites and red spider, and such other bacterial and fungus diseases and insect pests as may be identified by science

Pests and  
diseases  
enumerated.

and specified and described as injurious to horticulture in the circulars to be issued from time to time by the director of agriculture.

Methods for eradication.

The methods and means required to be used for the prevention, control, removal, eradication and cure of the diseases and pests above specified, shall be as follows: For bacterial diseases, eradication by the removal and destruction of the infected plant or part thereof, care being taken to disinfect all tools used in such removal to prevent the spread of the infection or by any other methods that shall have been approved by the insecticide and fungicide board; for fungus diseases, control or cure by spraying with effective fungicide, such as Bordeaux solution, lime-sulphur solution, sulphide of iron or other effective fungicides; for chewing insect pests, control or removal by spraying with effective insecticides, such as arsenate of lead solution and arsenite of zinc solution; for sucking insect pests, control or removal by spraying with effective insecticides such as lime-sulphur solution, crude oil emulsion, tobacco solution, distillate oil emulsion, kerosene emulsion, soap solution and sulphur solution, or combinations thereof; and for fungus and insect pests, control, cure or removal by spraying with such other effective solutions and emulsions as may be discovered by science and specified and described in the circulars issued by the director of agriculture.

Spraying.

Amends Rem. Comp. Stat. § 2845; Pierce's Code § 2713.

SEC. 4. That Section 2845 of Remington's Compiled Statutes be amended to read as follows:

Sale of adulterated spraying material.

Section 2845. It shall be unlawful for any person to offer for sale in the State of Washington any horticultural insecticide or fungicide which is adulterated or misbranded within the meaning of this act. The term "insecticide" as used in this act shall include any substance or mixture or substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest

Insecticide.



vegetation. The term "Paris green" as used in this act shall include the product sold in commerce as Paris green and chemically known as the acetoarsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H<sub>3</sub>AsO<sub>4</sub>) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infect vegetation or be present in any environment whatsoever.

Paris green.

Lead arsenate.

Fungicide.

It shall be unlawful for any manufacturer, firm, corporation or person to sell, offer or expose for sale in this state, an insecticide, fungicide, or any materials to be used for preventing, destroying, repelling or mitigating insects, fungi, bacteria or other plant pests, unless such material shall have affixed to each and every package or container, in a conspicuous place on the outside thereof, a plainly printed statement as follows:

Sale regulations.

(1) The name, brand or trade mark under which it is sold.

(2) The purpose for which it is to be used.

(3) Direction for its application.

(4) The name and principal address of the manufacturer or person responsible for placing the commodity on the market.

(5) The net weight of the contents of the package.

(6) The correct statement of the character and name of each insecticidal or fungicidal ingredient used and the minimum per centum of such active ingredients and the maximum per centum of the inert ingredients contained in the package.

It shall be unlawful for any person, firm or corporation to sell, offer for sale or to apply to trees or plants by boring holes or otherwise for compensation any material as a horticultural insecticide or fungicide which relies for its effectiveness on being transferred throughout the tree or plant by the sap thereof without having demonstrated to the satisfaction of the state insecticide and fungicide board the effectiveness thereof and without furnishing the purchaser thereof a printed statement describing the material in the same manner as listed above for other insecticides or fungicides sold in closed packages.

SEC. 5. That Section 2854 of Remington's Compiled Statutes be amended to read as follows:

Section 2854. It shall be the duty of every person growing or packing and selling, offering for sale or shipping in closed boxes or packages, any fruit grown in this state, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place or locality where grown and the name of the grower, or in case of sale or shipment through an association or organization of growers, the name of such association or organization and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, and the grade of apples or pears, and it shall be unlawful for any person to mark or place upon any such package the name of any other place or locality than the place where such fruit was grown, except the place to which shipped, or to falsely mark any such package as to variety, name of grower, association or organization or place where grown, or to obliterate or change the original marks on any such package or to re-mark the same with the name of any other grower or of any other place than that by or in which the contents were grown, or in case such package is

Amends Rem.  
Comp. Stat.  
§ 2854;  
Pierce's Code  
§ 2722.

Fruit  
packing and  
shipping.

Containers  
marked.

marked with the name of an association or organization of growers to re-mark the same with the name of any other association or organization, and it shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit grown in this state and shipped in closed packages, to 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 any marked box or package any fruit other than that originally contained or shipped therein.

In addition to the marks required to be placed upon any closed package of fruit grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same shall mark upon the outside of such package the grade of the fruit contained therein, either as "First Grade", "Grade No. 1", or "Extra Fancy"; "Second Grade", "Grade No. 2" or "Fancy"; "Third Grade", "Grade No. 3", or "C-Grade"; "Fourth Grade", or "Orchard Run", or "Combination Grades", specifying the grades such as "Fancy and C-Grade", etc., and "Washington Standard Pack," 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, and it shall be unlawful for any other person to re-mark 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

Grade  
marked.

this section shall be construed to apply to canned or dried fruit.

Amends Rem.  
Comp. Stat.  
§ 2855;  
Pierce's Code  
§ 2723.

SEC. 6. That Section 2855 of Remington's Compiled Statutes be amended to read as follows:

Markings  
under  
regulations.

Section 2855. It shall be unlawful for any grower thereof or association or organization of growers packing apples, or other fruit, to mark the package with the grade of the contents, or for any person to ship, sell, barter, or otherwise dispose of or offer for sale, or have in his possession for the purpose of sale, any package of apples, or other fruit, grown and packed within the State of Washington unless such contents shall comply with the general obligatory rules and regulations made, adopted and published from time to time by the director of agriculture, which general obligatory rules and regulations shall define and establish the standard for the grades.

Vegetables  
marked for  
shipping.

It shall be unlawful (1) to mark or place upon any package of vegetables the name of any other place or locality than the place where the same were grown, except the place to which shipped; or to falsely mark any such package as to variety, name of grower, or place where grown, or to represent for purposes of sale that said vegetables were grown in any locality other than that in which they were actually grown, or by any other person than the person by whom they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any vegetables as graded according to, or by the name of any of the grades promulgated by the director of agriculture unless they conform to such grades; (3) to mark, brand, advertise, offer for sale or sell any vegetables by the name of any grade that imitates or approaches the name of any of the grades promulgated by the director of agriculture; or (4) to have in his possession any packages or vegetables thus misbranded; but it shall not be unlawful to sell

False  
marking.

vegetables as ungraded, or as graded according to other standards than those adopted by the director of agriculture, provided the name of such other grades or standards does not closely resemble or imitate the name of any of the official grades.

The general obligatory rules and regulations shall be based on the official hearing held December 15, 1922, and shall be adopted, issued and published not later than July 1, 1923, and thereafter the director of agriculture is authorized and directed to hold a public hearing in the principal districts affected, to consider proposed changes in these obligatory rules and regulations for any kind of fruit or vegetables only when a petition is submitted to him signed by resident freeholders of the state who are owners of twenty-five per cent or more of the total commercial acreage based on the census of the state department of agriculture for the kind of fruit or vegetables for which changes in the rules and regulations are suggested, requesting such hearing to consider desired changes in said rules and regulations and make, adopt, issue and publish general obligatory rules and regulations governing the packing of apples, other fruit or vegetables and establishing and defining the grades thereof, and in adopting the same the director is authorized to consult and advise with fruit or vegetable growers, the officers of associations or organizations of apple, other fruit or vegetable growers or distributors or dealers in apples, other fruit or vegetables. For the conducting of such hearing the director of agriculture may prescribe all necessary reasonable rules, but said rules must be such as to insure a fair, full and impartial opportunity for all interested districts to be heard. In establishing the grading obligatory rules herein mentioned the director of agriculture shall base them on the necessities and properties as shown in said hearing, taking into consideration the tonnage of commercial

Rules and regulations to be established.

Hearing.

fruit or vegetables in each district of the state affected by the grading obligatory rules to be established; said rules and regulations so established to become obligatory rules and regulations and be given the same force and effect as though enacted by the Legislature of the State of Washington, said obligatory rules and regulations to become effective upon being adopted and promulgated by the director of agriculture.

Promulgation  
of rules.

Amends Rem.  
Comp. Stat.  
§ 2858;  
Pierce's Code  
§ 2726.

SEC. 7. That Section 2858 of Remington's Compiled Statutes be amended to read as follows:

Section 2858. It shall be unlawful for any person, firm or corporation to sell, deal in or import into this state for sale or distribution any nursery stock except berry plants or bushes, or to act as agent, salesman, or solicitor for any nurseryman or dealer in nursery stock, without first having obtained from the director of agriculture and having in force a license so to do, and it shall be unlawful for any person to falsely represent that he is the agent, salesman, solicitor or representative of any nurseryman or dealer in nursery stock. No license shall issue until the applicant therefor shall have paid the fee and furnished the bond, as in this act required. The license fee shall be five dollars for nurserymen and dealers in nursery stock and one dollar for agents, salesmen and solicitors. All licenses shall be in the name of the person, firm or corporation licensed, and shall show the purpose for which issued, the name and location of the nursery or place of business of the nurserymen or dealer licensed or represented by the agent, salesman or solicitor licensed, and no license shall be issued to any agent, salesman or solicitor unless the nurseryman or dealer represented shall be licensed. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue: *Provided*, That all licenses in force at the time of the taking

Nursery stock,  
salesman,  
license.

Fee.

Date and  
expiration.

effect of this act shall continue in force during the term for which they were issued, unless sooner revoked, and any holder of such license applying for a license under this act prior to the first day of July next following the expiration of his former license, shall be required to pay therefor only the proportional part of the fee required for an annual license for the remaining portion of the year until the first day of July next following.

SEC. 8. That Section 2872 of Remington's Compiled Statutes be amended to read as follows:

Section 2872. The director of agriculture, assistant director and all horticultural inspectors are authorized and empowered, upon application for certificate inspection service on certain specified fruits or vegetables to inspect, investigate and certify to shippers and other interested parties, the quality, grade and condition of the fruits or vegetables specified in the application and the cars in which they are loaded, such inspection and investigation to be made under such rules and regulations as the director of agriculture may from time to time prescribe, upon the payment of such reasonable fees to be fixed by the director as will as near as may be cover the cost for the services rendered. Such fees are to be collected by the inspectors-at-large who have charge of such inspection and expended by them to assist in defraying the expense of the horticultural inspection. Such inspectors-at-large shall be bonded in a sum of three thousand dollars each running to the State of Washington with a surety approved by the director conditioned for the faithful handling of these funds for the purpose specified in this act. Said inspectors-at-large shall render on or before the tenth day of each month a detailed account to the director of agriculture showing the receipts and disbursements for the preceding month. On the thirtieth of June of each year the inspectors-

Amends Rem.  
Comp. Stat.  
§ 2872;  
Pierce's Code  
§ 2737a.

Fruits and  
vegetables,  
inspection.

Certificate.

Fees.

Report.

at-large shall render a complete account of the past year's business to the board of county commissioners of each county in which such certificates have been issued in their district, and should there be in excess of fifteen hundred dollars remaining on hand in any horticultural inspection district after all expenses of such certificate of inspection service have been met, to date, in that district, such amount shall be divided among the various counties in the district, in proportion to the number of certificates issued, and placed in the current expense fund of such counties to be used to assist in defraying the expenses of other horticultural inspection. In case the applicant for such certificate service shall fail, neglect or refuse, to pay such fee within thirty (30) days after the inspection has been made, it shall be the duty of the prosecuting attorney of the county in which the inspection was made to bring action for debt in the name of the inspector-at-large in charge of the inspection on his request. Such certificate so issued shall be received in all courts of the State of Washington as *prima facie* evidence of the truth of the statements therein contained.

Refusal to  
pay fee.

Passed the House February 1, 1923.

Passed the Senate February 14, 1923.

Approved by the Governor February 28, 1923.



## CHAPTER 38.

[H. B. 22.]

## COMMERCIAL WATERWAY DISTRICTS.

A BILL for an act relating to commercial waterway districts and providing for the payment of outstanding bonds thereof, the issuance and sale of refunding bonds by such districts and the levying of assessments by such districts to pay such outstanding and refunding bonds and repealing section 9730 of Remington's Compiled Statutes.

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

SECTION 1. In case any Commercial Waterway District heretofore organized under the laws of this State shall have heretofore issued and sold bonds of said District, and any part of said bonds shall, at the time of the passage of this Act, be outstanding and unpaid, and such District shall have failed to levy any assessment required by law to be levied for the liquidation of said bonds against the maximum benefits pledged by law for the payment thereof, such District may issue and sell as hereinafter provided, refunding coupon bonds of said District and from the proceeds thereof pay off and redeem any of such bonds then outstanding.

Bonds  
outstanding,  
refunded.

SEC. 2. Such refunding bonds and coupons for interest may be executed, issued and sold in such denomination, form and manner, and for such amount and rate of interest as bonds are by existing law authorized to be executed, issued and sold by such Districts, except as herein otherwise provided. Such refunding bonds shall mature twelve years from the date of their issuance, but shall be payable before maturity as hereinafter provided.

Refunding  
bonds, form.

Sale.

Maturity.

SEC. 3. Prior to the issuance of any such refunding bonds, the Board of Commissioners of the District shall assess and levy upon the lands and

Assessment.

Payment  
outstanding  
bonds.

Levy and  
collection.

Lien.

Notice  
of levy.

property benefited, or to be benefited by the improvement constructed or to be constructed by the District such amount of the maximum benefits theretofore established by judgment to be a charge against such lands and property and still leviable, as in the judgment of such board will raise and yield under the terms hereof sufficient moneys to enable such District to call, pay off, redeem or refund such outstanding bonds and to pay the principal and interest of such refunding bonds as may be issued all as herein provided: *Provided*, Always that the amount so assessed and levied, together with the amounts theretofore assessed and levied against any land or property shall not in the aggregate exceed the amount of maximum benefits so established against such land or property. Such assessment or assessments shall be made, levied and collected in the same manner and shall constitute a lien on such lands and property of the same kind, effect, rank and priority as is now provided by law in case of assessments levied upon said lands against such maximum benefits, except as herein otherwise provided. Such lien shall attach and become effective against each such tract or lot of land or property for the full amount of the assessment levied against the same with interest as hereinafter provided, from and after the time of the serving upon the county assessor of the notice of levy. Notice of any such levy shall be served upon the county assessor as aforesaid on or before the first day of October, of the year in which such levy shall be made.

SEC. 4. At the time of making such levy the Board of Commissioners of the District shall file with the county treasurer of the county in which such District is located, a duplicate of the notice of levy served on the county assessor of such county, and the treasurer shall file, keep and preserve the same in his office. From and after the filing of such

duplicate notice of levy with the county treasurer, it shall be the duty of such treasurer to accept payment in full as hereinafter provided, of the amount at any time remaining unpaid of the assessment so levied upon any lot or tract of land or property, and to keep a record of such payment.

SEC. 5. Whenever any such assessment shall have been levied, the Board of Commissioners of the District shall publish or cause to be published, a notice in a weekly newspaper of general circulation published within the district and if no such newspaper be published within the district then in the newspaper doing the county printing of the county in which the principal office of the District is situated stating that such assessment has been made and levied, and the date and aggregate amount thereof, and that the amount assessed and levied against any lot or tract of land or other property may be paid in full without interest to the county treasurer of such county on or before thirty days from the date of such levy and that unless such payment shall be made such assessment will be payable in ten equal annual installments as herein provided. Such notice shall be published in at least three regular issues of such newspaper and the first publication thereof shall be not more than ten days after such levy and the last publication shall not be more than twenty-five days after such levy.

Publication  
of notice.

SEC. 6. Any assessment so levied upon any lot or tract of land or property may be paid in full without interest at any time before the expiration of thirty days from the date of the levy thereof, and if not so paid the same shall be payable in ten equal annual installments thereafter beginning with the year next succeeding the year in which such levy shall be made, with interest at the rate of seven per cent per annum from the date of such levy. The first installment shall include interest on the assess-

Payment of  
assessment.

ment from the date of levy until the first day of January of the second succeeding year and the installment for each calendar year thereafter shall include interest for that year on the unpaid balance of the assessment. The installment of each year shall fall due at the time of the falling due of general taxes for that year: *Provided* That the balance of any such assessment at any time remaining unpaid may be paid at any time not less than thirty days prior to the date when the next installment of interest on said refunding bonds is payable, by paying the balance of the principal of the assessment then remaining unpaid with interest to such next succeeding interest date; and may be paid at any time less than thirty days prior to such next succeeding interest date by paying the principal of such balance with interest to the date of the second succeeding interest date.

Proceeds of assessments.

SEC. 7. The proceeds of all such assessments shall be paid in full on or before the expiration of thirty days from the date of the levy thereof as hereinbefore provided shall be used by the county treasurer for the sole purpose of calling, paying and redeeming bonds then outstanding as now required by law. No refunding bonds shall be issued or sold until after the expiration of such period of thirty days and then for such amount only as shall be necessary to yield moneys sufficient to pay and redeem the remaining outstanding bonds. The proceeds of all remaining assessments shall be used and applied solely for the purpose of paying the principal and the interest of the refunding bonds for the payment of which such assessments were levied, and shall be kept by the county treasurer in a special fund for such purpose only. In case the District prior to the levying of the assessment herein authorized, shall have levied any part of the maximum benefits upon the lands charged with the payment thereof, for the purpose of raising

Levy of maximum benefits.

money with which to pay or redeem any of the outstanding bonds to be refunded, the proceeds of any portion of such assessment so levied and remaining unpaid at the time of the issuance of such refunding bonds shall, when collected by the county treasurer, be placed and kept by him in such special fund for the purpose of paying such refunding bonds and interest. Interest coupons of such refunding bonds shall be paid by the county treasurer when due in the order of their presentation and surrender out of any of such funds then on hand.

SEC. 8. It shall be the duty of the county treasurer of any county in which there may be a district issuing refunding bonds under the provisions of this chapter, to call in for payment on each interest date as many of such bonds, in numerical order, beginning with Bond numbered (1) as can be paid out of the funds on hand for that purpose after deducting an amount sufficient to pay all interest then due on all unpaid bonds. Said call shall be published for two (2) consecutive weeks in the newspaper doing the county printing; the first publication to be two (2) weeks prior to said interest date, and shall state the number of the bond or bonds so called, and that interest thereon will cease on said interest date.

Call for  
payment.

Published.

SEC. 9. In case any lands or property subject to the lien of any assessment levied under the authority of this Act shall be sold for taxes, the whole amount of such assessment then remaining unpaid shall be due and payable, anything to the contrary in this Act notwithstanding, and shall be included in the aggregate amount of taxes for which said bonds or property shall be sold.

Assessed  
lands sold  
for taxes.

SEC. 10. Before the refunding bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond regis-

Bonds  
registered.

ter, in which register he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall in all cases be paid by the purchaser thereof to the county treasurer.

Repeals Rem.  
Comp. Stat.  
§ 9730;  
Pierce's Code  
§ 1372.

SEC. 11. Section 9730 of Remington's Compiled Statutes is hereby repealed.

Passed the House January 29, 1923.

Passed the Senate February 14, 1923.

Approved by the Governor February 28, 1923.

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## CHAPTER 39.

[H. B. 63.]

### CORPORATIONS.

AN ACT relating to corporations, the service of process thereon and amending section 3817 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 3817;  
Pierce's Code  
§ 4506.

SECTION 1. That Section 3817 of Remington's Compiled Statutes be amended to read as follows:

Section 3817. Every corporation heretofore organized under the laws of the territory or State of Washington, and every corporation which may hereafter be organized under the laws of this state, shall, on or before the second Tuesday of January of each year, and at such other times as such corporations may elect so to do, file with the county auditor of the county in which such corporation has its principal place of business, a statement, sworn to by its president and attested by its secretary and sealed with its corporate seal, containing a list of all its officers and their respective titles of office, names and addresses, and the term of office for which they have been chosen. If any corporation shall fail to comply with the provisions of this section, service of

Officers,  
lists of,  
filed.

process against such corporation during the period of such failure may be made by serving duplicate copies upon the secretary of state. Upon such service being made the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its last known address as shown by the records of his office.

Process  
served  
upon.

Passed the House February 15, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor March 1, 1923.

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## CHAPTER 40.

[H. B. 141.]

### LABOR AND INDUSTRIES.

AN ACT making an appropriation for the accident fund for the use of the director of labor and industries 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 from the accident fund of the state treasury the sum of four million dollars (\$4,000,000.00) to be expended under direction of the director of labor and industries for the fiscal term beginning April 1st, 1923, and ending March 31st, 1925.

Appropriation  
\$4,000,000.00.

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

Emergency.

Passed the House February 14, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor March 1, 1923.

## CHAPTER 41.

[S. B. 144.]

## HIGHWAY FUNDS.

AN ACT making an appropriation from the public highway 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 contributions into the public highway 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 is hereby authorized and directed to place in the state public highway 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 public highway 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 moneys available in the public highway fund, the same 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 commissioner 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 authority.

Public  
highway  
fund.

Federal  
aid  
funds.

Appropriation  
\$1,000,000.00.

Revolving  
fund.



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

Passed the Senate February 10, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 1, 1923.

## CHAPTER 42.

[S. B. 146.]

### PUBLIC HIGHWAYS.

AN ACT relating to the use of the public highways, of the rights and remedies of persons thereon, regulating the speed of motor vehicles at railroad crossings and amending section 6350 of Remington's Compiled Statutes, same being section 245 Pierce's Code.

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

SECTION 1. That Section 6350 of Remington's Compiled Statutes, same being Section 245, Pierce's Code, be amended to read as follows: Amends Rem. Comp. Stat. § 6350; Pierce's Code § 234.

Section 6350. Drivers of all motor vehicles carrying passengers for hire on any of the public highways of this state outside the incorporated limits of any city or town, shall bring said vehicles to a full stop within fifty feet of any unguarded grade crossing of any railroad or interurban track before crossing the same. Motor vehicles for hire.  
Railroad crossings.

Drivers of all other motor vehicles shall at the point of passing an advance railroad crossing sign, reduce the speed of the vehicle until the rate of speed at a point fifty (50) feet from the crossing shall not exceed twelve (12) miles per hour.

Passed the Senate February 10, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 1, 1923.

CHAPTER 43.

[S. S. B. 60.]

UNIVERSITY OF WASHINGTON.

AN ACT granting to the University of Washington certain shore lands lying in front of Section sixteen (16), Township twenty-five (25) North, Range four (4) East W. M., being Blocks seven (7) A and Eight (8) A, Lake Washington Shore Lands, as shown on the map of said shore lands filed in the office of the Commissioner of Public Lands, September 19th, 1921.

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

Grant of shore lands.

SECTION 1. That all of Blocks seven (7) A and eight (8) A, Lake Washington Shore Lands as shown on the map of said shore lands filed in the office of the Commissioner of Public Lands, September 19, 1921, be and the same hereby are granted to the University of Washington for University purposes.

Passed the Senate February 8, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 1, 1923.

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CHAPTER 44.

[S. B. 56.]

UNIVERSITY OF WASHINGTON.

AN ACT relating to and limiting the powers of the Board of Regents of the University of Washington.

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

Lease of lands.

SECTION 1. The Board of Regents of the University of Washington shall not sell, lease, re-lease or make any other disposition of, or extend or modify the present lease upon, that certain tract of land in the City of Seattle, commonly known as the "old university grounds," or any part thereof, unless and

until authorized and empowered so to do by statute enacted by the Legislature, and any contract of sale, lease or re-lease, or contract extending or modifying the present lease of said tract of land, made or attempted to be made by said Board of Regents shall be null and void unless and until the same has been approved, confirmed and ratified by statute enacted by the Legislature.

Passed the Senate January 25, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 1, 1923.

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## CHAPTER 45.

[S. B. 125.]

### TAXATION.

AN ACT relating to the powers and limitations of taxing districts and amending Section 5607 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 5607 of Remington's Compiled Statutes of Washington be and the same is hereby amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5607; .  
Pierce's Code  
§ 5402.

Section 5607. All orders, authorizations, allowances, contracts, payments or liabilities to pay, made or attempted to be made in violation of this act, shall be absolutely void and shall never be the foundation of a claim against a taxing district: *Provided*, That the limitations imposed by this act shall not apply to debts contracted by any taxing district prior to March 1, 1917: *Provided, further*, That the limitations imposed by this act may be exceeded by cities of the second class for the purpose of constructing, renewing or repairing any bridge or bridges across any navigable waters located therein, and as to such

Debts void.

Bridges,  
2nd class  
cities.

indebtedness incurred for such purpose, the limits upon municipal indebtedness imposed by the State Constitution shall apply. No additional indebtedness shall be incurred by any city of the second class for the purpose last above mentioned without the assent of three-fifths of the qualified voters of such city voting thereon at an election to be held therein for that purpose under and pursuant to the provisions of Sections 9538 to 9548, inclusive, of Remington's Compiled Statutes of Washington. Any such additional indebtedness so incurred shall not thereafter be taken into consideration in computing the limitation of indebtedness of such city under the provisions of this act.

Passed the Senate February 9, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 2, 1923.

Rem. Comp.  
Stat.  
§§ 9538 to  
9548;  
Pierce's Code  
§§ 5446 to  
5455.

## CHAPTER 46.

[S. B. 141.]

### DIKES, DRAINAGE AND SEWERAGE.

AN ACT relating to the improvement of lands and other property by diking, drainage and sewerage, providing for certain protection of the lien of drainage, diking and sewerage improvement district assessments in the foreclosure of general taxes, and amending Sections 4405, 4406, 4407, 4411, 4412, 4415, 4422, 4431, 4435, 4438, 4439, 4445, 4446, 4449, 4451, 4459 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:*

SECTION 1. That Section 4405 of Remington's Compiled Statutes be amended to read as follows:

Section 4405. Whenever four or more persons whose lands will be benefited thereby desire to have improvements constructed for the drainage or protection from overflow, or both, of any contiguous

Amends Rem.  
Comp. Stat.  
§ 4405;  
Pierce's Code  
§ 1945-57.

Owners of  
lands  
benefited  
desire  
improvement.

body of lands situated in the same county, whether wholly or partly within the limits of any incorporated city or town, or shall desire to have improvements constructed for the sewerage of any such lands situated outside the corporate limits of any city or town, proceedings for the construction of such improvements may be had as provided in this act.

SEC. 2. That Section 4406 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 4406:  
Pierce's Code  
§ 1945-58.

Section 4406. "System," "improvement," and "system of improvement," as used in this act, shall be held to include a dike, ditch, drain or water course, or sewer, and any side, lateral, spur or branch dike, ditch, drain or water course, or sewer, or other structure, necessary to secure the object of the improvement. Any number of dikes, ditches, drains or water courses, or sewers, with their laterals, spurs, and branches with separate outlets, or in the case of sewers with one or more septic tanks, may constitute one system for the protection or reclamation of the land included in any district. But no system shall be established or constructed unless sufficient outlet or outlets, or in the case of sewers, sufficient septic tank or tanks, are provided for any drainage or sewerage of such district. Such outlet or outlets, or septic tank or tanks, may be either within or without the boundaries of the improvement district hereinafter provided for. Any natural water course may be improved in accordance with the provisions of this act.

Definitions.

"Damages," as used in this act, shall be held to include the value of the property taken and injury to property not taken, or either, as the case may be. "Property benefited" and "property damaged," as used in this act, shall be held to include land, platted or unplatted, whether subject to or exempt from general taxation, and roads other than public roads. "Public roads," as used in this act, shall be held to

include state and county roads, streets, alleys and other public places; and "other roads," as used in this act shall be held to include railroads, street railroads, interurban railroads, logging roads, tramways and private roads and the right-of-way, roadbeds and tracks thereof.

"Public utilities," as used in this act, shall be held to include irrigation, power and other canals, flumes, conduits and ditches, telegraph, telephone and electric transmission and pole lines, and oil, gas and other pipe lines. "County engineer," as used in this act, shall be held to include any engineer specially employed by the board of county commissioners or the board of supervisors to report upon and prepare plans for or to superintend the construction of a system or the maintenance thereof under the provisions of this act. "Prosecuting attorney," as used in this act, shall be held to include any attorney specially employed by the board of county commissioners in connection with the carrying out of the provisions of this act to advise or carry on proceedings in court with reference to a system of improvement initiated and constructed under the provisions of this act.

SEC. 3. That Section 4407 of Remington's Compiled Statutes be amended to read as follows:

Section 4407. Application for any such improvement shall be made by petition to the board of county commissioners of the county in which such proposed system of improvement is located signed by four or more of the owners of property which will be benefited thereby. The petition shall be filed with the clerk of the board of county commissioners, and shall set forth the necessity for the improvement and shall describe with reasonable certainty the location, route and terminal thereof; and there shall be filed therewith a bond payable to the county commissioners, in a sum of not less than two hundred

Amends Rein.  
Comp. Stat.  
§ 4407;  
Pierce's Code  
§ 1945-59.

Application  
for im-  
provement.

dollars (\$200.00), conditioned for the payment of all expenses which may have been incurred in the proceedings, in case the prayer of the petition be not granted or the petition be dismissed for any cause. If at any time it shall appear to the board of county commissioners that the bond filed with the petition is not sufficient in amount to cover the expenses which will be necessarily incurred in the proceedings, the board may order an additional bond in such an amount as it shall direct to be given.

SEC. 4. That Section 4411 of Remington's Com-  
 piled Statutes be amended to read as follows:

Amends Rem.  
 Comp. Stat.  
 § 4411;  
 Pierce's Code  
 § 1945-62.

Section 4411. If the report of the county en-  
 gineer shall be in favor of said improvement, the  
 board of county commissioners shall give the im-  
 provement district a number, being its serial number  
 in the order of time of its formation among the im-  
 provement districts of the county formed under this  
 act, beginning with the next number following the  
 last serial number of any drainage, diking or sewer-  
 age district organized and existing in said county,  
 if any, and thereafter such district shall be desig-  
 nated as drainage (or diking or sewerage) improve-  
 ment district number..... of.....  
 county, and the board shall cause to be entered on  
 its journal an order directing the county engineer  
 to go upon the lines described in the petition, or as  
 changed by him in his report, and survey, and take  
 levels on the same and set a stake at every hundred  
 feet, numbering the same consecutively, and note the  
 intersection of property lines and boundaries, town-  
 ship, city and county lines, and road crossings, and  
 make such other investigations as he may deem  
 necessary, and make a report, profile and plat of the  
 same; also to make an estimate of the cost of con-  
 struction of such system itemized so as to be reason-  
 ably specific as to the various parts thereof: *Pro-  
 vided*, That such estimate of the cost shall be held

Improvement  
 district.

to be preliminary only, and shall not be binding as a limit on the amount that may be expended in constructing such system. The clerk of the board shall prepare and keep a special index in which he shall note all proceedings had and all papers filed in connection with such improvement district.

Amends Rem.  
Comp. Stat.  
§ 4412;  
Pierce's Code  
§ 1945-63.

SEC. 5. That Section 4412 of Remington's Compiled Statutes be amended to read as follows:

Schedule of  
property  
benefited,  
damaged.

Section 4412. The board shall also by order entered on the journal, direct the county engineer to make and return a schedule and estimate of all property that will be damaged, or both damaged and benefited by the proposed improvement, and to estimate and report the total number of acres that will be benefited by the proposed improvement and to specify the manner in which the proposed improvement is to be made and the number, kind, location and dimensions of all waterways, ditches, outlets, septic tanks, flood gates, and all other artificial appliances, bridges and crossings. Schedules of property to be damaged or damaged and benefited shall be arranged in parallel columns, with appropriate headings, and shall show the description of the property, and if land, given the legal subdivision, section, township and range, and number of acres; and if platted, the name of the plat and lot and block numbers; the name of the owner or owners or reputed owner or owners; the estimated gross damages that will accrue; and the right hand column of the schedule shall be sufficiently wide for the signature of the owner, and shall bear the heading: "I, the undersigned owner of the property opposite which I have signed my name, accept and agree to the estimated amount of benefits and damages that will accrue to my property by reason of the proposed improvement."



SEC. 6. That Section 4415 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 4415;  
Pierce's Code  
§ 1945-66.

Section 4415. On the date set for said hearing the board of county commissioners shall meet at the place designated in the notice, and if it appear that due notice of such hearing has been given, shall proceed with the hearing on the report of the county engineer, and any objections thereto, and may adjourn said hearing from time to time and from place to place. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the system and the probable benefits to accrue therefrom, and may change, add to or modify the plans for such system of improvement and the boundaries of the improvement district, and change the estimate of damages and benefits in any case, and may review, change and modify any of the findings and estimates of the county engineer, and may, in its discretion, employ another engineer to make separate findings on any or all of the matters hereinbefore required to be included in the report of the county engineer, and may adjourn said hearing and await such report; or may discontinue proceedings in regard to the proposed improvement, at the cost of the petitioners therefor, if the board shall determine that the construction of the proposed improvement is not warranted by the benefits to be derived therefrom. If at said hearing the board shall find that the plan of improvement proposed or as modified by them at said hearing, is feasible and economical, and that the benefits to be derived from said improvement by the lands within the proposed district exceed the cost thereof, it shall make its written finding to that effect and shall pass a resolution establishing the district and describing the boundaries thereof and fixing the plans for the improvement. In case the board shall determine to enlarge the boundaries of the district, a date shall

Hearing on  
report  
county  
engineer.

Boundaries  
of district  
enlarged.

be fixed for a new hearing and notice therefor shall be given and such hearing shall be held as provided for the hearing on the report of the county engineer. In case any change in the plans of the proposed improvement is made at said hearing, and such change will cause additional damage to any property, or will damage any property not damaged under the original plans, the county engineer shall prepare and file a schedule, showing the estimated damages and the benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlements made as hereinafter provided. The board of county commissioners may at said meeting appoint the board of appraisers provided for in Section 4430.

Amends Rem.  
Comp. Stat.  
§ 4422;  
Pierce's Code  
§ 1945-73.

SEC. 7. That Section 4422 of Remington's Compiled Statutes be amended to read as follows:

Cost of  
improvement,  
how paid.

Section 4422. The cost of improvement shall be paid by assessment upon the property benefited, said assessment to be levied and apportioned as hereinafter prescribed, and all the lands included within the boundaries of the district and assessed for the improvement shall be and remain liable for the costs of the improvement until the same are fully paid. At the hearing provided for in Section 4415, the board of county commissioners shall determine in what manner and within how many years said assessment shall be paid, and shall also at such hearing determine whether the evidence of indebtedness for the cost of said improvement shall be bonds or warrants. If bonds, it shall fix either ten or fifteen annual installments for the payment of said assessment. If warrants, it shall fix not to exceed five annual installments for the payment of said assessment. In case bonds are to be issued and the board shall determine on ten annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

Bonds,  
warrants.

For the 1st year.....	5%
For the 2nd year.....	5%
For the 3rd year.....	5%
For the 4th year.....	10%
For the 5th year.....	10%
For the 6th year.....	10%
For the 7th year.....	10%
For the 8th year.....	15%
For the 9th year.....	15%
For the 10th year.....	15%

In case bonds are to be issued and the board shall determine of fifteen annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year.....	5%
For the 2nd year.....	5%
For the 3rd year.....	5%
For the 4th year.....	5%
For the 5th year.....	6%
For the 6th year.....	6%
For the 7th year.....	6%
For the 8th year.....	6%
For each succeeding year.....	8%

In case warrants are to be issued, no annual installments shall be less than one-tenth nor more than one-half of the entire assessment.

In the event that the entire assessment upon any single tract or parcel of land, or contiguous tracts or groups of tracts belonging to the same owner is twenty-five dollars (\$25.00) or less, such assessment shall become due and payable at the time the first general taxes next after the date of the levy shall become due, and the terms of this act relating to the payment of assessments in installments shall not apply to such assessments. The bonds shall be of such denomination, not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) as the county commissioners shall by resolution prescribe. The interest thereon shall be payable semi-annually and the bonds shall be numbered consecutively, be coupon in form, and shall recite that they are secured to be paid by assessments upon

Assessment,  
when payable.

Bonds, de-  
nominations.

Interest  
payable  
when.

Bonds payable when.

the property of drainage (or diking or sewerage) improvement district number . . . . . of . . . . . county, and that they are not a general obligation of such county. They shall be payable in their serial order, on any semi-annual coupon date, on the call of the treasurer whenever there shall be sufficient money in the bond redemption fund of the district against which they are issued, over and above that necessary for the payment of interest on all outstanding bonds, to pay the principal of one or more bonds at the next coupon date: *Provided*, That the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule:

First, in case the assessment is payable in ten annual installments:

For the 1st year . . . . .	10%
For the 2nd year . . . . .	10%
For the 3rd year . . . . .	10%
For the 4th year . . . . .	10%
For the 5th year . . . . .	10%
For the 6th year . . . . .	10%
For the 7th year . . . . .	10%
For the 8th year . . . . .	15%
For the 9th year . . . . .	15%

Second, in case the assessment is payable in fifteen annual installments:

For the 1st year . . . . .	10%
For the 2nd year . . . . .	6%
For the 3rd year . . . . .	6%
For the 4th year . . . . .	6%
For the 5th year . . . . .	6%
For the 6th year . . . . .	6%
For the 7th year . . . . .	5%
For the 8th year . . . . .	5%
For the 9th year . . . . .	10%
For the 10th year . . . . .	10%
For the 11th year . . . . .	10%
For the 12th year . . . . .	10%
For the 13th year . . . . .	10%

Call for payment.

The treasurer shall give notice of such call by publication in the county official newspaper once each week for two consecutive weeks, the first publication

of which notice shall be at least fifteen days prior to the next coupon date, stating that bonds No. . . . . (giving their serial number or numbers) will be paid on the date the next interest coupons on said bonds shall become due, and interest upon such bonds shall thereupon cease upon such date. Each warrant and bond shall bear the date of its issuance and recite that it is payable on or before the first day of January of the third year after the last installment of the assessment upon which it is based shall become due. Each bond shall state on its face that bonds of the district can not be called for payment at an earlier maturity than in accordance with the schedule therefor applicable thereto as herein provided, which schedule shall be printed on the face of the bonds. Each warrant and bond shall be signed by a majority of the board of county commissioners and attested by the county auditor under his seal, and each coupon shall have printed thereon a facsimile of the signature of such officers. Interest coupon No. 1 on such bonds shall be for the amount of interest due from the date of the issuance of said bonds to the 1st day of July in the year in which the first installment of the assessment becomes due and payable. The county treasurer shall register said bonds and warrants before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of said county commissioners and the county auditor, and that the seal attached is the seal of the county auditor. Neither bonds nor warrants shall be issued until after the expiration of the thirty days from the first publication of the notice given by the treasurer as provided in Section 4435 and shall not be issued in any amount in excess of that portion of the assessment remaining unpaid after the expiration of such thirty-day period.

Bonds and  
warrants  
registered.

Amends Rem.  
Comp. Stat.  
§ 4431;  
Pierce's Code  
§ 1945-81.

SEC. 8. That Section 4431 of Remington's Compiled Statutes be amended to read as follows:

Public road  
benefitted.

Costs  
apportioned.

Road district  
funds.

Amends Rem.  
Comp. Stat.  
§ 4435;  
Pierce's Code  
§ 1945-85.

Schedule of  
apportion-  
ment.

Section 4431. Whenever any system of improvement constructed under the provisions of this act will drain, protect or otherwise improve the whole or any part of any public road, roadbed or track thereof, or where any such system of improvement will furnish an outlet for or facilitate the construction or maintenance of any sewer system in any city or town, there shall be apportioned against the state, in the case of state primary and secondary highways, and against the county in which any other such state or county road outside of any incorporated city or town is located, or against the city or town in which any such public road is located, or against any such other road or part thereof so drained, protected or otherwise improved, or against the city or town for which an outlet for sewage will be furnished or wherein the construction or maintenance of a sewer system will be facilitated, the proper amount of the total sum to be apportioned. The board of county commissioners may pay such portion as they deem proper of the amount assessed against the county on account of the drainage, protection or improvement of the roads, out of the funds of the road district in which such drainage, protection or improvement is made. The amount assessed against the state shall be paid out of the appropriate fund of the state.

SEC. 9. That Section 4435, Remington's Compiled Statutes be amended by dividing same into four sections to be known as Sections 4435-1, 4435-2, 4435-3 and 4435-4, as follows:

Section 4435-1. Upon the filing of the schedule of apportionment, the board of county commissioners shall fix the time and place for a hearing thereon which time shall be not more than 60 days from the date of the filing thereof and notice of such hearing

shall be given in the manner provided for giving notice of hearing in Section 4414. Said notice shall fix the time and place of hearing on said roll, and shall state that the schedule of apportionment showing the amount of the cost of the improvement apportioned to each county, city, town and piece of property benefited by the improvement is on file in the office of the board of county commissioners and open to public inspection, and shall notify all persons who may desire to object thereto that they may make such objections in writing and file the same with the clerk of the board of county commissioners at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times and places as the hearing may be continued to, the board of county commissioners will sit as a board of equalization for the purpose of considering such schedule and at such hearing or hearings will also consider any objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such schedule, or any part thereof, or set aside such schedule and order that such apportionment be made *de novo* as to such body shall appear just and equitable, and that at said hearing the board will confirm said schedule as finally approved by them and will levy an assessment against the property described thereon for the amounts as fixed by them. The board of county commissioners shall serve by mail, at least ten days before such hearing, upon the commissioner of public lands of the State of Washington a like notice, in duplicate, showing the amount of the cost of the improvements apportioned against all state, school, granted, or other lands owned by the State of Washington in such district, also a like notice upon the state supervisor of highways showing the amount apportioned against any state primary or secondary highways. Upon receipt of such notice the commissioner of

Amends Rem.  
Comp. Stat.  
§ 4414;  
Pierce's Code  
§ 1945-65.

Hearing.

Levy of  
assessment.

State, school  
or granted  
lands.

public lands and (or) the state supervisor of highways shall endorse thereon a statement either that he elects to accept or that he elects to contest such apportionment, and shall return the same, so endorsed, to the board of county commissioners. At or prior to such hearing any person interested may file with the clerk of the board written objections to any item or items of said apportionment.

Amends Rem.  
Comp. Stat.  
§ 4435;  
Pierce's Code  
§ 1945-85.

Schedule  
approved,  
corrected or  
modified.

Section 4435-2. At such hearing, which may be adjourned from time to time and from place to place, until finally completed, the board of county commissioners shall carefully examine and consider said schedule and any objections filed or made thereto and shall correct, revise, raise, lower, change or modify such schedule or any part thereof, or strike therefrom any property not benefited, or set aside such schedule and order that such apportionment be made *de novo*, as to such body shall appear equitable and just. The board shall cause the clerk of the board to enter on such schedule all such additions, cancellations, changes, modifications and reapportionments, all credits for damages allowed or awarded to the owner of any piece of property benefited, but not paid, as provided in Section 4419; also a credit in favor of the county on any apportionment against the county, of all sums paid on account of said improvement, as provided in Section 4420; and all sums allowed the county on account of services rendered by the county engineer or prosecuting attorney, as provided in Section 4430; and all credits allowed to property owners constructing crossings as provided in Section 4429. When the board of county commissioners shall have finally determined that the apportionment as filed or as changed and modified by the board is a fair, just and equitable apportionment, and that the proper credits have been entered thereon, the members of the board approving the same shall sign the schedule and cause

Rem. Comp.  
Stat. § 4419;  
Pierce's Code  
§ 1945-70.

Rem. Comp.  
Stat. § 4420;  
Pierce's Code  
§ 1945-71.

Rem. Comp.  
Stat. § 4430;  
Pierce's Code  
§ 1945-80.

Rem. Comp.  
Stat. § 4429;  
Pierce's Code  
§ 1945-79.



the clerk of the board to attest their signature under his seal, and shall enter an order on the journal approving the final apportionment and all proceedings leading thereto and in connection therewith, and shall levy the amounts so apportioned against the property benefited, and the determination by the board of county commissioners in fixing and approving such apportionment and making such levy shall be final and conclusive.

The board of county commissioners shall also at said hearing, levy, in the manner hereinafter provided for the levy of maintenance assessments, such assessment as they shall deem necessary to provide funds for the maintenance of the system of improvement until the first annual assessment for maintenance shall fall due.

Maintenance  
assessment.

Section 4435-3. Upon the approval of said roll the county auditor shall immediately prepare a completed assessment roll which shall contain, first, a map of the district showing each separate description of property assessed; second, an index of the schedule of apportionments; third, an index of the record of the proceedings had in connection with the improvement; fourth, a copy of the resolution of the board of county commissioners fixing the method of payment of assessments; fifth, the warrant of the auditor authorizing the county treasurer to collect assessments; and sixth, the approved schedule of apportionments of assessments; and shall charge the county treasurer with the total amount of assessment and turn the roll over to the treasurer, for collection in accordance with the resolution of the board of county commissioners fixing the method of payment of assessments. 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 for once a week for at least two consecutive weeks, that the said roll is in his hands

Amends Rem.  
Comp. Stat.  
§ 4435;  
Pierce's Code  
§ 1945-55.  
Assessment  
roll.

for collection and that any assessment thereon or any portion of any such assessment 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, and the treasurer shall accept such payment as in said notice provided. Upon the expiration of such thirty-day period the county treasurer shall certify to the county auditor the total amount of assessments so collected by him and the total amount of assessments remaining unpaid upon said roll.

Amends Rem.  
Comp. Stat.  
§ 4435;  
Pierce's Code  
§ 1945-85.

Payment of  
assessments.

Section 4435-4. After the expiration of said thirty-day period, payment of assessments in full, with interest to the next coupon date which is more than thirty days from the date of such payment, may be made at any time; *Provided*, That the aggregate amount of such advance payments in any year, together with the total amount of the assessments due at the beginning of said year, shall not exceed the total amount of the bonds which may be called in that year according to the applicable bond redemption schedule. The treasurer shall accept payments of assessments in advance, in the order tendered, until the limit herein set forth has been reached.

Interest on  
assessments

The assessments contained in the assessment roll shall bear interest from the expiration of the thirty-day period at the rate of eight per cent per annum and interest upon the entire assessment then unpaid shall be due and payable at the time each of said installments becomes due and payable as a part thereof: *Provided*, That if the bonds or warrants be sold at a lower rate of interest than eight per cent then said assessments shall bear interest at the same rate borne by such bonds or warrants.

Assessment  
lien.

The assessments contained in said assessment roll shall be liens upon the property assessed, such lien shall be of equal rank with other liens assessed against the property for local improvements and

paramount to all other liens except the lien of general taxes, and shall relate back to and take effect as of the date when the board of county commissioners determined to proceed with the construction of the improvement as provided in Section 4421.

SEC. 10. That Section 4438 of Remington's Compiled Statutes be amended to read as follows:

Section 4438. Any judgment that heretofore has been obtained or that hereafter may be obtained against a county on account of any contract lawfully made by its officials for or on behalf of any drainage, diking, or sewerage improvement district, or on account of the construction or maintenance of any drainage, diking, or sewerage system of a drainage, diking, or sewerage improvement district shall be collected and reimbursed to the county from said improvement district, and the amount of such judgment shall be included in the construction costs of said district: *Provided*, That if such judgment be recovered after the assessment to pay the construction costs shall have been levied, then the county commissioners are hereby empowered and they shall make a supplemental levy upon the lands of the district, and from the funds collected under such levy said reimbursements shall be made.

SEC. 11. That Section 4439 of Remington's Compiled Statutes be amended and divided into six sections to be known as Sections 4439-1, 4439-2, 4439-3, 4439-4, 4439-5, and 4439-6 to read as follows:

Section 4439-1. There shall be established in the county treasury of any county in which any drainage or diking or sewerage improvement is established under the provisions of this act, appropriate funds as follows:

(1) The construction fund, into which shall be paid the proceeds of all bonds or warrants sold and the proceeds of all assessments paid prior to the sale

Amends Rem.  
Comp. Stat.  
§ 4438;  
Pierce's Code  
§ 1945-85c.

Judgments  
against  
county.

Amends Rem.  
Comp. Stat.  
§ 4439;  
Pierce's Code  
§ 1945-86.

Construction  
fund.

of bonds or warrants. In case no bonds have been issued or warrants have been sold, the proceeds of all assessments levied to pay the cost of construction shall be paid into such fund. All warrants including temporary warrants, issued in payment of cost of construction shall be paid out of such fund.

Bond and  
warrant  
redemption  
fund.

(2) A fund for the redemption of all bonds issued or warrants sold, to be known as the redemption fund, into which shall be paid all proceeds derived from assessments levied to pay cost of construction which shall not have been paid prior to the sale of bonds or warrants, in case bonds have been issued or warrants sold, and also all moneys, if any, remaining in the construction fund after the payment of all warrants drawn against it as above provided. The redemption fund shall be applied, first, to the payment of the interest due upon all such outstanding bonds issued or warrants sold and, second, to the payment of the principal thereof. After the payment of the principal and interest of all such bonds or warrants, the balance, if any, remaining in such fund shall be applied to the payment of any warrants outstanding, including temporary warrants, which may have been issued in payment of cost of construction which for any reason may remain unpaid. Any balance, if any, thereafter remaining shall be paid into the maintenance fund.

Maintenance  
fund.

(3) The maintenance fund, into which shall be paid the proceeds of all assessments for maintenance, and all other funds received by the district which are not required by the provisions of this act to be paid into the construction fund or the redemption fund.

Amends Rem.  
Comp. Stat.  
§ 4439;  
Pierce's Code  
§ 1945-86.

Assessments,  
collection,  
delinquency.

Section 4439-2. The respective installments of assessments for construction or maintenance of improvements made under the provisions of this act, shall be collected in the same manner and shall become delinquent at the same time as general taxes,

certificates of delinquency shall be issued, and the lien of the assessment shall be enforced by foreclosure and sale of the property assessed, as in the case of general taxes, all according to the laws in force on January 1st, 1923, except as hereinafter specifically provided.

The rate of interest thereon after delinquency, also the rate of interest borne by certificates of delinquency, shall be ten per cent per annum. Certificates of delinquency for any assessment or installment thereof shall be issued upon demand and payment of such delinquent assessment and the fee for the same at any time after the expiration of twelve months after the date of delinquency thereof. In case no certificate of delinquency be issued after the expiration of four years from date of delinquency, certificates of delinquency shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided in Sections 11292 to 11317 inclusive, Remington's Compiled Statutes.

The holder of a certificate of delinquency for any drainage, diking, or sewerage improvement district or consolidated district assessment or installment thereof may pay any delinquent general taxes upon the property described therein, and may redeem any certificate of delinquency for general taxes against said property and the amount so paid together with interest thereon at the rate provided by law shall be included in the lien of said certificate of delinquency.

The expense of foreclosure proceedings by the county shall be paid by the districts whose liens are foreclosed: costs of foreclosure by the county or private persons as provided by law, shall be included in the judgment of foreclosure.

Section 4439-3. The purchaser, upon the foreclosure of any certificate of delinquency for any assessment or installment thereof, shall acquire title to such property subject to the installments of the as-

Interest after delinquency.

Certificate of delinquency.

Foreclosure.

Amends Rem. Comp. Stat. § 4439; Pierce's Code § 1945-56.

Purchaser at foreclosure sale.

assessment not yet due at the date of the decree of foreclosure, and the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state.

General tax  
certificate  
of delin-  
quency.

The holder of any certificate of delinquency for general taxes may, before commencing any action to foreclose the lien of such certificate, pay in full all drainage or diking or sewerage improvement district assessments or any installment thereof due and outstanding against the whole or any portion of the property included in such certificate of delinquency and the amount of all assessments so paid together with interest at ten per cent per annum thereon shall be included in the amount for which foreclosure may be had; or, if he elect to foreclose such certificate without paying such assessments in full, the purchaser at such foreclosure sale shall acquire title to such property subject to all such drainage or diking or sewerage improvement district assessments. Any property in any drainage or diking or sewerage improvement district sold under foreclosure for general taxes shall remain subject to the lien of all drainage and diking or sewerage improvement district assessments or installments thereof not yet due at the time of the decree of foreclosure and the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state.

Amends Rem.  
Comp. Stat.  
§ 4439;  
Pierce's Code  
§ 1945-86.

Resale by  
county.

Section 4439-4. Property subject to a drainage or diking or sewerage improvement district assessment, acquired by a county pursuant to a foreclosure and sale for general taxes, when offered for sale by the county, shall be offered for the amount of the general taxes for which the same was struck off to the county, together with all drainage or diking or sewerage improvement district assessments or installments thereof, due at the time of such resale, including maintenance assessments, and supplemental assessments levied pursuant to the provisions

of Section 4439-6, coming due while the property was held in the name of the county; and the property shall be sold subject to the lien of all drainage or diking or sewerage improvement district assessments or installments thereof not yet due at the time of such sale, and the notice of sale and deed shall so state. *Provided*, That the county board may in its discretion, sell said property at a lesser sum than the amount for which the property is offered in the notice of sale. The proceeds of such sale shall be applied first to discharge in full the lien or liens for general taxes for which said property was sold, and the remainder, or such portion thereof as may be necessary, shall be applied toward the discharge of all drainage or diking or sewerage improvement district assessment liens upon such property, and the surplus, if any, shall be applied toward the payment of any delinquent or due local assessments or local assessment installments outstanding against the property levied by any authority other than that of the county, taking them in the order of their maturities, beginning with the earliest; after which if any money remains the treasurer shall hold the same for the person whose interest in the property entitles him thereto. If there be no purchaser, the property shall again be offered for sale within one year thereafter, and shall be successively offered for sale each year until a sale thereof be effected.

Property struck off to or bid in by a county may be leased pursuant to resolution of the county commissioners on such terms as the commissioners shall determine for a period ending not later than the time at which such property shall again be offered for sale as required by law. Rentals received under such lease shall be applied in the manner hereinabove provided for the proceeds of sale of such property.

All statements of general state taxes where drainage, diking or sewer improvement district assess-

County  
may lease.

Tax  
statements.

ments against the land described therein are due shall include a notation thereon or be accompanied by a statement showing such fact.

Amends Rem.  
Comp. Stat.  
§ 4439;  
Pierce's Code  
§ 1945-86.

Section 4439-5. Whenever any improvement, any extension or betterment thereof shall have been constructed in whole or in part, either heretofore in a district established or attempted to be established under and by virtue of chapter 66 of the Laws of 1901, or in a district heretofore or hereafter established or attempted to be established under this act, and the assessment therefor or any part thereof shall be invalid by reason of any omission, irregularity or defect in any proceeding whatever, a reassessment shall be made upon the property benefited by the improvement to provide a fund for the payment of the costs thereof, and any bonds or warrants issued therefor in the following manner:

See Rem.  
Comp. Stat.  
§ 4405 for  
law super-  
seding Ch. 66,  
L. 1901;  
Pierce's Code  
§ 1945-57.

Re-assessment.

The board of county commissioners shall by order cause the clerk of the board to compile and file with the board an itemized statement of the total cost of the improvement in the manner prescribed by Section 4430. Upon the filing of such statement the same proceedings shall be had assessing the costs of of said improvement against the lands benefited thereby and the counties, cities and towns within the district, as are prescribed by Section 4430 and subsequent sections of this act. In case no bonds have been issued or warrants sold to pay the costs of said improvement, the same may be issued and sold and disposed of as hereinbefore provided. In case an assessment for such improvement shall have been theretofore made or attempted, and any payment has been made thereon, proper credit for the amount of such payment shall be made upon the reassessment.

Rem. Comp.  
Stat. § 4430;  
Pierce's Code  
§ 1945-80.

Rem. Comp.  
Stat. § 4430;  
Pierce's Code  
§ 1945-80.

Section 4439-6. If upon the foreclosure of the assessment upon any property the same shall not sell for enough to pay the assessment against it, or if any

Amends Rem.  
Comp. Stat.  
§ 4439;  
Pierce's Code  
§ 1945-86.



property assessed was not subject to assessment, or if any assessment made shall have been eliminated by foreclosure of a tax lien or made void in any other manner, the board of county commissioners shall cause a supplemental assessment to be made on the property benefited by the improvement, including property upon which any assessment shall have been so eliminated or made void, and against the county, cities and towns chargeable therewith in the manner provided for the original assessment, to cover the deficiency so caused in the original assessment.

Supplemental assessment.

If by inadvertence or for any cause the assessment levied shall be found to be insufficient to meet the entire cost of construction, a supplemental assessment shall be made by the board of county commissioners upon the lands of the district in the same proportion as the original assessment is levied, same being spread over not to exceed three years as the commissioners may determine.

Duplicate assessments or other errors that may by inadvertence be found to have been incorporated in the assessment roll may be corrected by order of the county commissioners upon same being certified to them by the treasurer and the engineer.

Duplicate assessments.

SEC. 12. That Section 4445 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 4445; Pierce's Code § 1945-92.

Section 4445. The board of supervisors of each district shall make reasonable rules and regulations whereby any owner of land in the district may make connection for drainage, or sewerage purposes, with any drainage, or sewerage system thereof. They shall also maintain and keep efficient the system of improvement of the district.

Rules and regulations for connections.

SEC. 13. That Section 4446 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 4446; Pierce's Code § 1945-94.

Section 4446. When a drainage, diking or sewerage system is proposed which will require a location,

or the assessment of lands, in more than one county, application therefor shall be made to the board of county commissioners in each of said counties, and the county engineers shall make preliminary reports for their respective counties. The lines of such proposed improvement shall be examined by the county engineers of the counties wherein said improvements will lie, jointly. The hearings in regard to such improvements, provided for by Sections 4414 and 4435 shall be had by the boards of county commissioners of the two counties in joint sessions, and all other matters required to be done by the county commissioners in regard to such improvement and the improvement district shall be had and done by the boards of county commissioners of the counties wherein such system of improvements shall lie, either in joint session at such place as the said board shall order, or by concurrent order entered into by the said boards at their respective offices. Notice of the hearings shall be given by the auditors of both counties jointly by publication in the official paper of each of said counties. The county engineer of the county wherein the greatest length of drainage, diking or sewerage system will lie, shall have charge of the engineering work and be *ex-officio* a member of the boards in this act provided for. The schedule of apportionment shall be prepared in separate parts for the land in the respective counties; and that part of said roll containing the assessments upon the lands in each respective county shall be transmitted to the treasurer thereof, and the treasurer of said county shall give notice of said assessments as provided in Section 4435, and shall collect the assessments therein contained and shall also extend and collect the annual maintenance levies of said district upon the lands of said district lying in his county. The auditor of the county in which the greater length

Joint  
County  
districts.

Rem. Comp.  
Stat. §§ 4414,  
4435;  
Pierce's Code  
§§ 1945-66,  
1945-65.

Notice of  
hearing.

Rem. Comp.  
Stat. § 4435;  
Pierce's Code  
§ 1945-65.

of the drainage, diking or sewerage system shall lie shall act as clerk of the joint session of the boards of county commissioners, and shall issue the warrants of the improvement district, and shall attest the signatures of the two boards of county commissioners on the bonds. He shall furnish to the auditor of the other county duplicate copies of the records of proceedings of such joint sessions. Duplicate records of all proceedings had and papers filed in connection with such improvements shall be kept, one with the auditor of each county. Protests or other papers filed with the auditor who is not clerk of the joint sessions shall be forwarded forthwith by him to the auditor who acts as clerk of such joint sessions. The treasurer of said county shall register and certify and pay the warrants and the bonds, and shall have charge of the funds of the district; and to him, the treasurer of the county in which the lesser portion of such system of improvements lie, shall remit semi-annually, in time for the semi-annual warrant and bond calls, all such collections made in such other county. A drainage, diking or sewerage improvement district lying in more than one county shall be designated "joint drainage (or diking) or sewerage improvement district No.....of.....and.....counties." All proceedings in regard to joint drainage, diking improvement districts, which have heretofore been had and done substantially in accordance with the amendatory provisions of this act are hereby approved and declared to be valid.

Protests.

Designation and number.

SEC. 14. That Section 4449 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 4449; Pierce's Code § 1945-100.

Section 4449. Whenever it shall appear to the board of county commissioners that the consolidation of two or more diking, drainage or sewerage improvement districts established under the provi-

Consolidated districts.

sions of this chapter will result in economy of the maintenance of such districts, they shall by resolution declare their intention to order such consolidation, and shall fix a time and place for hearing objections to such consolidation. The time so fixed shall not be less than thirty nor more than sixty days from the date of adoption of such resolution, and the place fixed may be the county seat or other place more convenient to the districts which it is proposed to consolidate.

Amends Rem.  
Comp. Stat.  
§ 4451;  
Pierce's Code  
§ 1945-102.

SEC. 15. That Section 4451 of Remington's Compiled Statutes be amended to read as follows:

Hearing.

Section 4451. The board of county commissioners shall meet at the time and place fixed in such notice, and may adjourn such meeting from time to time and from place to place. If objections are offered to the proposed consolidation, they shall hear and consider the same and may refuse to proceed further with the consolidation or may enter an order declaring any two or more of such districts consolidated, and that the territory included in such districts shall thereafter constitute and be known as "Consolidated Drainage, Diking or Sewerage Improvement District No.....of.....County," giving to such consolidated district its consecutive number in the order of the establishment of such districts in the county.

Designation  
and number.

SEC. 16. That Section 4459 of Remington's Compiled Statutes be amended to read as follows:

Vetoed  
L. F. H.

Section 4459. Every person who shall wilfully damage or interfere with the operation of any dikes, drains, ditches, sewerage or other improvements of any diking, drainage or sewerage improvement district shall be guilty of a misdemeanor.

SEC. 17. This act is necessary for the immediate preservation of the public health and shall take effect immediately. Emergency.

Passed the Senate February 10, 1923.

Passed the House February 21, 1923.

Approved by the Governor, with the exception of Section 16, which is vetoed March 2, 1923.

Veto sustained by the Senate March 3, 1923.

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## CHAPTER 47.

[H. B. 3.]

### NARCOTICS.

AN ACT providing for the regulation, sale, disposal, possession and use of narcotic drugs; providing penalties for violation thereof; providing for the quarantine and treatment of narcotic drug addicts and the promulgation of rules and regulations governing the same; and repealing Sections 2509, 2510 and 2511 of Remington's Compiled Statutes (Sections 8850 and 8851, 8852 Pierce's Code), and declaring an emergency.

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

SECTION 1. That the habitual use of opium, morphine, cocaine, alkaloid cocaine, cocoa leaves or alpha or beta eucaine, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health and morals. Habitual use.

SEC. 2. The term narcotic drugs wherever used in this act shall be deemed and construed to mean and include opium, morphine, cocaine, alkaloid cocaine, cocoa leaves, or alpha or beta eucaine, heroin, codeine, dionin, cannabis americana, cannabis indica and other salts, derivatives, mixtures or preparations of any of them. Definition.

The term narcotic addict whenever used in this act shall be deemed and construed to mean and in-

clude any person who habitually uses a narcotic drug or drugs.

The masculine term shall be deemed and construed to mean and include the feminine gender and the singular terms shall be deemed and construed to include the plural.

Sale or  
Disposal.

SEC. 3. It shall be unlawful for any person to sell, furnish, or dispose of, or have in his possession with intent to sell, furnish, or dispose of any narcotic drug or drugs, except upon the written and signed prescription of a physician regularly licensed to practice medicine and surgery who has complied with the regulations of, and is duly registered under the laws of the State of Washington, and the laws of the Congress of the United States. All such prescriptions shall be written with ink or indelible pencil, must be signed by the physician issuing the same, and must contain the name and address of the person for whom prescribed and the nature of the ailment, the date written, the office address and federal registry number of the physician, all of which data must be placed on such prescriptions by the physician writing the same, or caused to be placed thereon before his or her signature is affixed thereto.

Physician's  
prescription.

Druggists.

All such prescriptions shall be filled but once, and the dispenser of such drugs in pursuance of such prescriptions shall cause the person procuring the drug or drugs to be prescribed to place his or her signature and address upon the back of such prescriptions, and shall keep all such prescriptions on a separate file and preserve them for not less than two years from and after the date of the last prescription placed on such file, shall make duplicate copy of such prescription and preserve same, and such prescriptions shall at all times during business hours be available for inspection, and such duplicate copy shall be removed by any prosecuting attorney or peace officer, any representative of the Department

of Licenses, or any deputy or inspector of the State Department of Agriculture.

It shall be unlawful for any person to supply such narcotic drugs, or preparations containing such drugs upon telephone orders, or for any person to order such narcotic drugs, or preparation containing such narcotics by telephone. *Provided*, That nothing in this section shall be construed as prohibiting any wholesale dealer in drugs from selling or furnishing in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any other wholesale or retail dealer, nor prevent such wholesale dealer from selling, in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs, to any physician, dentists, surgeon or veterinarian, duly registered under the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs; nor prevent any retail druggist from selling, in compliance with the Acts of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder relating to the importation, manufacture and sale of narcotic drugs to any physician, dentist, surgeon or veterinary duly registered under said Acts of Congress and the rules and regulations now in force or hereafter promulgated as aforesaid; nor prevent any physician, dentist, surgeon, or veterinarian, so registered, from administering, for legitimate medical purposes, in the course of his professional practice only, to his patient, any of the articles enumerated in this section in quantities pro-

Telephone orders.

Wholesale dealer.

Retail dealer.

Manufacture,  
sale, etc.

portioned to the needs of such patient; nor prevent the manufacture, sale, and dispensing of preparations and remedies containing not more than two grains of opium, nor more than one-fourth grain of morphine, nor more than one grain of codeine, nor more than one-eighth grain of heroin, or any derivative or preparation of them, in one fluid ounce, or if a solid or semi-solid in one avoirdupois ounce; or liniments, ointments, or other preparations incapable of being used as a beverage intended for external use only, except liniments and ointments or other preparations which contain cocaine or any of its salts or derivatives, or alpha or beta eucaine or their salts or derivatives; *Provided further* That such remedies and preparations are such as are exempt by federal law, rules and regulations and are sold, distributed and dispensed in good faith as medicines and not for the purpose of evading the intentions and provisions of this act and that all sales of such drugs, medicines or preparations which contain such exempt quantities of narcotic drugs, whether sold and dispensed upon prescriptions or otherwise, shall be duly registered and recorded in a suitable register showing in parallel columns the signature of the person procuring the same, the date of sale, address of purchaser, name of drug or preparation, quantity sold or dispensed, and if pursuant to a prescription the serial number of such prescription, and such record shall be preserved for a period of not less than two years from and after the date of the last entry made therein, and at all times during business hours be available for inspection by any prosecuting attorney or peace officer, any representative of the Department of Licenses, or any deputy or inspector of the State Department of Agriculture. Nothing in this act contained shall make unlawful or prevent the purchase by the State University and the State College of Washington or the proper departments of

Preparations  
containing.

University,  
State College.



each said state institutions, of any narcotic drugs and the use of the same for experimental purposes only in such institutions, the same to be purchased, owned, held, possessed and used in compliance with and in conformity to the Acts of Congress of the United States and the rules and regulations now in force or hereafter to be promulgated thereunder.

It shall be deemed a violation of this Act for any person to have in his or her possession any narcotic drug, or any preparation or compound containing same in unexempt quantities, unless the same shall have been obtained pursuant to this Act and to the laws of the Congress of the United States and the rules and regulations now in force or hereafter promulgated thereunder, and proof of the possession of any such narcotic drug, except by a licensed physician, licensed manufacturer or licensed druggist, shall be *prima facie* evidence of an intent to unlawfully sell, furnish or dispose of the same.

Possession.

*Prima facie*  
evidence.

Any person violating any of the provisions of this section and any person who shall falsely make, forge or alter or knowing the same to have been falsely made, forged or altered shall present to any druggist a physician's prescription with intent by means thereof to procure from such druggist any narcotic drug as defined in this act shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than one year nor more than ten years. Upon a conviction of any registered pharmacist, dentist, physician or veterinarian for violating any of the provisions of this section, the certificate of registration or license of such offender shall also be revoked or cancelled, and such offender shall not be eligible for re-registration for a period of ten years from and after the date of the revocation of his or her certificate or license.

Forgery or  
alteration of  
prescription.

Habitual  
use,  
penalty.

SEC. 4. Every person who habitually uses any narcotic drug as defined in this act shall be deemed guilty of a gross misdemeanor.

Prosecutions.

SEC. 5. In any prosecution for the violation of the provisions of this act, it shall not be necessary for the indictment, complaint or information to set forth any negative allegation, nor for the plaintiff to prove that the defendant does not come within any of the exceptions herein contained; but such exceptions shall be considered as a matter of defense, and the burden shall be upon the defendant to show that he comes within such exceptions.

Health  
officers.

SEC. 6. State, county and municipal health officers, or their authorized deputies, who are licensed physicians, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public safety, health and morals, to make examinations of persons

Treatment of  
habitual  
users.

reasonably suspected of being habitual users of any narcotic drug and to require persons whom they have reason to suspect to be habitual users of any narcotic drug to report for treatment to an approved physician, and continue treatment at his own expense until cured, or to submit to treatment, provided at public expense, until cured, and also to isolate or quarantine habitual users of such narcotic drugs or their derivatives. Such officer, deputy or physician shall make a written finding that such person is an habitual user of a narcotic drug, which finding shall be filed in his office: *Provided*, That such habitual users shall not be isolated or quarantined until the State Board of Health shall first, by general regulation, determine that the quarantine or isolation of all habitual users is necessary: *Provided, further*, That any person suspected as herein set forth may have present at the time of his examination, a physician of his or her own choosing: *And Provided further*,

State Board  
of Health.

That the suspected person shall be informed by the health officer of his or her rights under this act.

SEC. 7. Any person convicted under the provisions of Section 4 of this act or any person who shall be confined or imprisoned in any state, county, or city prison in the state and who may be reasonably suspected by the health officer of being a narcotic addict shall be examined for and if found to be an habitual user of said drugs, or any of them, shall be treated therefor at public expense by the health officers or their deputies who are licensed physicians. The prison authorities of any state, county, or city prison are directed to make available to the health authorities, such portion of any state, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison, and who are habitual users of said drugs or their derivatives, may be isolated and treated at public expense until cured, or, in lieu of such isolation any such persons may, in the discretion of the board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense, as provided in Section 6 of this act. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime: *Provided*, That licensed physicians treating any narcotic addict shall, upon beginning said treatment, immediately report the same to the health officer in charge in that jurisdiction, such report to be on forms prescribed by the State Board of Health, and such report shall give the name of the person receiving such treatment and such other information as shall be deemed necessary by the State Board of Health.

Imprisoned  
user.

Clinics,  
hospitals,  
in prisons.

Physicians'  
report.

SEC. 8. The State Board of Health is hereby empowered and directed by resolution duly entered on the minutes of its proceedings to make such rules

State Board  
of Health.

Rules and regulations.

and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of Section 6 of this act, and such other rules and regulations, not in conflict with the provisions of this act, concerning the control, care, treatment and quarantine of persons addicted to the habitual use of narcotic drugs, as it may from time to time deem advisable. All such rules and regulations so made shall be in force and binding on all county and municipal health officers and other persons affected by this act: *Provided*, That such regulations shall prescribe reasonable safeguards against the disclosure, except to officers and physicians charged with the enforcement of this act, of the names of any narcotic addicts who faithfully comply with the provisions of this act and the lawful regulations of the state board of health, and whoever shall violate any of such safeguarding regulations shall be guilty of a gross misdemeanor.

Disclosure of name of users.

Violation, penalty.

SEC. 9. Any person who shall violate lawful rules or regulations made by the state board of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a gross misdemeanor.

Habitual user's appeal.

SEC. 10. Any person committed to quarantine under the provisions of Sections 6 or 7 of this act, feeling aggrieved at the finding of the health officer that he or she is an habitual user of such drugs, or at the finding that he or she be committed to quarantine, shall have the right of appeal from such finding to the superior court of the State of Washington for the county in which said person is quarantined. Said appeal shall be taken within ten (10) days after said health officer shall have made his finding and

shall be taken by serving written notice of appeal upon said health officer, and by filing the same in the office of the clerk of the superior court, and the procedure governing appeals from judgments of justices of the peace to the superior court shall govern all such appeals: *Provided*, That the person appealing shall be held in quarantine during the pendency of such appeal. Within five (5) days after such appeal shall have been filed, the superior court shall, without a jury, examine or cause to be examined the person taking the appeal, and take such evidence as it may deem necessary for the determination of the truth of the charges against the appellant or of the findings of such health officer. The prosecuting attorney of the county shall represent the health or quarantine officer in all such appeals and the appellant shall have the right to be represented by counsel.

Superior  
court,  
jurisdiction.

The findings and judgment of said superior court upon said appeal shall be conclusive. Any person committed to quarantine under the provisions of this act may be paroled, or discharged from quarantine at any time by the committing health officer or his successor in charge, whenever said person is cured of such narcotic habit, or whenever said officer shall deem it no longer necessary for the public health, safety and morals, to continue the quarantine of said individual. Any person held in quarantine deeming himself cured may make application for discharge to the health officer ordering commitment, or his successor, upon which application findings in writing shall be made within five days therefrom. In the event that the application is denied the applicant may appeal to the superior court in the manner herein provided from the findings of the quarantine officer in charge that he or she is not cured of such habit: *Provided, however*, That said appeal shall not lie until after said person shall have been in quarantine for a period of at least six months. If upon

Habitual  
user,  
paroled,  
discharged.

such hearing the appeal shall be disallowed by the court, the appellant shall be returned to quarantine. If such appeal be allowed, the appellant shall be discharged therefrom. Nothing in Sections 6, 7, 8, 9 and 10 of this act shall affect, prevent, or interfere with prosecutions instituted under Sections 3 or 4 of this act.

Quarantine  
districts.

Clinics.

SEC. 11. For the purpose of carrying out the provisions of this act the state board of health shall have the power and authority from time to time to divide the state into such number of quarantine districts consisting of one or more counties, or municipalities, or parts of counties or municipalities, as it shall deem expedient, and to establish at such place, or places, as it shall deem necessary, quarantine stations and clinics for the detention and treatment of persons found to be habitual users of narcotic drugs, and to establish any such quarantine station and clinic in connection with any county or city jail, or in any hospital or other public or private institution having or which may be provided with, such necessary detention, segregation, isolation, clinic and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such quarantine stations and clinics with the public officers or persons, associations, or corporations in charge of or maintaining and operating such institutions.

Repeals Rem.  
Comp. Stat.  
 §§ 2509-2511;  
Pierce's Code  
 §§ 8850-8852.

SEC. 12. Sections 2509, 2510 and 2511 of Remington's Compiled Statutes (Sections 8850, 8851 and 8852 Pierce's Code) are hereby repealed.

Act  
cumulative.

SEC. 13. The provisions of this act shall be cumulative with and additional to the existing laws and regulations and nothing herein contained shall abridge or limit the powers of health authorities as construed by the supreme court of the State of Washington, except as herein otherwise provided.

SEC. 14. Nothing contained in any of the provisions of this act shall apply to any offense committed or act done at any time before the date when this act shall take effect. Such an offense shall be punished according to, and such act shall be governed by, the provisions of law existing when it is done or committed, in the same manner as if this act had not been passed. Act not retroactive.

SEC. 15. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional. Unconstitutionality of any part.

SEC. 16. This act is necessary for the preservation of the public peace, health and safety and shall take effect immediately. Emergency.

Passed the House January 23, 1923.

Passed the Senate February 20, 1923.

Approved by the Governor March 3, 1923.

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## CHAPTER 48.

[H. B. 111.]

### GRAIN AND HAY INSPECTION.

AN ACT relating to state grades for hay, and amending Section 6989 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6989 of Remington's Compiled Statutes be amended to read as follows: Amends Rem. Comp. Stat. § 6989; Pierce's Code § 2653.

Section 6989. The director of the department of agriculture shall fix and establish standard grades to apply to all grain and hay, bought or handled by the public or terminal warehouses, or bought according to state grades in this state. The director shall Standard grades.

Other  
commodities.

Fees.

Hearing.

adopt as state grade standards all grades for grain now or hereafter established by the United States Department of Agriculture. Standards for grain not provided for by the United States Department of Agriculture, and standards for hay shall be established or changed only after a public hearing notice thereof to be given by publication in three newspapers of the state, at least ten days prior to such hearing. The director may authorize the weighing and grading, upon request of any interested party, of commodities of commerce, other than grain or hay, such as grain or hay products, rice, beans and other similar articles, nitrates and other fertilizers, sulphur and other chemicals used in the arts or in manufacturing, when same are received from or delivered to any rail or water carrier in the state in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof, shall be fixed by the director. Grades may be established or changed by the director and rules and regulations governing warehousemen be promulgated after a public hearing, notice thereof to be given by publication once each week for two successive weeks in at least three newspapers of general circulation in the state, two of which, at least, shall be in eastern Washington. All interested persons desiring to be heard shall be permitted to give testimony and such other witnesses may be subpoenaed as the director may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions. The director shall after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall con-



trol the dockage in so far as the same affects the price to be paid, and such rules and regulations shall become part of the contract of sale unless expressly agreed to the contrary in such executory contract.

It shall be the duty of the chief inspector, immediately after the establishment of grades for grain, hay, grain and hay products and peas, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply each public and terminal warehouseman, which the records in his office show is then or thereafter engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public or terminal warehouseman to keep such copy on file in a convenient place in every such warehouse and, if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows: "A Copy of Washington Grades, Rules and Regulations is on File Here for Information of Interested Parties."

Chief  
inspector.

Every such warehouseman shall exhibit such copy of grades, rules and regulations to any interested party applying therefor at any such warehouse or office and permit such interested party to examine and consult such copy. In all contracts hereinafter entered into for the sale of unscoured wheat, pertaining to the classes soft red winter, common white, and white club wheat, under the official grain standards of the United States department of agriculture, and under rules adopted in Washington by the public service commission where the price or amount to be paid depends upon the weight or grade, no discount or differential shall be made on account of test weight per bushel if the grain delivered under said contract weighs not less than 58 pounds to the meas-

Ware-  
houseman.

Unscoured  
wheat.

Grades.

ured bushel: *Provided, however,* That the grain so delivered grades number two or better under the standards above described. For wheat weighing in excess of 59 pounds to the measured bushel and grades number two or better, there shall be paid a premium over the price at country point for said grade at a rate of not less than eight-tenths of one per cent for each pound test weight over the minimum of said grade when test weight is the determining factor and in case of delivery on contract of grain of lower grade on account of test weight per bushel the discount or differential shall be at a rate not to exceed eight-tenths of one per cent of the price for said grade at country point for each pound test below the minimum test weight for the grade on which the contract is based unless the test weight be below 55 and at a rate not to exceed one and six-tenths per cent of the price at country point for each pound test below 55 down to and including wheat having a test weight of 51 pounds per measured bushel. The discount on mixed wheat may not exceed two per cent below the purchase price paid at country point for the same grade of the class of wheat which predominates in the mixture. Said discounts, together with the rules and regulations above provided, shall become part of every contract of sale of wheat of the classes named.

Passed the House February 10, 1923.

Passed the Senate February 21, 1923.

Approved by the Governor March 5, 1923.

## CHAPTER 49.

[S. B. 97.]

## MILITIA.

AN ACT relating to the militia and amending Section 8497 of Remington's Compiled Statutes of Washington, the same being 3765-43 of Pierce's Code, repealing Section 8506 of Remington's Compiled Statutes of Washington, the same being 3765-52 of Pierce's Code, amending Section 8507 of Remington's Compiled Statutes of Washington, the same being 3765-53 of Pierce's Code, amending Section 8515 of Remington's Compiled Statutes of Washington, the same being 3765-61 of Pierce's Code, amending Section 8598 of Remington's Compiled Statutes of Washington, the same being 3765-144 of Pierce's Code, and declaring an emergency.

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

SECTION 1. That Section 8497 of Remington's Compiled Statutes of the State of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 8497;  
Pierce's Code  
§ 3765-43.

Section 8497. Every commissioned officer of the organized militia of Washington shall within sixty days from the date of the order whereby he shall have been appointed, provide himself at his own expense, with the arms, uniforms and equipments prescribed by the governor for his rank and assignment.

Officers,  
arms and  
equipment.

There shall be audited and paid annually on the first day of April in each year, to each properly armed, uniformed and equipped officer of the active list of the organized militia of Washington, a uniform allowance of fifty (\$50.00) dollars, subject to such regulations as the commander in chief may prescribe.

Allowance.

SEC. 2. That Section 8506 of Remington's Compiled Statutes of the State of Washington, be, and the same is hereby, repealed.

Repeals Rem.  
Comp. Stat.  
§ 8506;  
Pierce's Code  
§ 3765-52.

SEC. 3. That Section 8507 of Remington's Compiled Statutes of the State of Washington, be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 8507;  
Pierce's Code  
§ 3765-53.

Section 8507. Every member of the organized militia of Washington who shall be wounded or dis-

Pensions.

abled while on duty in the service of the state shall be taken care of and provided for at the expense of the state, and if permanently disabled shall receive the like pensions or reward that persons under similar circumstances in the military service of the United States receive from the United States: *Provided*, That no pension shall be granted for any disability received while in the service of the United States, or while proceeding to or returning from such service. Before the name of any person is placed upon the pension roll under this section proof shall be made, under such regulations as the governor may from time to time prescribe, that the applicant is entitled to such pension: *Provided, further*, That in the event the organized militia of the State of Washington shall be brought within the provisions of the industrial insurance laws of the State of Washington, the provisions in this section shall be of no force and effect.

Amends Rem.  
Comp. Stat.  
§ 8515;  
Pierce's Code  
§ 3765-61.

SEC. 4. That Section 8515 of Remington's Compiled Statutes of the State of Washington, be amended to read as follows:

Social clubs.

Section 8515. The officers, or the officers and enlisted men of any regiment, battalion, company or similar unit of the organized militia of Washington, or the officers and enlisted men of any two or more companies or similar units of the organized militia of the State of Washington, located at the same station, are hereby authorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real or personal, as such military organizations may possess or acquire. Such corporation shall not engage in business and shall not be required to pay any filing or license fee to the state.

Dissolution  
of unit.

The dissolution or disbandment of any such unit as a military organization shall not operate to ter-

minate the existence of the corporation, but the existence of the same shall continue for the period limited in its articles of incorporation for the benefit of such corporation.

Upon the dissolution or disbandment of any such unit which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any funds or property, the title to such funds or property shall immediately vest in the State of Washington, and the adjutant-general shall take possession thereof and dispose of the same to the best interest of the organized militia of Washington.

Dissolution of unincorporated unit.

SEC. 5. Section 8598 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 8598; Pierce's Code § 3765-144.

Section 8598. The commander-in-chief shall promulgate in general orders such regulations for the use of armories, rifle ranges, and other real property owned or leased by the state for federal or state military purposes as may be proper: *Provided*, That no armory shall be used for any other than a strictly military purpose without the recommendation of the officer in charge thereof: *And provided further*, That all civilian rifle clubs affiliated with the National Rifle Association of America shall be permitted the use of the rifle ranges in the armories owned by the state at least one night each week under such regulations as the commander-in-chief may direct: *And provided further*, That one room shall be set aside for the exclusive use of all veteran organizations subject to the direction of the officer in charge thereof; and the members of all veteran organizations and their auxiliaries shall have, at all times, access to said room, and said room shall be provided with furniture, heat, light and janitor service out of the maintenance item from the military fund, and said veteran organizations and their auxiliaries

Armories, rifle range, other property.

Rifle clubs.

Veteran organizations.

Uses of  
armories.

shall bear no expense or expenses whatever in connection with the maintenance, heating, lighting and furnishing of such room. *And provided further*, that state armories shall be available for civic purposes to the fullest extent, not in conflict with federal or state military requirements. The revenue derived from the rental thereof shall constitute a special fund from which the commander-in-chief shall pay, or cause to be paid upon vouchers to be returned to the state, the expenses incident thereto. The balance remaining shall be turned into the State Treasury under such regulations as the commander-in-chief may direct, and credited to the military fund.

Emergency.

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 Senate February 2, 1923.

Passed the House February 14, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 50.

[S. B. 143.]

## GENERAL APPROPRIATIONS.

AN ACT making an appropriation for the construction of buildings at, for the maintenance of, and sundry expenses of the various state institutions, schools and state offices, and for the sundry civil expenses of the state government, and for miscellaneous purposes for the fiscal term beginning April 1st, 1923, and ending March 31st, 1925, 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 monies in the several funds in the state treasury hereinafter named in payment of salaries of certain officers and employees of the state, and for the operation and maintenance of, and construction of buildings at, and other expenses for, and various state institutions and officers hereinbelow designated and mentioned, and for the other divers purposes hereinafter expressed, and for the fiscal term beginning April 1st, 1923, and ending March 31st, 1925, and as hereinafter or otherwise particularly specified in the amount appropriated for all buildings for state institutions, whether penal, charitable, educational or reformatory to be expended under the direction of the board or officer having control.

Authorizing  
appropriations.

SEC. 2. The phrase "Capital Outlays," as used herein, includes any expenditure which augments the state's assets, and includes the purchase of property, buildings and permanent equipment, and the making of new improvements.

Definitions.

The word "operation," as used herein, includes salaries and wages of officers and employees, and

all expenses necessary for the operation and maintenance of the various institutions and departments, including necessary traveling expenses not included in the phrase "capital outlays," as hereinbefore defined.

FROM THE GENERAL FUND.

Governor.	<b>FOR THE GOVERNOR'S OFFICE:</b>		
	Salary of Governor.....	\$12,000	00
	Salaries and wages.....	27,000	00
	Supplies, material and service.....	11,500	00
	Capital outlays .....	1,000	00
	Investigation and survey of public lands .....	7,500	00
	Extradition expenses and examina- tion into infractions of law and re- wards .....	25,000	00
Governor's mansion.	<b>FOR THE GOVERNOR'S MANSION:</b>		
	Maintenance of every kind, to be dis- bursed on vouchers approved by the Governor .....	\$10,000	00
	<b>Total .....</b>	<b>\$94,000</b>	<b>00</b>
Lieutenant governor.	<b>FOR THE LIEUTENANT GOVERNOR:</b>		
	Salary of Lieutenant Governor.....	\$2,400	00
	Hotel bills while attending session of legislature and when Acting Gov- ernor .....	1,000	00
	<b>Total for Lieutenant Governor.....</b>	<b>\$3,400</b>	<b>00</b>
Attorney general.	<b>FOR THE ATTORNEY GENERAL'S OFFICE:</b>		
	Salary of Attorney General.....	\$6,000	00
	Operations .....	96,630	00
	Capital outlays .....	450	00
	<b>Total for Attorney General.....</b>	<b>\$103,080</b>	<b>00</b>
Auditor's office.	<b>FOR THE AUDITOR'S OFFICE:</b>		
	Salary of Auditor.....	\$6,000	00
	Operations .....	43,700	00
	Capital outlays .....	500	00
	<b>Total for Auditor's Office.....</b>	<b>\$50,200</b>	<b>00</b>
Veterans' compensation department.	<b>VETERANS' COMPENSATION DEPARTMENT:</b>		
	(From Veterans' Compensation Fund)		
	Operations .....	\$12,000	00



FROM THE GENERAL FUND.

FOR THE STATE BOARD OF EQUALIZATION:		State Board of equalization.
Operations .....	\$2,000 00	
FOR THE STATE BOARD OF FINANCE:		State Board of Finance.
Operations .....	\$5,500 00	
FOR THE STATE CAPITOL COMMITTEE:		State capitol committee.
Operations .....	\$5,000 00	
FOR THE COMMISSIONER OF PUBLIC LANDS:		Commissioner of public lands.
Salary of Commissioner .....	\$10,000 00	
Operations .....	178,620 00	
Capital outlays .....	1,000 00	
<hr/>		
Total for Land Commissioner's Office.....	\$189,620 00	
FOR THE SECRETARY OF STATE'S OFFICE:		Secretary of state.
Salary of Secretary .....	\$6,000 00	
Operations .....	41,900 00	
Capital outlays .....	1,000 00	
Initiative and Referendum .....	30,000 00	
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Total for Secretary of State's Office.....	\$78,900 00	
FOR THE STATE TREASURER'S OFFICE:		State treasurer.
Salary of Treasurer.....	\$6,000 00	
Operations .....	37,340 00	
Capital outlays .....	1,500 00	
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Total from General Fund for State Treasurer's Office .....	\$44,840 00	
FROM THE FISHERIES FUND.		
FOR THE STATE TREASURER'S OFFICE:		
Operations .....	\$14,350 00	
FROM THE MOTOR VEHICLE FUND.		
FOR THE STATE TREASURER'S OFFICE:		
Operations .....	\$30,000 00	
FROM THE HIGHWAY SAFETY FUND.		
FOR THE STATE TREASURER'S OFFICE:		
Operations .....	\$3,600 00	
FROM THE GENERAL FUND.		
FOR THE SUPREME COURT:		Supreme court.
Operations .....	\$158,000 00	
<hr/>		
Total for Supreme Court .....	\$158,000 00	

Supreme court reporter.	<b>FOR THE SUPREME COURT REPORTER:</b>		
	Operations .....	\$20,900 00	
State law library.	<b>FOR THE STATE LAW LIBRARY:</b>		
	Operations .....	\$14,100 00	
	Capital outlays .....	10,000 00	
	<b>Total for State Law Library.....</b>	<b>\$24,100 00</b>	
State board of law examiners.	<b>FOR STATE BOARD OF LAW EXAMINEES:</b>		
	Operations .....	\$9,125 00	
Superior court judges.	<b>FOR THE SUPERIOR COURT JUDGES:</b>		
	Operations .....	\$215,200 00	
Insurance commissioner.	<b>FOR INSURANCE COMMISSIONER:</b>		
	Operations .....	\$107,335 00	
	Capital outlays .....	1,300 00	
	<b>Total for Insurance Commissioner.....</b>	<b>\$108,635 00</b>	
Superintendent of public instruction.	<b>SUPERINTENDENT OF PUBLIC INSTRUCTION:</b>		
	Salary of Superintendent .....	\$6,000 00	
	Operations .....	69,000 00	
	Capital outlays .....	1,200 00	
	<b>RURAL SCHOOL DEPARTMENT:</b>		
	Operations .....	\$6,300 00	
	<b>HIGH SCHOOL DEPARTMENT:</b>		
	Operations .....	\$10,500 00	
	<b>STATE BOARD OF EDUCATION:</b>		
	Operations .....	\$3,860 00	
	<b>VOCATIONAL EDUCATION:</b>		
	Operations .....	\$26,000 00	
	<b>Total Superintendent of Public Instruction, all departments .....</b>	<b>\$122,860 00</b>	
Traveling library.	<b>FOR THE TRAVELING LIBRARY:</b>		
	Operations .....	\$11,200 00	
	Capital outlays .....	13,800 00	
	<b>Total for Traveling Library .....</b>	<b>\$25,000 00</b>	

FOR CRIMINAL COST BILLS.....	\$27,000 00	Criminal cost bills.
FOR THE DEPARTMENT OF BUSINESS CONTROL:		
Operations .....	\$97,500 00	Business control.
Capital outlays .....	3,000 00	
CAPITOL BUILDINGS AND GROUNDS:		
Operations .....	\$125,000 00	
PAROLE DEPARTMENT:		
Operations .....	\$43,160 00	
TRANSPORTATION DEPARTMENT:		
Operations .....	80,000 00	
DEPORTATION ALIEN AND NON-RESIDENT		
INSANE .....	\$25,000 00	
Total for Department of Business Control..		\$373,660 00
FOR THE STATE PENITENTIARY:		
Operations .....	\$408,000 00	State penitentiary.
(Industrial Operations Revolving) ..	100,000 00	
Total for State Penitentiary.....		\$508,000 00
STATE SCHOOL FOR BLIND:		
Operations .....	\$88,200 00	State school for blind.
Capital outlays .....	7,500 00	
Total for State School for Blind.....		\$95,700 00
STATE SCHOOL FOR DEAF:		
Operations .....	\$185,152 00	State school for deaf.
Capital outlays .....	20,823 00	
Gallaudette expense .....	2,500 00	
Total for State School for Deaf .....		\$208,475 00
STATE SCHOOL FOR GIRLS:		
Operations .....	\$138,135 00	State school for girls.
Capital outlays .....	10,000 00	
Total for State School for Girls.....		\$148,135 00
STATE TRAINING SCHOOL:		
Operations .....	\$275,000 00	State training school.
Capital outlays .....	25,000 00	
Total for State Training School.....		\$300,000 00
(Training school is to be paid from C. E. P. & R. I. fund until exhausted. Balance from General Fund.)		

State reformatory.	WASHINGTON STATE REFORMATORY:		
	Operations .....	\$274,000 00	
	Capital outlays .....	30,000 00	
		<hr/>	
	Total for Washington State Reformatory..		\$304,000 00
Eastern state hospital.	EASTERN STATE HOSPITAL:		
	Operations .....	\$635,850 00	
	Capital outlays .....	49,785 00	
		<hr/>	
	Total for Eastern State Hospital .....		\$685,635 00
Western state hospital.	WESTERN STATE HOSPITAL:		
	Operations .....	\$729,000 00	
	Capital outlays .....	75,000 00	
		<hr/>	
	Total for Western State Hospital .....		\$804,000 00
Northern state hospital.	NORTHERN STATE HOSPITAL:		
	Operations .....	\$595,000 00	
	Capital outlays .....	177,000 00	
		<hr/>	
	Total for Northern State Hospital.....		\$772,000 00
State custodial school.	STATE CUSTODIAL SCHOOL:		
	Operations .....	\$432,198 00	
	Capital outlays .....	24,250 00	
		<hr/>	
	Total for State Custodial School .....		\$456,448 00
Soldiers' home and colony.	FOR THE SOLDIERS' HOME AND COLONY:		
	Operations .....	\$145,000 00	
	Operations of Colony .....	45,000 00	
		<hr/>	
	Total for Soldiers' Home and Colony.....		\$190,000 00
Washington veterans' home.	FOR THE WASHINGTON VETERANS' HOME:		
	Operations .....	\$290,000 00	
	Capital outlays .....	25,000 00	
		<hr/>	
	Total for Washington Veterans' Home.....		\$315,000 00
State library.	FOR THE STATE LIBRARY:		
	Operations .....	\$11,000 00	
	Capital outlays .....	2,000 00	
		<hr/>	
	Total for State Library .....		\$13,000 00
Spanish war veterans' graves.	CARE OF GRAVES, Spanish War Veterans.....		\$180 00
Shore land improvement warrants	GUARANTEED INTEREST on shore land improvement warrants .....		\$17,600 00

FOR THE STATE HISTORICAL SOCIETY:		State historical society.
Operations .....	\$16,650 00	
FOR THE OFFICE OF DIRECTOR OF TAXATION AND EXAMINATION:		Director of taxation and examination.
(Division of Taxation.)		
Operations .....	\$37,400 00	
Capital outlays .....	600 00	
	<hr/>	
Total .....	\$38,000 00	
(Division of Banking.)		
Operations .....	\$106,300 00	
Capital outlays .....	2,400 00	
	<hr/>	
Total .....	\$108,700 00	
(Savings and Loan Division.)		
Operations .....	\$20,000 00	
(Expenditures of Building and Loan Division not to exceed collections.)		
OFFICE OF DIRECTOR OF HEALTH:		Director of health.
Operations .....	\$79,000 00	
Capital outlays .....	1,832 00	
	<hr/>	
Total for Office of Director of Health.....	\$80,832 00	
DIRECTOR OF LABOR AND INDUSTRY:		Director of labor and industries.
Operations .....	\$659,627 00	
Capital outlays .....	9,000 00	
	<hr/>	
Total for Director of Labor and Industry..	\$668,627 00	
(\$133,000.00 of above amount from Medical Aid Fund, \$535,627.00 from General Fund.)		
FROM THE GENERAL FUND.		
FOR THE DIRECTOR OF AGRICULTURE:		Director of agriculture.
Salary of Director .....	\$10,000 00	
Operations .....	314,000 00	
Capital outlays .....	13,700 00	
State Fair operations .....	40,000 00	
Destruction of predatory animals' ...	25,000 00	
Indemnity and expenses bovine tuber- culosis eradication .....	50,000 00	
GRAIN DEPARTMENT:		
(For Grain Inspection Service not to exceed fees collected.)		
Operations .....	\$175,000 00	
	<hr/>	
Total for Director of Agriculture .....	\$627,700 00	

Director of efficiency.

FOR THE DIRECTOR OF EFFICIENCY:

Operations .....	\$45,000 00
Capital outlays .....	1,000 00

FROM HIGHWAY SAFETY FUND.

Operations .....	\$200,000 00
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Total for Director of Efficiency..... \$246,000 00

FROM THE GENERAL FUND.

Director of public works.

FOR THE DIRECTOR OF PUBLIC WORKS:

Operations .....	\$146,380 00
Capital outlays .....	5,000 00

Total ..... \$151,380 00

FROM PUBLIC HIGHWAY FUND.

(Division of Highways)

Operations .....	\$117,000 00
Capital outlays .....	10,000 00

Total ..... \$127,000 00

FROM PUBLIC SERVICE REVOLVING FUND.

(Not to exceed receipts)

Operations .....	\$68,000 00
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FROM THE GENERAL FUND.

Director of licenses.

FOR THE DIRECTOR OF LICENSES:

Operations .....	\$35,600 00
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Total ..... \$35,600 00

MOTOR VEHICLE DIVISION

FROM MOTOR VEHICLE FUND.

Operations .....	\$214,800 00
Capital outlays .....	6,300 00

Total ..... \$221,100 00

FROM HIGHWAY SAFETY FUND.

Operations .....	\$21,600 00
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FROM THE GENERAL FUND.

DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

Conservation  
and  
development.

(Division of Hydraulics)

Operations ..... \$41,600 00  
Capital outlays ..... 600 00

Total ..... \$42,200 00

(Division of Forestry)

Operations ..... \$113,000 00  
Capital outlays ..... 2,000 00

Total ..... \$115,000 00

(Division of Conservation and Development)

Operations ..... \$10,820 00

GEOLOGICAL SURVEY ..... \$10,000 00

Geological  
survey.

TOPOGRAPHIC AND HYDROGRAPHIC SURVEY:

Topographic  
and  
hydrographic  
survey.

(To be expended in co-operation with United  
States Government) ..... \$20,000 00

FROM RECLAMATION REVOLVING FUND.

Reclamation  
revolving  
fund.

Operations ..... \$67,600 00  
Land settlement purposes ..... 365,000 00

Total ..... \$432,600 00

FROM THE STATE GAME FUND.

FOR THE DEPARTMENT OF GAME AND GAME FISH:

Department of  
game and  
game fish.

For the salaries and traveling expenses of the Director of Fisheries and Game, supervisors, deputy state game wardens, and employees; rent and incidentals, construction, repair and maintenance of trout hatcheries, eyeing stations and rearing ponds; maintenance, stocking, and new construction at state game farm; purchase of game birds, game animals, game fish, and game bird eggs; printing; and for all other expenses of the Department of Game and Game Fish ..... \$190,000 00

FROM THE FISHERIES FUND.

FOR THE DEPARTMENT OF FISHERIES:

Department of  
fisheries.

For the salaries of Director of Fisheries and Game, supervisor, inspectors and employees; traveling expenses of Director of Fisheries and Game, supervisors, inspectors, and employees;

rent and incidentals; construction, repairs, and maintenance of salmon hatcheries, eyeing stations and rearing ponds; construction of new hatcheries, eyeing stations and rearing ponds; patrol service; improvements, replacements, destruction of seals; printing; and for all other and additional expenses of the fisheries division of the office of the Director of Fisheries and Game ..... \$292,305 00

State fisheries board.

FOR THE STATE FISHERIES BOARD:

Operations ..... \$12,500 00  
(Department of Game and Game Fish and Department of Fisheries shall not exceed collections from these departments.)

Oyster reserve protection.

FROM THE OYSTER RESERVE FUND.

For the improvement and protection of State Oyster reserves ..... \$20,000 00

Harbor improvement fund.

FROM THE HARBOR IMPROVEMENT FUND.

To be distributed in accordance with Chapters 168, 169 and 170, Laws of 1913 based on receipts ..... \$100,000 00

University of Washington.

FOR THE UNIVERSITY OF WASHINGTON:

(From the University Current Fund until exhausted, balance from the University of Washington Fund.)

Operations ..... \$2,366,765 00  
Capital outlays ..... 265,218 00

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

For the erection, alteration, maintenance, equipping, or furnishing of buildings for the University of Washington..... \$439,700 00

State college.

FOR THE STATE COLLEGE OF WASHINGTON:

(From the Scientific School Current and Agricultural College Current Fund until exhausted, balance from State College Fund.)

Operations ..... \$1,478,918 00  
Capital outlays ..... 143,000 00

Total for State College of Washington.....\$1,621,918 00  
(\$100,000.00 to be allotted to Puyallup Experiment Station.)



FROM THE GENERAL FUND.

For amount to secure Smith-Lever Fund from United States Government for Agricultural Extension work .....	\$127,736 58	Agricultural extension work.
For Prosser Experiment Station operations .....	\$34,000 00	
For experimental work and investigation of the cranberry growing industry .....	\$9,000 00	
<b>BELLINGHAM STATE NORMAL SCHOOL:</b>		
(\$31,000.00 from Normal School Current Fund until exhausted, balance from Bellingham Normal Fund.)		Bellingham normal school.
Operations .....	\$477,542 00	
<b>FOR ELLENSBURG STATE NORMAL SCHOOL:</b>		
(\$19,000.00 from the Normal School Current Fund until exhausted, balance from Ellensburg Normal Fund.)		Ellensburg normal school.
Operations .....	\$286,926 00	
<b>FOR CHENEY STATE NORMAL SCHOOL:</b>		
(\$24,000.00 from Normal School Current Fund until exhausted, balance from Cheney Normal Fund.)		Cheney normal school.
Operations .....	\$368,000 00	
Capital outlays .....	12,000 00	
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Total for Cheney State Normal School....	\$380,000 00	

FROM THE MILITARY FUND.

<b>FOR THE STATE MILITARY DEPARTMENT:</b>		Military department.
Operations .....	\$341,030 00	
Capital outlays .....	2,500 00	
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Total for State Military Department .....	\$343,530 00	

FROM THE GENERAL FUND.

FOR TUBERCULOSIS HOSPITALS .....	\$190,000 00	Tuberculosis hospitals.
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SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately. Emergency.

Passed the Senate February 16, 1923.

Passed the House February 21, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

## CHAPTER 51.

[S. S. E. 117.]

## IRRIGATION DISTRICT BONDS.

AN ACT relating to the certification of bonds of irrigation districts, and the duties and powers of certain state officers, institutions and departments and the districts with respect thereto; and providing that this act shall take effect immediately.

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

SECTION 1. Whenever the Board of Directors of any irrigation district, organized and existing under and pursuant to the laws of the State of Washington, shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of such district, including any of its bonds authorized but not sold, be certified under the provisions of this act, such Board of Directors shall thereupon file a certified copy of such resolution with the Director of the Department of Conservation and Development of the State of Washington. Such Director on receipt of a certified copy of such resolution shall, without delay, make or cause to be made a full investigation of the affairs of the district.

Certification  
desired.

SEC. 2. In connection with the investigation and report provided for in this act, the Director of the Department of Conservation and Development is authorized and directed to make written request upon any state officer, institution or department for information, opinion or advice relative to any features of such investigation pertinent to the work of such officer or department. Upon receipt of such written request from said director, such officer or department shall, without delay, make such investigation as may be necessary and shall then furnish the said director with a report in writing giving the

Director of  
conservation  
and  
development,  
request for  
information.

information, opinion or advice required by said director.

SEC. 3. If, after the investigation herein provided for, the director finds that the project of the district is feasible, that the bond issue proposed to be certified is necessary and in sufficient amount to complete the improvement contemplated and that the district shows a clear probability of successful operation, he shall submit a complete transcript, to be furnished and certified by the district, of the proceedings relating to the organization and establishment of the district and relating to or affecting the validity of the bond issue involved, to the Attorney General, for his written opinion as to the legality of the same. If the Attorney General finds that any of the matters submitted in the transcript are not legally sufficient he shall so state in his opinion to the Director of the Department of Conservation and Development. The district shall then be given an opportunity, if possible, to correct the proceeding or thing complained of to the satisfaction of the Attorney General. If the Attorney General finds that all the matters submitted in the transcript as originally submitted or as subsequently corrected are legally sufficient said director shall thereupon file his report with the Secretary of State and forward a copy to the secretary of the district, to be kept among the records of the district.

Project  
feasible.

Attorney  
general.

Secretary  
of state.

SEC. 4. Said report filed with the Secretary of State shall contain conclusions upon the following points:

Report.  
contents.

(a) The supply of water available for the project and the right of the district to so much water as may be needed.

(b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(c) The feasibility of the district's irrigation system and of the specific unit for which the bonds under consideration are desired, whether such system and unit be constructed, projected or partially completed; and the sufficiency of the amount of the proposed bond issue to complete the improvement contemplated.

(d) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed by it with the proceeds of any such bonds.

(e) The reasonable market value of the lands included within the district.

(f) The plan of operation and maintenance used or contemplated by the district.

(g) The method of accounting employed or proposed to be employed by the district.

(h) Any other matter material to the investigation.

SEC. 5. Attached to said report of said director shall be the following:

(a) A certificate signed by the Supervisor of Hydraulics certifying to the amount and sufficiency of water rights available for the project.

(b) A certificate signed by a soil expert of the Washington State College, certifying as to the character of the soil and the classification of the lands in the district.

(c) A certificate signed by the Supervisor of Reclamation approving the general feasibility of the system of irrigation.

(d) A certificate signed by the Attorney General of the State of Washington approving the legality of the organization and establishment of the district and the legality of the bond issue offered for certification.

SEC. 6. When the proposed bond issue has been finally approved by the director, he shall file a supplemental report with the Secretary of State giving the numbers, date or dates of issue and denominations of said bonds which shall then be entitled to certification as herein provided.

Approval by director.

SEC. 7. All bonds issued by any eligible district availing itself of the provisions of this act shall, before sale by the district, have attached thereto the certificate of the Secretary of State, essentially in the following form:

Certificate of secretary of state.

Olympia, Washington, ... (Insert date).....

I, ....., Secretary of State of the State of Washington, do hereby certify that the above named district has been investigated and its project approved by the Department of Conservation and Development of the State of Washington; that the legality of the bond issue of which this bond is one has been approved by the Attorney General of the State of Washington, and that the carrying out of the purposes for which this bond was issued is under the supervision of said department, as provided by law.

[Seal]

.....

Secretary of State.

SEC. 8. All necessary expenses incurred in making the investigation, examination, opinions and reports in this act provided for shall be paid at such times and in such manner as the Director of the Department of Conservation and Development shall require, by the irrigation district, the affairs of which have been investigated and reported on by the said director: *Provided*, That the benefit of any service that may have been performed and any data that may have been obtained in pursuance of the requirements of any law other than this act, shall be available for the use of the director without charge to said district.

Expenses of investigation.

Expenditures  
after  
certification.

SEC. 9. Whenever the bonds of any irrigation district have been certified, as provided in this act, no expenditures shall be made from the proceeds of such bonds, nor shall any liability chargeable against such proceeds be incurred, until there shall have been filed with and approved by the Director of the Department of Conservation and Development a schedule of proposed expenditures in such form as said director shall prescribe, and no expenditures from the proceeds of said bonds shall be made for any purpose in excess of the amount allowed therefor in such schedule without the written consent of said director: *Provided, further,* That, if it shall be necessary, the Attorney General may employ competent attorneys to assist him in the performance of his duties under this act, said attorneys to be paid by the irrigation district for which services are rendered from any of the funds of said district at such time and in such manner as the Attorney General shall require.

Inspection  
of work.

SEC. 10. During the progress of any work to be paid for from the proceeds of any bond issue certified as in this act provided, the Director of the Department of Conservation and Development shall make or cause to be made, from time to time, at the expense of the district, such inspection of the work as may be necessary to enable the said department to know that the plans approved by the director are being carried out without material modification, unless such modification has been approved by the director.

Installments  
certified.

SEC. 11. Whenever the survey, examinations, drawings, and plans of an irrigation district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with a plan or schedule adopted by resolution of the board of directors of the district,

it shall not be necessary for the Secretary of State to certify at one time all of the bonds that have been voted for the said completed project; but such bonds may be certified from time to time, when approved by the Director of the Department of Conservation and Development, as needed by the district. If the Secretary of State shall certify all of the bonds necessary for the said completed project, even if said project is to be constructed progressively over a period of years in accordance with the aforesaid resolution of the board of directors, the bonds so voted and certified shall only be sold after prior written approval of said director.

SEC. 12. Districts coming within the provisions of this act shall prepare and maintain all records of their operation and proceedings upon forms prescribed by the Director of the Department of Conservation and Development.

Forms  
prescribed.

SEC. 13. When the bonds of any district have been certified as provided herein, it shall be unlawful for the district, during the life of said bonds to expend any money or incur any obligation for construction purposes without the written approval of the Director of the Department of Conservation and Development, nor shall such district issue and sell any bonds not certified as herein provided, and the district shall annually at such time as said director shall prescribe, prepare and file with the director, on forms furnished by that officer, a budget of its contemplated expenditures for maintenance and operation during the ensuing year.

Expenditures  
for  
construction.

SEC. 14. 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.

Constitutionality

Emergency.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions and shall take effect immediately.

Passed the Senate February 13, 1923.

Passed the House February 21, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 52.

[S. B. 44.]

### WATER WORKS BONDS.

AN ACT relating to bonds of cities of the third class, exchanging such bonds for bonds of local improvement districts issued for the construction of water systems, providing for their payment out of the water revenues of such city, fixing the portion of the charges for water sold to be applied to their payment, declaring certain violations of said act to be void and fixing a liability for the violation thereof.

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

SECTION 1. Wherever any public water system shall have been constructed within any local improvement district of any city of the third 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 operation 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

Local  
improvement  
district,  
bonds  
outstanding.



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.

SEC. 2. Such bonds shall be denominated water redemption bonds of such city, and shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate of not to exceed six per cent per annum, payable semi-annually, and shall bear a serial number and shall be signed by the mayor of such city, and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city council of such city shall determine, and such bonds shall be payable only out of the special fund created by this act, and shall be a valid claim of the holder thereof only against such fund and the fixed portion or amount of the revenues of such water system pledged to such fund, and shall not constitute an indebtedness of such city.

Redemption  
bonds.

SEC. 3. No bonds issued under the authority of this act shall be sold nor disposed of except in exchange for an equal amount in par value of principal and interest of the local improvement district bonds issued for the construction of water systems taken over and operated by such city, or incorporated into or connected with a water system operated by such city, and upon the exchange by such city of the bonds authorized by this act for such local improvement district bonds the city shall be subrogated to all the rights of the owners and holders of such local improvement district bonds against the property of such local improvement district and as against any person or corporation liable thereon, and any monies derived by such city from the sale or enforcement

Sale and  
exchange.

of such local improvement district bonds shall be paid into the water redemption fund of such city.

Water  
redemption  
fund.

SEC. 4. The city council of such city before issuing such bonds shall by ordinance establish a fund for the payment of such bonds at maturity and of interest thereon as it matures to be designated the water redemption fund.

Regulation  
and control  
of water.

SEC. 5. Such city shall have power to regulate and control the use and price of water supplied through such water system and shall establish for the use and sale thereof such rates and charges as shall be sufficient to provide for the operation and maintenance of such system and for the payment of the bonds issued under this act at maturity and of interest thereon as it matures, and such portion shall be included in and collected as a part of the charges made by such city for water supplied through such water system and paid into the water redemption fund.

Interest  
paid.

SEC. 6. The city treasurer of such city shall pay the interest on the bonds authorized by this act out of the monies in the water redemption fund.

Call bonds  
for payment.

SEC. 7. Whenever there shall be sufficient money in such fund, over and above the amount that will be required to pay the interest on such bonds up to the time of maturity of the next interest payment, to pay the principal of one or more bonds, the city treasurer shall call in and pay such bonds. Such bonds shall be called and paid in their numerical order, and such call shall be made by publication in the official newspaper of such city and shall state the total amount and the serial number or numbers of the bonds called and that they will be paid on the date when the next semi-annual payment of interest will be due, and interest on the bonds called shall cease from such date.

SEC. 8. All monies paid into or collected for the water redemption fund shall be used for the payment of principal and interest of the bonds issued under the authority of this act, and no part thereof while any of said bonds are outstanding and unpaid, shall be diverted to any other fund or use.

Use of  
monies.

*Provided, however,* That when both principal and interest on all bonds issued and outstanding shall have been paid, any unexpended balance remaining in said fund may be transferred to the general fund of the city or such other fund thereof as the city council shall direct.

SEC. 9. Every ordinance, resolution, order or action of any city council, board or officer of any such city, and every warrant or other instrument made, issued, passed or done in violation of this act shall be void, and every officer, agent, employee or member of the city council of such city, and every person or corporation who shall knowingly commit any violation of this act, or knowingly aid in such violation, shall be liable to such city for all monies transferred, diverted or paid out in violation of this act, and such liability shall attach to and be enforceable against the official bond, if any, of such official agent, employee or member of the city council.

Ordinances,  
orders,  
resolutions,  
void.

Penalty.

SEC. 10. The term water system as used in this act shall be construed to include and be applicable to all reservoirs, storage and clarifying tanks, conduits, mains, laterals, pipes, hydrants and other equipment used or constructed for the purpose of supplying water for public or domestic use, and shall include not only water systems constructed by local improvement districts, but also any system with which the same may be incorporated or connected.

Water  
system  
defined.

Passed the Senate February 6, 1923.

Passed the House February 23, 1923.

Approved by the Governor March 5, 1923.

## CHAPTER 53.

[S. B. 75.]

## ELECTIONS IN CLASS A AND FIRST CLASS COUNTIES.

AN ACT relating to elections, creating an election board, validating certain elections and proceedings had thereunder, amending Sections 5143, 5144, 5147 and 5148 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:*

SECTION 1. That Section 5143 of Remington's Compiled Statutes be amended to read as follows:

Section 5143. All state and county elections in class A counties and counties of the first class, whether general or special, and whether for the election of federal, United States senatorial or congressional, or state, legislative, county or precinct officers, or for the submission to the voters of any question for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of county officers or primary elections, nor special elections to fill vacancies for members of the Congress of the United States or members of the State Legislature.

SEC. 2. That Section 5144 of Remington's Compiled Statutes be amended to read as follows:

Section 5144. That all city, town, school district, port district, park district, irrigation district, dike district, drainage district, drainage improvement district, diking improvement district, river improvement district, commercial waterway district, water district, and all other municipal and district elections whether general or special, and whether for the election of municipal or district officers or for the sub-

Amends Rem.  
Comp. Stat.  
§ 5143;  
Pierce's Code  
§ 2120-1.

Date.

Amends Rem.  
Comp. Stat.  
§ 5144;  
Pierce's Code  
§ 2120-2.

District  
elections.

mission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in class A counties and counties of the first class on the second Tuesday in March, 1924, and thereafter in the year in which they may be called: *Provided*, That all such elections shall be held for the year 1923 on the first Tuesday after the first Monday in May: *Provided, further*, That this section shall not be construed as fixing the time of holding elections for the recall of city, town or district officers: *And provided further*, That this section shall not be construed as repealing the provisions of any charter of any city of the first class providing for the election of persons receiving a majority of all votes cast for any office at a primary or first election; but such primary or first election shall be held two weeks prior to the general election provided for in this section, and shall be conducted by the election board provided for in this act: *Provided, however*, That said election board, when in their judgment an emergency exists, whenever requested so to do by a resolution of the governing board of any such municipality or district, may call a special election at any time in any such municipality or district, and at any such special election said board may combine, unite, or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law.

SEC. 3. That Section 5147 of Remington's Compiled Statutes be amended to read as follows:

Section 5147. The chairman of the board of county commissioners, the county auditor, and the prosecuting attorney in class A counties and counties of the first class, shall constitute an election board for all elections held under the provisions of this act, and it shall be the duty of such board to

Amends Rem.  
Comp. Stat.  
§ 5147;  
Pierce's Code  
§ 2120.5.

Election  
board.

provide places for holding elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such elections in the manner provided by this act and to apportion to each city, town or district, its share of the expense of such election.

Amends Rem.  
Comp. Stat.  
§ 5148;  
Pierce's Code  
§ 2120-6.

SEC. 4. That Section 5148 of Remington's Compiled Statutes be amended to read as follows:

Precinct  
election  
officers.

Section 5148. The precinct election officers hereinabove provided for, shall conduct such elections and shall receive and deposit ballots cast thereat in the proper and respective ballot boxes and shall count said ballots and make returns thereof to the election board provided for in this act, which board shall constitute a canvassing board for all elections held under the provisions of this act: *Provided, however,* There shall be but one set of precinct election officials in each precinct.

Nominations.

SEC. 5. All nominations for office to be voted for at any election held under the provisions of this act shall be filed not more than sixty (60) days and not less than thirty (30) days prior to the day of election, with the clerk or secretary of the governing board of any city, town or district, and by him certified to the election board at least twenty-five (25) days before the date of election: *Provided, however,* That this section shall not apply to nominations of candidates nominated under the provisions of the state primary election law, or candidates nominated at any primary election held under the provisions of the charter of any city of the first class.

SEC. 6. The governing board of any city, town or district, shall not less than forty-five (45) days

Certificate of  
offices and  
propositions.

before the date of any election to be held under the provisions of this act, certify to the election board a list of the offices to be filled at such election, and any such governing board, desiring to submit to the voters of such city, town or district any proposition for their approval and adoption, or rejection, at any election to be held under the provisions of this act, shall require the clerk or secretary of such governing board to certify to the election board at least forty-five (45) days before the date of such election such proposition in the form of a ballot title of not to exceed twenty-five (25) words so formed as to enable voters favoring the proposition to vote "yes" and those opposed thereto to vote "no"; for example:

- Shall the city issue \$500,000.00 } Yes
- of bonds for the Montlake Bridge? } No
- Shall the county seat be moved } Yes
- to Kelso? } No

*Provided, however,* That in the event any such proposition or question is occasioned by the provisions of any charter of a city of the first class to be published in full prior to the submission to the voters of such city, the clerk of such city shall at said time also certify to the election board such proposition or question in full, and the election board shall cause said proposition or question to be published in full in the official newspaper of, or in a newspaper of general circulation in, said city, once a week for four consecutive weeks, the date of first publication to be not less than thirty (30) days nor more than forty (40) days prior to the date of election, and such publication shall be deemed sufficient publication for the submission of any such proposition or question to the voters, the

provisions of the charter of said city to the contrary notwithstanding.

Notice.

SEC. 7. The election board shall give notice of all elections to be held under the provisions of this act, by one publication in a newspaper of general circulation in the county, not less than thirty (30) days nor more than forty (40) days before the date of election, and by posting a copy of such notice at each polling place for such election nor less than thirty (30) nor more than forty (40) days before the date of election. Said notice shall contain the time and place of holding said election; the hours during which the polls shall be open; the offices to be filled and the proposition to be voted upon at such election, and such notice shall be the only notice required of all elections to be held under the provisions of this act.

Organization  
of districts,  
bonds,  
warrants,  
validated.

SEC. 8. That in any case where there has been an attempt made to organize an irrigation district, dike district, drainage district, drainage improvement district, diking improvement district, river improvement district, commercial waterway district, or water district, or to issue bonds or warrants for any such district, in any class A county or county of the first class, and where the proceedings had, in attempting to organize such district or to issue such bonds or to take any action in relation thereto, have been had and done substantially in compliance with the laws relating thereto in force prior to the taking effect of Chapter 61 of the Laws of 1921 or in substantial compliance with the provisions of this act relating thereto, the proceedings and acts so had and done shall not be deemed to be invalid because of any limitation upon the time of holding such elections or proceedings established by Chapter 61 of the Laws of 1921.

See Rem.  
Comp. Stat.  
 §§ 5143 to 5149;  
Pierce's Code  
 §§ 2120-1 to  
 § 2120-7.

Elections  
validated.

SEC. 9. Any election held in any school district or in any district of the class enumerated in the



preceding section in any class A county or county of the first class where the electors have authorized the issuance of bonds or warrants since the tenth day of June, 1921, are hereby ratified and any bond or warrant issued, or to be issued, in pursuance of said authority are hereby validated.

SEC. 10. This act is necessary for the immediate support of the existing public institutions of the state and shall take effect immediately. Emergency.

Passed the Senate February 1, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 5, 1923.

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## CHAPTER 54.

[H. B. 148.]

### POLICE RELIEF, HEALTH AND INSURANCE.

AN ACT relating to the police relief, health and insurance fund in incorporated cities of the first class and amending Section 9581 of Remington's Compiled Statutes of Washington (being Sec. 1202 Pierce's Code).

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

SECTION 1. That Section 9581 of Remington's Compiled Statutes of Washington, being Section 1202 of Pierce's Code, be amended to read as follows: Amends Rem.  
Comp. Stat.  
§ 9581;  
Pierce's Code  
§ 1202.

Section 9581. The said board, for the purpose of said police and relief and pension fund, shall have the power to direct and shall direct the payments annually, and when the annual tax levy of the city or town is made, into said fund of the following moneys: Board.

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

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

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

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

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

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

Passed the House February 20, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 6, 1923.

## CHAPTER 55.

[S. S. B. 34.]

## CERTIFIED SEEDS.

AN ACT relating to the certification of agricultural and vegetable seed; providing penalties for violation thereof and amending Chapter 1 of Title XLIV Remington's Compiled Statutes, by adding thereto three new sections to be known as sections 6977-A, 6977-B, and 6977-C.

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

SECTION 1. That chapter 1 of title XLIV, Remington's Compiled Statutes, be and the same is hereby amended by adding a new section to be known as 6977-a.

See  
Pierce's Code  
§ 113-2.

Section 6977-a. The word "seed" wherever used in this act shall be held and construed to mean and include not only the true seed of plants but also any tubers, bulbs, or corms or other part of a plant commonly used for propagating purposes. The word "certified seed" wherever used in this act shall be held and construed to mean and include seed which has been inspected, graded and certified by the director of agriculture or his authorized representatives, as complying with the rules and regulations adopted and promulgated by the director of agriculture under the provisions of this act.

Definitions.

SEC. 2. That chapter 1 of title XLIV, Remington's Compiled Statutes, be and the same is hereby further amended by adding thereto a new section to be known as 6977-b.

See  
Pierce's Code  
§ 113-2.

Section 6977-b. It shall be unlawful for any person, firm or corporation to represent by certificate, advertisement, placard, label or brand, or by any means of description, any agricultural or vegetable seed, to be "certified" or "certified seed" unless and until such seed shall have been duly inspected, graded and certified by the director of agriculture,

False  
representa-  
tions.

or his authorized representatives, in accordance with the rules and regulations adopted and promulgated by the director of agriculture under the provisions of this act: *Provided, however,* That agricultural or vegetable seed imported into this state which has been inspected and certified by the proper authorities of the state from which such seed is exported under a law of that state providing for the inspection and certification of seed, may be designated by label or otherwise when sold or offered for sale in this state as certified seed, provided such seed complies with the rules and regulations adopted and promulgated by the director of agriculture of this state.

See  
Pierce's Code  
§ 113-2.

SEC. 3. That chapter 1 of title XLIV, Remington's Compiled Statutes of Washington, be and the same is hereby further amended by adding thereto a new section to be known as 6977-c.

Penalty.

Section 6977-c. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and in case of a second or subsequent violation shall be guilty of a gross misdemeanor.

Passed the Senate January 24, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 7, 1923.

CHAPTER 56.

[S. B. 103.]

PUBLIC UTILITIES OF TOWNS.

AN ACT relating to incorporated towns, and authorizing the ratification, validation and funding of certain indebtedness and certain warrants issued for the construction of public utilities and the issue and disposal of bonds therefor.

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

SECTION 1. Whenever any incorporated town within the state, having a population of not more than seven hundred and fifty (750), shall have constructed, heretofore, in whole or in part, any public utility authorized by section 9488 of Remington's Compiled Statutes and the cost thereof exceeds the amount of indebtedness authorized by the electors of said town for the construction of said public utility, the amount of such excess cost may be ratified and validated and any and all warrants issued on any special fund or funds in payment thereof may be validated, ratified and funded and the bonds of such town or bonds payable out of the gross revenues of such public utility issued and exchanged therefor or sold and the proceeds applied to the payment thereof in the manner hereinafter provided.

Public utilities constructed.

Cost exceeds amount authorized.

SEC. 2. The council, commission or other legislative authority of such town shall provide by ordinance for the submission of the questions of validating, ratifying and funding such warrants and indebtedness, and the issue and the exchange or sale of bonds therefor to the qualified voters of said town in the same manner prescribed in section 9489 of Remington's Compiled Statutes, for submitting the question of incurring indebtedness. If a general indebtedness is authorized by the qualified voters, general town bonds may be issued in the manner prescribed in section 9490 of Remington's Compiled

Ratification, validation submitted to electors.

See Rem. Comp. Stat. §§ 9489 to 9491; Pierce's Code §§ 1215 to 1217.

Statutes. If no general indebtedness is authorized by the qualified voters, or if the legislative authorities shall not desire to incur a general indebtedness, bonds payable out of the gross earnings of such utility may be issued in the manner prescribed in section 9491 of Remington's Compiled Statutes. No irregularity in the form of any such warrants or in their manner of issue, shall be deemed to preclude such town from acting under the provisions of this act.

Passed the Senate February 6, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 57.

[S. B. 153.]

### STATE LANDS.

AN ACT providing for the sale or lease of the portions of a government or public subdivision of state lands.

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

SECTION 1. Any tract of timber or agricultural state land containing less than the regular government or public subdivisions, where the reduced area of said tract is due to natural causes, or to isolation, may be leased or sold, or the timber thereon may be sold, under the laws relating to the sale and lease of state lands, whenever the commissioner of public lands shall deem it to be to the best interests of the state.

Reduced  
areas,  
sale or lease.

Passed the Senate February 15, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

## CHAPTER 58.

[S. B. 157.]

## ABSENT VOTER LAW.

AN ACT relating to elections, authorizing electors absent from their precincts of residence to vote at general and primary elections, and amending sections 5280, 5281, 5282 and 5283 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 5280 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5280;  
Pierce's Code  
§ 2087.

Section 5280. Any elector of the state who believes that he will be unavoidably absent from his home, and more than twenty-five miles distant from the precinct in which he is qualified to vote, may vote at general elections to be held for federal, United States senatorial and congressional, state, legislative, county and precinct officers, or propositions, or at any primary held for the purpose of nomination for any such election, in the manner provided for in this act.

Absent  
voting  
authorized

SEC. 2. That Section 5281 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5281;  
Pierce's Code  
§ 2088.

Section 5281. Any elector desiring to vote at any primary or general election under the provisions of this act shall, not more than twenty days prior to any such general or primary election, procure a certificate from the registration officer of the home precinct of said elector certifying that said registration officer is personally acquainted with said elector; that said elector is duly registered and qualified to vote in said home precinct, stating the place of residence of said elector; that said elector has in the presence of said registration officer affixed his signature to said certificate at a place to be desig-

Certificate of  
registration.

nated "For Signature of Absent Voter"; which certificate shall be executed and signed in duplicate, the registration officer retaining one in his permanent files; and the elector shall at any time prior to the day of such general or primary election, present, in person or through the United States mails, said certificate to the county auditor of the county of his residence, and shall make, subscribe and file with the county auditor an affidavit as follows:

Affidavit  
of voter.

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

I, ....., do solemnly swear (or affirm) that I am a resident and qualified elector in the.....precinct of.....city, in the county of....., State of Washington, duly registered as such, and am entitled to vote at the primary or general election to be held therein on the.....day of....., 19....., that I will be absent from said precinct and more than twenty-five miles distant from said precinct on the day of said election, and that I shall lose my vote by reason thereof unless permitted to vote in the manner provided by law for absent voting.

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

Amends Rem.  
Comp. Stat.  
§ 5282;  
Pierce's Code  
§ 2089.

SEC. 3. That Section 5282 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 5282. Upon the making and filing of the affidavit provided for in the preceding section, the auditor shall compare the signature thereon with the signature upon the certificate presented therewith, and if he is satisfied that the signatures are made by the same person, and if the official ballots for such general or primary election are in the possession of the auditor, he shall deliver to the elector,

Ballots.



or mail to the elector at the postoffice address to be designated by such elector a blank ballot for such election, or in the case of a primary election a blank ballot of the party for the candidate of which the elector desires to vote, and also a small envelope that shall have no mark upon it which may serve to identify it or the ballot within it with the voter; also a larger envelope upon which there shall be printed the name and postoffice address of the auditor issuing the same, and a blank affidavit in the following form:

Affidavit.

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

I, ....., do solemnly swear that I am a resident of and qualified voter in .....precinct of.....city in .....county, Washington; that I have the legal right to vote at the election to be held in said precinct on the.....day of....., 19....., and that I have herein enclosed my ballot for such election, duly marked as required by law in the presence of....., a..... in and for.....county, State of .....

(Signed)....., Voter.

.....  
 Residence and address.

Subscribed and sworn to before me, a..... in and for.....county, State of....., this..... day of....., 19.....; and I hereby certify that the affiant, ....., has proven himself to be the person whom he represents himself to be by exhibiting to me his registration certificate bearing his signature and by making his signature in my presence, and that I have compared said signatures and find them to be the same; that the affiant has exhibited to me the enclosed bal-

Certificate.

lot and the same was unmarked; that the affiant before me at the same time and place marked his ballot, but in such manner that I did not see his vote; that he then folded, enclosed and sealed said ballot, so marked, in a small envelope, and then enclosed and sealed said small envelope in this envelope which he handed to me sealed, to be forwarded by me by registered mail to the auditor of..... county, at....., in the State of Washington.

(Signed).....

..... in and for the County of ..... State of....., the day and year in this certificate first above written.

Marking ballot.

Upon receiving such blank ballot and envelope, the voter, if such ballot and envelope be delivered to him in person shall proceed, in the presence of the auditor, to mark the ballot in such manner that the auditor cannot see his vote, and fold, enclose and seal the ballot in the smaller envelope, and then enclose the smaller envelope containing the ballot in the larger envelope, and deliver such larger envelope, together with his certificates of registration, to the auditor, who shall file and safely keep the same until the votes are canvassed as hereinafter provided, and shall immediately notify the officer having possession of the registration books of the precinct of the voter of the fact that such voter has voted, and the registration officer shall thereupon note upon the registration books opposite the name of the voter, in the column provided for that purpose, the word "Voted."

Amends Rem. Comp. Stat. § 5283; Pierce's Code § 2089-1.

SEC. 4. That Section 5283 of Remington's Compiled Statutes of Washington be amended to read as follows:

Ballot mailed absent voter.

Section 5283. In case the official ballots for the ensuing election are not in the possession of the auditor at the time the elector requests the right to

vote as an absent voter as in this act provided, the auditor shall take from the elector a written statement giving his name and the address, to which he desires to have a ballot sent, and in case of a primary election a statement of the party for the candidates of which the elector desires to vote, and shall return to the voter his certificate of registration. As soon as the auditor shall receive the official ballots, he shall forward to the absent elector at the address given on the statement a blank ballot of the kind requested, together with the blank smaller and larger envelopes provided for in the preceding sections, and shall notify the registration officer of the absent voter's precinct of the fact that he has issued and mailed to the absent voter such ballot, and the registration officer shall thereupon note upon the registration books opposite the name of the voter, in the column provided for noting the votes cast, the word "Absent."

The elector upon receiving the blank ballot and envelopes shall have the right thereupon to appear before any officer of any city, county or state authorized by law to administer oaths, and present his certificate of registration and identify himself by making his signature in the presence of the officer for comparison with that upon the certificate of registration, and shall then first display the blank ballot to such officer as evidence that the same is unmarked, and then proceed to mark the ballot in the presence of such officer but in such manner that such officer is unable to see how the same is marked, and shall then fold said ballot and enclose and seal the same in the smaller envelope and then enclose said smaller envelope, together with his certificate of registration, in the larger envelope and make, subscribe and swear to the affidavit printed on the larger envelope before the officer, who shall thereupon mail said larger envelope to the county auditor whose

Marking  
ballot.

name and address are printed thereon, by registered mail, at the expense of the voter; and the county auditor, upon receiving such absentee voter envelopes, shall file the same in his office and shall keep the same until the votes are canvassed as hereinafter provided, and shall notify the registration officer of the precinct, or, if the ballot is received on election day, the election officers of the precinct that the voter, giving his name and address, has voted, and the registration officer or election officers as the case may be shall thereupon note upon the registration books opposite the name of the voter the word "Voted."

Passed the Senate February 16, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 59.

[S. B. 166.]

### OYSTER LANDS.

AN ACT relating to the leasing of certain lands of the state for oyster culture and amending sections 8061 and 8066 of Remington's Compiled Statutes.

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

SECTION 1. That Section 8061 of Remington's Compiled Statutes be amended to read as follows:

Section 8061. In case all of the above three questions be answered negatively the commissioner of public lands shall issue to the applicant therefor a lease of said lands at such annual rental and for such term (not exceeding twenty years) as may be fixed and determined by the said commissioner. Upon the expiration of any lease issued under the pro-

Amends Rem.  
Comp. Stat.  
§ 8061;  
Pierce's Code  
§ 6503-27.

Lease.

visions of this act, the lessee shall have the right to make application to re-lease the lands covered by his said lease provided such application is made within thirty (30) days from the expiration thereof. The commissioner of public lands may upon the filing of such application cause the lands to be inspected and if he deem it for the best interests of the state to re-lease said lands, shall issue to the applicant a renewal lease for such further period (not exceeding twenty years) and under such terms and conditions as may be determined by the commissioner of public lands. When an application for the re-lease of any such land is made to the commissioner of public lands, under the provisions of this act, it shall not be necessary for the said lands to be inspected by the fish commissioner, as hereinbefore provided. Should the fish commissioner answer one or more of the above three questions affirmatively, the commissioner of public lands shall investigate the matter at a public hearing in the county where the lands in question are situated. Due notice of such hearing shall be given by the said land commissioner by publishing a notice to that effect in some paper of general circulation in the county, at the expense of the applicant, not less than one week and not more than four weeks before the date of hearing. Unless at such hearing it be conclusively shown to the commissioner of public lands that in the matters at issue the fish commissioner was in error, he shall refuse to lease such lands or such portion thereof as may be determined by the foregoing restrictions. Application for the lease of land thus withheld may not be made again within six years, except that the person last making application may repeat the application during the three months next preceding the expiration of the six years.

Re-lease.

Hearing.

Amends Rem.  
Comp. Stat.  
§ 8066;  
Pierce's Code  
§ 6503-32.

Survey  
plat.

SEC. 2. That Section 8066 of Remington's Compiled Statutes be amended to read as follows:

Section 8066. A plat of the survey and description of all tracts applied for shall be filed in the office of the commissioner of public lands.

Passed the Senate February 15, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 60.

[S. B. 181.]

### HIGHWAYS ABANDONED.

AN ACT authorizing and directing the Governor to reconvey certain premises secured as a part of the proposed location of the Pacific Highway, which location was afterwards abandoned.

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

SECTION 1. That the Governor be and he is hereby authorized and directed to in the name of the State of Washington, convey by quitclaim deed to Wallace McRae, the following described premises situate in Skagit County, Washington, said premises having been acquired by the state as a part of the proposed location of the Pacific Highway, which proposed location was afterwards abandoned:

A tract of land in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub>, Section 24, Twp. 35 N. R. 3 E. W. M., being more particularly described as follows:

Commencing at the northwest corner of said section 24 and running S. 88°42' E., 301.7 feet, along the northerly boundary line of said section; thence turning an angle of 56°22' to the right and running S. 32°20' E., 23.7 feet to an intersection with the southerly right of way line of the county road and the true point of beginning.

Deed of  
conveyance.

Description.

Thence continuing S. 32°20' E., 418.0 feet; thence on the arc of a curve to the left, having a radius of 1880.0 feet, a distance of 346.1 feet, thence S. 42°53' E., 164.0 feet; thence turning an angle of 180° to the left to a line tangent to the arc of a curve; thence on the arc of a curve to the right, having a radius of 1880.0 feet a distance of 346.7 feet; thence N. 32°19' W., 506.0 feet; thence on the arc of a curve to the left having a radius of 1940.0 feet, a distance of 54.2 feet to an intersection with the southerly right of way line of the county road; thence turning an angle of 54°47' to the left from a line tangent to the arc of said curve and running N. 88°42' W., 36.0 feet to the true point of beginning and containing 0.46 acres more or less.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 61.

[S. B. 170.]

### STATE LANDS.

AN ACT authorizing the Commissioner of Public Lands to exchange State land in Section sixteen (16), Township twenty (20), North Range one (1), East Willamette Meridian for Government land in Section twenty-five (25), Township twenty-two (22), North Range ten (10), West Willamette Meridian.

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

SECTION 1. That the Commissioner of Public Lands of the State of Washington is hereby authorized and directed to transfer the following school lands of the State of Washington, to-wit: The Northwest quarter ( $\frac{1}{4}$ ) of the Northeast quarter ( $\frac{1}{4}$ ), the Northeast quarter ( $\frac{1}{4}$ ) of the Northwest quarter ( $\frac{1}{4}$ ), the South half ( $\frac{1}{2}$ ) of the Northwest

Exchange  
authorized.

quarter ( $\frac{1}{4}$ ), the Southwest quarter ( $\frac{1}{4}$ ) and the Northwest quarter ( $\frac{1}{4}$ ) of the Southeast quarter ( $\frac{1}{4}$ ), all in Section sixteen (16), Township twenty (20), North Range one (1), East Willamette Meridian in exchange for the following Government land: The North half ( $\frac{1}{2}$ ) of the Northwest quarter ( $\frac{1}{4}$ ), the East half ( $\frac{1}{2}$ ) of the Southwest quarter ( $\frac{1}{4}$ ) of the Northwest quarter ( $\frac{1}{4}$ ), the East half ( $\frac{1}{2}$ ) of the Northwest quarter ( $\frac{1}{4}$ ) of the Southwest quarter ( $\frac{1}{4}$ ), all in Section twenty-five (25), Township twenty-two (22), North Range ten (10), West Willamette Meridian.

Passed the Senate February 16, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 62.

[S. B. 182.]

### STATE HIGHWAY ENGINEER.

AN ACT relating to state highways and creating the position of state highway engineer and abolishing certain state offices.

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

SECTION 1. The Governor shall appoint an official to be known as the state highway engineer, who shall hold office during the pleasure of the Governor.

Office  
created.

SEC. 2. The state highway engineer shall have 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 supervisor of highways and the director of public works through and by means of the division of highways.

Powers and  
duties.

SEC. 3. The division of highways and the position of supervisor of highways are hereby abolished.

Offices  
abolished.



SEC. 4. This act shall not affect any act done, ratified or confirmed or any right accrued or established or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect, but such actions or proceedings may be prosecuted and continued by the state highway engineer.

Saving clause.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

CHAPTER 63.

[S. B. 183.]

HIGHWAYS ABANDONED.

AN ACT authorizing and directing the Governor to reconvey to King County, Washington, certain parcels of land secured as a part of the proposed location of the Pacific Highway, which location was afterwards abandoned.

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

SECTION 1. That the Governor be and he is hereby authorized and directed to in the name of the State of Washington convey by quitclaim deed to King County, Washington, the following described tracts of land in King County, Washington, said tracts having heretofore been acquired by the state as a part of the proposed location of the Pacific Highway, which said proposed location was afterwards abandoned:

Deed of conveyance.

Tract 1. A tract of land in Lot 2 and 3 of Acre 3 of Tract 55 of Maple Leaf Addition to Green Lake Circle, Twp. 26 N. R. 4, E. W. M., being more particularly described as follows:

Description.

Beginning at the northeast corner of said Lot 2 and running west 15.0 feet along the northerly boundary line of said Lot 2 to an intersection with the easterly right of way line of the Pacific High-

way, as now located and of record in the office of the supervisor of highways at Olympia; thence in a southerly direction on a curve to the left having a radius of 1432.5 feet a distance of 100.0 feet along the easterly right of way line of said Pacific Highway to an intersection with the westerly boundary line of Gehr Erickson Road; thence in a northerly direction 105.0 feet along the westerly boundary line of said Gehr Erickson Road to an intersection with the northerly boundary line of said Lot 3; thence in a westerly direction 10.0 feet to the true point of beginning and containing 0.03 acres more or less.

Tract 2. A tract of land in Lots 18, 19, 20, 21 and 22 of Block 2 of Thumm & Moore's Subdivision of Tracts 39 and 42, Maple Leaf Addition to Green Lake Circle, Twp. 26 N. R. 4 E. W. M., being more particularly described as follows:

Commencing at the northwest corner of said Block 2 and running east 180 feet along the northerly boundary line of said Block 2 to an intersection with the easterly right of way line of said Pacific Highway; thence S. 4°40' E., 136.0 feet to an intersection with the southerly boundary line of said Lot 18; thence east 29.0 feet to the southeast corner of said Lot 18; thence north 17.0 feet; thence in a northwesterly direction 122.0 feet along the westerly boundary line of the Gehr Erickson Road to the north boundary line of said Block 2, thence west 4.0 feet to the true point of beginning and containing 0.06 acres more or less.

Tract 3. A tract of land in Lots 12, 13 and 14 of Block 2 of Thumm & Moore's Subdivision of Tracts 39 and 42, Maple Leaf Addition to Green Lake Circle, Twp. 26, N. R. 4 E. W. M., being more particularly described as follows:

Beginning at the southeast corner of said Block 2, and running north 78.0 feet to the northeast corner of said Lot 14; thence west 24.0 feet to an intersec-

tion with the easterly right of way line of said Pacific Highway: thence S. 4°40' E. 78.2 feet to an intersection with the southerly boundary line of said Block 2; thence east 17.6 feet to the true point of beginning, and containing 0.04 acres more or less.

Tract 4. A tract of land in Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of Block 5 of Thumm & Moore's Subdivision of Tracts 39 and 42, Maple Leaf Addition to Green Lake Circle, Twp. 26 N. R. 4 E. W. M., being more particularly described as follows:

Beginning at the southeast corner of said Block 5 running in a northerly direction 390.0 feet to the northeast corner of said Block 5; thence west 17.0 feet to an intersection with the easterly right of way line of said Pacific Highway; thence S. 4°40' E., 391.0 feet to the true point of beginning, and containing 0.08 acres more or less.

Tract 5. A tract of land in Lots 2 and 3 of Acre 3 of Tract 23, Maple Leaf Addition to Green Lake Circle, Twp. 26 N. R. 4, E. W. M., being more particularly described as follows:

Beginning at the northeast corner of said Lot 3 and running west 14.0 feet along the northerly boundary line of said Lot 3 to an intersection with the easterly right of way line of said Pacific Highway; thence in a southwesterly direction along said right of way line on a curve to the right, having a radius of 985.0 feet, a distance of 148.0 feet to an intersection with the southerly boundary line of said Lot 2; thence east 44.0 feet to the southeast corner of said Lot 3; thence north 145.0 feet to the true point of beginning and containing 0.10 acres more or less.

Tract 6. A tract of land in Lot 40, of Block 4, University Lake Shore Park Addition, Twp. 26, N. R. 4 E. W. M., being more particularly described as follows:

Beginning at the northwest corner of said Lot 40 and running east 27.0 feet along the northerly boundary line of said Lot 40 to an intersection with the westerly right of way line of said Pacific Highway; thence S. 20°45' W. 32.1 feet to an intersection with the southerly boundary line of said Lot 40; thence west 15.6 feet to the southwest corner of said Lot 40; thence north 30.0 feet to the true point of beginning and containing 0.01 acres more or less.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 64.

[S. B. 184.]

### HIGHWAYS ABANDONED.

AN ACT authorizing and directing the Governor to reconvey certain premises secured as a part of the proposed location of the Pacific Highway, which location was afterwards abandoned.

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

SECTION 1. That the Governor be and he is hereby authorized and directed to, in the name of the State of Washington, convey by quitclaim deed to W. D. Gilbert the following described tracts of land situate in Clarke County, Washington, said tracts of land having been acquired by the state as a part of the proposed location of the Pacific Highway, which proposed location was afterwards abandoned:

Tract 1. A tract of land in the Samuel Lishan D. L. C. No. 42, Section 30, Twp. 5 N. R. 1 E. W. M., being more particularly described as follows:

Commencing at the southeast corner of said Section 30, Twp. 5, N. R. 1 E. W. M., and running N. 40°28' W., 3433.83 feet to an intersection with the

Deed of conveyance.

Description.

southerly boundary line of said Samuel Lishan D. L. C. No. 42 and the true point of beginning.

Thence S.  $86^{\circ}42'$  W., 30.74 feet; thence N.  $15^{\circ}53'$  W., 659.3 feet; thence S.  $74^{\circ}07'$  W., 30.0 feet; thence N.  $15^{\circ}53'$  W., 200.0 feet; thence N.  $74^{\circ}10'$  E., 30.0 feet; thence N.  $15^{\circ}53'$  W., 263.8 feet; thence on the arc of a curve to the right having a radius of 173.3 feet, a distance of 167.57 feet; thence N.  $51^{\circ}23' 30''$  W., 145.0 feet; thence on the arc of a curve to the right, having a radius of 318.3 feet a distance of 133.17 feet; thence N.  $62^{\circ}22'$  E., 14.4 feet; thence on the arc of a curve to the right, having a radius of 318.3 feet, a distance of 206.49 feet; thence S.  $80^{\circ}48'$  E., 12.46 feet; thence S.  $1^{\circ}52'$  W., 85.3 feet; thence turning an angle of  $90^{\circ}$  to the left to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 43.47 feet a distance of 24.3 feet to an intersection with the westerly right of way line of the Pacific Highway, as now located and of record in the office of the Supervisor of Highways at Olympia; thence turning an angle of  $90^{\circ}$  to the right from a line tangent to the arc of said curve and running S.  $30^{\circ}07'$  E., 50.0 feet; thence turning an angle of  $90^{\circ}$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 539.7 feet, a distance of 151.7 feet along the easterly right of way line of said Pacific Highway; thence turning an angle of  $65^{\circ}26'$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 93.3 feet, a distance of 61.85 feet; thence S.  $62^{\circ}22'$  W., 14.4 feet; thence on the arc of a curve to the left, having a radius of 93.3 feet, a distance of 39.9 feet; thence turning an angle of  $90^{\circ}$  to the right and running N.  $51^{\circ}23' 30''$  W., 20.0 feet; thence turning an angle of  $90^{\circ}$  to the left to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 113.3 feet, a distance of 110.52

feet; thence S.  $15^{\circ}53'$  E., 152.0 feet; to an intersection with the easterly right of way line of said Pacific Highway; thence turning an angle of  $16^{\circ}30'$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 529.7 feet, a distance of 45.3 feet; thence on the arc of a curve to the left, having a radius of 2322.0 feet, a distance of 452.5 feet, thence on the arc of a curve to the left, having a radius of 364.8 feet, a distance of 201.6 feet; thence turning an angle of  $32^{\circ}22'$  to the right from a line tangent to the arc of said curve and running S.  $15^{\circ}53'$  E., 280.0 feet to an intersection with the southerly boundary line of said Samuel Lishan D. L. C. No. 42; thence S.  $86^{\circ}42'$  W. 30.74 feet to the true point of beginning and containing 2.66 acres more or less.

Tract 2. A tract of land in the Samuel Lishan D. L. C. No. 42, Section 30, Twp. 5 N. R. 1 E. W. M., being more particularly described as follows:

Commencing at the southeast corner of said Section 30 and running N.  $20^{\circ}43'$  W., 2880.58 feet to an intersection with the southerly boundary line of said Samuel Lishan D. L. C. No. 42; thence S.  $85^{\circ}51'$  W., 795.0 feet along the southerly boundary line of said Samuel Lishan D. L. C. No. 42 to the true point of beginning.

Thence continuing S.  $85^{\circ}51'$  W., 105.35 feet, thence N.  $0^{\circ}29'$  E., 125.7 feet; thence on the arc of a curve to the right, having a radius of 188.3 feet, a distance of 37.0 feet to an intersection with the southerly right of way line of said Pacific Highway; thence turning an angle of  $63^{\circ}52'$  to the right from a line tangent to the arc of said curve and running N.  $75^{\circ}37'$  E., 91.9 feet; thence turning an angle of  $137^{\circ}04'$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 113.3 feet, a distance of 31.9 feet; thence turning an angle of  $90^{\circ}$  to the left from a line

tangent to the arc of said curve and running S. 73°31' E., 30.0 feet; thence turning an angle of 90° to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 83.3 feet, a distance of 23.89 feet; thence S. 0°29' W., 117.3 feet to an intersection with the southerly boundary line of said Samuel Lishan D. L. C. No. 42 and the true point of beginning and containing 0.39 acres more or less.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 65.

[S. B. 185.]

### HIGHWAYS ABANDONED.

AN ACT authorizing and directing the Governor to reconvey certain premises secured as a part of the proposed location of the Inland Empire Highway, which location was afterwards abandoned.

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

SECTION 1. That the Governor be and he is hereby authorized and directed to, in the name of the State of Washington, convey by quitclaim deed to the Cascade Lumber Company, a corporation, of Yakima, Washington, the following described premises situate in Yakima County, Washington, said premises having heretofore been acquired by the state as a part of the proposed location of the Inland Empire Highway, which said proposed location was afterwards abandoned:

A tract of land in the NE<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub> and SW<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub>, Section 17; SE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> and NE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>, Section 18, Twp. 14, N. R. 19 E. W. M.; being more particularly described as follows:

Deed of conveyance.

Description.

Commencing at the southeast corner of said Section 18 and running west 1045.0 feet along the southerly boundary line of said section to an intersection with the center line of the Inland Empire Highway, as now located and of record in the office of the Supervisor of Highways at Olympia, Washington; thence turning an angle of  $99^{\circ}42'$  to the right and running N.  $9^{\circ}42'$  E., 731.1 feet; thence on the arc of a curve to the left, having a radius of 1146.0 feet, a distance of 287.3 feet; thence N.  $4^{\circ}40'$  W., 134.6 feet; thence on the arc of a curve to the right, having a radius of 716.3 feet, a distance of 115.0 feet to an intersection with the southerly boundary line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 18 and the true point of beginning.

Thence turning an angle of  $85^{\circ}28'$  to the right from a line tangent to the arc of said curve and running east 75.5 feet to an intersection with the easterly right of way line of said Inland Empire Highway; thence turning an angle of  $84^{\circ}56'$  to the left to a line tangent to the arc of a curve; thence on the arc of a curve to the right, having a radius of 641.3 feet a distance of 235.2 feet; thence N.  $26^{\circ}05'$  E., 167.5 feet; thence on the arc of a curve to the left, having a radius of 1507.5 feet, a distance of 126.3 feet; thence turning an angle of  $90^{\circ}$  to the left from a line tangent to the arc of said curve and running N.  $68^{\circ}43'$  W., 45.0 feet; thence turning an angle of  $90^{\circ}$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 1462.5 feet, a distance of 312.7 feet; thence N.  $9^{\circ}02'$  E., 572.5 feet; thence on the arc of a curve to the right, having a radius of 925.0 feet, a distance of 578.2 feet; thence N.  $44^{\circ}51'$  E., 398.7 feet; thence on the arc of a curve to the right, having a radius of 3790.0 feet, a distance of 1078.1 feet; thence N.  $61^{\circ}09'$  E., 344.6 feet; thence on the arc of a curve to the left, having a radius of 1176.0 feet, a distance



of 97.1 feet; thence turning an angle of  $90^\circ$  to the right from a line tangent to the arc of said curve and running S.  $33^\circ 35'$  E., 20.0 feet; thence turning an angle of  $90^\circ$  to the left to a line tangent to the arc of a curve; thence on the arc of a curve to the left, having a radius of 1196.0 feet, a distance of 236.9 feet; thence N.  $45^\circ 04'$  E., 90.0 feet; thence on the arc of a curve to the right, having a radius of 1096.0 feet, a distance of 306.7 feet; thence N.  $61^\circ 06'$  E., 34.8 feet; thence on the arc of a curve to the left having a radius of 2342.0 feet, a distance of 582.4 feet; thence N.  $46^\circ 51'$  E., 257.5 feet; thence turning an angle of  $90^\circ$  to the left, and running N.  $43^\circ 09'$  W., 20.0 feet; thence turning an angle of  $90^\circ$  to the right and running N.  $46^\circ 51'$  E., 21.0 feet to an intersection with the northerly boundary line of said section 17; thence turning an angle of  $136^\circ 51'$  to the left and running west 117.0 feet to an intersection with the northerly right of way line of said Inland Empire Highway; thence turning an angle of  $43^\circ 09'$  to the left and running S.  $46^\circ 51'$  W., 193.2 feet; thence on the arc of a curve to the right, having a radius of 2242.0 feet, a distance of 557.6 feet; thence S.  $61^\circ 06'$  W., 34.8 feet; thence on the arc of a curve to the left, having a radius of 1196.0 feet, a distance of 334.7 feet; thence S.  $45^\circ 04'$  W., 90.0 feet; thence on the arc of a curve to the right, having a radius of 1096.0 feet, a distance of 217.1 feet; thence turning an angle of  $90^\circ$  to the left from a line tangent to the arc of said curve and running S.  $33^\circ 35'$  E., 20.0 feet; thence turning an angle of  $90^\circ$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the right having a radius of 1116.0 feet, a distance of 92.2 feet; thence S.  $61^\circ 09'$  W., 344.6 feet; thence on the arc of a curve to the left, having a radius of 3850.0 feet a distance of 1095.2 feet; thence S.  $44^\circ 51'$  W., 398.7 feet; thence on the arc of a curve to the left, having a radius of 985.0 feet, a distance of 615.7

feet; thence S.  $9^{\circ}02'$  W., 572.5 feet; thence on the arc of a curve to the right, having a radius of 1402.5 feet, a distance of 299.8 feet; thence turning an angle of  $90^{\circ}$  to the right from a line tangent to the arc of said curve and running N.  $68^{\circ}43'$  W., 45.0 feet; thence turning an angle of  $90^{\circ}$  to the left to a line tangent to, the arc of a curve; thence on the arc of a curve to the right, having a radius of 1357.5 feet, a distance of 113.7 feet; thence S.  $26^{\circ}05'$  W., 167.5 feet; thence on the arc of a curve to the left, having a radius of 791.3 feet, a distance of 303.6 feet to an intersection with the southerly boundary line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 18; thence turning an angle of  $94^{\circ}06'$  to the left from a line tangent to the arc of said curve and running east 75.5 feet to an intersection with the centerline of said Inland Empire Highway and the true point of beginning and containing 10.05 acres more or less.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 66.

[S. B. 186.]

### HIGHWAYS ABANDONED.

AN ACT authorizing and directing the Governor to reconvey certain premises secured as a part of the proposed location of the Pacific Highway, which location was afterwards abandoned.

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

SECTION 1. That the Governor be and he is hereby authorized and directed to, in the name of the State of Washington, convey by quitclaim deed to Lucy Schauble the following described tract of land in Cowlitz County, Washington, said premises hav-

ing heretofore been acquired by the state as a part of the proposed location of the Pacific Highway, which said proposed location was afterwards abandoned:

A tract of land in the Jacob Ahles D. L. C. No. 44, Section 17, Twp. 6 N. R. 1 W. W. M., being more particularly described as follows: Description.

Commencing at the southeast corner of said section and running N.  $89^{\circ}20'20''$  W., 1966.09 feet along the southerly boundary line of said section to an intersection with the center line of the Pacific Highway as now located and of record in the office of the Supervisor of Highways at Olympia; thence turning an angle of  $32^{\circ}03'20''$  to the right and running N.  $57^{\circ}17'$  E., 1120.9 feet; thence on the arc of a curve to the right, having a radius of 573.0 feet a distance of 236.7 feet; thence N.  $33^{\circ}37'$  W., 1940.8 feet; thence turning an angle of  $90^{\circ}$  to the left and running S.  $56^{\circ}23'$  W., 30.0 feet to an intersection with the westerly right of way line of said Pacific Highway and the true point of beginning.

Thence turning an angle of  $90^{\circ}$  to the right to a line tangent to the arc of a curve; thence on the arc of a curve to the left having a radius of 256.5 feet, a distance of 63.3 feet; thence N.  $47^{\circ}45'$  W., 358.7 feet to an intersection with the south city limits of Kalama; thence turning an angle of  $138^{\circ}00'$  to the right and running S.  $89^{\circ}45'$  E., 89.6 feet; thence turning an angle of  $42^{\circ}00'$  to the right and running S.  $47^{\circ}45'$  E., 85.2 feet to an intersection with the westerly right of way line of said Pacific Highway; thence turning an angle of  $14^{\circ}08'$  to the right and running S.  $33^{\circ}37'$  E., 277.4 feet to the true point of beginning and containing 0.33 acres more or less.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

## CHAPTER 67.

[S. B. 187.]

## HIGHWAYS ABANDONED.

AN ACT authorizing and directing the Governor to reconvey certain tracts of land secured as a part of the proposed location of the Olympic Highway, which location was afterwards abandoned.

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

Deed of conveyance.

SECTION 1. That the governor be and he is hereby authorized and directed to, in the name of the State of Washington, convey by quit claim deed to the Milwaukee Land Company, a corporation, the following described tracts of land situate in Clallam county, Washington, said tracts having been acquired by the state as a part of the proposed location of the Pacific Highway, which proposed location was afterwards abandoned:

Description.

All its right, title and interest in and to that strip of land acquired from the Clallam Timber Company, Ltd., by deed dated May 28, 1908, filed January 15, 1909, and recorded in Volume VI of Quitclaim Deeds at page 257, Records of Clallam county, Washington, save and except such portion or portions of the land above referred to as falls within the present right of way of the Olympic Highway as shown by the records on file in the office of the supervisor of highways at Olympia, Washington, and save and except such portion or portions as may now be used for a county road or roads.

Also that certain strip of land acquired from Thomas M. Peck and Emily A. Peck, his wife, by a deed dated June 22, 1908, filed January 15, 1909, and recorded in Volume VI of Quitclaim Deeds, at page 260, records of Clallam county, Washington, save and except such portion or portions of land last above referred to as fall within the present right of

way of the Olympic Highway as shown by the records on file in the office of the supervisor of highways, at Olympia, Washington, and save and except such portion or portions of said land as may now be used for a county road.

Also that strip of land acquired from Samuel B. Jenks and Gertrude E. Jenks, his wife, by deed dated June 8, 1908, filed January 15, 1909, and recorded in Volume VI of Quitclaim Deeds, at page 262, records of Clallam county, Washington, save and except such portion or portions of the land last above referred to as falls within the present right of way of the Olympic Highway as shown by the records on file in the office of the supervisor of highways at Olympia, Washington, and save and except such portion or portions of said land as may now be used for county roads.

Also that strip of land acquired from Chas. H. Ruddock of New Haven, Connecticut, Timothy H. McCarthy, of New Orleans, Louisiana, and Ethel A. McCarthy, his wife, by deed dated April 8, 1908, filed January 15, 1909, and recorded in Volume VI of Quitclaim Deeds at page 255, records of Clallam county, Washington, save and except such portion or portions of the land last above referred to as falls within the present right of way of the Olympic Highway as shown by the records on file in the office of the supervisor of highways at Olympia, Washington, and save and except such portion or portions of said land as may now be used for county roads.

Also that strip of land acquired from Roger W. Butterfield and Leonora I. Butterfield, his wife, by deed dated July 4, 1908, filed January 15, 1909, and recorded in Volume VI of Quitclaim Deeds at page 264, records of Clallam county, Washington, save and except such portion or portions of the land last above referred to as falls within the present right of way of the Olympic Highway, as shown by the

records on file in the office of the supervisor of highways at Olympia, Washington, and save and except such portion or portions of said land as may now be used for county roads.

Passed the Senate February 17, 1923.

Passed the House February 26, 1923.

Approved by the Governor March 7, 1923.

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## CHAPTER 68.

[H. B. 162.]

### WAR VETERANS.

AN ACT appropriating \$25,000.00 for the prosecution of claims of disabled veterans.

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

SECTION 1. There is hereby appropriated from the general fund the sum of twenty-five thousand dollars (\$25,000.00), to be expended for the purpose of assisting disabled veterans of the Spanish-American War and the war with the Central Allied Powers, who are residents of the State of Washington, in the prosecution of claims against the United States Government or any department thereof, upon vouchers signed by the director of service division of the American Legion, Department of Washington.

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 February 28, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 9, 1923.

Appropriation  
\$25,000.00.

Emergency.

## CHAPTER 69.

[S. S. B. 26.]

## SECURITIES ACT.

AN ACT providing for the regulation and supervision of the issuance and sale of certain securities, as the same are herein defined, to prevent fraud in the sale thereof, and providing penalties, and making an appropriation.

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

SECTION 1. This act shall be known as the "Securities Act," and the duty of administering and enforcing this act shall devolve upon the secretary of state.

SEC. 2. Definition of terms. The following words have in this act the signification attached to them in this section, unless otherwise apparent from the context: Definitions.

(1) The word "company" includes all domestic and foreign private corporations, associations, joint stock companies and co-partnerships, and also trustees (but not including executors, administrators, receivers, or other trustees acting under the authority of a court); Company.

Excepting therefrom:

(a) All national banking associations and other corporations organized and existing under and by virtue of the acts of Congress of the United States;

(b) All insurance companies authorized to transact business within this state and all corporations transacting a banking or trust company business within this state;

(c) All building and loan, and savings and loan corporations, associations and societies authorized as such to do business in this state;

(d) All public utilities subject to the jurisdiction, control and regulation of the director of public works;

(e) All companies organized without capital stock and not for pecuniary gain and exclusively engaged in educational, benevolent, charitable or reformatory purposes, and companies based on membership basis for social, athletic and educational purposes.

Security:

(2) The word "security" includes:

(a) All shares or interests into which the capital, capital stock, or property of companies, or rights of stockholders or members thereof, are divided, including all treasury shares and shares of their own capital stock purchased or otherwise acquired by companies upon delinquent assessment sales or in any other lawful manner, and all certificates and other instruments issued by them or their authority, evidencing or representing such shares, interests or rights;

(b) All promissory notes, mortgages, bonds, debentures, and other evidences of indebtedness issued by any company, excepting promissory notes and mortgages negotiated by the drawer or maker in the ordinary course of business by private negotiation.

(c) Any instrument issued, offered or sold to the public by any company, evidencing or representing any right to participate or share in the profits or earnings or the distribution of assets of any business carried on for profit.

(d) All bonds, debentures and other evidences of indebtedness issued by any foreign government or any political subdivision thereof; or by any state of the United States of America or any political subdivision thereof, except the State of Washington and its political subdivisions.

(3) The word "sale" includes every contract by which, for a valuable consideration, a company transfers any security or interest therein; and any exchange, pledge, or hypothecation, or any transfer



in trust or otherwise, for the performance of an obligation.

The word "sell" includes every act by which such sale is made. Sell.

(4) The word "agent" includes every person or company employed or appointed by a broker or company who sells, negotiates for the sale of, solicits, or takes subscription for, a security of any company offering its own issue for sale. Agent.

(5) The word "broker" includes every person or company, other than an agent, engaging in the business of selling, offering for sale, negotiating for the sale of, soliciting subscriptions for, or otherwise dealing in securities issued by others; or underwriting any issue of securities, or of purchasing such securities with the purpose of reselling or offering them for sale to the public for a commission or at a profit, excepting therefrom the following: Broker.

(a) One who disposes of securities to a broker.

(b) Any pledge holder selling in good faith and not for the purpose of avoiding the provisions of this act, and in the ordinary course of business, a security pledged with him for the payment of a bona fide debt.

(c) Any owner of any security not the issuer or an underwriter thereof who sells or exchanges the same for his own account: *Provided*, That such sale or exchange is not made by such owner in the course of repeated and successive transactions of like or similar character.

SEC. 21½. This act shall not apply to domestic or foreign corporations, associations, joint stock companies, co-partnerships or common law trusts, engaged in the metalliferous mining industry as its principal business. Mining companies.

PERMIT OF SECRETARY OF STATE TO SELL SECURITIES.

Permit.

SEC. 3. No company shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue, until it shall have first applied for and secured from the secretary of state a permit authorizing it so to do: *Provided*, This shall not apply to a sale for a delinquent stock assessment made in accordance with the provisions of the statutes of the State of Washington; nor shall it forbid an original subscription to capital stock made by one who has signed the articles of incorporation of such corporation as an incorporator thereof; nor shall it forbid, in cases where there is not and has not been any advertisement or general solicitation for subscriptions an original subscription to capital stock made by any person within sixty days after the filing of the articles of incorporation or (in subscribing to an increase of capital stock) within thirty days after the filing of the certificate of increase.

APPLICATIONS FOR PERMITS.

Application,  
contents.

SEC. 4. All applications shall be in writing, verified as provided by the statutes of the State of Washington for the verification of pleadings, and filed in the office of the secretary of state.

(1) Applications shall set forth—

(a) The names, addresses and occupations of the officers of the company;

(b) The location of the office of the company;

(c) A statement of the assets and liabilities of the company as of a date within thirty days, prior to the filing of its application, or such reasonable statement thereof as shall be prescribed by the secretary of state;

(d) A statement of the plan upon which the company proposes to transact business;

(e) The number of shares in the treasury of the company and the amount to be paid agents for the sale of stock;

(f) A copy of any security the company proposes to issue, and of any contract [contract] it proposes to make concerning the same;

(g) A copy of any circular, prospectus, advertisement, or other advertising matter which is proposed to be issued in connection with the sale of its securities.

(h) Any such additional information concerning the affairs of the company as the secretary of state may reasonably require.

(2) If the applicant is a co-partnership or an unincorporated association or joint stock company, it shall file with its application a copy of its articles of co-partnership or association, and all other papers pertaining to its organization.

(3) If the applicant is a trustee, it shall file with its application a copy of all instruments by which the trust is created and in which it is accepted, acknowledged and declared.

(4) If the applicant is a corporation, it shall file with its application a copy of all minutes of any proceedings of its directors or stockholders or members relating to or affecting the issue of such securities, and also a copy of its articles of incorporation and of its bylaws and of any amendments thereto.

COMPANIES ORGANIZED UNDER ANOTHER STATE,  
TERRITORY OR GOVERNMENT.

SEC. 5. If the applicant is a corporation or association organized under the laws of any other state, territory or government, it shall also, in addition to all the requirements in this act mentioned, file with its application a certificate executed by the proper officer of such state, territory or government

Foreign  
companies.

showing that such applicant is authorized to transact business in such state, territory or government; and also file in such form as the secretary of state may prescribe, its written instrument, irrevocably appointing the secretary of state and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it arising out of or founded upon the sale of securities within this state may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

#### DUTIES OF SECRETARY OF STATE.

SEC. 6. Upon the filing of an application, it shall be the duty of the secretary of state to examine the same and the papers and documents filed therewith. If he finds that the proposed plan of business of the applicant is fair, just and equitable, and that the securities which it proposes to issue and the methods to be used by it in issuing and disposing of the same are not such as will work a fraud upon the purchaser thereof, the secretary of state shall issue to the applicant a permit authorizing it to issue and dispose of such securities. Should the secretary of state find that the proposed plan of business of the applicant is unfair, unjust or inequitable he shall deny the application for a permit and notify the applicant of his decision.

Every permit shall recite in bold type that the issuance thereof is permissive only, and does not constitute a recommendation or endorsement of the securities permitted to be issued.

The secretary of state is hereby authorized and directed to make such reasonable rules and regulations as are necessary to carry out the provisions of this act.

Secretary  
of state,  
duties.

Issuance of  
permit.

Rules and  
regulations.

### REVOCATION OR SUSPENSION OF PERMIT.

SEC. 7. The secretary of state, on satisfactory proof that the holder of the permit is guilty of fraud or misrepresentation in the sale of any security, may revoke any permit issued under this act. He may, also for good cause shown, change, amend, or temporarily suspend any rights granted under the permit: *Provided*, That before any such permit is revoked, changed, or amended, the secretary of state shall notify the person or company to whom such permit has been granted that such action is contemplated, and such company shall have, upon being advised, ten days within which to submit evidence to show why such action should not be taken.

Revocation or suspension of permit.

### AGENT'S OR BROKER'S CERTIFICATES.

SEC. 8. No person or company shall act as an agent or broker until such person or company shall have applied for and obtained from the secretary of state a certificate authorizing such company so to act. Every such certificate shall be issued for a term of one year, but may be revoked for cause as provided in this act.

Agent or brokers, certificate.

(1) To obtain such certificate, the applicant shall file an application verified before an officer empowered to administer oaths. Said application shall set forth the following:

Application, contents.

(a) The name and address of applicant, and, if a corporation, association or joint stock company, the name and address of each of its officers, managing representatives, and agents; and, if it be a partnership, the name and address of the partners.

(b) The business in which the applicant has been engaged for the year next preceding the date of the application, and, if employed by another, the name of each employer.

(c) The city, town and street address, if known, at which the business is to be conducted; and when established at a location, this information shall be furnished.

(d) Such other information as the secretary of state may reasonably require to enable him to determine the trustworthiness of the applicant.

(2) If the applicant is a broker, the general plan and character of the business of the applicant.

**BROKERS—COMPANIES ORGANIZED IN ANOTHER STATE, TERRITORY OR GOVERNMENT—POWER OF ATTORNEY.**

Foreign  
companies.

SEC. 9. If the applicant is a corporation, joint stock company or association organized under the laws of any other state, territory or government, it shall file with the application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such state, territory or government, dated not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business as agent or broker within the meaning of those terms above defined in such state, territory or government. And also, in such form as the secretary of state may prescribe, its written instrument, irrevocably appointing the secretary of state and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it arising out of or founded upon the sale of securities within this state may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

**DUTY OF SECRETARY OF STATE.**

Certificate,  
issuance.

SEC. 10. If the secretary of state be satisfied with the character and trustworthiness of the applicant, he shall issue such certificate. Should he

find that applicant is untrustworthy and does not possess a good character and reputation, he shall deny the application and notify the applicant of his decision.

#### REVOCATION OR SUSPENSION OF CERTIFICATE.

SEC. 11. The secretary of state, on satisfactory proof that the holder of the certificate is guilty of fraud or fraudulent misrepresentation in the sale of any security, may revoke such certificate. He may, also, for good cause shown, change, amend, or temporarily suspend any rights granted under the certificate: *Provided*, That before any such certificate is revoked, changed or amended the secretary of state shall notify the agent or broker to whom such certificate has been granted that such action is contemplated, and such agent or broker shall have, after being advised, ten days within which to submit evidence to shown [show] why such action should not be taken.

Revocation or suspension of certificate.

#### LITERATURE TO BE SUBMITTED TO SECRETARY OF STATE.

SEC. 12. All advertisements, circulars, pamphlets, prospectuses or advertising matter of any description issued by an agent or broker shall contain the name and address of the agent or broker, and be mailed by registered letter to the secretary of state at Olympia, Washington, before or at the time same is published or circulated. No such advertisement, pamphlet, prospectus or circular shall be published or circulated after notice given by the secretary of state that in his opinion the same contains any false statements or is otherwise likely to deceive a reader thereof.

Literature.

This section shall not apply to the owner of any security who is not the issuer or underwriter thereof who sells or exchanges the same for his own account: *Provided*; That such sale or exchange is not made

in the course of repeated and successive transactions of like or similar character made by him.

#### DUTIES OF AGENT OR BROKER.

Duties of  
agent or  
broker.

SEC. 13. Every agent or broker shall, whenever required by the secretary of state, file in the office of the secretary of state a true statement concerning any security sold or offered for sale by any such agent or broker showing the name and location of the principal office of the issuer of such security, the names of its managing officers if it is a corporation, or of its members if it is a co-partnership, its assets, liabilities and issued capital stock, its gross income, expense and fixed charges for any given period, and the approximate price at which the agent or broker has sold or proposes to sell such securities, together with any other information within the knowledge of the agent or broker which the secretary of state may require.

Defaulting  
company.

SEC. 14. Whenever evidence shall have been filed with the secretary of state that any company authorized by the secretary of state to sell securities, has defaulted in any of its obligations to its stockholders or creditors, the secretary of state may require such company to file in the office of the secretary of state in such form as he may prescribe, a report upon the securities sold under the authority of the permit, the proceeds derived therefrom, and the distribution of such proceeds, together with such other information concerning property, officers or affairs relating to or affecting the value of such securities as the secretary of state may require and whenever it shall appear to the secretary of state from an examination of such report or reports, that the affairs of the company are in an unsound condition or that it is conducting its business in an unsafe or unlawful manner, the secretary of state may order the discontinuance in the sale of securities by the

Discontinuance  
of sale.



company until such time as he shall be satisfied that such unsound condition or such unsafe or unlawful conduct of its business has been remedied.

SEC. 15. All papers, documents, reports and other instruments filed with the secretary of state under this act shall be open to public inspection except those reports filed in accordance with the preceding Section No. 14, and also excepting any statements filed as provided under the provisions of subdivision "h" of paragraph 1, Section 4 of this act: *Provided*, That if, in his judgment, the public welfare or the welfare of any person, company, broker, or agent demands that any portion of such information be not made public, he may, in his discretion, withhold such information from public inspection for such time as in his judgment is necessary.

Documents,  
inspection of.

#### REVIEW BY COURTS.

SEC. 16. Every order, decision or other official act of the secretary of state shall be subject to review; and any party aggrieved by such order, decision or act of the secretary of state may appeal therefrom to the superior court of the county of Thurston by serving upon the secretary of state a notice of such appeal, specifying the order, decision or act appealed from, and filing the same with the clerk of the superior court of the county of Thurston within sixty days after the date of such order, decision or official act. Whereupon the secretary of state shall, within ten days after the filing of such notice of appeal, make and certify a transcript of all records and papers on file in his office affecting or relating to the order, decision or act appealed from, and upon the payment of the fee therefor by the appellant, the secretary of state shall file the same in the office of the clerk of said superior court. Upon the hearing of such appeal the burden of proof

Review by  
courts.

shall be upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the secretary of state from which appeal is taken. Any party to such appeal to the superior court who is aggrieved by the judgment of said court rendered upon such appeal may prosecute an appeal to the supreme court of the State of Washington. The general laws relating to bills of exception, statements of fact and appeal to the supreme court, shall apply to all appeals taken to the supreme court under this act: *Provided*, That no supersedeas of the judgment of the superior court shall be allowed, except at the discretion of said superior court. If supersedeas is allowed, it shall be upon such bonds and with such conditions as the superior court may require by its order.

#### EXPENSES.

Expenses.

SEC. 17. The expenses incurred by the secretary of state in carrying into effect the provisions of this act, and the amendments thereto, shall be allowed and paid out of the state treasury, upon presentation of the bills therefor to the satisfaction of the state auditor, who shall draw warrants in favor of the secretary of state, or his assistants and clerks, upon the treasurer, who shall pay the same out of the funds hereafter appropriated from time to time by the Legislature for that purpose.

Unlawful  
acts of  
agents.

SEC. 18. That it shall be unlawful for any broker, dealer or other person holding himself as a seller of securities to advertise for sale, or to pretend to have for sale securities, stock or bonds which he has no authority to sell or cannot deliver.

That it shall be unlawful for any broker, dealer or other person to advertise for sale any bonds, stock or securities at fictitious prices.

That it shall be unlawful for any broker, dealer or seller of bonds, securities or stocks, or one who holds himself out as such to deal in wash sales. (Wash sales within the meaning of the term used in this section shall mean the booking of between brokers, the selling of between brokers, or others, stocks, securities or bonds wherein no transaction actually occurred.)

SEC. 19. Every person who shall violate, or knowingly aid or abet the violation, of any provisions of this act, and every person who fails to perform any act which it is made his duty to perform herein, shall be guilty of a gross misdemeanor. Penalty.

SEC. 20. All companies organized in this state prior to March 8th, 1923, or admitted to do business in this state prior to said date and coming within the provisions of this act shall comply with the provisions hereof within ninety days after this act shall take effect. Existing companies.

SEC. 21. There is hereby appropriated out of the general fund not otherwise appropriated the sum of fifteen thousand dollars (\$15,000.00) to carry out the provisions of this act to be disbursed upon vouchers approved by the secretary of state. Appropriations.

#### FEES.

SEC. 22. The secretary of state shall charge the following fees: Fees. schedule.

(1) For filing an application for permit to issue security ten dollars (\$10.00) for all companies whose capitalization is one hundred thousand dollars (\$100,000.00) or less, and twenty-five dollars (\$25.00) for all companies whose capitalization is over one hundred thousand dollars (\$100,000.00).

(2) For filing an application for a broker's certificate twenty-five dollars (\$25.00), and ten dollars (\$10.00) for each and every year after the first year.

(3) For filing an application for an agent's certificate five dollars (\$5.00), and two dollars (\$2.00) for each and every year thereafter.

Fees for furnishing copies of papers and records shall be as now provided by law.

If unconstitutional in part.

SEC. 23. If any section or part of a section of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act.

Passed the House March 3, 1923.

Passed the Senate March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 70.

[H. B. 70.]

### ALIENS.

AN ACT relating to the rights and disabilities of aliens with respect to lands and amending Chapter 50 of the Laws of 1921.

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

See Rem.  
Comp. Stat.  
§ 10582, et seq;  
Pierce's Code  
§ 136 et seq.

SECTION 1. That Chapter 50 of the Laws of 1921 be amended by adding thereto a new section to be known as Section 2a (Section 10582 of Remington's Compiled Statutes) to read as follows:

Conveyance  
of lesser  
interest.

Section 2a. If an owner of land knowingly convey to or create in an alien an estate or interest therein less than his own, the state, instead of taking the lesser estate or interest, may take its value in money out of the greater estate, and such value may be determined and be charged upon and recovered out of the greater estate in an equitable action.

SEC. 2. That Chapter 50 of the Laws of 1921 be further amended by adding thereto a new section

to be known as Section 2b (10582b of Remington's Compiled Statutes) to read as follows:

Section 2b. If a minor child of an alien hold title to land either heretofore or hereafter acquired, it shall be presumed that he holds in trust for the alien.

Minor child  
of alien.

Passed the House February 16, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 10, 1923.

## CHAPTER 71.

[H. B. 163.]

### STATE LANDS.

AN ACT relating to the sale of material on state lands for highway construction, and amending section 8003, Remington's Compiled Statutes and declaring an emergency.

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

SECTION 1. That Section 8003 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 8003;  
Pierce's Code  
§ 6356.

Section 8003. Any county, city or town desiring to purchase any stone, rock, gravel or sand upon any of the public lands of the state, including tide and shore lands and capitol building lands, to be used in the construction, maintenance or repair of any public street, road or highway within such county, city or town, may file with the board of state land commissioners an application for the purchase thereof, as hereinafter provided. Such application shall set forth the quantity and kind of material which the said county, city or town desires to purchase, the location thereof and the street, road or highway upon which the same is to be used. The board of state land commissioners upon the receipt of such an application is authorized to sell said material in such manner and upon such terms as they deem advisable and for the best interests of the state: *Provided, however,* That such material shall

Material for  
county roads  
and city  
streets.

in no case be sold for less than the fair market value thereof.

Emergency.

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 February 19, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 10, 1923.

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## CHAPTER 72.

[H. B. 35.]

### MINORS AND LEGAL AGE.

AN ACT relating to the age of majority and amending sections 1572 and 10548 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 1572;  
Pierce's Code  
§ 9904.

SECTION 1. That Section 1572 of Remington's Compiled Statutes be amended to read as follows:

Guardians.

Section 1572. Guardians herein provided for shall at all times be under the general direction and control of the court making the appointment. For the purposes of this act, all persons shall be of full and legal age when they shall be twenty-one years old, and females shall be deemed of full and legal age at any age under twenty-one when with the consent of the parent or guardian, or the person under whose care or government they may be, they shall have been legally married.

Legal age of  
all persons.

Females.

Amends Rem.  
Comp. Stat.  
§ 10548;  
Pierce's Code  
§ 580.

SEC. 2. That Section 10548 of Remington's Compiled Statutes be amended to read as follows:

Full age.

Section 10548. All persons shall be deemed and taken to be of full age for all purposes at the age of twenty-one years and upwards.

SEC. 3. This act shall not apply to females who shall have attained the age of eighteen years at the time this act shall go into effect. Exception.

Passed the House February 1, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 10, 1923.

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## CHAPTER 73.

[H. B. 128.]

### ANIMALS.

AN ACT relating to diseases and quarantine of domestic animals, amending sections 3110, 3111 and 3115 of Remington's Compiled Statutes.

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

SECTION 1. That Section 3110 of Remington's Compiled Statutes be amended to read as follows:

Section 3110. On the written application of the owner of any bovine animal to the director of agriculture for the examination and testing of such animal to ascertain whether the same is infected with tuberculosis, it shall be the duty of the director of agriculture to cause such examination and test to be made. The inspector of the department of agriculture making the examination and test shall be a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state, and shall qualify by giving a bond to the State of Washington with sufficient surety to be approved by the director of agriculture in the penal sum of two thousand dollars (\$2,000.00): *Provided*, That veterinary inspectors of the United States bureau of animal industry may be appointed by the director of agriculture to make the examination and tuberculin test as herein provided, and when so employed they shall act without bond or compensation, and shall possess

Amends Rem.  
Comp. Stat.  
§ 3110;  
Pierce's Code  
§ 2032.

Inspection  
for  
tuberculosis.

Veterinarian.

the same power and authority in this state as the inspector of the department of agriculture: *Provided further*, That such examination and test may be made by a duly licensed and accredited veterinarian who has been authorized by the director of agriculture to make such examination and test. Any such examination and test shall be made subject to rules and regulations of the department of agriculture, and with the same force and effect as if made by an inspector of the department of agriculture. Every such veterinarian authorized to make such examination and test shall before making any such examination or 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. Should the owner or owners of any cattle desire to select a duly licensed and accredited veterinarian, approved by the director of agriculture for making such examination and test in accordance with the provisions of this act, the owner or owners shall pay all expenses in connection with said examination and test. *And provided further*, That the director of agriculture or his authorized agent may cause a test to be made of any bovine animal exposed to or suspected of having tuberculosis.

Amends Rem.  
Comp. Stat.  
§ 3111;  
Pierce's Code  
§ 2033.

Tuberculosis  
infected.

Indemnity.

SEC. 2. That Section 3111 of Remington's Compiled Statutes be amended to read as follows:

Section 3111. On such examination and test being completed, if the inspector shall believe that the animal is infected with tuberculosis, the owner of the animal shall have the option of indemnity or quarantine; if he selects indemnity the owner and inspector shall appraise the suspected animal, and in the appraisal of such animal due consideration shall be given to its breeding, dairy or meat value.



In the event of their failing to agree upon the value, the inspector shall apply to the judge of the superior court of the county where the animal or animals are located to appoint a third appraiser. Each owner, or agent, of tuberculous cattle which have been appraised shall market the cattle within thirty days from date of appraisal and shall obtain from the purchaser a report in quadruplicate, blank forms for which shall be furnished said owner, or agent, by the inspector of the department of agriculture, certifying as to the amount of money actually paid for the animals. The animal or animals shall be slaughtered under the supervision of a veterinary inspector of the department of agriculture, or the United States bureau of animal industry, or a veterinarian duly licensed to practice veterinary medicine, surgery and dentistry in this state. The veterinary inspector or veterinarian shall hold a post mortem examination and determine whether or not the animal shall be passed to be used for food. The post mortem examination must conform with the meat inspection regulations of the United States bureau of animal industry. Upon the receipt of said report, in quadruplicate, certifying as to the amount of money actually paid for the animal or animals, and if the owner has complied with all lawful quarantine laws or regulations, the department of agriculture shall cause to be paid to the owner of the animal or animals one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided*, That in no case shall any payment by the department of agriculture be more than twenty-five dollars (\$25.00) for any grade animal, or more than fifty dollars (\$50.00) for any pure bred registered animal. Every appraiser appointed by the judge of the superior court shall receive his actual and necessary

Slaughter of  
animals.

Amount of  
indemnity.

traveling expenses and a per diem of three dollars (\$3.00) for the time actually spent, to be paid by the state: No indemnity shall be paid for cattle slaughtered on account of tuberculosis to any person who has not owned such cattle for ninety (90) days prior to the date such examination or test is made: *And provided further*, That the state shall not be required to pay the owner of any animal imported into this state within six months prior to the inspection and test the sums hereinabove provided for, but the owner of such animal shall receive the proceeds of the sale of such slaughtered animal: *And provided further*, That the right to indemnity shall not exist nor shall payment be made for any animal owned by the United States, this state or any county, city or village in this state: *And provided, further*, That the expense of herding, caring for, feeding and transporting or slaughtering all animals under these provisions shall be paid by the owner thereof.

Amends Rem.  
Comp. Stat.  
§ 3115;  
Pierce's Code  
§ 2037.

SEC. 3. That Section 3115 of Remington's Compiled Statutes be amended to read as follows:

Quarantine.

Section 3115. Quarantine shall mean the placing and restraining of any animal or animals by the owners or agents in charge of them within a certain enclosure described or designated, in writing, by the director of agriculture, or his duly authorized agent or agents, and thereafter it shall be unlawful for the owner or owners of the animal or animals quarantined, their agents or employees, to break such quarantine or to move or to allow to be moved any of such animals from within the quarantined area, or across the quarantine line as established, without first obtaining a permit, in writing, from the director of agriculture, or his duly authorized agent. Animals that are officially declared in quarantine shall at any and all times be kept separate and apart

from all other live stock and not allowed to have anything in common with other live stock. It shall be unlawful to sell, exchange or in any other way part with the products of said animals, unless permission is first obtained, in writing, from the director of agriculture, or his duly authorized agent. Any owner or owners or agent who fails to comply with or willfully violates or negligently allows such quarantine to be violated shall be guilty of a misdemeanor. The director of agriculture shall have power:

Violation of  
quarantine.

Penalty.

(a) To promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable or dangerous diseases affecting live stock in this state, and to this end to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper governing inspections and tests of all live stock within or intended for importation into this state.

Rules and  
regulations.

(b) To promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper for the inspection, testing and quarantine of all live stock within or imported into this state.

Passed the House February 15, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 10, 1923.

## CHAPTER 74.

[H. B. 68.]

## MARINE BIOLOGICAL MATERIALS.

AN ACT relating to a marine biological materials area of preserve, limiting the gathering of such materials therein, and providing a penalty therefor.

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

Preserve  
established.

SECTION 1. There is hereby created an area of preserve of marine biological materials useful for scientific purposes, except when gathered for human food, and except, also, the plant nereocystis, commonly called "kelp." Said area of preserve shall consist of the salt waters and the beds and shores of the islands constituting San Juan county and of Cypress Island in Skagit county.

Permit to  
gather.

SEC. 2. No person shall gather said marine biological materials from said area of preserve, except upon permission first granted by the director of the Puget Sound biological station of the University of Washington.

Penalty.

SEC. 3. Any person gathering said marine biological materials contrary to the terms of this act shall be guilty of a misdemeanor.

Passed the House February 10, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 10, 1923.

## CHAPTER 75.

[H. B. 62.]

## BARBERS' LICENSE ACT.

AN ACT relating to the practice of the occupation of barber, providing for the examination and licensing of barbers, and apprentices and students and the operation of barber schools or colleges, prescribing penalties and repealing Sections 8277, 8278, 8279, 8280, 8281, 8282, 8283, 8284, 8285, 8286, 8287 and 8288 of Remington's Compiled Statutes.

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

SECTION 1. BARBERING DEFINED. Shaving the face, or cutting the hair or beard of any person, either for hire or reward, shall be construed as practicing the occupation of barber within the meaning of this act. Barbering defined.

SEC. 2. LICENSE REQUIRED. It shall be unlawful for any person to follow the occupation of barber or practice as a barber in any incorporated town in this state, unless he shall first have obtained a license as provided in this act. License required.

SEC. 3. APPLICATIONS. Any person of good moral character, free from contagious or infectious disease, desiring a license to practice the occupation of barber in this state shall file his application in the manner provided by law, on forms prescribed by the Director of Licenses, and shall state therein his name, age and place of residence. Said application shall be accompanied by the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and by a certificate signed by two or more reputable citizens of this state that he is of good moral character. Every such applicant shall pay a fee of \$5.00, which shall accompany his application. Applications.

SEC. 4. PERMITS. Any person making application for examination as provided by this act shall be Permits.

allowed to practice the occupation of barber under a licensed barber until the date of the examination at which he shall have been 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. Any person having made application for examination as herein provided who shall fail to appear for such examination when notified by the Director of Licenses to do so, or who shall fail to notify the said Director of Licenses of any change of address prior to said examination, may, in the discretion of said Director of Licenses, be prohibited from practicing the occupation of barber until he shall have secured a new permit.

**Examinations.** SEC. 5. EXAMINATIONS. Examinations shall be held at least four times in each year, at such times and places as the Director of Licenses shall determine. Each applicant shall present himself for examination before the examining committee, and shall be examined as to his skill in properly performing all the duties of a barber, including his ability in the preparation and care of the tools used, shaving, cutting of the hair and beard, and all the various services incident thereto, and as to his knowledge of sanitation as applied to the occupation of barbering and as to whether he has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of the occupation of barber.

**Grades required.** SEC. 6. GRADES REQUIRED—LICENSE. If an applicant shall pass a satisfactory examination, making an average grade of not less than 75 per cent, 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 bar-

ber as provided by this act, until the first day of July next following the issuance of such license.

SEC. 7. ANNUAL LICENSE RENEWAL. Every person who shall be granted a license under this act shall pay a license renewal fee of one dollar for the year commencing with the first day of July next following the issuance of such license, and annually thereafter while engaged in practicing the occupation of barber; and such payment shall be made prior to the commencement of the year for which the same accrues.

Annual  
license  
renewal.

SEC. 8. PERSONS LICENSED UNDER FORMER LAW. Any person who shall be licensed to practice the occupation of barber at the time this act shall take effect shall be authorized to continue to practice under said license until the first day of July next following the date of expiration named in said license, and thereafter he shall pay an annual license renewal fee as provided in the case of persons licensed by examination under this act.

License  
under  
former law.

SEC. 9. LICENSES TO UNLICENSED LAWFUL PRACTITIONERS. Every person who shall have been continuously and lawfully engaged in practicing the occupation of barber in this state without license for six months prior to the date when this act shall take effect, shall within six months thereafter, make application for license to the State Treasurer, on forms furnished by the Director of Licenses, which said application, together with a fee of five dollars, to be paid by said applicant, shall be disposed of in the manner provided by law in the case of applications for examination for license. It shall be the duty of the Secretary of the Department of Licenses, upon the receipt of such application, accompanied by the Treasurer's duplicate receipt for the fee, to issue to said applicant a license which shall authorize the said applicant to practice the occupation of barber in

Unlicensed  
practitioners.

the State of Washington until the first day of July, 1924, and thereafter said applicant shall pay an annual license renewal fee as provided in the case of persons licensed by examination under this act.

SEC. 10. LICENSING BARBERS FROM OTHER STATES.

Barbers  
from other  
states.

Any person who holds a license granted by any other state or provincial board of barber examiners by examination, and who shows by proper credentials that he is a fully qualified barber under the laws of this state, may be granted a license to practice the occupation of barber in this state without a practical examination, upon filing his application and the payment of a five dollar fee in the manner provided by law in the case of applications for examinations for licenses, and the license so issued shall authorize the said applicant to practice the occupation of barber in the State of Washington until the first day of July next following the issuance of such license, and thereafter said applicant shall pay an annual license renewal fee as provided in the case of persons licensed by examination under this act.

SEC. 11. APPRENTICES AND STUDENTS. Nothing

Apprentices  
and  
students.

in this act shall prohibit any person from serving as an apprentice under a registered barber of this state or from serving as a student in any barber school or college for the training of students in such occupation in this state: *Provided*, That such registered barber or barber school proprietor shall report the names of all apprentices or students working under his direction or training to the state treasurer together with the certificate of a licensed physician and surgeon that the said apprentice or student is not afflicted with any contagious or infectious disease. Said report shall be accompanied by a fee of five dollars for each such student or apprentice. The treasurer shall dispose of said report in the manner provided by law in the case of applications



for examination for licenses. It shall be the duty of the secretary of the department of licenses, upon receipt of such report, accompanied by the treasurer's duplicate receipt for the fee, to issue to said apprentice or student a permit to practice as such under a licensed barber. At any time after six months and within one year following the issuance of such permit said apprentice or student may file his application for license and present himself for examination as provided by this act.

SEC. 12. REGISTER OF LICENSES. The Secretary of the Department of Licenses shall keep a register in which shall be entered the names of all persons to whom licenses or permits are issued under this act, and said register shall be at all times open for public inspection.

Register of  
license.

SEC. 13. DISPLAYING LICENSE OR PERMIT. It shall be the duty of the holder of any license or permit issued under this act to post the same in a conspicuous place in front of his working chair, where it may readily be seen by all persons whom he may serve.

Display of  
license.

SEC. 14. BARBER COLLEGES. All barber schools or colleges shall keep prominently displayed a sign "Barber School" or "Barber College," and 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.

Barber  
colleges.

SEC. 15. RULES—INSPECTION. The Director of Licenses shall have the power to adopt reasonable rules and regulations prescribing sanitary requirements of barber shops, and barber schools and colleges, and it shall be the duty of every person operating any barber shop or college to keep said rules and regulations conspicuously posted therein. The

Rules.

Inspection.

Director of Licenses or his authorized representative shall have the power to enter and make reasonable examination of any barber shop, barber school or college in this state during the business hours for the purpose of ascertaining the sanitary condition thereof. Any barber shop, barber school or college in which tools, appliances or furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health is hereby declared to be a public nuisance and the proprietor or operator of such barber shop, barber school or college shall be guilty of a misdemeanor, and punished as in this act provided.

Revocation of  
license.

SEC. 16. REVOCATION. The license of any barber may be revoked for any one of the following causes:

1. Conviction of any felony or of any crime involving moral turpitude.
2. Habitual drunkenness or the use of habit-forming drugs.
3. Having or imparting any infectious or contagious disease.
4. Having epilepsy, fits or other disease endangering the life, health or safety of persons whom he may serve.
5. For performing his work in an unsanitary or filthy manner.
6. Gross incompetency.

*Provided, however,* That before any certificate or license shall be revoked the holder thereof shall have notice in writing of the charge or charges against him and shall at a day specified in said notice, at least five days after the service thereof, be given a public hearing and full opportunity to produce testimony in his behalf and to confront the witnesses against him. Any person whose certificate or license has been so revoked may, after the expiration of ninety days, on application, have the same reissued

to him upon a satisfactory showing that disqualification has ceased.

SEC. 17. PENALTIES. Any person who shall practice the occupation of barber, barber's apprentice or student in this state, without having obtained a license or permit as provided by this act, or who shall employ a barber or apprentice who has not such license or permit, or who shall accept students for training as barbers or employ apprentices without making report of such facts to the state treasurer as provided by this act, or who shall falsely pretend to be qualified to practice barbering under this act, or who shall fail to display his card or insignia or permit as provided by this act, or who shall knowingly serve any person afflicted with a contagious or infectious disease, or violate any of the sanitary rules adopted by the director of licenses, or who shall violate any of the provisions of this act, shall be guilty of 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.

It shall be the duty of the prosecuting attorney of the county in which any violation of this act shall occur, to prosecute any case to final judgment whenever his attention shall be directed to any violation of this act.

SEC. 18. NUMBER AND GENDER. Words used in this act importing the singular number may also be applied to the plural of persons and things. Words importing the plural may be applied to the singular, and words importing the masculine gender may be extended to females also.

Number and gender.

SEC. 19. CONSTITUTIONALITY. Should any section of this act, or any portion of any section, be for

If unconstitutional in part.

any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Repeals Rem.  
Comp. Stat.  
§§ 8277 to  
8288;  
Pierce's Code  
§§ 413 to 427.

SEC. 20. REPEAL. Sections 8277, 8278, 8279, 8280, 8281, 8282, 8283, 8284, 8285, 8286, 8287 and 8288 of Remington's Compiled Statutes are hereby repealed.

Passed the House February 6, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 10, 1923.

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## CHAPTER 76.

[S. B. 17.]

### TEMPERANCE AND GOOD CITIZENSHIP DAY.

AN ACT establishing a day for the observance by the public schools as "Temperance and Good Citizenship Day" and imposing upon the superintendent of public instruction and the teachers of the public schools certain duties in relation thereto.

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

Observance  
in public  
schools.

SECTION 1. The sixteenth day of January of each year, or the school day nearest thereto if such day shall fall upon a non-school day, shall be observed in all public schools of the state and shall be known as "Temperance and Good Citizenship Day."

Program.

SEC. 2. The state superintendent of public instruction shall have prepared and published in due time in one or more educational journals or publications of general circulation among the teachers of the state, a suitable program to be used on "Temperance and Good Citizenship Day" presenting the advantages of temperance to the individual and to the nation, the biographies of great leaders in temperance and good citizenship, the effect of alcoholic and narcotic poisons and drugs upon the human sys-

tem, and the necessity for, the duty of obedience to, and respect for the laws of our state and Nation on the part of all citizens. The superintendent of public instruction may from year to year designate important laws for special observance.

Passed the Senate February 5, 1923.

Passed the House February 28, 1923.

Approved by the Governor March 12, 1923.

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CHAPTER 77.

[S. B. 226.]

CONSERVATION AND DEVELOPMENT.

AN ACT making an appropriation from the reclamation revolving fund.

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

SECTION 1. There is hereby appropriated from the reclamation revolving fund for the department of conservation and development:

For contract and bond purposes.....\$3,000,000

Appropriation,  
\$3,000,000.00.

Passed the Senate February 23, 1923.

Passed the House March 2, 1923.

Approved by the Governor March 12, 1923.

## CHAPTER 78.

[S. B. 90.]

## PHYSICAL EDUCATION.

AN ACT relating to physical education and amending Section 4683 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 4683;  
Pierce's Code  
§ 4730d.

SECTION 1. That Section 4683 of Remington's Compiled Statutes be amended to read as follows:

Course.

Section 4683. All high schools of the state may, and all state normal schools, the University of Washington and the State College of Washington, shall, each of them, emphasize the work of physical education, and shall carry into effect all such courses provided by the state board of education; said courses to provide for a minimum of ninety (90) minutes in each school week: *Provided*, That individual students may be excused on account of physical disability or religious belief, or because of participation in directed athletics or military science and tactics. *Provided, further*, That individual high school students shall be excused upon the written request of parents or guardians.

Passed the Senate February 15, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 12, 1923.

## CHAPTER 79.

[S. B. 215.]

## AUTO TRANSPORTATION COMPANIES.

AN ACT to relieve the general fund of the expense of regulating and supervising auto transportation companies, creating a fund and providing fees to cover the cost of such regulation and supervision, and amending Section 9 of Chapter 111 of the Laws of 1921, and making an appropriation.

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

SECTION 1. That Section 9, Chapter 111, Laws of 1921, be and the same is hereby amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6395;  
Pierce's Code  
§ 234-11.

SECTION 9. For the purpose of carrying out the provisions of this act there is hereby created in the State Treasury a state fund to be known as the "Auto Transportation Fund." All fees collected by the Director of Public Works as herein provided shall be paid into the State Treasury monthly and shall be credited to the said "Auto Transportation Fund."

Auto trans-  
portation  
fund, created.

All auto transportation companies operating under the provisions of this act shall between the 1st and 15th days of January, April, July and October of each year, file with the Director 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 not to exceed one per cent of the amount of such gross operating revenue. The percentage rate of gross operating revenue to be paid as provided herein shall be subject to future adjustment by the Director of Public Works, which percentage not exceeding one per cent, shall be fixed by the said Director by general order duly entered at the beginning of each fiscal year, or at the beginning of any quarter. In fixing such rate the Director of Public

Fees.

Works shall take into consideration all moneys on hand in the said "Auto Transportation Fund" to the end that the fund created hereunder shall be neither more nor less than sufficient to cover the cost of supervising and regulating auto transportation companies operating under the provisions of this act.

MISCELLANEOUS FEES;

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 thereof..	.15

Appropriation,  
\$100,000.00.

SEC. 2. There is hereby appropriated for the use of the Director of Public Works for the work incident to the supervision and regulation of auto transportation companies from the "Auto Transportation Fund" the sum of \$100,000.00 for the biennium beginning April 1, 1923, or so much thereof as may be necessary, but in no case to exceed the cash paid into said fund, said sum to be available for supplies, materials, salaries and all other expenses incident to the supervision and regulation of such companies.

Emergency.

SEC. 3. This Act is necessary for the support of the state government and its existing public institutions and shall take effect on the first day of April, 1923.

Passed the Senate March 6, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 12, 1923.



## CHAPTER 80.

[S. B. 274.]

## PERMANENT HIGHWAYS.

AN ACT making an appropriation for the construction and maintenance of permanent highways and declaring that this act shall take effect immediately.

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

SECTION 1. For the completion of work already under contract, for new contracts for the construction and the maintenance of permanent highways, there is hereby appropriated from the permanent highway fund the sum of four million one hundred and eighty thousand six hundred dollars, (\$4,180,600) or so much thereof as may be necessary.

Appropriation  
\$4,180,600 00.

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

Emergency.

Passed the Senate March 5, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 12, 1923.

## CHAPTER 81.

[S. B. 145.]

## LIQUID FUEL TAX.

AN ACT relating to an excise tax on the sale and use of certain liquid fuels, providing for the refunding thereof in certain cases, fixing penalties for violations of this act and amending Section 8328 and 8331 of Remington's Compiled Statutes, and further amending Chapter VIII of Title LIV of Remington's Compiled Statutes by adding thereto a new section to be known as Section 8328-1, and declaring the time when this act shall take effect.

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

SECTION 1. That Section 8328 of Remington's Compiled Statutes be amended to read as follows:

Section 8328. That in addition to the taxes now provided for by law each and every distributor, as defined in this act, who is now engaged or who may hereafter engage, in his own name, or in the name of others, or in the name of his representatives or agents of this state, in the sale of liquid fuel as herein defined, shall not later than the fifteenth of each calendar month render a sworn statement to the director of licenses of the State of Washington of all such liquid fuels sold by him or them in the State of Washington during the preceding calendar month, and pay an excise tax of two cents per gallon on all liquid fuel so sold as shown by such statement in the manner and within the time hereinafter provided.

SEC. 2. That Chapter VIII, Title LIV of Remington's Compiled Statutes be amended by adding thereto a new section to be known as Section 8328-1 to read as follows:

Section 8328-1. 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

Amends Rem.  
Comp. Stat.  
§ 8328;  
Pierce's Code  
§ 7050h-2.

Distributor  
taxed.

All users,  
including  
distributors  
to pay.

state, or the political subdivisions thereof, upon the sale or use of which liquid fuel the excise tax imposed by this chapter has not been theretofore paid, shall pay an excise tax of two cents per gallon 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 chapter 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. 3. That Section 8331 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 8331;  
Pierce's Code  
§ 7050h-5.

Section 8331. Said excise tax shall be paid on or before the fifteenth day of each month to the state treasurer of the State of Washington, who shall receipt the distributor therefor, and on the next business day after the receipt of any such excise taxes deposit in the state treasury, to the credit of the motor vehicle fund the balance of moneys received for such excise taxes remaining on hand at the close of the preceding business day, after making all corrections and refunding all over-payments and all sums required to be refunded by the next succeeding section.

Date for  
payment.

SEC. 4. That Chapter VIII of Title LIV of Remington's Compiled Statutes be further amended by adding thereto a new section to be known as Section 8331-1 to read as follows:

Section 8331-1. Any person, firm or corporation who shall buy and use any liquid fuel as defined in this chapter for the purpose of operating or propelling stationary gas engines, farm tractors or motor boats, or who shall purchase and use any such

Refund.

fuel for cleaning or dyeing or other commercial use of the same, except in motor vehicles operated or intended to be operated upon any of the public highways of the state, and who shall have paid any tax on such liquid fuel, levied or directed to be paid as provided by this act, either directly by the collection of such tax by the vendor from such consumer, or indirectly by adding the amount of such tax to the price of such liquid fuel and paid by such consumer, shall be reimbursed and repaid the amount of such tax paid by him upon presenting to the state treasurer an affidavit accompanied by the original invoice showing such purchase, which affidavit shall be verified by the oath of the consumer, and shall state the total amount of such liquid fuel so purchased and used by such consumer, other than in motor vehicles operated or intended to be operated upon any of the highways of the state, and said state treasurer, upon the presentation of such affidavit and such vouchers, shall cause to be repaid to such consumer from the excise tax collected on liquid fuel as defined in this act, the taxes so paid by said consumer on liquid fuels purchased and used, other than for motor vehicles as aforesaid; *Provided*, That applications for reimbursements and re-payments as provided herein shall be filed with the state treasurer within sixty days from the date of purchase or invoice, or not at all, and any person or the member of any firm or the officer or agent of any corporation who shall make any false statement in any affidavit required herein for the reimbursement and re-payment of any money or taxes as provided in this section, or who shall collect or cause to be re-paid to him or to any other person any such reimbursement or refund without being entitled to the same under the provisions of this section, shall be guilty of a gross misdemeanor.

SEC. 5. 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.

If unconstitutional in part.

SEC. 6. This act shall take effect and be in force from and after the first day of January, 1924.

When effective.

Passed the Senate February 10, 1923.

Passed the House February 28, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 82.

[S. B. 59.]

### HIGHWAYS.

AN ACT relating to public highways, repealing Section 6818 of Remington's Compiled Statutes and amending Chapter XXX, Title XLI of Remington's Compiled Statutes by adding thereto a new section to be known as Section 6817a.

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

SECTION 1. That Section 6818 of Remington's Compiled Statutes be and the same is hereby repealed.

Repeals Rem. Comp. Stat. § 6818; Pierce's Code § 6800.

SEC. 2. That Chapter XXX, Title XLI, of Remington's Compiled Statutes be amended by adding a new section thereto to be known as Section 6817a, as follows:

Public highway fund.

Sec. 6817a. All monies now in the public highway fund of the State Treasury, or which may hereafter be placed therein, under tax levies heretofore made, shall remain in said fund subject to such dis-

position and appropriation as may be made by the legislature.

Passed the Senate January 30, 1923.

Passed the House February 28, 1923.

Approved by the Governor March 13, 1923.

CHAPTER 83.

[S. B. 91.]

COUNTY FAIRS.

AN ACT relating to county fairs and amending Section 2753 of Remington's Compiled Statutes.

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

SECTION 1. That Section 2753 of Remington's Compiled Statutes be amended to read as follows:

Section 2753. Appropriations in any one year by boards of county commissioners for the purpose of acquisition of property and the maintenance of such fairs shall be limited according to the following schedule:

Counties of more than 100,000.....	\$10,000.00
Counties of between 100,000 and 50,000.....	7,500.00
Counties of between 40,000 and 25,000.....	5,000.00
Counties under 25,000.....	2,500.00

SEC. 2. Add a new section to be numbered 2753<sup>1</sup>/<sub>2</sub>, to read as follows:

Section 2753<sup>1</sup>/<sub>2</sub>. The board of county commissioners of any county containing a population of not more than 35,000, is hereby authorized to expend a sum not exceeding \$10,000.00 to be used only for the purpose of acquiring necessary grounds for said county fair and for the construction of buildings thereon and for the improvement of the same.

Passed the Senate March 6, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 13, 1923.

Amends Rem. Comp. Stat. § 2753; Pierce's Code § 1565.

Appropriation and expenditures.

Additional expenditures.

CHAPTER 84.

[H. B. 18.]

TAXATION.

AN ACT relating to the equalization of assessments and amending Section 11219 of Remington's Compiled Statutes.

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

SECTION 1. That Section 11219 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 11219; Pierce's Code § 7014.

Section 11219. The county commissioners, or a majority of them, shall form a board for the equalization of the assessment of the property of the county: *Provided*, That in counties under township organization, the chairmen of the township supervisors of the several townships, at a meeting called by the county auditor for the purpose, shall select a committee of three, one from each county commissioner's district, to sit with the county board of equalization in an advisory capacity. They shall meet in open session for this purpose annually on the first Monday in August at the office of the county assessor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

County board of equalization.

Annual meeting.

First. They shall raise the valuation of each tract or lot of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair

Powers and duties.

value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, being a nonresident of the county in which his property is assessed, reduce the valuation of each class of personal property enumerated in Section 11137 aforesaid, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individuals who, in their opinion, have been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

The county assessor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners,

See Rem.  
Comp. Stat.  
§ 11137;  
Pierce's Code  
§ 6908.

County  
assessor.



and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. Having corrected the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state auditor on or before the first Monday in September next following the meeting of the county board of equalization.

The county board of equalization may continue in session and adjourn from time to time during three weeks, and shall remain in session not less than three days, commencing on the first Monday in August: *Provided*, That no taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue. Adjournment.

The county assessor shall make a record of all errors in descriptions, double assessments, or manifest errors in assessment appearing on the assessment list at the time of the extension of the rolls, and after duly verifying the same, file said record with the county board of equalization on the third Monday in November next succeeding the annual meeting of the county board of equalization. The county board of equalization shall reconvene on such day for the sole purpose of considering such errors in description, double assessments, or manifest errors appearing on the assessment list at the time of the extension of the rolls, and shall proceed to correct the same, but said board shall have no authority to change the assessed valuation of the property of any person or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, except only in so far as the same may be af- Errors and omissions.

fectured by the corrections ordered based on the record submitted by the county assessor.

Passed the House January 31, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 13, 1923.

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## CHAPTER 85.

[H. B. 120.]

### PUBLIC LANDS.

AN ACT relating to, and authorizing the grazing of livestock upon, certain public lands of the state.

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

SECTION 1. The commissioner of public lands shall have the power, and it shall be his duty, to adopt and promulgate, from time to time, reasonable rules and regulations for the grazing of livestock on such tracts and areas of the indemnity or lieu public lands of the state contiguous to national forests and suitable for grazing purposes, as have been, or shall be, obtained from the United States under the provisions of Section 7824 of Remington's Compiled Statutes.

Livestock  
grazing.

See Rem.  
Comp. Stat.  
§ 7824;  
Pierce's Code  
§ 6483.

Permits.

SEC. 2. The commissioner of public lands shall have the power to issue permits for the grazing of livestock on the lands described in the preceding section in such manner and upon such terms, as near as may be, as permits are, or shall be, issued by the United States for the grazing of livestock on national forest reserve lands and for such fees as he shall deem adequate and advisable, and shall have the power to enter into such arrangements as may be deemed advisable and to cooperate with the officers of the United States having charge of the grazing of livestock on forest reserve lands for the protection

and preservation of the grazing areas on the state lands contiguous to national forests and for the administration of the provisions of this act.

SEC. 3. All fees collected under the provisions of this act shall be paid over to the state treasurer and deposited in the state treasury to the credit of the current fund of the grant of which the lands from which such fees are collected, form a part. Fees.

Passed the House February 23, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 13, 1923.

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## CHAPTER 86.

[S. H. B. 59.]

### FISCAL BIENNIUM.

AN ACT fixing the fiscal biennium.

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

SECTION 1. The fiscal biennium of the state shall commence on the first day of April in each odd-numbered year and end on the thirty-first day of March of the next succeeding odd-numbered year.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 13, 1923.

## CHAPTER 87.

[H. B. 126.]

## ELECTRIC POWER.

AN ACT relating to and authorizing the sale of electric light, power, current and energy by cities and towns, providing for the payment and collection of an excise tax thereon and referring this Act to the people for their ratification.

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

SECTION 1. Any city or town within the State of Washington now or hereafter owning or operating its own electric plant, shall have the right to sell and dispose of any surplus energy that it may generate to any other city or town or other municipal corporation, governmental agency, firm, person or corporation for use outside the corporate limits of such city or town.

Cities and towns, selling.

SEC. 2. For the purpose of carrying out the provisions of Section 1 hereof, any city or town or other municipal corporation, governmental agency, firm, person or corporation intending to sell or purchase such electric energy may, in the manner provided by law for the construction of electric plants or for the making of additions and betterments thereto or extensions thereof, construct, acquire and maintain all the necessary transmission lines, distribution system and other equipment necessary to conduct such electric energy to its point of consumption and to distribute the same.

Transmission lines.

Distribution system.

SEC. 3. Any city or town generating for sale and selling electric light, power, current or energy under the provisions of this act shall keep books of account in such manner and form as may be prescribed by the director of taxation and examination, showing in detail all receipts from sales of electric light, power, current or energy both within and with-

Books of sale.

out its corporate limits and shall remit and pay to the state treasurer monthly for state purposes, on or before the tenth day of each calendar month, five per cent (5%) of the gross receipts of all such sales so made during the preceding calendar month, and file with the state treasurer a detailed report verified under oath by the officer of such city or town charged with the duty of collecting such receipts, on a form to be prescribed by the director of taxation and examination, and it shall be the duty of the state treasurer on the next business day after the receipt of any such report and remittance, to transmit the report, accompanied by his duplicate receipt for the remittance, to the department of taxation and examination, and to deposit in the state treasury to the credit of the general fund the moneys on hand at the close of the preceding business day, received from such city or town, after making all corrections and refunding all over-payments, and the director of taxation and examination, shall have access to the books and records of such city or town, for the purpose of determining the amount due and payable to the state and verifying the correctness of the payments made.

Gross  
receipts  
tax.

SEC. 4. Any officer of any city or town which shall be liable for the payment of the tax provided for in Section 3 hereof, who shall fail, neglect or refuse to comply with the provisions of this act shall forfeit to the State of Washington the sum of twenty dollars (\$20.00) per day for each and every day of such failure, neglect or refusal, which penalty shall be recovered in a civil action to be brought by the attorney general in the name of the State of Washington in the superior court of Thurston county. The attorney general is also authorized to institute other appropriate legal proceedings against any city or town, or the officers thereof, to compel the pay-

Penalty.

ment of said tax, which proceedings may be instituted in the superior court of Thurston county.

If any part  
unconstitu-  
tional.

SEC. 5. 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.

Referendum.

SEC. 6. This act shall be submitted to the people for their ratification at the next general election in accordance with the provisions of Section 1 of Article 11 of the State Constitution, as amended at the general election held in November 1912, and the laws adopted to facilitate the operation thereof.

Passed the House February 16, 1923.

Passed the Senate February 28, 1923.

(Referendum.) Filed without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 88.

[H. B. 27.]

### COUNTY GOVERNMENT.

AN ACT providing for the amendment of Section 5 of Article XI of the Constitution of the State of Washington relating to county officers.

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

Constitu-  
tional  
amendment  
proposed.

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1924, there shall be submitted to the qualified electors of this state for their adoption and approval or rejection an amendment to Article XI of the Constitution of the State of Washington so that Section 5 of said Article XI when amended shall read as follows:

Section 5. The Legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: *Provided*, That the Legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Passed the House January 31, 1923.

Passed the Senate February 22, 1923.

Filed without the signature of the Governor.

J. GRANT HJNKLE,  
*Secretary of State.*

## CHAPTER 89.

[S. B. 199.]

## GAME LAW.

AN ACT relating to the protection, propagation, introduction, purchase and disposition of game birds, game animals, fur bearing animals, game fish and fish; regulating the transportation, tagging and possession of game animals, game birds, game fish and fur bearing animals; making provisions for the licensing of guides; providing penalty for violations; amending Sections 5986, 5974, 8305, 5964, 5965, 5957, and 5972 of Remington's Compiled Statutes of Washington and repealing Section 5911 and all other laws in conflict therewith.

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

SECTION 1. That Section 5986 of Remington's Compiled Statutes be amended to read as follows:

Section 5986. Any person owning, erecting, managing or controlling any dam or other obstruction across the river, creek or stream within the state or forming the boundary lines of this state, shall construct in connection with such dam, durable fishways, in such manner and in such shape and size that the free passage of all game fish inhabiting such waters shall not be obstructed. Such fishways shall be maintained in good condition and kept in good repair by the person so owning, controlling, managing, operating, or using such dam or obstruction. If any person fails to construct or keep in good repair, durable and efficient fishways, as herein provided for within the period of ten days after notice, the county game commission may construct or repair the same and the cost thereof may be recovered from the owner or any person managing or being in control thereof in a civil action brought in the name of the State of Washington. Any moneys so received shall be credited to the game protection fund. All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state

Vetoed  
L. F. H.



shall at all times be under the supervision of the county game commission: *Provided*, That in all cases where any dam is hereafter desired to be constructed in a stream above where there is a run of food fish of the salmon species or in a stream above where there is a run of what is commonly known as food fish, and where in the judgment of the Supervisor of Game and Game Fish the construction of said proposed dam is such to make a fish ladder or fishway thereon impracticable there and in that event the Supervisor of Game and Game Fish may require as a condition precedent to granting a permit for the erection of such dam, that the person so desiring to erect such dam shall convey to the State of Washington, a site, of size and dimensions satisfactory to the Supervisor of Game and Game Fish and erect thereon a hatchery and hatchery residence according to plans and specifications to be furnished by the Supervisor of Game and Game Fish, and no permit for the construction of such dam shall be given by said Supervisor of Game and Game Fish until the person so applying for such permit shall have actually conveyed said land to the State of Washington and erected said hatchery and hatchery residence in accordance with such plans and specifications, and said hatchery, residence and grounds so erected shall be turned over to and be under the management and control of the Supervisor of Game and Game Fish, and in all cases where private trout hatcheries are licensed under any existing laws of this state, all fees collected from such licenses, and from restaurants and hotel keepers serving to guests game fish or trout obtained from private hatcheries in this state, shall be placed by the state treasurer into the state game fund. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

Vetoed  
L. F. H.

Amends Rem.  
Comp. Stat.  
§ 8305;  
Pierce's Code  
§ 1985.

SEC. 2. That Section 8305 of Remington's Com-  
piled Statutes be amended to read as follows:

Domestic  
animal  
protection  
fund.

Section 8305. There shall be in the county  
treasury of each county a special fund to be known  
as the "Domestic Animal Protection Fund" into  
which shall be paid all taxes assessed and collected  
under the provisions of this act, and the county  
treasurer, upon the payment of any such tax, shall  
issue to the person paying the same a receipt there-  
for describing the dog upon which such tax is paid,  
as the same is described and listed by the county  
assessor and shall also issue a metal tag bearing the  
number of the year in which, and showing the sex  
of the dog upon which, said tax is paid; *Provided*,  
That if at any time the amount to the credit of the  
Domestic Animal Protection Fund shall exceed the  
sum of two hundred (\$200.00) dollars, the board of  
county commissioners shall transfer the amount in  
excess of two hundred (\$200.00) dollars to a wild  
animal account to be used by the Department of  
Agriculture for the destruction of predatory animals  
in such county.

Wild animal  
account.

Predatory  
animals.

Amends Rem.  
Comp. Stat.  
§ 5974;  
Pierce's Code  
§ 2535-16.

SEC. 3. That Section 5974 of Remington's Com-  
piled Statutes be amended to read as follows:

Trapper's  
license.

Section 5974. No person over the age of sixteen  
(16) years shall trap any fur bearing animal at any  
time, without first having paid to the county auditor  
in each county in which he is trapping, the sum of  
five dollars (\$5.00) and procured a license therefor,  
which license shall expire on the 31st day of March  
following its issuance; *Provided*, That land owners  
and leaseholders trapping upon their premises shall  
be exempt; *Provided further*, That musk-rats and  
moles may be trapped or killed in any manner at  
any time when injuring any field, garden, dike, ditch,  
dam, embankment or public highway, by applying to  
the county game warden for a written permit so to  
do; *Provided further*, That it shall be unlawful to

catch, trap or kill any fur bearing animals between the first day of April and the first day of October of each year, except when the same shall become predatory: *Provided further*, That all sums paid to the county auditor for trapper's licenses shall be placed to the credit of the county game fund.

SEC. 4. That Section 5964 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5964;  
Pierce's Code  
§ 2585-8.

Section 5964. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any moose, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs, except as herein provided: *Provided*, That no more than two deer may be killed in the state by any one person in any one year, and it shall be unlawful at any time for any person to have in his possession in the State of Washington east of the summit of the Cascades, dead or alive, any female deer, and no more than one buck deer may be killed in the mountains lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between October 1st and November 15th of the same year: *And provided further*, That no person may kill more than two deer from October 1st up to and including November 15th of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer lawfully killed or any part thereof may be had in possession by any person during the said time. No person shall kill or have in his possession during said time more than two deer or parts thereof: *Pro-*

Moose,  
deer, fawn,  
mountain  
sheep,  
mountain  
goat,  
closed season.

*vided*, That only one buck deer may be killed in the counties of Whatcom, Skagit, Clallam and Snohomish: *And provided further*, That any person who is lawfully in possession of any deer or any parts thereof, may ship or cause to be shipped, any such deer, or any part thereof, from place to place within the state: *And provided further*, That any person desiring to retain any game bird, game animal or game fish, or any part thereof for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging same. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) or be imprisoned in the county jail not less than thirty (30) days nor more than ninety (90) days or by both such fine and imprisonment in the discretion of the court.

Possession  
after close  
of season.

Tags.

Penalty.

Deer,  
possession  
without  
tag.

SEC. 5. It shall be unlawful within the State of Washington for any person to hunt, catch, take, kill, ship, convey or cause to be conveyed any deer unless he shall have in his possession a deer tag numbered to correspond with and attached to his license.

Any person having lawfully killed a deer shall immediately attach and leave attached to the carcass or part thereof the deer tag corresponding to his license; and no person shall have in his possession or under his control or have in storage or as a com-

mon carrier any such carcass before being dismembered, without having such tag attached, and no person shall so mutilate the carcass of the deer that the sex cannot be determined.

SEC. 6. It shall be unlawful for any person to act as guide to any person or persons in this state without first obtaining a license from the county auditor of the county in which he resides, said license to be known as a guide's license, for which a fee of ten dollars (\$10.00) shall be charged by the county auditor, and all moneys so received shall be turned over to the game fund of the county in which said license is issued, and any such guide found guilty of violating any of the game laws of this state shall forfeit his license for one year. Guide.

SEC. 7. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any elk, elk meat, moose, moose meat, hide, hoofs, horns or teeth of any elk or moose unless lawfully acquired. Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) or be imprisoned in the county jail for not less than sixty (60) days nor more than one year. Elk.  
moose.  
possession.

SEC. 8. Any person, firm or corporation may have in possession, at any time, any game or fur bearing animal, any game or song bird, or any game fish, or parts thereof, lawfully taken outside the boundaries of the State of Washington or lawfully taken within the State of Washington, for purposes Imported  
game.

of propagation, tanning, manufacturing into wearing apparel, mounting, or for ornamental purposes, with the right to dispose of the same in the usual course of trade: *Provided*, Always that the same have been, within three (3) days after their receipt, reported in writing to the State Supervisor of Game and Game Fish, or the Game Commission of the county wherein the same is to be kept or used, as herein specified. The State Supervisor of Game and Game Fish or the County Game Commission shall cause the same to be tagged or marked for identification, to the ends that no fraud or evasion shall be perpetrated upon the laws of the State of Washington. The State Supervisor of Game and Game Fish or the County Game Commission shall be authorized to charge and collect for tagging and marking, as aforesaid, the sum of ten cents (10c) for each tag, and in addition thereto, the usual mileage fee charged by sheriffs in the county where the services are to be performed: *Provided* That all beaver skins shall be tagged by the State Supervisor of Game and Game Fish and the above fee charged therefor.

Tagged.

SEC. 9. Any person found guilty of violating any of the game laws of this state shall, in addition to the penalty imposed by the law relating thereto, forfeit his game license and shall not be entitled to be granted a new license until the first day of March succeeding.

Violation,  
license  
forfeited.

SEC. 10. That Section 5957 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5957,  
Pierce's Code  
§ 2585-6.

Section 5957. Every person who shall between the sixteenth day of January and the thirtieth day of September, both dates inclusive of the same year, in counties west of the summit of the Cascade mountains, and every person who shall between the first day of January and the fifteenth day of September,

Migratory  
birds.

both dates inclusive of the same year, in counties east of the summit of the Cascade mountains, hunt, pursue, take, kill, injure, destroy or possess any species of migratory birds commonly known as wild goose, brant, wild duck, coot, rail, plover, snipe, sand piper, curlews, avocets, stilts, turnstone, oystercatcher, phalaropes, or other species of birds, black-breasted and golden plover, jacksnipe or Wilson snipe, or greater or lesser yellow-legs, or who shall hunt, pursue, take or kill any of the birds above mentioned in this section after sunset or one-half hour before sunrise, shall be guilty of a misdemeanor: *Provided*, That the open season on the above mentioned migratory birds in the counties of Chelan, Kittitas, Yakima, Benton, Walla Walla, Columbia, Garfield and Asotin shall be between the thirtieth day of September and the sixteenth day of January.

Closed  
season.

SEC. 11. That Section 5972 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5972;  
Pierce's Code  
§ 2585-14.

Section 5972. 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 in such county, without having first obtained and being in force a written permit so to do, issued by the unanimous vote or action of the game commissioners of such county. *Provided*, That this section shall not apply to the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, except the counties of Asotin, Garfield, Columbia and Walla Walla, and nothing in this exception shall be construed to prohibit stockmen to have either loose or in leash any dog in any wooded section of any county during the time in each year when it is lawful to hunt deer in such county.

Dogs  
prohibited  
in woods.

Offense to  
prohibit  
hunting.

SEC. 12. Any person not the owner, lawful occupant or lawful possessor, of any land or who is not lawfully authorized so to do, who shall wilfully post a warning as herein provided, or shall wilfully warn, drive or attempt to drive, any person off land not owned, lawfully occupied, or lawfully possessed by him, or his principal, shall be guilty of a misdemeanor.

Repeals Rem.  
Comp. Stat.  
§ 5911;  
Pierce's Code  
§ 2641-8.

SEC. 13. That Section 5911 of Remington's Compiled Statutes be and the same is hereby repealed.

Repeal if  
any part  
unconstitu-  
tional.

SEC. 14. All other acts and parts of acts inconsistent with the provisions of this chapter are hereby repealed: *Provided*, if any section of this act shall be declared unconstitutional, it shall not affect any other section or part of section thereof.

Passed the Senate February 20, 1923.

Passed the House March 2, 1923.

Approved by the Governor March 13, 1923, with the exception of Section 1, which is vetoed.

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## CHAPTER 90.

[S. B. 284.]

### FOOD AND SHELL FISH.

AN ACT relating to food and shell fish and amending Sections 5682, 5693, 5709, 5711, 5717, 5731, 5734 of Remington's Compiled Statutes and adding three new sections to Chapter 1, Title 35 of Remington's Compiled Statutes to be known as Sections 5663-a, 5704-a and 5754-a, providing penalties and declaring that this act shall take effect immediately.

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

Amends Rem.  
Comp. Stat.  
§ 5682;  
Pierce's Code  
§ 2439.

SECTION 1. That Section 5682 of Remington's Compiled Statutes be amended to read as follows:

Section 5682. The failure to renew the license or to have made lawful application therefor for any fish-trap, pound-net, fish-wheel, or other fixed appli-

License  
failure to  
renew.



ance or set-net in any of the waters of this state on the first day of April of any year shall constitute abandonment of the location.

SEC. 2. That Section 5693 of Remington's Compiled Statutes be amended to read as follows:

Section 5693. It shall be unlawful to catch, take or fish for food with any appliance or by any means whatsoever except with hook and line commonly called angling or trolling unless license so to do has been first obtained from the Director of Licenses.

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

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

SEC. 3. That Section 5709 of Remington's Compiled Statutes be amended to read as follows:

Section 5709. It shall be unlawful to take or fish for salmon or sturgeon in the Columbia River, its tributaries and in any of the waters or sloughs thereof, west of the north and south line between sections 14 and 15, township 2 north, range 15 east of the Willamette meridian and within three miles outside the mouth of the Columbia River, by any means whatever, between 12 o'clock noon on the first day of March and 12 o'clock noon on the first day of May and between 12 o'clock noon on the twenty-

Vetoed  
L. F. H.

Amends Rem.  
Comp. Stat.  
§ 5709;  
Pierce's Code  
§ 2465.

Columbia  
River,  
closed  
season.

fifth of August and 12 o'clock noon on the tenth day of September, and between 6 o'clock p.m. on Saturday of each week and 6 o'clock p.m. of the Sunday following, from the first day of May to the twenty-fifth day of August, both dates inclusive, of each year.

It shall be unlawful to take or fish for salmon or sturgeon in the Columbia River between the north and south line dividing sections 14 and 15, township 2 north, range 15 east of the Willamette meridian, as extended across the Columbia River and a line easterly thereof where the 46th parallel north latitude crosses said Columbia River.

SEC. 4. That Section 5711 of Remington's Compiled Statutes be amended to read as follows:

Section 5711. It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell-fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person prior to January 1, 1924, be a citizen of the United States or has declared his intention to become such and is and has been, for twelve months immediately prior to the time he engages in such business, a resident of this state or an adjoining state, and from and after January 1, 1924, unless such person be a citizen of the United States and is and has been for twelve months immediately prior to the time he engages in such business an actual resident of this state or an adjoining state; but this section shall not apply to Indians, and nothing in this act shall be construed to prohibit fishing or the taking of fish with a hook and line. The word "fishing" as used in this act shall be deemed and construed to mean the catching or taking of food fish with any appliance, gear or trap, floating or fixed, whatsoever.

Amends Rem.  
Comp. Stat.  
§ 5711;  
Pierce's Code  
§ 2467.

Unlawful  
to take  
fish unless  
citizen or  
resident.

SEC. 5. That Section 5717 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5717;  
Pierce's Code  
§ 2474.

Section 5717. It shall be unlawful for any person, firm or corporation to purchase, handle, deal in or have in his possession any food fish of any variety which were taken from the waters of this state during any of the closed seasons prescribed by law or by the state fisheries board.

Unlawful  
to possess.

SEC. 6. That Section 5731 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5731;  
Pierce's Code  
§ 2488.

Section 5731. In the event that any person desires to construct a dam in any of the streams of this state to a height that will make a fish-ladder or fish-way thereover impracticable, in the opinion of the director of fisheries and game, then such person shall convey to the State of Washington a site of the size and dimensions satisfactory to the director of fisheries and game, at such place as may be selected by the director of fisheries and game, and erect thereon a fish hatchery and hatchery residence according to plans and specifications to be furnished by the director of fisheries and game and enter into an agreement with the director of fisheries and game secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said proposed hatchery. The provisions of this section shall not apply to cases where the right to use or divert such waters or to erect such dams as has heretofore been granted or has become vested, or where dams have been heretofore constructed in streams to a height where construction of a fish-ladder is impracticable. Any decision of the director of fisheries and game hereunder shall be subject to review in the superior court of the State of Washington for Thurston county.

Fish-ladders  
and fish-ways  
in dams.

Amends Rem.  
Comp. Stat.  
§ 5734;  
Pierce's Code  
§ 2491.

SEC. 7. That Section 5734 of Remington's Compiled Statutes be amended to read as follows:

Pollution of  
waters.

Section 5734. It shall be unlawful to cast or pass, to suffer or permit to be cast or passed into any waters of this state, either fresh or salt, any sawdust, planer shavings, wood pulp or other waste, lime, gas, oil, oil products, grease, cocculus indicus, chemical substance or any refuse or waste material substance or matter at any time whatsoever deleterious to fish or shell-fish; *Provided, however,* That the director of fisheries and game shall have the power to grant permits for the sawing of logs in such waters as in his judgment can be used for that purpose without injury to food or game fish.

Rem. Comp.  
Stat. § 5663-a;  
Pierce's Code  
§ 2420.

SEC. 8. That a new section be added to Chapter 1, Title 35 of Remington's Compiled Statutes to be known and designated as Section 5663-a to read as follows:

Columbia  
River  
mouth  
established.

Section 5663-a. For the purpose of computation and determination of any statute, rule or regulation with respect to the fishing industry in the State of Washington or upon the Columbia River, the mouth of the Columbia River is hereby established and declared to be as follows:

Beginning at the present inshore end of the north jetty of the Columbia River to the knuckle of the south jetty on such river, which knuckle is approximately four miles westerly from the government dock at Fort Stevens. The said line will pass approximately  $\frac{3}{8}$  of a mile westerly from Buoy No. 10 as shown on geodetic survey No. 6151, dated January 5th, 1917.

Rem. Comp.  
Stat. § 5704-a;  
Pierce's Code  
§ 2460.

SEC. 9. That a new section be added to Chapter 1, Title 35 of Remington's Compiled Statutes to be known and designated as Section 5704-a to read as follows:

Section 5704-a. There shall be paid to the state treasurer of the state of the following license fees and taxes in the Columbia River district or the Columbia River or the waters of the Columbia River over which the State of Washington has jurisdiction or concurrent jurisdiction:

Columbia  
River  
license  
fees.

For each gill net license for the taking of salmon, smelt or herring, seven and fifty-one-hundredths dollars (\$7.50);

For each boat puller license for the taking of salmon, smelt or herring, one dollar (\$1.00);

*Provided, however,* That no such gill net licenses or boat puller licenses shall be issued in the name of or to any applicant unless the said applicant is to be engaged personally in the operation of said gill net or boat used in the operation thereof.

Every person, firm or corporation operating as a canner, receiver, buyer, or wholesaler of salmon, shad or sturgeon shall pay in addition to all other licenses or fees provided by law, the sum of one half cent ( $\frac{1}{2}c$ ) per pound on each and every specie of salmon, shad and sturgeon caught in the Columbia River district or the waters of the Columbia River over which the State of Washington has jurisdiction or concurrent jurisdiction. The poundage fee herein required shall be paid to the state treasurer on March first and September first or at such other times as the supervisor of fisheries may order and direct, and the fee shall be accompanied by a report showing the total number of pounds of all varieties of fish, stated separately upon blanks furnished by the supervisor of fisheries.

Poundage  
tax.

It is the intention of this act that only one poundage fee shall be collected for each and every pound of fish purchased or received and in order that this end may be accomplished, the supervisor of fisheries and the state treasurer are hereby authorized to

determine finally any dispute arising out of the operation and enforcement of this section.

Lien.

The poundage fee herein required shall constitute a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the said fish.

Rules and regulations.

The state treasurer and the supervisor of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the poundage fee herein required, and may in their discretion require a bond from any person, firm or corporation licensed, guaranteeing the payment of said poundage fee.

Reports.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the supervisor of fisheries, or to violate any of the provisions of this section. Every person, firm or corporation licensed to operate as a canner, packer, buyer, receiver or wholesaler by the director of licenses shall keep a record in triplicate in such form so that the following information and facts shall be found thereon:

Record required.

1. Name of person from whom any of said fish are obtained.

2. The license number and kind of gear operated by said person.

3. The license number shall be preceded by the letter "W" in case the license has been issued by the State of Washington, and the letter "O" in case the license has been issued by the State of Oregon.

4. The number of pounds of each variety of fish purchased or received from said person, said weights to be the gross weight, figured in the whole or round.

5. The date when said fish was purchased or received.

6. The name of the purchaser or receiver.

At least one copy of this record must be kept on each scow, pick-up boat or other craft used in buying, receiving or transporting said fish and by the canner, or packer and the wholesaler or his buyer or receiver, and shall be subject to inspection by the supervisor of fisheries and the state treasurer or their deputies or agents.

Failure on the part of any person, firm or corporation to keep the record herein required shall be good and sufficient reason for the director of licenses to suspend or revoke the license granted to said person, firm or corporation, and any person, firm or corporation failing to pay the poundage fee required herein shall be denied a renewal of said license or the issuance of any other license which may be issued by the director of licenses hereunder.

Any tax received hereunder shown by the reports to have been collected under a license issued by the State of Oregon shall not be deposited in the state treasury, but shall be deposited in a fund to be known as the Oregon License Fund; and the state treasurer of the State of Washington shall, each month, make a statement of all such tax received by him, and shall pay the same to the state fish commission of Oregon. This provision shall not become effective, however, unless a similar and reciprocal statute of the State of Oregon shall become effective in favor of the state fisheries board of the State of Washington.

It shall be unlawful to take or catch any food fish with a gill net or to operate as a boat puller in the Columbia River district, or in the waters in the Columbia River, over which the State of Washington has jurisdiction or concurrent jurisdiction without first obtaining the license as in this section provided.

Refund to  
Oregon.

Gill net  
and boat  
puller,  
license  
required.

Whip seine.

No license shall be granted to any person, firm or corporation to operate a whip seine in the Columbia River district or in the waters of the Columbia River, over which the State of Washington has jurisdiction or concurrent jurisdiction.

Penalty.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 10. That Chapter 1 Title 35 of Remington's Compiled Statutes be amended by adding thereto a new section to be known and designated as Section 5754-a to read as follows:

Penalty.

Section 5754-a. Any person, firm or corporation who shall violate any of the provisions of Section 5752 and 5753 of Remington's Compiled Statutes or of any rule or regulation or order of the state fisheries board made pursuant thereto shall be guilty of a misdemeanor.

See Rem.  
Comp. Stat.  
§ 5752 and  
§ 5753;  
Pierce's Code  
§ 2510-1 and  
§ 2510-2.

Emergency.

SEC. 11. This act is necessary for the support of the state government and its existing public institutions and it shall take effect immediately.

Passed the Senate March 7, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 13, 1923, with the exception of Section 2, which is vetoed.



## CHAPTER 91.

[H. B. 28.]

## LEGISLATURE.

An Act changing the boundaries of the 3rd and 4th senatorial and the 2nd and 3rd representative districts in Spokane County.

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

SECTION 1. That Section thirty-one (31) of township twenty-six (26) north, of range forty-four (44) east, and that portion of section six (6) of township twenty-five (25) north, of range forty-four (44) east, lying north of the Spokane River, be, and the same is hereby, taken from the area composing Riverside precinct in the 3rd senatorial district and the 2nd representative district, and be, and the same is hereby, added to, made a part of and incorporated into the area of Pasadena precinct, situated in the 4th senatorial and 3rd representative district.

Senatorial  
and  
representative  
districts.

Boundaries  
changed.

Passed the House January 26, 1923.

Passed the Senate March 5, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 92.

[H. B. 182.]

## WIRELESS TELEGRAPH STATION.

An Act authorizing cities of the first class maintaining a harbor department to install, maintain and operate wireless telegraph stations in connection therewith.

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

SECTION 1. Any city of the first class maintaining a harbor department is hereby authorized to install, maintain and operate in connection therewith

First class  
cities may  
install.

a wireless telegraph station or stations for the handling of official and commercial messages, and for communicating with wireless land and shore stations, under such regulations as the corporate authorities of such city may prescribe and in accordance with the statutes and regulations of the Federal Government.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 93.

[H. B. 200.]

### LIVESTOCK.

An Act relating to livestock running at large, providing for the modification and vacation of livestock districts and amending Remington's Compiled Statutes by adding thereto a new section to be known as section 3070-1.

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

SECTION 1. That Remington's Compiled Statutes be amended by adding thereto a new section to be known as section 3070-1 to read as follows:

Section 3070-1. Whenever the board of county commissioners of any county have prohibited the running at large of livestock within any territory in the county, as provided in the preceding sections, it shall have the power to change or modify the boundaries of or to exclude therefrom lands embraced within such territory or to vacate and set aside the order designating such territory, upon the filing of a petition therefor, the publication of notice of hearing such petition and a hearing had thereon in the manner provided in section 3069, and if the board of county commissioners shall determine to change the

Running at large prohibited.

See Rem. Comp. Stat. § 3069; Pierce's Code § 1949.

boundaries of, or exclude lands from or to vacate the order designating such territory as prayed for in the petition, it shall make an order to that effect which shall be entered upon the records and published in a newspaper having general circulation in such county for four successive weeks, or be posted in three public places in such territory.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 94.

[H. B. 132.]

### COUNTY ROAD WARRANTS.

An Act relating to and validating county warrants drawn on the General Road and Bridge Fund and Road District Fund.

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

SECTION 1. All warrants outstanding, heretofore issued by any county of the sixth class in this state for road work in such county during the year 1920, and not exceeding fifteen thousand dollars (\$15,000.00), against either the General Road and Bridge Fund of the county, or against the District Road Fund of the county, which warrants are invalid because of lack of authority of the board of county commissioners to create the indebtedness, are hereby validated, and the county treasurer of such county is hereby authorized and directed to pay such warrants from any money available in the funds upon which said warrants are drawn.

Sixth class  
counties.

Warrants,  
validated.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 14, 1923.

CHAPTER 95.

[H. B. 195.]

SCHOOLS.

An Act relating to public schools and examinations of the pupils therein, and amending section 5089 of Remington's Compiled Statutes.

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

Amends Rem. Comp. Stat. § 5089; Pierce's Code § 5247.

Grammar schools.

Examination of students.

SECTION 1. That section 5089 of Remington's Compiled Statutes be amended to read as follows:

Section 5089. It shall be the duty of the superintendent of public instruction at such times as he may deem it advisable, but not oftener than three times each year, to forward questions prepared by the state board of education for use in the examination of pupils having completed the grammar school course of study, to fix the date for such examination, and to grant certificates of promotion to pupils successfully passing such examination according to the standard prescribed by the state board of education; which said certificate shall entitle the holder thereof to entrance into any high school of the state without further examination; *Provided*, That such examination shall be optional in any school district in which standard supervision is maintained in accordance with rules and regulations of the State Board of Education: *Provided further*, That nothing in this act shall be construed as compelling boards of directors to admit nonresident pupils without tuition charge.

Passed the House February 28, 1923.

Passed the Senate March 7, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 96.

[H. B. 259.]

## SCHOOL FUNDS.

An Act relating to the apportionment of the state current school fund and amending section 4871 of Remington's Compiled Statutes of Washington. °

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

SECTION 1. That section 4871 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 4871;  
Pierce's Code  
§5066.

Section 4871. The superintendent of public instruction shall apportion to the several counties of the state on or before the twentieth day of July, October, December, January, March, April, May and June of each year such current state school funds as have been certified by the state auditor to be in the hands of the state and county treasurers.

Apportion-  
ment.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 97.

[H. B. 215.]

## VETERANS' COMPENSATION.

An Act abolishing the Veterans' Compensation Fund, transferring the funds therein to the General Fund, making an appropriation from the General Fund for the payment of compensation to veterans of the war with the Central Allied Powers and to the Veterans' Compensation Bond Retirement Fund and making an appropriation from the Veterans' Compensation Bond Retirement Fund for the retirement of bonds and the payment of interest.

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

Repeals Rem.  
Comp. Stat.  
§ 10743-7.

Veterans'  
compensation  
fund,  
abolished.

SECTION 1. The Veterans' Compensation Fund is hereby abolished, and the State Auditor and State Treasurer are hereby directed to transfer the cash remaining in said fund after the payment of outstanding warrants against the same to the General Fund.

Appropriation  
\$1,000,000.00.

See Rem.  
Comp. Stat.  
§ 10743-1,  
et seq.

SEC. 2. There is hereby appropriated from the General Fund, out of moneys not otherwise appropriated, for the purpose of paying equalized compensation to veterans of the war with the Central Allied Powers under the provisions of chapter 1 of the Extra-ordinary Session of 1920 and ratified by the voters at the general election in November, 1920 and acts amendatory thereof the sum of one million dollars (\$1,000,000.00) or so much thereof as may be necessary.

Appropriation  
\$1,000,000.00.

SEC. 3. There is hereby appropriated from the General Fund to the Veterans' Compensation Bond Retirement Fund the sum of one million dollars (\$1,000,000.00).

Appropriation  
\$3,500,000.00.

SEC. 4. There is hereby appropriated from the Veterans' Compensation Bond Retirement Fund the sum of \$3,500,000.00 or so much thereof as may be necessary for the payment of interest on Veterans'

Compensation bonds and for the retirement of Veterans' Compensation bonds.

Passed the House March 2, 1923.

Passed the Senate March 7, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 98.

[H. B. 239.]

### ISLAND COUNTIES.

An Act relating to fees collected from motor vehicle licenses and excise tax on liquid fuel from residents of counties composed entirely of islands and amending section 6826 of Remington's Compiled Statutes.

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

SECTION 1. That section 6826 of Remington's Compiled Statutes be amended to read as follows:

Section 6826. All fees collected for motor vehicle licenses and from taxes under the provisions of Chapter VIII of Title LIV of Remington's Compiled Statutes from the residents, directly or indirectly, of counties composed entirely of islands shall be paid into the state treasury as other funds are paid, and, after deducting therefrom the expenses of issuing such licenses, the same shall be placed in the permanent highway fund to the credit of the county from which such fees or taxes came; such money shall be expended on permanent highways under the provisions of chapter XXVII of this Title. *Provided*, That the amount of tax which is paid by the residents of such counties, under the provisions of Chapter VIII of Title LIV shall be determined as follows:

Ascertain the percentage of motor vehicle license fees paid by residents of such counties as compared

Amends Rem.  
Comp. Stat.  
§ 6826;  
Pierce's Code  
§ 213a.

Motor vehicle  
license fees  
and gas tax  
credited to  
permanent  
highway  
fund.

with the total motor vehicle license fees collected and take the same percentage of the total amount collected under the provisions of Chapter VIII of Title LIV.

Passed the House March 3, 1923.

Passed the Senate March 7, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 99.

[H. B. 127.]

### PUBLIC LANDS.

An Act authorizing the conveyance to the city of Port Townsend, for public purposes, of a certain building on District No. 68, Port Townsend Tide Lands, Washington.

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

SECTION 1. That the commissioner of public lands of the State of Washington be and he is hereby authorized, in the name of the State of Washington, to convey to the city of Port Townsend, Washington, that certain frame hotel building located upon District No. 68, Port Townsend Tide Lands, said building to be moved therefrom, subject to such conditions relative to cleaning the debris from said lot as said commissioner shall deem necessary for the protection of the interests of the state, said building being donated to said city for community purposes.

Passed the House February 15, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 14, 1923.

Hotel  
building  
conveyed to  
Port  
Townsend.



CHAPTER 100.

[H. B. 199.]

DEPARTMENT OF AGRICULTURE.

An Act making appropriations for the department of agriculture, 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 severally found necessary, are hereby appropriated out of any moneys in the general fund in the state treasury for the fiscal biennium ending March 31, 1923.

Appropriation  
\$15,000.00.

For the Department of Agriculture.

DAIRY AND LIVE STOCK DIVISION:

Indemnity and expenses, re bovine tuberculosis eradication work .....\$15,000.00

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

Emergency.

Passed the House March 2, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 101.

[H. B. 249.]

## DIRECTOR OF BUSINESS CONTROL.

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, and amending section 10798, Remington's Compiled Statutes and declaring that this act shall take effect immediately.

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

SECTION 1. That section 10798, Remington's Compiled Statutes, be amended to read as follows:

Section 10798. The director of business control shall have the power, through and by means of the division of industrial management:

(1) To establish, install and operate, at the several state institutions under the control of the department, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

(2) To supply the several institutions with the necessary industrial products produced thereat;

(3) To exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, such price not to exceed in any case the price of such products in the open market.

(4) To sell and dispose of surplus industrial products produced; to sell jute bags, jute fabrics and twine now on hand or hereafter manufactured, to such persons, firms or corporations, and under such rules, regulations, terms and prices as may be in the

Amends Rem.  
Comp. Stat.  
§10798;  
Pierce's Code  
§ 4-40.

Powers.

judgment of said department for the best interests of the state.

(5) To sell products of the plate mill to any department, to any state, county or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms and prices as may be in the judgment of said department for the best interests of the state.

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 House March 2, 1923.

Passed the Senate March 7, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 102.

[S. B. 147.]

### HIGHWAYS.

An Act relating to public highways, providing for the construction and maintenance of uniform sign boards or guide posts thereon at grade crossings and the approaches thereto, and amending section 6303 Remington's Compiled Statutes, same being section 2692 Pierce's Code.

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

SECTION 1. That section 6303 of Remington's Compiled Statutes, same being section 2692, Pierce's Code, be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6303;  
Pierce's Code  
§ 2692.

Section 6303. It shall be the duty of the state highway engineer to prepare plans and specifications for sign boards or guide posts, making them uniform and of standard style, to be used on the public highways, with a plan of proper and suitable inscription thereon furnishing suitable information as to ways and distances to travelers, using such colors and designs, as the state highway engineer may deem advis-

Guide posts.

Railroad  
crossings.

able, and to at once furnish said plans and specifications to the board of county commissioners of each county and the governing body of each incorporated city or town within the state. Approach signs to railroad crossings shall be located not less than three hundred (300) feet nor more than four hundred (400) feet from the center of the railroad track on the right hand side of the road approaching the track, with the top of the sign not more than six (6) feet nor less than four (4) feet above the level of the crown of the highway, said sign to be made of twenty (20) gauge metal, painted white and have inscribed thereon a cross within a circle with the letter "R" at least four (4) inches in height, in each of the two upper quadrants, said circle to be eighteen (18) inches in diameter and below the circle shall be printed in letters at least two (2) inches high the words "Railroad Crossing." All marks and lettering on the sign shall be in red. Railroad crossing signs shall be constructed by the railroad company and be located in a conspicuous place at or near the point of crossing and shall be of the type known as the saw buck crossing sign, with the lettering "Railroad Crossing" inscribed thereon. *Provided* That all such signs shall be made in the metal working plant of the State Penitentiary.

Where railroad crossing signs now constructed are of other than the saw buck type they shall be changed to that type when it is necessary to renew or repair them and all thereof shall be changed within a period of five (5) years from the date of the passage of this act.

Passed the Senate February 10, 1923.

Passed the House March 2, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 103.

[S. B. 122.]

## SCHOOLS.

An Act relating to the cost of educating non-resident pupils and amending section 4715 of Remington's Compiled Statutes.

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

SECTION 1. That section 4715 of Remington's Compiled Statutes be amended to read as follows:

Section 4715. The county superintendent of schools shall, after verifying such reports, certify, on or before the fifteenth day of August each year, to the county commissioners of his county and to the county commissioners of such other counties as any high school district of his county may have claims against under the provisions of this act, the amount of each such high school district claim for the cost of educating non-resident high school pupils, and such county commissioners are hereby authorized to levy and shall levy as a tax, not to exceed four mills, against all non-high school districts in their respective counties the aggregate amount, as certified to them by the county superintendent of schools, such levy to be made at the same time and in the same manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating non-resident high school pupils the county superintendent shall take the net difference between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state current school fund and the county school tax as provided in section 4936, such difference to be multiplied by the days of attendance of non-resident high school pupils in each case. Such amount,

Amends Rem.  
Comp. Stat.  
§ 4715;  
Pierce's Code  
§ 4961.

High schools.

Non-high-  
school  
districts.

Cost of  
educating  
non-resident  
high school  
pupils.

See Rem.  
Comp. Stat.  
§ 4936;  
Pierce's Code  
§ 5105.

when ascertained and certified as provided in this act, shall constitute a valid claim against the high school district fund hereafter provided for in this act. The above tax shall be collected at the same time and in the same manner as other taxes are collected, and shall be segregated by the county treasurer into a fund which shall be designated as the high school district fund and which shall be used only for reimbursing high school districts for the cost of educating non-resident high school pupils whose legal residence shall be in a non-high school district.

Passed the Senate February 15, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 104.

[S. B. 165.]

### HARBORS AND HARBOR AREAS.

An Act providing for the amendment of Section 1 of Article XV of the constitution of the State of Washington relating to harbors and harbor areas..

*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, 1924, there shall be submitted to the qualified electors of the state, for their approval or rejection, an amendment to Section 1 of Article XV of the Constitution of the State of Washington, so that the same shall read when so amended as follows:

Section 1. The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of

Constitutional  
amendment  
submitted  
to electors.

this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or re-established by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

SEC. 2. The Secretary of State shall cause the amendment in Section 1 of this act to be published for three months next preceding said election in a weekly newspaper in every county where a newspaper is published throughout the state. Publication.

Passed the Senate February 16, 1923.

Passed the House March 5, 1923.

Filed without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 105.

[S. B. 180.]

## CORPORATIONS.

An Act providing for the execution of deeds and other instruments in writing by trustees of dissolved corporations, and validating all such deeds, or instruments, in writing heretofore and hereafter to be made by trustees of dissolved corporations.

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

SECTION 1. That one or more of the trustees of any corporation organized under the laws of the State of Washington and which has heretofore been, or which may hereafter be, dissolved in the manner provided by law, whether such trustee, or trustees be of those selected by the stockholders and serving at the time of dissolution, or those appointed by the Superior Court to wind up the affairs of the corporation, may, and are hereby authorized and empowered to make any deed or instrument in writing necessary to convey of record, explain, or confirm the title to any lands theretofore sold by such corporation, or acquired by judicial proceedings to which such corporation was or may be a party, and which lands are in the possession of the vendee, or purchaser through such judicial proceedings, their successors or assigns, at the time of the making of such deed or other instrument.

Dissolved,  
trustees  
may execute  
deeds.

Effect.

SEC. 2. That any deed heretofore, or which may be hereafter executed by a trustee, or trustees of a dissolved corporation, whether executed directly to a purchaser or vendee of such corporation, or to one claiming title and possession by, through or under it shall be valid to convey, explain, and confirm in



the grantee all the right, title and interest of such corporation at the time of its dissolution.

Passed the Senate February 17, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 106.

[S. B. 209.]

### INSANE PERSONS.

An Act relating to alien and non-resident insane persons, making it unlawful to bring or aid in bringing any insane person into the state without having obtained permission from the Director of Business Control and providing a penalty therefor, and amending section 6936 of Remington's Compiled Statutes of Washington, being section 4, chapter 158 of the Laws of 1921.

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

SECTION 1. That section 6936 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6936;

Section 6936. Any person who shall bring or in any way aid in bringing any insane person into the State of Washington without having first obtained permission in writing from the Director of Business Control, shall be guilty of a gross misdemeanor; *Provided, however,* That this section shall not apply to an officer, agent or employe of a common carrier for anything done in the line of duty.

Entering  
state  
without  
permit.

Passed the Senate February 20, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 107.

[H. B. 216.]

## PUBLIC SERVICE COMPANIES.

An Act requiring the payment of certain fees by individuals, firms, companies and corporations furnishing public service, providing penalties for violations, and amending sections 10417 and 10419 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 10417;  
Pierce's Code  
§ 5637-1.

Fees.

SECTION 1. That section 10417 of Remington's Compiled Statutes be amended to read as follows:

Section 10417. That hereafter every person, firm, company and corporation regulated by or making and filing with the department of public works the annual statement required by law, or the rules and regulations of said department, except municipally owned or operated utilities, shall, at the time of filing such statement, pay to the director of public works, a fee, based on the gross operating revenues as follows:

When the annual gross operating revenue of the public utility is less than \$5,000.....	\$5.00
When the annual gross operating revenue of the public utility is \$5,000 and less than \$10,000.....	10.00
When the annual gross operating revenue of the public utility is \$10,000 and less than \$30,000.....	30.00
When the annual gross operating revenue of the public utility is \$30,000 and less than \$60,000.....	50.00
When the annual gross operating revenue of the public utility is \$60,000 and less than \$100,000.....	75.00
When the annual gross operating revenue of the public utility is \$100,000 and less than \$200,000.....	100.00
When the annual gross operating revenue of the public utility is \$200,000 and less than \$400,000.....	200.00
When the annual gross operating revenue of the public utility is \$400,000 and less than \$800,000.....	400.00
When the annual gross operating revenue of the public utility is \$800,000 and less than \$1,500,000.....	600.00
When the annual gross operating revenue of the public utility is \$1,500,000 and less than \$3,000,000.....	750.00

When the annual gross operating revenue of the public utility is \$3,000,000 and less than \$6,000,000.....	1,000.00
When the annual gross operating revenue of the public utility is \$6,000,000 or over.....	1,500.00

SEC. 2. That section 10419 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 10419; Pierce's Code § 5637-3.

Section 10419. Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor, and in addition thereto shall be subject to a penalty of \$25.00 for each and every day that the fee remains unpaid after it becomes due, said penalty to be collected by the director of public works in a civil action. All fines and penalties collected under the provisions of this act shall be deposited into the public service revolving fund of the state treasury.

Penalty.

Passed the Senate February 27, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 14, 1923.

CHAPTER 108.

[S. B. 219.]

STATE HIGHWAYS.

An Act relating to abandoned state highways, and authorizing conveyance thereof.

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

SECTION 1. Whenever any state highway is relocated across any lands and by reason thereof the existing highway across said lands will be useless to the state and will be abandoned, the state highway engineer may, if the owner of the lands embraced within the relocated highway is also the owner of the abutting lands on both sides of the abandoned and useless highway right of way, agree with such

Right of way for relocation.

owner, as the consideration, or as a part of the consideration for the conveyance to the state of the lands required for the relocated highway right of way, to cause to be made to such owner a deed of conveyance of the abandoned and useless right of way.

Deed for  
abandoned  
right of way.

SEC. 2. Whenever the state highway engineer shall make an agreement with any property owner such as he is authorized to do by section 1 hereof, and shall certify to the Governor that he has made such an agreement and give a description of the abandoned and useless highway right of way agreed to be conveyed to such owner, the Governor may execute and the Secretary of State shall attest and deliver to such owner a deed of conveyance on behalf of the state of such abandoned and useless highway right of way.

Passed the Senate February 20, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 109.

[S. B. 257.]

### ATTORNEY GENERAL.

An Act relating to the salary of the attorney general.

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

Salary.

SECTION 1. The attorney general shall receive an annual salary of thirty-five hundred (3,500) dollars.

Passed the Senate February 27, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 110.

[S. B. 169.]

## PUBLIC SERVICE COMPANIES.

An Act authorizing any public service company to sell shares of any increase in its capital stock to employees and customers in amounts and at prices and upon terms and conditions to be determined by the holders of a majority of its capital stock or by its board of trustees.

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

SECTION 1. Every corporation which is a public service company as defined by the public service commission law (chapter 117 of the Laws of 1911), either heretofore or hereafter organized under the laws of this state, is hereby authorized to sell to its employees and customers, or any of them, any increase of its capital stock, or part thereof, heretofore or hereafter authorized in the manner provided by law, without previous offering of such stock to existing stockholders: *Provided*, That such sale be approved by the holders of a majority of the capital stock of such corporation at a regular or special meeting held after notice given as to the time, place and object thereof as provided by law and the by-laws of said corporation, and at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at such stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees of said corporation if the resolution passed at such stockholders' meeting shall authorize the board of trustees to fix and determine such prices, amounts, terms and conditions, except that in either event a minimum price for such stock must be fixed in the resolution passed at such stockholders' meeting.

Passed the Senate February 17, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 14, 1923.

See Rem. . . .  
Comp. Stat.  
§10339.  
et. seq.;  
Pierce's Code  
§ 5528.  
et. seq.

Sale of stock  
to employes.

## CHAPTER 111.

[S. B. 234.]

## PUBLIC DANCES AND DANCE HALLS.

An Act providing for the regulation and licensing of public dances and dance-halls without the limits of incorporated cities and towns, and providing penalties for the violation thereof.

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

Definitions.

SECTION 1. As used in this act, the term "public dance" shall be construed to mean any dance or ball to which the public generally may gain admission with or without the payment of an admission fee. The term "dance-hall" shall be construed to mean any room, hall, pavilion, boat, float, building or other structure kept for the purpose of conducting therein public dances or dancing.

Unlawful without permit.

SEC. 2. No person, co-partnership or corporation shall hold any public dance or conduct or maintain any dance hall without the limits of incorporated cities or towns without having first procured from the Board of County Commissioners of the county in which it is proposed to conduct such dance or dance-hall a license so to do. Licenses for dance-halls shall be issued by the year or by the quarter, as requested by the applicant. A license for a single public dance shall entitle the holder thereof to conduct such dance only on the day and at the place specified in the license. No license to conduct a public dance or dance-hall shall be granted unless the applicant therefor be of good moral character. No license shall be granted to any corporation, but if any dance-hall be conducted by a corporation the license shall issue to the manager or other directing head thereof.

License period.

Fees.

SEC. 3. The Board of County Commissioners of each county shall, by a general order, from time to

time, fix the fees to be charged for licenses granted hereunder, such fees, however, not to be less than twenty-five dollars (\$25.00) nor more than two hundred and fifty dollars (\$250.00) for an annual dance-hall license, nor less than ten dollars (\$10.00) nor more than seventy-five dollars (\$75.00) for a quarterly license, nor less than one dollar (\$1.00) nor more than ten dollars (\$10.00) for a license for a single dance. The county commissioners may issue a permit without charge for grange, patriotic, fraternal or community dances.

SEC. 4. No immoral, indecent, suggestive or obscene dance shall be given or carried on in any dance-hall or at any dance licensed hereunder. All buildings, halls, rooms, pavilions or other places in which public dances are carried on, as well as all halls, corridors and rooms leading thereto or connected therewith shall at all times while open to the public, be well lighted.

Immoral, etc.,  
prohibited.

No public dance shall be conducted nor dance hall kept open between the hours of one (1) o'clock A. M. and six (6) o'clock A. M., unless a special permit is obtained from the Board of County Commissioners.

Hours for  
holding.

No person under the age of eighteen (18) years shall be permitted to attend any public dance without the escort of his or her parent or guardian. Any person under the age of eighteen (18) years who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any public dance shall be guilty of a misdemeanor.

Persons  
prohibited  
from  
attending.

The Board of County Commissioners shall have authority to make all proper and necessary administrative rules and regulations for the purpose of carrying into effect the provision of this act with respect to the conduct of public dances, and may in its discretion refuse to grant licenses for dance-

Rules and  
regulations.

halls to be located at such places or to be conducted at such times as will in their judgment interfere with the comfort and happiness of the community in which such proposed dance hall is to be located.

Peace  
officers.

All peace officers of the State of Washington shall have free access to public dances and dance-halls for the purpose of inspection and to enforce compliance with the provisions of this act.

Applications.

SEC. 5. Applications for licenses hereunder shall be filed with the clerk of the Board of County Commissioners and be accompanied with a receipt showing the payment to the County Treasurer of a license fee. After determining to grant a license to the applicant, the board shall notify the County Auditor, who shall issue the license to the applicant. All licenses granted hereunder shall be kept posted in a conspicuous place on the licensed premises.

Revocation.

SEC. 6. Any license granted hereunder to conduct a dance-hall may be revoked by the Board of County Commissioners after a hearing held upon not less than ten (10) days written notice to the licensee, and the action of said board in revoking any such license shall be final and conclusive. Every licensee accepting a license hereunder shall be deemed to have consented to the provision of this section with respect to the cancellation of licenses.

Transfer.

No license granted hereunder shall be transferable except by a formal order of the Board of County Commissioners, nor shall any dance-hall or public dance be conducted at any place other than that specified in the license therefor.

Penalties.

SEC. 7. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding two hundred and fifty dollars (\$250.00) or by imprisonment



for a term not exceeding ninety (90) days or by both such fine and imprisonment.

Passed the Senate February 27, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 14, 1923.

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## CHAPTER 112.

[S. B. 254.]

### LAND SETTLEMENT.

An Act relating to Land Settlement and amending Chapter 17, Title XVI of Remington's Compiled Statutes of Washington by adding thereto a new section to be known as Section 3021-1.

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

SECTION 1. That Chapter 17, Title XVI of Remington's Compiled Statutes of Washington be amended by adding thereto a new section to be known as Section 3021-1 as follows:

Rem. Comp.  
Stat. § 3021-1;  
Pierce's Code  
§ 94-4a.

Section 3021-1. The Director of the Department of Conservation and Development shall have authority, when in his opinion it will materially contribute to the success of the settler on land purchased or leased under the provisions of this Chapter to purchase and sell, with interest on the unpaid part of the purchase price at the rate of six per cent per annum, heifers and milch cows to such settler for use on said land on such terms and under such conditions as said Director of the Department of Conservation and Development shall deem advisable.

Milch  
cows for  
settlers.

Passed the Senate March 1, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 113.

[S. B. 276.]

## STATE INSTITUTIONS.

An Act relating to the money and property of deceased inmates of state institutions, providing for the custody and disposal of such money and property where there are no heirs known, and the deposit of such funds in the state general fund.

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

Inmates  
dying  
without  
heirs.

SECTION 1. Where an inmate of any state institution dies, leaving no heirs known, but leaving money or property in the custody of the superintendent or head of such institution, such official shall at once make a report thereon and forward any such money or property to the director of business control and such money shall be paid into the state treasury for the general fund of the state.

Sale of  
property.

SEC. 2. The property of such deceased inmate of any institution of the state, at the expiration of two years from the date of death of such inmate, where there are no heirs known, shall be appraised and sold at public auction to the highest bidder by the director of business control in manner and form as provided for public sales of personal property, and all moneys realized upon such sale, after deducting the expenses thereof, shall be paid to the state treasury for the general fund of the state.

Passed the Senate March 1, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 14, 1923.

## CHAPTER 114.

[S. S. B. 160.]

## BANKS AND TRUST COMPANIES.

An Act relating to checks and stop payment orders thereon.

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

SECTION 1. The word "bank" shall include trust companies.

SEC. 2. Revocation, countermand and stop payment orders relating to the payment of any check drawn against the account of a depositor in any bank shall be confirmed in writing within fifteen days and shall remain in effect for six months from the time of delivery thereof to such bank and thereafter until such bank shall have given ten days notice of the expiration of such period by notice in writing mailed to the last known address of such depositor.

Revocation,  
countermand  
and stop  
payment  
orders.

SEC. 3. Revocation, countermand or stop payment orders may be renewed from time to time, but such renewals shall be in writing and shall be effective for not more than six months from the date of delivery thereof to such bank.

Renewal.

SEC. 4. All revocation, countermand or stop payment orders relating to the payment of any check which shall have been given prior to the taking effect of this act shall continue in force for six months after this act takes effect and until notice of the expiration of such period shall have been given to the depositor as provided in Section 2 of this act.

Checks issued  
prior hereto.

SEC. 5. Whenever any check payable on demand at any bank doing business in this state shall be presented for payment more than one year from its date such bank may, unless expressly instructed by the maker to pay the same, refuse payment thereof, and no liability shall thereby be incurred to the maker

Related  
checks.

thereof for dishonoring the instrument by non-payment.

Passed the Senate February 27, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 14, 1923.

CHAPTER 115.

[H. B. 155.]

BANKS AND TRUST COMPANIES.

An Act relating to banks and trust companies, prescribing penalties, amending sections 3219, 3226, 3227, 3228, 3229, 3231, 3233, 3241, 3267, 3270, 3278, 3282, of Remington's Compiled Statutes, and amending Chapter I, Title XVIII of Remington's Compiled Statutes by adding a new section thereto to be known as section 3286-a.

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

SECTION 1. That Section 3219 of Remington's Compiled Statutes be amended to read as follows:

Section 3219. The supervisor of banking shall collect in advance the following fees:

- For filing application for certificate of authority, or certificate conferring trust powers upon a state or national bank, or certificate increasing powers by adding a department thereto (for each department added).....\$100.00
- For filing articles of incorporation, or amendments thereof, or certified copies of articles of incorporation 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 renewal 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.

Amends Rem. Comp. Stat. § 3219; Pierce's Code § 262.

Fees.

SEC. 2. That Section 3226 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 3226; Pierce's Code § 269.

Section 3226. 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 requirements.

In cities, villages or communities having a population of less than 2,000.....	\$15,000.00
In cities having a population of 2,000 and 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 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.

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

Trust company.

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.

Capital stock.

Amends Rem. Comp. Stat. § 3227; Pierce's Code § 270.

SEC. 3. That Section 3227 of Remington's Compiled Statutes be amended to read as follows :

Articles of incorporation.

Section 3227. Persons desiring to incorporate a bank or trust company shall execute articles of incorporation in quadruplicate, which shall be submitted for examination to the supervisor of banking at his office in Olympia.

Amends Rem. Comp. Stat. § 3228; Pierce's Code § 271.

SEC. 4. That Section 3228 of Remington's Compiled Statutes be amended to read as follows :

Contents of articles.

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 \$100.00 each.

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.

Such articles shall be acknowledged before an officer authorized to take acknowledgments.

SEC. 5. That Section 3229 of Remington's Compiled Statutes be amended to read as follows:

Section 3229. 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

Amends Rem.  
Comp. Stat.  
§ 3229;  
Pierce's Code  
§ 272.

Investigation.

Approved,  
refused.

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. 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.



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 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.

Paid-in  
capital.

Certificate  
of authority.

SEC. 6. That Section 3231 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 3231;  
Pierce's Code  
§ 274.

Section 3231. 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:

Trust  
companies.

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

Powers.

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.

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.

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.

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.

6. To collect coupons on or interest upon all manner of securities, when authorized so to do, by the parties depositing the same.

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.

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.

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 estates

Executors of  
will.

Guardian.

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 parties 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.

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.

Advertising  
for legal  
work  
prohibited.

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, device, 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.

Trusts.

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 other securities 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.

Amends Rem.  
Comp. Stat.  
§ 3233;  
Pierce's Code  
§ 276.

SEC. 7. That Section 3233 of Remington's Compiled Statutes be amended to read as follows:

Capital stock  
increase,  
decrease.

Section 3233. Any bank or trust company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of the stockholders representing two-thirds of its capital at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its by-laws: *Provided*, That notice of a meeting to increase or decrease capital stock shall first be published once a week for four weekly issues

in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present capital of the bank or trust company and the proposed new capital. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid, until the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the supervisor of banking. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liabilities of the stockholders until such reduction has been approved by said supervisor of banking, nor shall any reduction relieve any stockholder from any liability of the corporation incurred prior thereto. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from said supervisor of banking.

SEC. 8. That Section 3241 of Remington's Compiled Statutes be amended to read as follows:

Section 3241. Whenever the supervisor of banking shall notify the board of directors of a bank or trust company to levy an assessment upon the stock of such corporation and the holders of two-thirds of the stock shall consent thereto, such board shall, within ten days from the issuance of such notice, adopt a resolution for the levy of such assessment, and shall immediately upon the adoption of such resolution serve notice upon each stockholder, personally or by mail, at his last known address, to pay such assessment, and that if the same be not paid within twenty days from the date of the issu-

Amends Rem.  
Comp. Stat.  
§ 3241;  
Pierce's Code  
§ 284.

Enforced  
assessments.

ance of such notice, his stock will be subject to sale and all amounts previously paid thereon shall be subject to forfeiture. If any stockholder fail within said twenty days to pay the assessment as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such stockholder to be sold to make good the deficiency. The sale shall be held at such time and place as shall be designated by the board of directors and shall be either public or private, as the board shall deem best. At any time after the expiration of sixty days from the expiration of said twenty-day period the supervisor of banking may require any stock upon which the assessment remains unpaid to be cancelled and deducted from the capital of the corporation. If such cancellation shall reduce the capital of the corporation below the minimum required by this act or its articles of incorporation the capital shall, within thirty days thereafter be increased to the required amount by original subscription, in default of which the supervisor of banking may take possession of such corporation in the manner provided by law in case of insolvency.

Sale of stock  
for  
delinquency.

Amends Rem.  
Comp. Stat.  
§ 3267;  
Pierce's Code  
§ 310.

SEC. 9. That Section 3267 of Remington's Compiled Statutes be amended to read as follows:

Section 3267. Whenever it shall in any manner appear to the supervisor of banking that any offense or delinquency referred to in the preceding section renders a bank or trust company in an unsound or unsafe condition to continue its business or that its capital or surplus is reduced or impaired below the amount required by its articles of incorporation or by this act, or that it has suspended payment of its obligations or is insolvent, said supervisor of banking may notify such bank or trust company to levy an assessment on its stock or otherwise to make good such impairment or offense or other delinquency

Unsound or  
unsafe  
condition.

within such time and in such manner as he may specify or if he deems necessary he may take possession thereof without notice.

The board of directors of any such bank or trust company, with the consent of the holders of record of two-thirds of the capital stock expressed either in writing or by vote at a stockholders meeting called for that purpose, shall have power and authority to levy such assessment upon the stockholders *pro rata* and to forfeit the stock upon which any such assessment is not paid, in the manner prescribed in Section 8 of this act.

SEC. 10. That Section 3270 of Remington's Compiled Statutes be amended to read as follows:

Section 3270. The supervisor of banking shall publish once a week for four consecutive weeks in a newspaper which he shall select, a notice requiring all persons having claims against such corporation to make proof thereof at the place therein specified not later than ninety days from the date of the first publication of said notice, which date shall be therein stated. He shall mail similar notices to all persons whose names appear as creditors upon the books of the corporation. He may approve or reject any claims, but shall serve notice of rejection upon the claimant by mail or personally. An affidavit of service of such notice shall be *prima facie* evidence thereof. No action shall be brought on any claim after three months from the date of service of notice of rejection.

Claims of depositors may be presented after the expiration of the time fixed in the notice, and, if approved, shall be entitled to their proportion of prior dividends, if there be funds sufficient therefor, and shall share in the distribution of the remaining assets.

After the expiration of the time fixed in the notice the supervisor of banking shall have no power to

Amends Rem.  
Comp. Stat.  
§ 3270:  
Pierce's Code  
§ 313.

Insolvency,  
claims.

Depositors.

accept any claim except the claim of a depositor, and all claims except the claims of depositors shall be barred.

Amends Rem.  
Comp. Stat.  
§ 3278;  
Pierce's Code  
§ 321.

SEC. 11. That Section 3278 of Remington's Compiled Statutes be amended to read as follows:

Dividends.

Section 3278. Any dividends to depositors or other creditors of such bank or trust company remaining uncalled for and unpaid in the hands of the supervisor of banking for six months after order of final distribution, shall be deposited in a bank or trust company to his credit, in trust for the benefit of the persons entitled thereto and subject to the supervision of the court shall be paid by him to them upon receipt of satisfactory evidence of their right thereto.

Escheat.

All moneys so deposited remaining unclaimed for five years after deposit shall escheat to the state for the benefit of the permanent school fund and shall be paid by the supervisor of banking into the state treasury. It shall not be necessary to have the escheat adjudged in a suit or action.

Amends Rem.  
Comp. Stat.  
§ 3282;  
Pierce's Code  
§ 325.

SEC. 12. That Section 3282 of Remington's Compiled Statutes be amended to read as follows:

Consolidation,  
voluntary  
liquidation.

Section 3282. A bank or trust company may for the purpose of consolidation or voluntary liquidation transfer its assets and liabilities to another bank or trust company, by a vote, or with the written consent of the stockholders of record owning two-thirds of its capital stock, but only with the written consent of the supervisor of banking and upon such terms and conditions as he may prescribe. Upon any such transfer being made, or upon the liquidation of any such corporation for any cause whatever or upon its being no longer engaged in the business of a bank or trust company, the supervisor of banking shall terminate its certificate of authority, which shall not thereafter be revived or renewed. When



the certificate of authority of any such corporation shall have been revoked, it shall forthwith collect and distribute its remaining assets, and when that is done the supervisor of banking shall certify the fact to the secretary of state, whereupon the corporation shall cease to exist and the secretary of state shall note that fact upon his records.

Revocation  
of certificate.

SEC. 13. That Chapter I, Title XVIII of Remington's Compiled Statutes be amended by adding a new section thereto to be known as Section 3286-a to read as follows:

Section 3286-a. Every bank or trust company which shall violate or fail to comply with any provision of Chapter I, Title XVIII of Remington's Compiled Statutes or which shall violate or fail to comply with any lawful direction or requirement of the supervisor of banking, shall be subject, in addition to any penalty now provided by law, to a penalty of not more than one hundred dollars (\$100.00) for each offense, to be recovered by the attorney general in a civil action in the name of the state. In case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.

Penalties.

Passed the House February 16, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 15, 1923.

CHAPTER 116.

[H. B. 106.]

PUBLIC SERVICE COMPANIES.

An Act relating to tow boats, tugs, scows, barges and lighters, and amending section 10344 of Remington's Compiled Statutes:

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

SECTION 1. That Section 10344 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 10344; Pierce's Code § 5535.

Section 10344. The term "commission," when used in this act, means the public service commission hereby created.

Definitions.

Commission.

The term "commissioner," when used in this act, means one of the members of such commission.

Commissioner.

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, 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.

Street railroad.

The term "railroad," when used in this act, includes every railroad, other than a street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all

Railroad.

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.

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.

Street  
railway  
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.

Railroad  
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.

Express  
company.

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

Common  
carrier.

for public use in the conveyance of persons or property for hire within this state.

Gas plant.

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 company.

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.

Electric plant.

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.

Electrical company.

The term "electrical company," when used in this act, includes any corporation, company, association, joint stock association, partnership and 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.

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.

Transportation of persons.

The term "service" is used in this act in its broadest and most inclusive sense.

Service.

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 company.

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.

Telephone line.

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.

Telegraph  
line.

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.

Water  
system.

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  
company.

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.

Vessel.

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 waters within this state, including tow boats, tugs, scows, barges and lighters (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.

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.

Dock or wharf.

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.

Warehouse.

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.

Wharfinger, warehouseman.

The term "public service company," when used in this act, includes every common carrier, gas company, electrical company, water company, telephone company, telegraph company, wharfinger and warehouseman as such terms are defined in this section.

Public service company

Passed the House February 23, 1923.

Passed the Senate March 5, 1923.

Approved by the Governor March 15, 1923.

## CHAPTER 117.

[H. B. 197.]

## GAME PRESERVE.

An Act relating to the Lake Washington game preserve, permitting rifle and pistol practice by members of the Reserve Officers' Training Corps of the University of Washington upon the campus of said university, and amending section 5869 of Remington's Compiled Statutes of the State of Washington.

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

SECTION 1. That Section 5869 of Remington's Compiled Statutes of the State of Washington be amended to read as follows:

SEC. 5869. 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 upon the waters of Lake Washington, or within one mile of its shores, and any person who shall kill, shoot, entrap, ensnare, destroy, or maim any wild birds at any season of the year upon the waters of Lake Washington, or within one mile of the shores of said lake, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided; providing it shall be lawful for the University of Washington to permit rifle and pistol practice by the members of the Reserve Officers' Training Corps of said University upon the said university campus.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 15, 1923.

Amends Rem.  
Comp. Stat.  
§ 5869;  
Pierce's Code  
§ 2641-44.

Lake  
Washington.



## CHAPTER 118.

[H. B. 147.]

## TELEPHONE COMPANIES.

An Act relating to physical connection and toll service between public service telephone companies and certain mutual, cooperative or farmer line telephone companies or associations and amending Section 10409 of Remington's Compiled Statutes.

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

SECTION 1. That Section 10409 of Remington's Compiled Statutes be amended to read as follows:

Section 10409. Whenever the Commission shall find that any two or more telephone companies, including mutual, cooperative, or farmer line telephone companies or associations having three hundred fifty or more telephones in service, whose lines form a continuous line of communication, or could be made to do so by the construction and maintenance of suitable connections for the transfer of messages or conversations at common points between different localities which are not reached by the line of either company alone, and that such connections or facilities for the transfer of messages or conversations at common points can reasonably be made, an efficient service obtained and that a necessity exists therefor, or shall find that any two or more such telegraph or telephone companies, have failed to establish joint rates or charges for service by or over their said lines, and that joint rates or charges ought to be established, the Commission may, by its order, require such connection to be made, and that conversations be transmitted and messages transferred, and prescribe through lines and joint rates and charges to be made, and to be used, observed and in force in the future, and fix

Amends Rem.  
Comp. Stat.  
§ 10409;  
Pierce's Code  
§ 5600.

Service  
connections  
between  
different  
companies.

the same by order to be served upon the company or companies affected.

Mutual,  
cooperative  
and farmer  
lines.

SEC. 2. This act shall not be construed as conferring upon the Department of Public Works jurisdiction, supervision or control of the rates, service or facilities of any mutual, cooperative or farmer line telephone company or association, except for the purpose of carrying out the provisions of this act.

Passed the House February 26, 1923.

Passed the Senate March 7, 1923.

Approved by the Governor March 15, 1923.

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## CHAPTER 119.

[S. B. 154.]

### INHERITANCE TAX.

An Act relating to taxation of inheritances, and amending section 11202 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 11202;  
Pierce's Code  
§ 7063.

SECTION 1. That Section 11202 of Remington's Compiled Statutes be amended to read as follows:

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:

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 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 and not exceeding three hundred thousand dollars; seven per centum of any value in excess of three hundred thousand dollars and not exceeding five hundred thousand dollars; ten per centum of any value exceeding five hundred thousand dollars; *Provided, however,* That in the above cases, ten thousand dollars of the net value of any estate shall be exempt from such duty or tax.

If passing to or for the use of a sister, brother, uncle, aunt, nephew or niece, the tax shall be five 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 and not exceeding three hundred thousand dollars; fifteen per centum of any value in excess of three hundred thousand dollars and not exceeding five hundred thousand dollars; twenty per centum of any value in excess of five hundred thousand dollars.

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 and not exceeding three hundred thousand dollars; thirty per centum of any value in excess of three hundred thousand dollars and not exceeding five hundred thousand dollars; forty per centum of any value in excess of five hundred thousand dollars.

Passed the Senate February 13, 1923.

Passed the House March 2, 1923.

Approved by the Governor March 15, 1923.

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## CHAPTER 120.

[S. B. 133.]

### STATE HIGHWAYS.

An Act reappropriating certain sums from the public highway fund for the purpose of constructing and maintaining certain highways that have been established and constructed and declaring that this act shall take effect immediately.

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

SECTION 1. That the sum of two million two hundred forty-seven thousand two hundred sixty-seven dollars and ninetyfour cents (\$2,247,267.94) from the public highway fund or so much thereof as may be necessary, be and the same is hereby reappropriated for completing and maintaining work already under contract and construction on certain state roads hereinafter mentioned; the same being the unexpended balance of certain existing appropriations as shown by the state auditor's books January 31, 1923, said respective balance being reappropriated as follows:

Appropriation  
\$2,247,267.94.

	<i>Public Highway Fund</i>
Central Washington Highway—	
Connell-Ritzville .....	\$21,441.91
Chelan-Okanogan Highway—	
Chelan Falls-Okanogan County Line .....	8,466.30
Brewster-B. C. Line .....	36,098.41
Trinidad-Columbia River .....	14,243.40
Inland Empire Highway—	
Ellensburg-Selah .....	300,000.00
Buena-Grandview .....	32,805.45
Prosser-Kennewick .....	41,843.54
Dixie-Waitsburg .....	41,529.81
Meadow Creek Bridge.....	8,860.75
Central Ferry Bridge.....	140,468.01
Springdale-Meyers Falls .....	94,132.17
Kettle Falls North.....	46,270.61
Garfield-Pullman .....	11,931.28
Pomeroy-Clarkston .....	12,869.21
Naches Pass Highway—	
Greenwater River East.....	50,425.90
National Park Highway—	
Pacific Highway-Elbe .....	69,631.08
Tacoma-Rainier National Park.....	11,876.10
Navy Yard Highway—	
Charleston-Union City .....	97,681.09
North Bank Highway—	
Clarke County Line-Underwood.....	42,160.93
Underwood-Lyle .....	218,118.19
Ocean Beach Highway—	
Chehalis-Frances .....	99,557.48
Chehalis-South Bend .....	89,376.47
Palix-Holman Beach .....	7,614.41
Johnson's Landing-Nasel .....	27,178.54
Grays River P. O.-Deep River.....	29,709.27
East Bank of Cowlitz at Kelso West.....	108,204.39
Olympic Highway—	
East Beach-Forks .....	8,863.18
Quinault North .....	52,045.03
Aberdeen-Perry Creek .....	65,236.41
Pacific Highway—	
Seattle-Blaine .....	146,333.77
Seattle-Vancouver .....	205,054.02
Pend Oreille Highway—	
Newport North .....	21,558.93
Roosevelt Highway—	
Pateros-Winthrop .....	14,819.81

Sunset Highway—	
Swauk Creek-Dryden .....	5,628.57
State Road No. 4—	
Tonasket East .....	19,818.46
State Road No. 22—	
Davenport-Detillion Bridge .....	25,062.07
Cascade Road from Marblemount to Cascade Summit	20,352.99
	\$2,247,267.94

Cascade road, standards of construction, etc.

For the Cascade Road the Highway Commissioner shall adopt such location and such standards of construction as to width of clearing, cross section of roadway, and establish such alignment and grades as shall under the appropriation herein made, make a through connection between the county road at Marblemount and Gilbert's Cabin on the North Fork of the Cascade River, a distance of approximately 22 miles, and to make so much of the distance passable for wagons or light auto travel, and so much of the remaining distance a passable pack trail as to him shall seem best.

*Provided, however,* That the separate amounts above stated together with the amount expended shall not exceed the original appropriation made in 1921 for said purposes.

Emergency.

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

Passed the Senate February 9, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 15, 1923.

## CHAPTER 121.

[S. B. 218.]

## ABANDONED STATE HIGHWAY.

An Act authorizing and directing the Governor to reconvey to C. L. Peters and Mary S. Peters, his wife, a certain strip of land as a part of the proposed location of the Olympic Highway, which location was afterwards abandoned.

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

SECTION 1. That the Governor be and he is hereby authorized and directed to in the name of the State of Washington, convey by quitclaim deed to C. L. Peters and Mary S. Peters, his wife, the following described tract of land in Grays Harbor county, Washington, said premises having heretofore been acquired by the state as a part of the proposed location of the Olympic Highway, which said proposed location was afterwards abandoned:

A strip of land 60 feet wide, being 30 feet on either side of the center line of said road as surveyed, over and across Tract 4 of First Addition to Humptulips Gardens; center line of said strip being described as follows: Beginning at a point 14½ feet west of Station 1+34 of survey for change of Olympic Highway, a point on north line of Tract 4 of First Addition to Humptulips Gardens; thence S. 36°31' E. to a point 26 feet east of Station 7+32 of survey, said point being a point on west line of present Olympic Highway and on north line of tract owned by School District No. 46, in section 4, Twp. 18 N. R. 11 W. W. M.

Passed the Senate February 19, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 15, 1923.

Governor  
to convey.

C. L. Peters  
and Mary  
S. Peters.

Description.

## CHAPTER 122.

[S. B. 267.]

## MOTOR VEHICLES.

An Act relating to the operation of vehicles and the use of public highways, providing for the licensing of persons operating motor vehicles, providing for the enforcement thereof and all other highway and motor vehicle laws and prescribing penalties for violations thereof; and amending Section 234-22 of Pierce's Code, and adding a new section.

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

SECTION 1. That Section 234-22 of Pierce's Code be amended to read as follows:

Sec. 234-22. In case of the conviction of any person, holding an operator's license issued under the provisions of this act, for the violation of any of the motor vehicle laws of this state, or any of the provisions of this act, the court, judge or justice before whom the conviction is had shall have the power in his discretion, in addition to imposing any of the penalties provided by law, to require the defendant to surrender his operator's license forthwith to the court, and shall thereupon cancel such operator's license by writing across the face thereof the word "cancelled" and dating and signing the same. The court shall thereupon issue to the defendant a duplicate of his license printed on blue paper or cardboard and bearing the same serial number as the license cancelled, and shall require the licensee to subscribe his name thereto in the presence of the court, and shall immediately transmit the cancelled license to the director of licenses; and in case of the conviction of any person holding an operator's blue license for the violation of any of the motor vehicle laws of this state, or the provisions of this act, the court, judge or justice before whom the conviction is had, shall have the power in his discretion, in

Amends  
Pierce's Code  
§234-22;  
Rem. Comp.  
Stat. § 6371.

Operator's  
license.

Surrender.

Cancelled.

Blue license.



addition to imposing such penalty as may be provided by law, to take up and cancel such operator's blue license and issue to the licensee and [an] operator's yellow license, bearing the same serial number, and to require the licensee to subscribe his name thereon in presence of the court, and to immediately transmit said cancelled blue license to the director of licenses; and in case of the conviction of any person holding an operator's yellow license of any violation of the motor vehicle laws of this state, or the provisions of this act, the court, judge or justice before whom such conviction is had shall have the power in his discretion, in addition to imposing any penalty provided by law, to take up and cancel such operator's yellow license, and to immediately transmit said cancelled license to the director of licenses.

Yellow  
license.

In case of the conviction of any person holding an operator's license issued under the provisions of this act, upon a charge of driving a motor vehicle while intoxicated, the court, judge or justice before whom the conviction is had, shall in addition to imposing any penalties provided by law, require the defendant to surrender his operator's license forthwith to the court, who shall thereupon suspend such operator's license for a period of not less than three months and for not more than one year. Upon a conviction for a second offense, such person shall be denied an operator's license for a period of two years.

Driving  
while  
intoxicated.

SEC. 2. That a new section be added to Sec. 234-22 of Pierce's Code, to be known and designated as Sec. 234-22-a, to read as follows:

Amends  
Pierce's Code  
§ 234-22;  
Rem. Comp.  
Stat. § 637L.

Sec. 234-22-a. It shall be unlawful for any person to drive a motor vehicle in a reckless manner over and along the public highways of this state. For the purpose of this section, to drive in a reckless manner shall be construed to mean the operation of a motor vehicle upon the public highways of this

Reckless  
driving,  
defined.

state in such a manner as to endanger or inconvenience unnecessarily other users of such highway. Any person found guilty of a violation of this section shall be guilty of a misdemeanor, and the court may in his discretion suspend the operator's license for a period of time not to exceed six months.

Passed the Senate February 27, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 15, 1923.

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## CHAPTER 123.

[S. B. 36.]

### PUBLIC WAREHOUSES.

An Act relating to public warehouses and amending section 6996 of Remington's Compiled Statutes.

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

SECTION 1. That Section 6996 of Remington's Compiled Statutes be amended to read as follows:

Section 6996. Each person, firm, corporation or association of persons operating any public warehouse or warehouses subject to the provisions of this act shall, on or before the first day of July of each year, give a surety bond to the State of Washington, in such sum as the director of agriculture may require, to be approved by the director of agriculture and the attorney general, conditioned upon the faithful performance of the acts and duties enjoined upon them by law; *Provided, however,* That if a bond has been filed with and approved by the department of agriculture of the United States, as required by Section 6 of the United States warehouse act, then such bond filed with and approved by the department of agriculture of the United States shall be considered as in lieu of the bond

Amends Rem.  
Comp. Stat.  
§ 6996;  
Pierce's Code  
§ 2659.

Surety bond.

required by this section; *Provided* That satisfactory proof of said filing and approval of such bond be filed with the director of agriculture. Every such person, firm, corporation, or association of persons shall, on or before July 1st of each year, procure from the director of agriculture a license for each such warehouse so owned or operated for the ensuing year before transacting business at such public warehouse or warehouses; *Provided* That no such license shall be issued before the bond hereinbefore required shall have been given and approved or said proof of the filing and approval of a bond as required by Section 6 of the United States warehouse act shall be filed with the director of agriculture. Such license shall be posted in a conspicuous place in the office of each warehouse. The fee for such license shall be two dollars (\$2.00) for each public warehouse, and the director of agriculture may revoke any such license for cause, upon notice and hearing. Any person, corporation or association operating any public or terminal warehouse in this state without a license shall forfeit to the state for each day's operation fifty dollars (\$50.00), the same to be recovered on action brought by the Attorney General in the Superior Court of Thurston county, Washington, and further such operation may be enjoined upon complaint of the director of agriculture.

License.

Fee.

Penalty.

Passed the Senate February 17, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 15, 1923.

## CHAPTER 124.

[S. B. 270.]

## STATE FUNDS.

AN ACT transferring certain monies in and to be paid into the state treasury and abolishing the public highway fund, 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 public highway fund on the first day of May, 1923, and all monies thereafter paid into the state treasury for, or to the credit of, the public highway fund, shall be and are hereby transferred to, and placed in, the motor vehicle fund in the state treasury.

Public  
highway.

Motor  
vehicle.

SEC. 2. That from and after the first day of May, 1923, all appropriations made by the eighteenth legislature from the public highway fund shall be paid out of monies in the motor vehicle fund.

Appropriation,  
how paid.

SEC. 3. That from and after the first day of May, 1923, the public highway fund in the state treasury shall be and is hereby abolished.

Public  
highway  
fund  
abolished.

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.

Emergency.

Passed the Senate March 5, 1923.

Passed the House March 7, 1923.

Approved by the Governor March 16, 1923.

CHAPTER 125.

[S. B. 292.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making an appropriation for the maintenance of, and sundry expenses at the various state institutions and state offices, and for the sundry civil expenses of the state government and for miscellaneous purposes, and for the relief of certain individuals, firms and municipalities, for the fiscal term beginning April 1, 1923, and ending March 31, 1925, except as otherwise provided, and declaring that this act shall take effect April 1, 1923.

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 the moneys in the several funds of the state treasury, hereinafter named, in payment of the salaries of certain officers and employees of the state, and for the operation and maintenance of various state institutions hereinbelow designated and mentioned, and for other divers purposes hereinafter expressed, and for the fiscal term beginning April 1, 1923, and ending March 31, 1925.

SEC. 2. The term "maintenance" as used in this act, includes all expenses incidental to the operation and maintenance of state institutions and departments.

Maintenance, defined.

FROM THE GENERAL FUND.

FOR THE CITY OF BELLINGHAM:

Bellingham.

Local Assessments:

SW¼ of Blk. No. 9, and Lots 13, 14, 15, 16 First R. R. Add. ....	\$649.27
SE¼ of Blk. 8, First R. R. Add., Lots Nos. 9, 10, 11, 12	258.84
Lots 1, 2, Blk. L First R. R. Add.....	422.64
Property East of Sampson Street.....	299.48
Lots 3, 4, Blk. K First R. R. Add.....	296.52
Property west of Sampson Street, Tracts 23 and 39..	607.98

(All the above in Local Improvement District No. 1922A)

Total..... \$2,534.73

## FOR RELIEF OF S. G. MORIN:

Account of war tax paid on freight during construction of Custodial School, which tax was deducted by the state in error at time of making final payment on contract.....	\$300.00
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## FROM THE PUBLIC HIGHWAY FUND.

## FOR TREASURER OF LINCOLN COUNTY:

Highway No. 1	
Local Improvement under Donahue Law against state property, as follows:	
Part of.....16-27-37	
W $\frac{1}{2}$ & N $\frac{1}{2}$ NE $\frac{1}{4}$ .....16-26-37.....	\$330.36
Highway No. 2	
E $\frac{1}{2}$ ; E $\frac{1}{2}$ W $\frac{1}{2}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36-25-38; all of 36-24-38	
Part of NW $\frac{1}{4}$ 16-23-39.....	\$591.79
Highway No. 3	
Part of N $\frac{1}{2}$ of 36-27-35; Part of S $\frac{1}{2}$ of S $\frac{1}{2}$ 16-27-35;	
All of 36-27-34 .....	\$210.10
Total.....	<u>\$1,132.25</u>

## FOR CLARKE COUNTY:

Improvement under Donahue Act in front of state property:	
Roll 1, page 222, line 6, Local Improvement District No. 5 the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ (Exc. N. P. Ry. Co.) of Sec. 36, Twp. 4 north Range 2 East of W. M., 75.76 Acres .....	\$293.95
Roll 1, Line 8, same district, same section, 160 A., NW $\frac{1}{4}$ .....	907.80
Roll 1, Line 10, same district NE $\frac{1}{4}$ NW $\frac{1}{4}$ same section, 37.25 A.....	142.05
Pg. 427, line 4, same district, SW $\frac{1}{4}$ SE $\frac{1}{4}$ same section, 40 A .....	98.75
Pg. 427, line 5, same district, S $\frac{1}{2}$ SW $\frac{1}{4}$ same section 80 A. ....	273.15
Pg. 431, line 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16-4-3E, same District, 40 A. ....	12.50
Pg. 431, line 10, No. 1 Sec. 17-4-3E, same district, 1 A.	1.00
Roll 1, pg. 285, line 5, Local Improvement District No. 4. The NE $\frac{1}{4}$ ; N $\frac{1}{2}$ SE $\frac{1}{4}$ ; S $\frac{1}{2}$ NW $\frac{1}{4}$ ; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16-3-2E of W. M., 360 A.....	588.43
Roll 1, Line 2, same District, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21-3-2E 40 A. ....	47.75
Roll 1, Pg. 422, line 6, same district, Lots 1, 2, 3, 6, 7, 8, 11 and 12 Sec. 16-2-2-E of W. M., 175.9 A.	672.30
Total.....	<u>\$3,037.68</u>

Vetoed  
L. F. H.

FOR GRANT COUNTY:

Donahue Road Improvement in front of		} Vetoed L. F. H.
Sec. 36, Twp. 27, R. 29 E.....	\$436.54	
Sec. 36, Twp. 28, R. 30 E.....	66.32	
Total.....	\$502.86	

FROM GENERAL FUND.

FOR RELIEF OF CITY OF SPOKANE:		Spokane.
Account of Local Improvement against state property in Second School Land Addition, as follows:		
Lot 4, Blk. 29, Lot 7, Blk. 95, Lot 12, Blk. 121, Lot 10, Blk. 132, and Lot 11, Blk. 19.....	\$679.62	
FOR RELIEF OF NORTHERN PACIFIC RAILWAY COMPANY:		} Vetoed L. F. H.
Account of ice and refrigeration furnished the state in refrigerator car at time of shipping fresh fish during war 1918 .....	\$180.00	
FOR WESTERN STATE HOSPITAL:		Western State Hospital.
For maintenance United States soldiers.....	\$190,000.00	(the above amount being a revolving fund)
FOR RELIEF OF C. L. BABCOCK, STATE TREASURER:		O. L. Babcock
Account of non-payment of check on Scandinavian-American Bank, Seattle.....	\$36.00	
Also, account of check of Hawkins Auto Sales Co. of Ilwaco, for license, firm failing before check could be paid.....	\$30.46	
FOR STATE CAPITOL COMMITTEE:		State capitol committee.
For repair of roof.....	\$6,000.00	

FROM THE AGRICULTURAL SEED REVOLVING FUND.

FOR DIRECTOR OF AGRICULTURE:		Seed inspection.
Seed inspection service, salaries, wages and expenses of all kinds payable from fees collected.....	\$10,000.00	

FROM THE GENERAL FUND.

FOR RELIEF OF MARIE DIGNAN and J. W. WHEELER, as executrix and executor of estate of James Dignan:		Marie Dignan and J. W. Wheeler.
Account of overpayment of inheritance tax.....	\$134.15	

FROM THE MILITARY FUND.

FOR RELIEF OF JOHN A. JACKSON:		John A. Jackson.
Account of permanent injury sustained while on active duty as an enlisted man in Company "F" 3rd Infantry, such allowance based on Section 8507 Remington's Compiled Statutes.....	\$1,500.00	

Bellingham.	FOR CITY OF BELLINGHAM: Account Local Improvement District 681 Ivy Street, Bellingham Armory .....	\$690.40
Spokane.	FOR CITY OF SPOKANE: Trunk Sewer District No. 1239, Spokane Armory...	\$453.68
Tacoma.	FOR CITY OF TACOMA: Improvements, as per Local Improvement District No. 5517, Tacoma Armory.....	\$278.22

## FROM THE GENERAL FUND.

Vetoed L. F. H.	FOR RELIEF OF EDWARD H. MILLER: Account improvements on property bought at tax sale which had been escheated to State of Washing- ton .....	\$300.00
	FOR RELIEF OF FOLLOWING PERSONS: For services and expenses as members of State Chiropody Board, appropriations having been over- looked at time board was created in 1917:	
Margaret Duvall Cover.	Margaret Duvall Cover, Spokane.....	\$136.13
G. R. Davis.	G. R. Davis, Spokane.....	\$132.78
J. C. McCain.	J. C. McCain, Tacoma.....	\$172.13
L. Schoenfeld & Sons.	FOR RELIEF OF L. SCHOENFELD & SONS, TACOMA: Furnishings purchased for refurbishing Lieutenant- Governor's office at direction of State Senate, Session 1921, and for which no payment has been made (See Senate Journal 1921, Page 70).....	\$830.25

## FROM PUBLIC HIGHWAY FUND.

Spokesman- Review.	FOR RELIEF OF SPOKESMAN-REVIEW: Publication of notice to contractors for Highway De- partment .....	\$41.85
Vetoed L. F. H.	FOR LEWIS COUNTY: Account of assessment under Donahue Road Act against SE¼ of SE¼ Sec. 16, Twp. 12, R. 2 West..	\$83.37

## FROM THE GENERAL FUND.

C. E. Vilas.	FOR RELIEF OF C. E. VILAS, SEATTLE: To redeem Normal School Warrant No. 359 issued under act approved March 5, 1895.....	\$18.66
State printing expert.	FOR STATE PRINTING EXPERT: Salary .....	\$4,200.00
Division of municipal corporations.	FOR DIRECTOR OF TAXATION AND EXAMINATION: (Division of Municipal Corporations) Operations .....	\$24,000.00
	Capital Outlays .....	1,000.00
	Total.....	\$25,000.00



FOR INDEXING AND EDITING HOUSE AND SENATE JOURNALS	\$600.00	Legislative.
UNITED AUTO TRANSPORTATION CO.:		United Auto
Judgment .....	\$86.03	Transporta- tion Co.
FOR PACIFIC STEAMSHIP COMPANY:		Pacific
Judgment .....	\$268.25	Steamship Company.
FOR SKAGIT COUNTY:		Skagit
Dike and ditch tax 1917, 1918, 1922.....	\$2,110.92	county.
Dike and ditch 1921.....	625.06	
	<hr/>	
Total for Skagit County.....	\$2,735.98	
FOR PACIFIC COUNTY:		Pacific
Diking District No. 1, 1915, 1916, 1917, 1919 and 1922	\$190.01	county.

## FROM RECLAMATION REVOLVING FUND.

FOR KITTITAS COUNTY:		Kittitas
Kittitas Reclamation District for 1922.....	\$232.95	county.
FOR OKANOGAN COUNTY:		Okanogan
Whitestone Reclamation District, 1921, 1922 Local		county.
Improvement .....	\$2,972.95	
Riverside Irrigation District, 1922.....	82.47	
Methow-Okanogan Reclamation District, 1920, 1921,		
1922 .....	382.71	
Wolf Creek Irrigation District, 1922.....	319.01	
	<hr/>	
Total for Okanogan County.....	\$3,757.14	

## FROM THE GENERAL FUND.

FOR YAKIMA COUNTY:		Yakima
Drainage District No. 32, for 1919 to 1933, inclusive	\$1,086.30	county.
Yakima Irrigation District, 1920.....	2,106.26	
Yakima-Benton Irrigation District, 1920-1921.....	765.83	
Outlook Irrigation District, 1922.....	403.87	
Mabton Irrigation District, 1921.....	96.72	
	<hr/>	
Total for Yakima County.....	\$4,458.98	
FOR STEVENS COUNTY:		Stevens
Fruitland Irrigation District, 1921-1922.....	\$3,760.95	county.
FOR BENTON COUNTY:		Benton
Yakima-Benton Irrigation District, 1921.....	\$120.13	county.
Priest Rapids Irrigation District, 1920.....	16.34	
	<hr/>	
Total for Benton County.....	\$136.47	

Thurston county.	FOR THURSTON COUNTY:	
	Drainage District No. 3, 1920, 1921 and 1922.....	\$127.28
	Drainage District No. 2, 1921.....	171.10
	Drainage District No. 101, 1921.....	1,770.44
	Total for Thurston County.....	\$2,068.82
Spokane county.	FOR SPOKANE COUNTY:	
	Drainage District No. 2, 1922.....	\$3,311.19
Pend Oreille county.	FOR PEND OREILLE COUNTY:	
	Diking District No. 2, 1921.....	\$100.76
	JUDGMENTS:	
James W. Bryan.	James W. Bryan.....	\$24.27
	(James W. Bryan v. J. Grant Hinkle)	
Henry W. Stein.	Henry W. Stein .....	\$21.53
	(Henry W. Stein v. J. Grant Hinkle)	
City of Toppenish.	City of Toppenish.....	\$74.16
	(City of Toppenish v. The Public Service Commission)	
Great Northern Railway Company.	Great Northern Railway Company.....	\$105.82
	(Great Northern Railway Co. v. The Public Service Commission)	
Lumbermen's indemnity exchange.	Lumbermen's Indemnity Exchange.....	\$4,134.25
	(Lumbermen's Indemnity Exchange v. State of Washington)	
Seattle.	FOR RELIEF OF CITY OF SEATTLE:	
	Local Improvement Assessments:	
	Ballard Tide Lands, paving Shilshole Avenue.....	\$1,396.26
	Seattle Tide Lands, paving Seattle Boulevard.....	4,952.00
	Seattle Tide Lands, filling and grading Fourth Avenue south and Spokane Street.....	29,444.95
	Seattle Tide Lands, trestle, filling and paving Fourth Avenue south .....	756.12
	Seattle Tide Lands, paving Fourth Avenue south....	15,061.58
	Seattle, Claremont Addition, paving Rainier Avenue	60.24
	Total.....	\$51,671.15
Olympia.	FOR RELIEF OF CITY OF OLYMPIA:	
	Local Improvement Assessments:	
	Sylvester Addition, paving Main Street.....	\$1,400.10
	Olympia Tide Lands, paving East Bay Avenue.....	6,664.08
	District No. 221.....	1,349.67
	District No. 112.....	259.97
	District No. 87.....	16,277.24
	District No. 95.....	2,624.49
	District No. 263.....	492.24
	District No. 214.....	36.12
	Total.....	\$29,103.91

FOR RELIEF OF REUBEN E. THACKER, Executer of the estate of Lillian May Thacker: Overpayment of inheritance tax.....	\$94.58	Reuben E. Thacker.
FOR RELIEF OF J. A. CRUMBAKER: Account cancellation of general fund warrant No. 160015, series "C".....	\$1.80	J. A. Crum- baker.
FOR RELIEF OF DR. S. MAIMON SAMUELS: Expenses advanced as member of the State Medical Examining Board during July, 1920, and January, 1921 .....	\$62.75	Dr. S. Maimon Samuels.
FOR UNIFORM LAW COMMISSION: Charles E. Shepard, expenses in 1921.....	\$257.50	Uniform law commission.
Arthur W. Davis, expenses in 1922.....	212.21	
REFUND OF PAYMENT FOR INSPECTION OF SEED CROPS		
WHERE NO SERVICE WAS RENDERED BY THE STATE:		
G. H. Huntington.....	\$5.00	G. H. Hunt- ington.
C. J. Hogeman.....	5.00	C. J. Hoge- man.
P. H. Scott.....	5.00	P. H. Scott.
FOR STATE AID FOR TUBERCULOSIS HOSPITALS: Deficiency .....	\$3,500.00	Tuberculosis hospitals.
FOR RELIEF OF FRANK M. LAMBORN: For printing 1921 and 1922 poll tax receipts.....	\$6,455.94	Frank M. Lamborn.
FOR RELIEF OF ROBERT F. HOLLISTER: Refund of examination fee as public accountant.....	\$25.00	Robert F. Hollister.
FOR PRINTING AND BINDING SESSION LAWS: House and Senate Journals, other legislative printing and binding public documents.....	\$18,000.00	Legislative.
FOR SECRETARY OF STATE: Publishing notice of constitutional amendments.....	\$10,000.00	Secretary of state.
FROM PERMANENT STATE SCHOOL FUND.		
FOR RELIEF OF WEYERHAEUSER TIMBER COMPANY: Overpayment on timber land, Sale No. 616.....	\$672.30	} Vetoed L. F. H.
FOR RELIEF OF W. J. HUTSINPILLER: Excess money paid under contract, Sale No. 3723....	\$94.05	
FROM THE GENERAL FUND.		
FOR APICULTURE .....	\$4,000.00	Apiculture.
(To be expended under direction of the State Col- lege of Washington.)		
FOR THE EASTERN STATE HOSPITAL: Repairs to buildings.....	\$20,000.00	Eastern State Hospital.

FOR RELIEF TO THE FOLLOWING PERSONS

as members of State Board of Optometry for which no appropriation was made when law was enacted:

Dr. J. A. Caswell.		
Dr. Chas. Holcomb estate.	Dr. J. A. Caswell.....	\$202.88
Dr. J. M. Radabaugh.	Dr. Chas. Holcomb Estate.....	51.07
	Dr. J. M. Radabaugh.....	143.43

FOR RELIEF OF MINNIE YEAGER PECK:

Minnie Yeager Peck.	Refund of money paid for local improvement against state property .....	\$148.00
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FOR RELIEF OF C. X. LARABEE ESTATE:

C. X. Larabee Estate.	Refund of money paid for state land which was afterward found to be inside Lummi Indian Reservation; see case U. S. vs. Romain, 255 Fed. 253.....	\$3,486.60
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FOR CITY OF PULLMAN:

Vetoed L. F. H.	Account Local Improvement Assessment against State College of Washington.....	\$9,246.67
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FOR WHATCOM COUNTY:

Drainage District, 1919, 1920, 1921, 1922.....	\$530.32
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FOR CITY OF BELLINGHAM:

Vetoed L. F. H.	Sewer for Bellingham Normal School.....	\$1,764.23
	Paving Trunk Road, Bellingham Normal School.....	19.14
	Total for City of Bellingham.....	\$1,783.37

FOR CITY OF WENATCHEE:

Wenatchee.	Local Improvement, Lot 12, Blk. No. 10 Wenatchee Park .....	\$7.17
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FROM THE MILITARY FUND.

FOR CITY OF YAKIMA:

Yakima.	Paving, Yakima Armory.....	\$1,855.21
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FROM PUBLIC HIGHWAY FUND.

FOR WHATCOM COUNTY:

Assessments under Donahue Act as follows:  
 Blaine-Ferndale, Highway No. 19, Sec. 16, Twp. 40, R. 1 E.  
 Blaine-Lynden, Highway No. 21, Sec. 16, Twp. 40, R. 1 E.  
 Glendale, Highway No. 23, Sec. 16, Twp. 40, R. 1 E.  
 Lynden Laurel, Highway No 26, Sec. 16, Twp. 39, R. 1 E.; Sec. 16, Twp. 40, R. 2 E; Sec. 16, Twp. 40, R. 3 E.  
 Lyndel-Sumas, Highway No. 30, Sec. 16, Twp. 40,

Vetoed L. F. H.

Fish Trap Road, Highway No. 28, Sec. 36, Twp. 40, R. 2 E.; Sec. 6, Twp. 39, R. 3. R. [R. 3 E.]	}	Vetoed L. F. H.	
North Delta, Highway No. 27, Sec. 16, Twp. 40, R. 2 E, and Sec. 36, Twp. 41, R. 1 E.			
Custer Haynie, Highway No 25 H, Sec. 36, Twp. 40, R. 1 E., and Tracts 16, 29, 30, Sec. 16, Twp. 40, R. 1 E.			
Custer Haynie, Highway No. 25, Sec. 16, Twp. 40, R. 1 E., and Sec. 16, Twp. 40, R. 2 E.; Sec. 36, Twp. 41, R. 2 E.			
Nooksack-Sumas, Highway No. 31, Sec. 16, Twp. 40, R. 4 E.			
Columbia Valley, Highway No. 20, Sec. 36, Twp. 41, R. 4 E.; Tract No. 9, Twp. 40, R. 5 E.			
Total appropriation for Whatcom County for above..			\$2,826.92

FROM GENERAL FUND.

FOR DRAINAGE DISTRICT NO. 13, YAKIMA COUNTY.....	\$2,514.91	} Drainage District No. 13.
FOR DIRECTOR OF BUSINESS CONTROL:		
For State Capitol Maintenance.....	\$15,000.00	
Commercial Waterway No. 1, King County.....	\$3,746.94	

FROM THE PUBLIC HIGHWAY FUND.

Donahue Road Act Assessments, King County.....	\$3,202.74	} Vetoed L. F. H.
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FROM THE GENERAL FUND.

FOR THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT:		} Dept. con- servation and development.
For the protection and preservation of forests and timber on the lands described in chapter 67 of the Laws of 1921.....	\$46,016.07	
But in no case to exceed the unexpended balance of the appropriation made for that purpose by said chapter 67 of the Laws of 1921.		
FOR THE DIRECTOR OF TAXATION AND EXAMINATION:		} Director of taxation and examination.
Inheritance taxes and escheats.....	\$20,000.00	

SEC. 3. 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.

Passed the Senate March 8, 1923.

Passed the House March 6, 1923.

Approved by the Governor, with the exception of certain items which are vetoed, March 15, 1921.

## CHAPTER 126.

[H. B. 171.]

## WEIGHTS AND MEASURES.

AN ACT relating to weights and measures establishing standards therefor, prohibiting the return of or credit for unsold bakery products, and amending section 11612 of Remington's Compiled Statutes.

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

SECTION 1. That Section 11612 of Remington's Compiled Statutes be, and the same is hereby amended to read as follows:

Section 11612. A standard package or container of butter in the state of Washington shall contain sixteen (16) ounces net weight or thirty-two (32) ounces net weight, and a standard package or container need have no statement of the net weight of its contents.

Whenever butter is sold or offered for sale in a package or container the net weight of which is more or less than the standards herein prescribed, such package or container shall be labeled in plain English words or figures with the correct net weight of its contents expressed in pounds and ounces together with the name of the manufacturer or jobber.

That no person, firm or corporation shall hereafter manufacture, sell, offer or expose for sale bread, except in the following weights, which shall be net weights twelve hours after baking; one pound, one and one-half pounds, two pounds, three pounds, four pounds and five pounds, or other pound weights. Variations at the rate of one ounce per pound over, and one ounce per pound under above specified unit weights are permitted in individual loaves, but the average weight of not less than twelve loaves of any one unit of any one kind shall

Amends Rem.  
Comp. Stat.  
§ 11612;  
Pierce's Code  
§ 7260.

Butter  
standard.

Bread  
standard.

not be less than the weight prescribed by these regulations for such unit.

That no person, firm or corporation engaged in the manufacture of bread, or other bakery products, for sale, shall hereafter, directly or indirectly accept under any guise or arrangement whatever, returns of bread or other bakery products from any person, firm or corporation, nor make cash payments, nor allow credit to any retailer or other person for any unsold bread or other bakery products: nor shall any manufacturer of bread or other bakery products exchange any bread or other bakery products for other bread or other bakery products previously sold by said manufacturer.

Bread not  
returnable.

A standard sack of potatoes in the state of Washington shall contain one hundred (100) pounds net weight, and a standard sack of potatoes need have no statement of the weight of its contents.

Potato  
standard.

Whenever potatoes are sold by the sack, in sacks containing more or less than the standard, such sack shall be labeled in plain English words or figures with its true net weight.

All sales of blackberries, currants, strawberries, cranberries, blueberries, gooseberries, cherries and similar berries in packages containing less than one bushel, shall be sold by the dry quart containing 67.2 cubic inches or the dry pint containing 33.6 cubic inches, and all berry boxes sold, used or offered for sale within the state shall be of the interior capacity of 67.2 or 33.6 cubic inches, unless the same be labeled in plain English words or figures with its correct interior capacity expressed thereon in cubic inches.

Berry  
standard.

Nothing in the above section shall be so construed as to prevent the sale of any of the articles therein mentioned by weight.

Coal  
standard.

A standard sack of coal in the state of Washington shall contain one hundred (100) pounds net weight and a standard sack of coal need have no statement of the net weight of its contents.

Whenever coal is sold or offered for sale by the sack, in sacks containing more or less than one hundred (100) pounds net weight, such sack shall be labeled in plain English words or figures with the true net weight of its contents expressed in pounds.

Coal mis-  
representation.

It shall be unlawful for any person, firm or corporation or their agents, servants or other employees to misrepresent any coal offered for sale or to sell coal of any particular name or designation, or from any particular mine under the name or designation of another coal or mine.

Milk and  
cream.

All milk, cream or buttermilk sold in the state of Washington, in bottles, shall be sold only in bottles containing one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure.

Vinegar.

All vinegar sold, exposed or offered for sale in the state of Washington, in bottles, shall be sold in bottles containing one-half pint, one pint, one quart, one-half gallon or one gallon standard liquid measure and when so sold need have no statement of the net measure of its contents.

Whenever vinegar is sold in the state of Washington in bottles containing more or less than mentioned in the foregoing section, such bottles shall be labeled in plain English words and figures, with its true net measure.

Purchase  
by weight  
and measure.

It shall be unlawful for any person, firm or corporation in the state of Washington to buy any commodity upon the basis of weight or measure except the same be bought upon the basis of the true net weight or measure and unless the scales or measures so used shall bear the seal of a sealer of weights and



measures and conform to the standards adopted by the state of Washington.

Every vendor of ice in the state of Washington shall at the time of actual delivery of any ice sold, weigh the quantity of ice delivered, and for that purpose shall use a steelyard balance or other apparatus for weighing such ice, which shall have been duly adjusted and sealed by a duly appointed sealer of weights and measures in accordance with the provision of the laws of the state of Washington, and all ice delivered to consumers within this state shall be sold by avoirdupois weight unless it is otherwise specially agreed upon between the buyer and the seller. Ice sales.

Each and every pair of ice tongs used in the delivery of ice within said state shall have prominently and conspicuously stamped thereon the exact and true avoirdupois weight of said tongs. Ice tongs.

It shall be unlawful for any vendor, or his servant, agent or other employee in the state of Washington, to offer to sell, or sell, or sell and deliver any commodity ordinarily and usually sold in bulk or quantity by weight or measure, unless the same be weighed or measured as the case may be upon or by officially tested and approved weights, measures, scales, scale-beams, patent balances, steelyards, automatic or computing scale or other instruments for weighing or measuring, and unless that portion of such commodity so offered for sale or sold by weight or measure shall be the true net weight or measure. Officially tested weights, measures, scales, etc.

It shall be unlawful for any vendor of firewood in the State of Washington, or his servant, agent or other employees to sell or offer for sale the same in the state in any quantity or by any measures except by the cord or fractional part thereof. The standard measurements of a cord of firewood in this state Firewood standards.

is hereby fixed and established at one hundred twenty-eight (128) cubic feet. *Provided, however,* That wood sixteen (16) inches or less in length may be sold without being measured as above provided, but if so sold by the unit or load or fractional part thereof, such wood shall be measured by throwing the same loosely or at random into a rectangular box or container and when so measured one hundred ninety-two (192) cubic feet shall constitute a unit or load of wood.

Sales ticket.

Every vendor of firewood, his servant, agent or other employees shall, with every delivery of firewood, deliver to the purchaser a sales ticket or bill in writing containing the vendor's name and address, and a true statement of the quantity delivered and the price thereof, and the kind and condition of the same.

Penalty.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Passed the House February 20, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 16, 1923.

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## CHAPTER 127.

[H. B. 154.]

### HYGIENE OF MATERNITY AND INFANCY.

AN ACT relating to the welfare and hygiene of maternity, infancy and childhood and making an appropriation.

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

Provisions  
of act of  
congress  
accepted.

SECTION 1. That the provisions of the act of Congress entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921,

be and they are hereby accepted by the state of Washington.

SEC. 2. There is hereby created in the state department of health a division to be known as the division of child hygiene and the director of health, through and by means of the division of child hygiene, shall administer the provisions of said act of Congress in this state.

State  
department  
created.

SEC. 3. That for the purpose of securing cooperation between the various agencies and organizations of this state engaged in active work for the promotion of the welfare and hygiene of maternity, infancy and childhood, the state board of health shall appoint a supervisory council composed of five members who shall be selected from among the officers of said organizations.

SEC. 4. That in addition to the powers and duties now provided by law the director of health, through and by means of the division of child hygiene shall:

(1) Make surveys and studies of local conditions influencing the health of mothers and children.

(2) Advise localities as to providing adequate care for mothers, infants and children where such care is not otherwise available.

(3) Encourage throughout the state and with the aid of local authorities the establishment of full-time health units whose activities shall include the promotion of welfare and hygiene of maternity, infancy and childhood.

(4) Render available to mothers, by means of moving pictures, lectures and other adequate methods, information concerning the hygiene of maternity, infancy and childhood; and the prevention of infant and maternity deaths.

(5) Supervise midwives and persons acting as such.

Vetoed  
L. F. H.

(6) Enforce such measures as, in the opinion of the state board of health, are necessary to prevent blindness in infancy.

Vetoed  
L. F. H.

SEC. 5. The director of health is hereby authorized and empowered to receive, receipt for, and expend for the purposes provided for in said act of Congress, all moneys appropriated by the United States for expenditure in this state.

Appropriation \$10,000.00.

SEC. 6. For the purpose of carrying out the provisions of this act there is hereby appropriated for the department of health, out of the general fund in the state treasury, the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary.

Passed the House March 2, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor, with exception of Sections 3, 4 and 5, which are vetoed March 16, 1923.

CHAPTER 128.

[H. B. 169.]

PEACE OFFICERS.

AN ACT relating to the compensation and medical and surgical care of workmen injured in extra hazardous employments, declaring the work performed by salaried peace officers to be extra hazardous and amending Remington's Compiled Statutes by adding thereto a new section to be known as Section 7674-a.

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

New Rem.  
Comp. Stat.  
§ 7674-a;  
Pierce's Code,  
§ 3469-a.

SECTION 1. That there be added to Remington's Compiled Statutes a new section to be known as Section 7674-a to read as follows:

Work  
declared  
extra-  
hazardous.

Section 7674-a. The work performed by salaried peace officers of the state, the counties, and the municipal corporations of the state is hereby de-

clared to be extra-hazardous within the meaning of the preceding sections, and the state, county and municipal corporations as employers, and such salaried peace officers as workmen, shall be subject to all of the provisions of law relating to the compensation and medical and surgical care of injured workmen and entitled to all the benefits thereof. The employers' payments into the accident fund and medical aid fund shall be made from the treasury of the state, county or municipality respectively. The classification and rate of premium shall be fixed by the director of labor and industries, through and by means of the division of industrial insurance, upon the basis of the relation which the risk involved bears to the risks classified in section 7674: *Provided*, That whenever and so long as by state law, city charter or municipal ordinance, provision is made for such peace officer injured in the course of employment, such officer shall not be entitled to the benefits of this act and shall not be included in the pay roll of the state, county or municipal corporation under this act, *and provided further*, That no such peace officer shall receive compensation except for injuries sustained in the course of his employment as such peace officer.

See Rem.  
Comp. Stat.  
§ 7674;  
Pierce's Code  
§ 3469.

Passed the House February 28, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 16, 1923.

## CHAPTER 129.

[H. B. 178.]

## HIGHWAY RAILROAD CROSSINGS.

AN Act relating to the removal of brush, timber, signs, sign boards or bill boards which obstruct the view at railroad highway crossings.

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

SECTION 1. Every railroad company in the State of Washington shall keep its right-of-way cleared of all brush and timber in the vicinity of any unguarded railway highway grade crossing which tends to prevent a traveler on the highway from obtaining an unobstructed view of an approaching train.

Brush  
cleared from  
railroad  
right of way.

SEC. 2. The county commissioners of every county shall keep the brush and timber cleared from the right-of-way of every county road or highway in the proximity of every railroad highway grade crossing for a distance of one hundred feet from such crossing, in every case where such brush or timber would tend to prevent a traveler on the highway from obtaining an unobstructed view of an approaching train.

Brush  
cleared from  
county roads.

SEC. 3. It shall be unlawful for any person, firm or corporation to erect or maintain any sign, sign board or bill board within a distance of five hundred feet of any railroad highway grade crossing which shall obstruct the view of approaching trains.

Signs and  
bill boards  
prohibited.

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

Penalty.

SEC. 5. Whenever any railroad company or the county commissioners of any county, or any person who has erected or who maintains any such sign, sign board or bill board shall fail, neglect or refuse to remove or cause to be removed any such brush,

Failure to  
remove  
brush or  
bill boards.

timber, sign, sign board or bill board as herein provided, it shall be the duty of the department of public works, upon complaint of any party interested, or upon its own motion to enter upon a hearing in the manner now provided by law for hearings with respect to railroad highway grade crossings, and to make and enforce proper orders for the removal of such brush, timber, sign, sign board or bill board.

SEC. 6. Nothing in this act shall be construed to prevent the posting or maintaining of any notice required by law to be posted or maintained, or the placing and maintaining thereon highway signs giving directions or distances for the information of the public when such highway signs are approved by the proper highway authorities.

Notices and signs permitted.

Passed the House March 5, 1923.

Passed the Senate March 7, 1923.

Approved by the Governor March 16, 1923.

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## CHAPTER 130.

[H. B. 179.]

### COUNTY CLERKS.

AN ACT relating to county clerks, and the books and records of his office and the entries therein, amending sections 75 and 448 of Remington's Compiled Statutes, and repealing Sections 449 and 604 of Remington's Compiled Statutes.

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

SECTION 1. That section 75 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 75; Pierce's Code § 8580.

Section 75. 1. He shall, at the expense of the county, provide and keep a book, in which he shall enter all appearances and the time of filing all pleadings in any cause pending in said court;

Appearance book.

Docket.

2. He shall also keep a docket, in which he shall enter, before every session, the titles of all causes pending before said court at such session, in the order in which they were commenced, beginning with criminal cases, noting in separate columns the names of the attorneys, the character of the action, the pleadings upon which it stands at the commencement of the session, leaving a margin opposite each case for the court to enter a short minute of the orders of the session. One copy of this docket he shall furnish for the use of the court, and another for the use of the members of the bar ;

Minute book.

3. He shall also provide and keep at each session a minute-book, in which he shall enter the names of witnesses and jurors, with time of attendance, distance of travel, and whatever else is necessary to enable him to make out a complete cost bill ;

Journal.

4. He shall also provide and keep a well-bound book to be called the order book or journal in which he shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, from which every morning shall be read in open court the proceedings of the previous day, which shall be signed by the judge ; but the court shall have full control of all entries in said journal at any time during the same session in which they were made ;

Execution docket.

5. He shall also provide and keep well-bound books, one for an execution docket, and one for a final record, in which he shall make a full and perfect record of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is any way affected, and such other final judgments, orders, or decisions as either party may require, and may pay him for recording ;



6. He shall also provide and keep such other books as are prescribed by law and required in the discharge of the duties of his office.

Other books.

SEC. 2. That section 448 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 448;  
Pierce's Code  
§ 8088.

Section 448. He shall leave space on the same page, if practicable, with each case, in which he shall enter, in the order in which they occur, all the proceedings subsequent to the judgment in said case until its final satisfaction, including the time when and to what county the execution is issued, and when returned, and the return or the substance thereof. When the execution is levied on personal property which is returned unsold, the entry shall be: "levied (noting the date) on property not sold." When any sheriff shall furnish the clerk with a copy of any levy upon real estate on any judgment the minutes of which are entered in his execution docket, the entry shall be: "levied upon real estate," noting the date. When any execution issued to any other county is returned levied upon real estate in such county, the entry in the docket shall be, "levied on real estate of....., in.....county," noting the date, county, and defendants whose estate is levied upon; and when the money is paid, or any part thereof, the amount and time when paid shall be entered; also, when a writ of error has been taken, or the judgment is appealed, modified, discharged, or in any manner satisfied, the facts in respect thereto shall be entered. The parties interested may also assign or discharge such judgment on such execution docket. When the judgment is fully satisfied in any way, the clerk shall write the word "satisfied," in large letters across the face of the entry of such judgment.

Proceedings  
subsequent  
to judgment.

Repeals Rem.  
Comp. Stat.  
§ 449 and  
§ 604;  
Pierce's Code  
§ 8089 and  
§ 7919.

SEC. 3. That sections 449 and 604 of Remington's Compiled Statutes be and the same are hereby repealed.

Passed the House February 23, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 16, 1923.

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## CHAPTER 131.

[H. B. 189.]

### SCHOOL BUDGET.

AN ACT providing for a budget system for making and controlling estimates, tax levies and expenditures in school districts of the first class, and providing penalties for the violation thereof.

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

First Class  
districts.

SECTION 1. This act shall apply to school districts of the first class, and the term "board of directors" as used herein shall mean the board of directors of any such district.

Preliminary  
budget.

SEC. 2. On or before the second Saturday in March in each year, beginning with the year 1924, the board of directors shall prepare the preliminary budget of the district for the ensuing fiscal year. Such budget shall set forth the complete financial program of the district for such ensuing fiscal year, showing in detail the expenditure program and the sources of revenue from which it is to be financed.

Estimated  
receipts.

The revenue section shall set forth the estimated receipts from the various sources other than taxation for the ensuing fiscal year, the actual receipts for the last completed fiscal year, the probable surplus that will be on hand at the close of the current fiscal year, and the amount to be raised by taxation.

Expenditure  
section.

The expenditure section shall set forth by detailed items or classes the estimated expenditures

for the ensuing fiscal year, the appropriations for the current fiscal year and the expenditures for the last completed fiscal year. Each and every salary shall be set forth separately together with the title or position of the recipient; *Provided*, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

SEC. 3. The estimates and comparative budget data required in section 2 hereof shall be set up in comparative and tabular form according to the classifications established by the State Division of Municipal Corporations. Form.

Estimates of the number of teachers required, equipment, instruction, supplies, text-books and such other items as depend in amount directly upon the enrollment that will not be known until the following September shall be submitted on the basis of the requirements for the current fiscal year and be subject to revision, if necessary, in September as provided for hereinafter; *Provided, however*, That no new subject not provided for in the curriculum adopted prior to the taking effect of this act and not specifically provided for in said preliminary budget shall be taught nor shall any expenditure be made therefor. Estimates.

SEC. 4. The board of directors shall immediately after the compilation of said preliminary budget publish a notice stating that said board of directors has completed said preliminary budget and placed the same on file with the clerk of said board, that a copy thereof will be furnished any taxpayer who will call upon the said clerk for it, and that said board of directors will meet on the Wednesday next following the first Monday in April thereafter for the purpose of fixing and adopting the budget of the Notice of completion of budget.

district for the ensuing fiscal year. Such notice shall designate the time and place of said meeting and state that any taxpayer may appear thereat and be heard for or against any part of such budget. Such notice shall be published once each week for two consecutive weeks immediately following the compilation of said preliminary budget in the official newspaper of the district, or if there be none, in a newspaper of general circulation in the county. The board of directors shall provide a sufficient number of copies of said detailed and comparative preliminary budget to meet the reasonable demands of the taxpayers therefor, and the same shall be made available for distribution not later than two weeks immediately preceding the said Wednesday following the first Monday in April.

Hearing.

SEC. 5. On the first Wednesday following the first Monday in April the board of directors shall meet at the time and place designated in said notice whereat any taxpayer may appear and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Adoption of  
final  
budget.

Upon the conclusion of such hearing the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes; provided that the estimates for the expenditures depending directly upon the September enrollment as to amount, as designated in section 3 hereof, shall be adopted tentatively, subject to revision in September as hereinafter provided.

Revision of  
items.

SEC. 6. On the first Monday in October following, the board of directors shall meet, and, if necessary, revise those items of the final budget adopted tentatively as provided for in section 5 hereof to meet the requirements of the enrollment as deter-

mined in September. Any taxpayer may appear thereat and be heard for or against any proposed revision. The board of directors shall then certify the final budget and the amount to be raised by taxation to the County Commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget shall be immediately forwarded to the said Division of Municipal Corporations.

SEC. 7. The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations; provided that the board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinafter provided. Expenditures made, liabilities incurred or warrants issued in excess of said appropriations shall not be a liability of the district.

Expenditures  
limited by  
budget.

SEC. 8. Upon the happening of any emergency caused by the destruction or impairment of any school property necessary for the maintenance of school, or to provide school facilities for an enrollment not contemplated in the budget, or by epidemic, or by the entering by a court of competent jurisdiction of judgment for damages against the district, or by the enactment of legislation since the adoption of said budget requiring expenditures not contemplated therein, the board of directors, upon the adoption by the unanimous vote of the directors present at any meeting the time and place of which all the directors shall have had reasonable notice of a resolution stating the facts constituting the said emergency and provided that there is sufficient unappropriated surplus to the credit of the district to pro-

Emergency  
expenditures.

vide for such emergency, may authorize the issuance of warrants against the general fund to meet said emergency; provided that said surplus shall be deemed appropriated to the extent of such emergency warrants issued against it until reimbursed as hereinafter provided.

Resolution.

The board of directors shall file a certified copy of such emergency resolution together with a written authorization for the issuance of such warrants with the county auditor and with the county treasurer and thereupon the county auditor shall issue warrants on the order of the board of directors; *Provided* the total amount of such warrants shall not exceed the amount of said unappropriated surplus to the credit of the district; and the treasurer is hereby authorized to pay such warrants out of any moneys on hand in the general fund of such district and if there be none then such warrants shall be registered, bear interest and be called in the manner provided by law.

Emergency warrants.

The board of directors shall include in their annual budget the total amount of emergency warrants issued during the preceding fiscal year and shall cause a sufficient sum to be levied to reimburse said general fund for the amount of such emergency warrants.

Lapse of appropriation.

SEC. 9. All appropriations shall lapse at the end of the fiscal year; *Provided* That the appropriation accounts shall remain open for a period of twenty days thereafter for the payment of claims incurred against them before the close of the fiscal year. At the expiration of said period all appropriations shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the next budget; *Provided* that this shall not prevent payments upon uncompleted improvements in progress

at the close of the fiscal year, *and provided further* That this shall not prevent the accumulation of sinking funds, building funds, insurance funds or any other funds which the district may lawfully accumulate for a specific purpose.

SEC. 10. The State Division of Municipal Corporations is hereby empowered and directed to make and install such forms and classifications as are required herein, to define for the school accounting officers what expenditures shall be chargeable to each budget class and to establish such accounting and cost systems as may be necessary to secure accurate budget information. Forms.

SEC. 11. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars. Penalty.

SEC. 12. All acts or parts of acts in conflict herewith are hereby repealed. Repeal.

Passed the House March 2, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

CHAPTER 132.

[H. B. 198.]

RECLAMATION OF AGRICULTURAL LANDS.

AN ACT providing for the development of the agricultural resources of the state, and the reclamation of arid, swamp, over-flow and logged-off lands, and amending sections 3008 and 3010 of Remington's Compiled Statutes of Washington.

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

Amends Rem. Comp. Stat. § 3008; Pierce's Code § 98-23.

SECTION 1. That section 3008 of Remington's Compiled Statutes of Washington be amended to read as follows:

Director of conservation and development.

Section 3008. In carrying out the purposes of this act, the director of the Department of Conservation and Development of the State of Washington shall be authorized and empowered:

Powers and duties.

Surveys and investigation.

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

Adopt policy for reclamation of agricultural lands.

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be deemed advisable, and the director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

Purchase bonds.

To purchase the bonds of any reclamation district whose project is approved by the director and which is found to be upon a sound financial basis, to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money



to the credit of the district for any or all of such purposes, and to accept the bonds of such district in payment therefor, and to expend the moneys appropriated from the reclamation fund in the purchase of such bonds or in carrying out such contracts: *Provided*, that interest not to exceed the annual rate provided for in the bonds agreed to be purchased, shall be charged and received for all moneys advanced to the district prior to the delivery of the bonds and the amount of such interest shall be included in the purchase price of such bonds. *Provided further*, that no district, the bonds of which have been purchased by the state under the provisions of the State Reclamation Act, shall thereafter during the life of said bonds make expenditures of any kind from the bond fund of the district or incur obligations chargeable against such fund without previous written approval of the director of Conservation and Development of the State of Washington, and any obligations against such fund incurred without such approval shall be void.

To sell and dispose of any reclamation district bonds acquired by the director, at public or private sale, and to pay the proceeds of such sale into the reclamation fund: *Provided*, That such bonds shall not be sold for less than the purchase price plus accrued interest; Sell bonds.

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the State Reclamation Act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands, Purchase delinquent tax certificates.

*Provided*, That the director shall be entitled to a delinquent tax certificate upon application to the proper County Treasurer therefor without the necessity of a resolution of the Board of County Commissioners authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers.

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the director shall determine;

Require  
safeguards.

To, whenever the director shall deem it advisable, require any district with which he may contract, to provide such safeguards as he may deem necessary to assure *bona fide* settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

Logged-off  
lands.

To clear and reclaim logged-off lands in the manner hereinafter in this act provided;

Employ  
experts.

To employ all necessary experts, assistants and employes, and fix their compensation, and to enter into any and all contracts and agreements necessary to carry out the purposes of this act;

Assistance  
from other  
departments.

To have the assistance, cooperation and services of, and the use of the records and files in, all the departments and institutions of the state, particularly the office of the commissioner of public lands, the state department of agriculture, the bureau of farm development, the bureau of statistics, agriculture and immigration, the State College of Washington, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized and directed to co-

operate with the director in furthering the purpose of this act;

To cooperate with the United States in any plan of land reclamation or land settlement or agricultural development which the Congress of the United States may provide and which may affect the development of agricultural resources within the State of Washington, or the settlement of soldiers, sailors, and other worthy persons, on the agricultural lands within this state, and the director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States.

Cooperate  
with  
United  
States.

The director shall prepare and report to the legislature, at the commencement of each biennial session, a full statement of his operations and recommendations.

Report to  
legislature.

SEC. 2. That section 3010 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 3010;  
Pierce's Code  
§ 93-25.

Section 3010. Every diking, drainage, diking and drainage, and irrigation district duly and regularly organized under the laws of this state, or such other district as shall hereafter be authorized by law and organized for the reclamation or development of waste or undeveloped lands, shall be and is hereby authorized and empowered to enter into all contracts with the director for the reclamation of the lands of such district in the manner provided in this act, or in such manner as such districts are now authorized by law to contract with the United States or with individuals or corporations, for the making of surveys and furnishing engineering plans and supervision for the construction of, or for the construction of; all works and improvements necessary for the reclamation of its lands, and for the sale or

Diking and  
drainage  
districts to  
contract  
with  
director.

delivery of its bonds, and to issue bonds of the district for such purposes.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

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## CHAPTER 133.

[H. B. 230.]

### RELIEF OF TOM RYAN.

AN ACT for the relief of Tom Ryan, of Ellensburg, Washington, appropriating money for same from the accident and medical aid funds under the industrial insurance and medical aid acts, and providing for the issuance of warrants upon said accident and medical aid funds for his case.

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

SECTION 1. There is hereby appropriated out of the Class Eleven (11) Accident Fund in the state treasurer's office under the industrial insurance act, the sum of one thousand thirty dollars (\$1,030), for the relief of and to be paid to Tom Ryan of Ellensburg, Washington, who was injured December 2, 1920, while in the course of his employment as a laborer for Carter Transfer Company of Ellensburg, Washington, and whose claim was being paid by the industrial insurance commission pursuant to an order made July 22, 1919, attempting to bring operations such as this workman was engaged in under the industrial insurance act, but upon which claim payment was stopped on account of the decision of the state supreme court in the case of State vs. Eyres Storage & Distributing Co., 115 Wash., 682, and which sum of one thousand thirty (\$1,030) dollars would have been the final time loss and permanent disability award if said claim were finally paid by said industrial insurance commission.

Appropriation from accident fund \$1,030.00.

SEC. 2. There is hereby appropriated out of the medical aid fund in the state treasurer's office under the medical aid act of the state of Washington, the sum of seven hundred forty-two and fourteen one hundredths dollars (\$742.14), for the relief of said Tom Ryan, for the purpose of covering and paying just and proper ambulance, medical, and hospital charges by reason of aforesaid injury to said Tom Ryan, which charges are or shall be according to regular fee schedule under said medical aid act, for the nature of the injury suffered by said Tom Ryan.

Appropriation from medical aid fund \$742.14.

SEC. 3. That the director of the department of labor and industries and the supervisor of industrial insurance be, and they are hereby authorized to carry out the provisions of sections 1 and 2 of this act.

SEC. 4. That the state auditor be and he is hereby authorized and directed to issue warrants upon said accident and medical aid funds upon proper certification by said director of the department of labor and industries or said supervisor of industrial insurance, not exceeding the amounts above specified.

Warrants drawn.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 16, 1923.

## CHAPTER 134.

[H. B. 260.]

## COMMISSION MERCHANTS.

AN ACT relating to commission merchants engaged in selling any agricultural product and repealing chapter 139 of the Laws of 1907, and providing penalties.

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

Definitions.

SECTION 1. The term "agricultural product" whenever used in this act shall include any horticultural, viticultural, forestry, dairy, livestock, poultry, bee or farm product; the term "commission merchant" whenever used in this act shall include every person, firm or corporation who receives any agricultural product to be sold on commission for the account of another, but shall not include non-profit cooperative marketing organizations; the term "consignor" whenever used in this act shall mean any person, firm or corporation forwarding, delivering, consigning, or shipping any agricultural product to any commission merchant for sale on commission.

License.

Application, contents.

SEC. 2. It shall be unlawful for any person, firm or corporation to act as a commission merchant without first obtaining a license as in this act provided. Applications for licenses under this act shall be in writing, signed and sworn to by the applicant and shall state the name of the city or town where the business of commission merchant is to be conducted, giving the street and number of building if practicable, and the character of products which will be handled by the applicant; and if made by an individual his full name; and if made by a copartnership, the full names of each of the partners composing the copartnership, together with the firm or trade name under which the business is to be conducted; and if made by a corporation, shall state

whether a domestic or foreign corporation, the amount of its capital stock as provided in its articles of incorporation and the amount of its capital stock fully paid in. All applications for licenses hereunder shall be executed in duplicate; one copy thereof shall at the time of making the application be filed with the director of agriculture and the other shall be filed with the state treasurer. The state treasurer shall, if the application is in proper form, is accompanied by a sufficient fee, and if the bond is sufficient and properly executed, on the next business day following the receipt of such application transmit the application and bond, accompanied by his duplicate receipt for the fee, to the department of licenses, and shall deposit the fee accompanying the application in the general fund of the state treasury. If the application is not in proper form, is not accompanied by a sufficient fee, or if the bond is insufficient or not in proper form, or properly executed, the state treasurer shall notify the applicant of the defects and shall not pass the application on to the department of licenses or pay the money accompanying the application into the state treasury until such time as all defects have been corrected.

The application filed with the state treasurer shall be accompanied by a good and sufficient bond in the penal sum of three thousand dollars (\$3,000) and upon a form to be approved by the attorney general, and shall be executed by the applicant as principal and by a surety company authorized to do business in the state of Washington as surety. Said bond shall be for the benefit of all consignors having any cause of action against the commission merchant, and shall be conditioned for the faithful performance by the applicant of all duties as such commission merchant.

Upon receipt by the department of licenses of such application the director of licenses shall cause

to be prepared and issued to the applicant a license as commission merchant under this act, which license shall be signed by the director of licenses and attested by the secretary under the seal of the department of licenses.

Fee.

SEC. 3. All applications shall be accompanied by a fee of ten dollars (\$10) which shall entitle the applicant to a license to expire on December 31st next following. Upon application and payment of a fee of ten dollars (\$10) on or before the first day of January following the date of expiration of any license issued hereunder the applicant shall be entitled to a renewal license to expire one year from the date of expiration of the old license. All applications for renewal of licenses shall be made in the same manner as applications for original licenses.

Renewal license.

Books to be kept.

SEC. 4. Every person licensed to do business as a commission merchant under this act shall keep an accurate and complete set of books, in which shall be truly recorded the amount and character of all agricultural products received on consignment by such commission merchant from any resident of the state of Washington, with the date of receipt, the name of the consignor and the condition of the shipment when received; the date when the same or any part thereof is sold, together with the price for which sold, and the name of the person, firm or corporation to whom sold. The books of any such commission merchant shall at all times be open and subject to the inspection of the director of agriculture or his duly authorized agent, and to any consignor as to any entry concerning any agricultural products received from such consignor.

Inspection.

Statement upon receipt of goods.

SEC. 5. Any commission merchant who shall receive any agricultural products to sell on commission, shall immediately send to such consignor a statement in writing, showing what agricultural



products were received and the date and condition thereof; and, if any such agricultural products are received in a damaged condition and unfit for sale, or if the markets are overstocked, it shall be the duty of such commission merchant to notify the director of agriculture or his duly authorized agent and procure from such director or such agent a certificate in duplicate as to the condition of said agricultural products and the condition of the market; to pay such reasonable fee as may be required for inspection and such certificate; and to transmit a duplicate of said certificate to the consignor.

SEC. 6. Whenever any commission merchant sells all or a portion of any agricultural products received for sale on commission he shall, within five (5) days following such sale, render a true statement to the consignor showing such sale, the price received therefor, the date of sale, all charges and expenses paid or incurred on account of such sale; and, if requested by the consignor in writing, the name and address of the purchaser. If any such agricultural products are sold for less than the market price, such fact shall be noted on the statement herein required and the reason therefor shall be set forth.

Statement  
upon sale.

SEC. 7. Unless otherwise agreed to in writing no commission merchant shall make any charge to any consignor in excess of 10% of the selling price for any agricultural products received and sold by him on commission. Every commission merchant shall, within ten (10) days following the date of the sale of any such agricultural products, pay to the consignor all sums due said consignor after deducting therefrom any reasonable amount paid for transportation and drayage and any commission or fee to which said commission merchant is entitled.

Charge  
permitted.

SEC. 8. Whenever any consignor shall, after request, receive no remittance or report of sale, or if

Consignor's  
complaint.

after receipt of any report or remittance be dissatisfied with such report or the amount of such remittance, he may make a verified complaint in writing to the director of agriculture who shall upon receipt of the same cause to be investigated the sale or sales complained of, and if upon such investigation it appears that the said commission merchant has failed or neglected to account for such consignment or any part thereof, or has failed or neglected to make a true and complete report thereof, it shall be the duty of the director of licenses, upon recommendation of the director of agriculture to revoke the license of such commission merchant; and thereafter such commission merchant shall not be entitled to any license until the director of agriculture shall approve the issuance of a license to such person.

SEC. 9. If any commission merchant shall make any sale of any agricultural products received for sale on commission and shall fail or neglect to pay the amount received upon such sale as hereinbefore provided, the consignor of any such agricultural products may bring an action on the bond given by such commission merchant under the provisions of this act and recovery may be had against said commission merchant and the surety on said bond for the amount due such consignor; and in such action the court shall allow such consignor a reasonable attorney's fee; *Provided*, if such commission merchant has failed or neglected to account and pay for any agricultural products received and sold on commission for two or more consignors and the amount of said bond is not sufficient to pay the amount due all the consignors, they shall be entitled to receive from the proceeds of such bond a pro rata share in proportion to the amount due each of such consignors.

SEC. 10. It shall be unlawful for any commission merchant to enter into any combination, con-

Action on  
bond.

Combination,  
conspiracy,  
pool,  
prohibited.

spiracy or pool, for the purpose of excluding from any market, or artificially raising or depressing the market price of any agricultural products of the State of Washington.

SEC. 11. Any person, firm or corporation violating any provisions of this act shall be guilty of a misdemeanor. Penalty.

SEC. 12. The director of licenses shall revoke any license issued under this act whenever the person, firm or corporation holding the same is convicted of any violation of this act. Revocation of license.

SEC. 13. If any section or part of a section of this act shall, for any cause, be held unconstitutional, such holding shall not affect the rest of this act or any other section hereof. If any part unconstitutional.

SEC. 14. That chapter 139 of the Laws of 1907 is hereby repealed.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

## CHAPTER 135.

[H. B. 13.]

### LOCAL IMPROVEMENTS.

AN ACT relating to local improvements and amending section 9363 of Remington's Compiled Statutes.

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

SECTION 1. That Section 9363 of Remington's Compiled Statutes be amended to read as follows: Amends Rem. Comp. Stat. § 9363; Pierce's Code § 1000.

Section 9363. The council or other legislative body shall have jurisdiction to proceed with any such improvement initiated by petition or resolution: *Provided*, that in any city of the first class it appears from the certificate of the board, officer, or Council to proceed with improvement.  
First class cities.

authority designated by charter or ordinance to determine the same that the proportion of the estimated cost and expense thereof to be assessed against the property in the proposed improvement district does not exceed fifty per cent (50%) of the valuation of the real estate, exclusive of improvements thereon, within such district, according to the valuation last placed upon it for purposes of general taxation: *Provided*, that this limit may be exceeded when any such improvement shall be petitioned for in the manner provided in Section 9360, and such petition shall be signed by the owners of sixty (60%) per cent of the lineal frontage upon the improvement to be made and three-fourths of the area within the limits of the proposed improvement district, and shall specify [specify] a certain higher percentage up to which the property within such proposed improvement district may be assessed: *Provided, further*, that the jurisdiction of the council or other legislative authority to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the council prior to the awarding of the contract for such improvement signed by the owners of property within proposed district subject to at least sixty per cent (60%) of the cost of such improvement as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district: *Provided, further*, that the jurisdiction of the city commission in cities organized under the commission form of government pursuant to Chapter X of this title to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the commission prior to the awarding of the contract for such improvement signed by the owners of one-half of the area within the limits of the proposed improvement district. In the absence of fraud or gross mistake,

See Rem.  
Comp. Stat.  
§ 9360;  
Pierce's Code  
§ 997.

Petition by  
60% of  
owners.

Protests.

such certificate of such board, officer or other authority shall be final and conclusive.

In computing the valuation of such property any non-assessable property owned by the United States, state, county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

Property included in valuation computation.

Passed the House February 10, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 16, 1923.

## CHAPTER 136.

[H. B. 213.]

### WORKMEN'S COMPENSATION ACT.

AN ACT relating to the compensation and medical and surgical care of workmen injured and the safety of workmen engaged in extra hazardous employment, and amending sections 7676, 7679, 7682, 7684, 7692, 7696, 7712, 7713, 7714, 7719, 7725, 7751, 7774, 7775, 7781, 7782, 7783, 7784, and 7786 of, and repealing sections 7677, 7678, 7691, 7721, 7722, 7750, 7753, 7760, 7776, 7777, 7778, 7779, 7785 and 7787 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That Section 7676 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7476; Pierce's Code § 3471.

Section 7676. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to January 15th, May 15th and September 15th of each year, pay into the state treasury for the accident fund a sum equal to a percentage of his total payroll for the preceding four calendar months, and for the medical aid fund a certain number of cents for each day worked by workmen in extra-hazardous employment

Accident fund payments.

Medical aid fund payments.

Adjustment.

during the preceding four calendar months, in accordance with the following schedule, to wit: (The same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard) : *Provided*, That an adjustment shall be made in each class of the accident fund having an average rate of one per cent or more by the director of labor and industries through and by means of the division of industrial insurance thirty (30) days prior to such four months call, and the amount of such call, together with the amount of the estimated balance in the accident fund of such class at the time of the call, shall not exceed one hundred and twenty-five per cent of the estimated amount required to carry such class for the succeeding four months based on the previous five years experience of such class, but there may be added the amount of the estimated deficit, if any, in the accident fund of such class at the time of such call.

INDUSTRIES.

Class 1.	Class 1.	Industrial Insurance Rate, Per Cent of Payroll.	Medical Aid Rate, Cents Per Day.
	1-1 Ditches and canals (not otherwise specified)	2%	3
	Excavations (not otherwise specified).....	2%	3
	Pipe laying (not otherwise specified).....	2%	3
	Grading (not otherwise specified).....	2%	3
	Diking .....	2%	3
	1-2 Drilling wells .....	2%	2
	1-3 Shaft sinking (not otherwise specified).....	4%	3
	Digging wells .....	4%	3
	1-4 Sewers (including all operations incidental to sewer construction; pipe laying, back filling, etc.) .....	3%	3
	Side sewers .....	3%	3
	Conduit construction .....	3%	3
	Water main construction (includes all operations incidental to water main construction; back filling, pipe laying, etc.).....	3%	3
	Tunnel work in connection with sewer and water main construction .....	3%	3
	Trenches, ditches, excavations where depth is greater than width.....	3%	3

	Industrial Insurance Rate, Per Cent of Payroll.	Medical Aid Rate, Cents Per Day.	
1-5 Tunnels (not otherwise specified includes lining of tunnels .....	2½%	2½	
(Includes all labor in connection with and incidental to tunnel construction.)			
1-6 Tunnels, railroad (includes lining of tunnels)	4%	3	
1-7 Land clearing (includes clearing by all methods) .....	3%	3	
Clearing rights of way for roads and railroads .....	3%	3	
Clearing rights of way (not otherwise specified) .....	3%	3	
Grubbing stumps (includes grubbing stumps by all methods) .....	3%	3	
1-8 Railroad construction (not otherwise specified) .....	2½%	3	
(Excludes all bridge and trestle work.)			
Railroad grading .....	2½%	3	
Class 2.			Class 2.
2-1 Bridges and bridge work.....	3%	3	
Steel bridges .....	3%	3	
Concrete bridges .....	3%	3	
Wooden bridges .....	3%	3	
Concrete or other types of culverts with span greater than 12 feet .....	3%	3	
Bridge foundations .....	3%	3	
Sub-aqueous work .....	3%	3	
Trestles, framed or pile.....	3%	3	
Wharf and pier construction.....	3%	3	
Pile driving .....	3%	3	
Bulkhead construction .....	3%	3	
Breakwaters and jetties.....	3%	3	
Marine railways .....	3%	3	
Class 5.			Class 5.
5-1 Window washing (excludes domestic servants regularly employed for other purposes)....	3%	3	
Washing or cleaning buildings.....	3%	3	
5-2 Brick work .....	1%	2	
Stone work .....	1%	2	
Marble, tile, terra cotta.....	1%	2	
Chimneys (brick) .....	1%	2	
Slate work .....	1%	2	
5-3 Plumbing .....	¾%	2	
Installation of heating and ventilation systems .....	¾%	2	
Furnaces (installation in buildings).....	¾%	2	

	Industrial Insurance Rate, Per Cent of Payroll.	Medical Aid Rate, Cents Per Day.
5-4 Painting .....	2%	2
Sign painting .....	2%	2
Frescoing .....	2%	2
Kalsomining .....	2%	2
5-5 Carpenter work (not otherwise specified)....	1%	2
Hot house building .....	1%	2
Wooden stair building .....	1%	2
Lathing .....	1%	2
Grain elevators (wood) .....	1%	2
House wrecking and moving store or bank fixtures installations .....	1%	2
Advertising signs (wood).....	1%	2
Elevators, freight or passenger (installation)	1%	2
Ornamental metal work .....	1%	2
Glass setting (not otherwise specified).....	1%	2
Galvanized iron and tin work.....	1%	2
Fireproof doors and shutters .....	1%	2
Demolishing structures .....	1%	2
Safes and vaults (installation) .....	1%	2
5-6 Concrete construction (not otherwise speci- fied) .....	1%	2
Concrete culverts (less than 12 ft. span)....	1%	2
Concrete, plain or reinforced (not otherwise specified) .....	1%	2
Concrete floors and foundations .....	1%	2
Chimneys (concrete) .....	1%	2
Erection and tearing down of forms in con- nection with concrete work .....	1%	2
5-7 Plastering .....	$\frac{3}{4}\%$	1
Paper hanging .....	$\frac{3}{4}\%$	1
Floor compositions (hot or cold).....	$\frac{3}{4}\%$	1
Mantel setting .....	$\frac{3}{4}\%$	1
Tile setting in floors .....	$\frac{3}{4}\%$	1
5-8 Iron and steel structures (not otherwise specified) .....	4%	3
Tanks, wood or metal (erection) .....	4%	3
Chimneys, metal (erection) .....	4%	3
Windmills, wood or metal (erection).....	4%	3
Fire escapes .....	4%	3
5-9 Hardwood floors (laying) .....	$\frac{1}{2}\%$	1
5-10 General construction (includes all operations by temporary employers in building con- struction) .....	1%	2



		Industrial Insurance Rate. Per Cent of Payroll.	Medical Aid Rate. Cents Per Day.	
<b>Class 6.</b>				
6-1	Electric apparatus (installation in buildings)	¾ %	1½	<b>Class 6.</b>
	Electric wiring (inside) .....	¾ %	1½	
	Automatic sprinklers (installation) .....	¾ %	1½	
	Conduit work (excludes construction of conduit) .....	¾ %	1½	
	Fire alarm systems (installation) .....	¾ %	1½	
6-2	Electric railway construction.....	2%	3	
	Street railway construction (including cable) (excludes grading and bridge work).....	2%	3	
	Telegraph and telephone construction.....	2%	3	
	Transmission lines (construction) .....	2%	3	
6-3	Installation of machinery (not otherwise specified) .....	1½ %	2	
	Dynamo installation .....	1½ %	2	
	Covering steam pipes and boilers.....	1½ %	2	
	Gas engines (installation) .....	1½ %	2	
	Boilers and engines, steam (installation)....	1½ %	2	
	Belts, pulleys, shafting (installation) .....	1½ %	2	
	Dismantling machinery .....	1½ %	2	
6-4	Junk dealers .....	1%	1½	
<b>Class 8.</b>				
<b>Class 8.</b>				
8-1	Street and highway paving (construction) ..	½ %	1½	
	Asphalt paving .....	½ %	1½	
	Brick paving .....	½ %	1½	
	Block paving (wood, stone).....	½ %	1½	
	Concrete paving .....	½ %	1½	
	Bituminous pavements (all types).....	½ %	1½	
	Asphalt mixing .....	½ %	1½	
	Concrete sidewalks .....	½ %	1½	
	Plank sidewalks .....	½ %	1½	
	Road and highway pavements (not otherwise specified) .....	½ %	1½	
	Plank road and street construction.....	½ %	1½	
8-2	Road and street grading.....	½ %	1½	
8-3	Road and street maintenance.....	½ %	1½	
	Road and street employees.....	½ %	1½	
	Irrigation ditches (maintenance).....	½ %	1½	
	Ditches (not otherwise specified) (maintenance) .....	½ %	1½	
	Engineers and surveyors (includes city, county or state engineers engaged in field work) .....	½ %	1½	
8-4	Gravel bunkers (operation).....	½ %	1½	
	Sand bunkers (operation).....	½ %	1½	

		Industrial Insurance Rate. Per Cent of Payroll.	Medical Aid Rate. Cents Per Day.
Class 9.	Class 9.		
	9-1 Ship or boat building (steel hulls).....	1½%	3
	Repair work on steel vessels (includes all operations incidental to this industry with- in shipyard) .....	1½%	3
	9-2 Ship or boat building (wooden hulls).....	3%	3
	Repair work on wooden vessels (includes all operations incidental to this industry with- in shipyard) .....	3%	3
	9-3 Ship or boat building (concrete hulls).....	3%	3
	Repair work on concrete vessels (includes all operations within shipyard) .....	3%	3
	9-4 Steamboats, tugs, ferries, (operation).....	3%	1
Class 10.	Class 10.		
	10-2 Saw mills .....	1-¾%	2
	Planing mills (independent).....	1-¾%	2
	Planing mills (not otherwise specified).....	1-¾%	2
	Lath mills .....	1-¾%	2
	Spars (with or without machinery).....	1-¾%	2
	10-3 Shingle mills .....	1-¾%	2
	10-6 Creosote works .....	2%	2
	Pile treating works .....	2%	2
	10-7 Lumber inspectors .....	1-¾%	2
Class 11.	Class 11.		
	11-1 Team and truck driving (includes all ware- houses operated by transfer companies)...	1%	1½
	11-2 Retail lumber yards .....	1%	1½
	Retail fuel yards (includes wood saws and all employees in fuel yards).....	1%	1½
Class 12.	Class 12.		
	12-1 Dredging (operation) .....	2%	1½
Class 13.	Class 13.		
	13-1 Electric light and power plants (operation) ..	1½%	2
	Electric systems (not otherwise specified)....	1½%	2
	(Includes tenders of electrically operated bridges)		
	13-2 Steam heat and power plants.....	2%	2
	13-3 Telephone and telegraph (operation and maintenance) (excludes telephone and tele- graph operators) .....	3%	2
Class 14.	Class 14.		
	14-1 Street railways (operation).....	¾%	2½
	14-2 Interurban railways (operation).....	1½%	2½
	14-3 Steam railroad operations (excludes logging railroads) .....	2½%	2½

	Industrial Insurance Rate, Per Cent of Payroll.	Medical Aid Rate, Cents Per Day.	
<b>Class 16.</b>			<b>Class 16.</b>
16-1 Coal mines (includes shaft sinking and all tunnelling in connection with coal mines).	2½%	2½	
Coke ovens (operation) (excludes office force only) .....	2½%	2½	
<b>Class 17.</b>			<b>Class 17.</b>
17-1 Gravel pits .....	4%	3	
17-2 Mines (other than coal) (includes all shaft sinking and tunnelling in connection with mines other than coal) .....	2½%	3	
Ore reduction (by wet or dry process at the mine) .....	2½%	3	
17-3 Quarries .....	2½%	3	
Stone cutting (quarry hazard).....	2½%	3	
17-4 Stone crushing .....	3%	3	
<b>Class 18.</b>			<b>Class 18.</b>
18-1 Blast furnaces (operation) .....	1-¾%	2½	
Rolling mills (operation) .....	1-¾%	2½	
Steel and iron making .....	1-¾%	2½	
Open hearth furnaces (operation) .....	1-¾%	2½	
18-2 Smelters (operation) .....	1-¼%	2½	
Copper, lead, zinc, etc., smelting.....	1-¼%	2½	
<b>Class 19.</b>			<b>Class 19.</b>
19-1 Gas works (operation) (excludes meter readers, complaint men, solicitors, and store room employees) .....	½%	1½	
<b>Class 21.</b>			<b>Class 21.</b>
21-1 Chop, feed, and flour mills (operation).....	1%	2	
Seed cleaning .....	1%	2	
21-2 Grain warehouse and elevators (operation)..	1%	1½	
21-3 General warehouse and storage (operation)..	1%	1½	
(Excludes operations in connection with Class 11)			
21-4 Fruit warehouses .....	¾%	1½	
<b>Class 22.</b>			<b>Class 22.</b>
22-1 Laundries (operation) .....	½%	1½	
Dye works and cleaners .....	½%	1½	
<b>Class 23.</b>			<b>Class 23.</b>
23-1 Water works (operation) .....	1%	1½	
<b>Class 24.</b>			<b>Class 24.</b>
24-1 Paper mills (operation) .....	1½%	3	
Pulp mills (operation) .....	1½%	3	

Class 29.	Class 29.	Industrial Insurance Rate. Per Cent of Payroll.	Medical Aid Rate. Cents Per Day.
	29-1 Cooperage (manufacturing) .....	1%	2
	Staves, barrel (manufacturing).....	1%	2
	Barrels, kegs, pails (manufacturing).....	1%	2
	29-2 Sash, door, blinds, etc. ....	1%	2
	Planing mill (in connection with sash and door factory) .....	1%	2
	Glazing and beveling glass (in connection with sash and door) .....	1%	2
	29-3 Excelsior (manufacturing) .....	$\frac{3}{4}\%$	2
	Veneering (manufacturing) .....	$\frac{3}{4}\%$	2
	Cabinet works .....	$\frac{3}{4}\%$	2
	Furniture (manufacturing) .....	$\frac{3}{4}\%$	2
	Boxes and packing cases (manufacturing)..	$\frac{3}{4}\%$	2
	Wooden and fibre ware (manufacturing)...	$\frac{3}{4}\%$	2
	Wood working (not otherwise specified)....	$\frac{3}{4}\%$	2
	Kindling wood .....	$\frac{3}{4}\%$	2
	Wood pipe (manufacturing) .....	$\frac{3}{4}\%$	2
	Pattern shops (independent) .....	$\frac{3}{4}\%$	2
Class 31.	Class 31.		
	31-1 Building material (manufacturing) (not otherwise specified) .....	$1\frac{1}{2}\%$	$1\frac{1}{2}$
	Concrete blocks and tiles (independent of concrete construction) .....	$1\frac{1}{2}\%$	$1\frac{1}{2}$
	Cement staves (independent of concrete con- struction) .....	$1\frac{1}{2}\%$	$1\frac{1}{2}$
	Lime (manufacturing) .....	$1\frac{1}{2}\%$	$1\frac{1}{2}$
	Paint (manufacturing) .....	$1\frac{1}{2}\%$	$1\frac{1}{2}$
	31-2 Cement (manufacturing) .....	2%	3
	31-3 Stone handling and cutting (not quarry hazard) .....	1%	3
	Paving blocks (cutting) .....	1%	3
Class 33.	Class 33.		
	33-1 Fish canneries (operation) .....	1%	2
	33-2 Fish oil (manufacturing) .....	1%	2
	Fish products (not otherwise specified).....	1%	2
Class 34.	Class 34.		
	34-1 Auto repair shops (operation) .....	$\frac{1}{3}\%$	2
	Auto garages (operation) .....	$\frac{1}{3}\%$	2
	Vulcanizing tires and tubes .....	$\frac{1}{3}\%$	2
	Automobile painting .....	$\frac{1}{3}\%$	2
	34-2 Machine shops (operation) .....	$\frac{1}{2}\%$	$2\frac{1}{2}$
	Blacksmith shops (operation) .....	$\frac{1}{2}\%$	$2\frac{1}{2}$
	Boiler works (operation) .....	$\frac{1}{2}\%$	$2\frac{1}{2}$
	Foundries (operation) .....	$\frac{1}{2}\%$	$2\frac{1}{2}$

	Industrial Insurance Rate. Per Cent of Payroll.	Medical Aid Rate. Cents Per Day.
Wood working (incidental to car and machine building) .....	1/2 %	2 1/2
Welding (not otherwise specified) .....	1/2 %	2 1/2
34-4 Metal working trades (not otherwise specified)	1/3 %	2
Sheet metal (manufacturing) .....	1/3 %	2
Metal stamping .....	1/3 %	2
Tin stamping .....	1/3 %	2
Hardware (manufacturing) .....	1/3 %	2
Galvanized iron works .....	1/3 %	2
34-5 Aeroplane pilots and instructors.....	10%	3
Class 35.		Class 35.
35-1 Brick and tile (manufacturing).....	1%	1 1/2
Earthenware (manufacturing) .....	1%	1 1/2
Porcelain (manufacturing) .....	1%	1 1/2
Fireclay (manufacturing) .....	1%	1 1/2
Terra cotta .....	1%	1 1/2
Pottery (manufacturing) .....	1%	1 1/2
35-2 Briquettes (manufacturing) .....	1%	1 1/2
Peat fuel (manufacturing) .....	1%	1 1/2
Charcoal (manufacturing) .....	1%	1 1/2
35-3 Glass (manufacturing) .....	1/2 %	1 1/2
Class 37.		Class 37.
37-1 Alcohol, ammonia, nitrogen, oxygen (manufacturing) .....	3/4 %	2
37-2 Bottling works (operation) .....	1 1/2 %	2
Breweries (operation) .....	1 1/2 %	2
Class 38.		Class 38.
38-1 Brooms and brushes (manufacturing).....	1/2 %	2
38-2 Textile (manufacturing) .....	1/2 %	2
Wool (working in) .....	1/2 %	2
Cloth (working in) .....	1/2 %	2
38-3 Cordage (manufacturing) .....	1%	2
38-4 Leather (working in) .....	1%	2
Rubber (working in) .....	1%	2
Vulcanizing (excludes work in garages) ....	1%	2
Asbestos products (manufacturing) .....	1%	2
38-5 Paper products (manufacturing) .....	1%	2
Class 39.		Class 39.
39-1 Bakeries, candy and crackers (manufacturing)	1/2 %	1
39-2 Foodstuffs (not otherwise specified) .....	1%	1
Fruits and vegetables (working in) (includes canning, preserving, pickling) .....	1%	1
Oils (working in edible oils) .....	1%	1
39-3 Sugar refineries (operation) .....	1%	1

		Industrial Insurance Rate, Per Cent of Payroll.	Medical Aid Rate, Per Cents Per Day.
Class 40.	Class 40.		
	40-1 Condensed milk (operation) .....	1%	1½
	40-2 Creameries (operation) .....	¼%	1½
	Ice cream (manufacturing) .....	¼%	1½
	Cheese making .....	¼%	1½
Class 41.	Class 41.		
	41-1 Electrotyping .....	½%	1
	Photoengraving .....	½%	1
	Lithographing .....	½%	1
	41-2 Printing .....	½%	1
	Linotype (includes all employees in room with machinery and shafting) .....	½%	1
	41-3 Jewelry manufacturing .....	1%	1
	Jewelry engraving .....	1%	1
Class 42.	Class 42.		
	42-1 Wharf operations .....	1-¾%	3
	Longshoring .....	1-¾%	3
Class 43.	Class 43.		
	43-1 Packing houses (operation) .....	1½%	2
	Sausage making .....	1½%	2
	Slaughtering .....	1½%	2
	Soap and tallow making .....	1½%	2
	Lard making .....	1½%	2
	Fertilizer manufacturing .....	1½%	2
	Stock yards (operation) .....	1½%	2
	Tanneries (operation) .....	1½%	2
	43-2 Garbage works (operation) .....	2%	2
	Incinerators (operation) .....	2%	2
Class 44.	Class 44.		
	44-1 Cold storage (operation) .....	1½%	2
	Artificial ice, mfg. and delivery .....	1½%	2
	44-2 Natural ice, producing and handling .....	2%	2
Class 45.	Class 45.		
	45-1 Theatre stage employees .....	½%	1
	Moving picture operators .....	½%	1
Class 46.	Class 46.		
	46-1 Powder works (manufacturing) .....	1½%	3
	Fire works (manufacturing) .....	3%	3
Class 48.	Class 48.		
	Elective adoption for non-hazardous industries	1%	2
Class 50.	Class 50.		
	50-1 Logging (includes all operations in connec- tion with and incidental to logging) .....	2¼%	2½
	Logging railroad operations .....	2¼%	2½

	Industrial Insurance Rate. Per Cent of Payroll.	Medical Aid Rate. Cents Per Day.
Logging railroad grading .....	2¼%	2½
Logging railroad construction (includes bridge and trestle work on logging rail- roads) .....	2¼%	2½
Cutting wood and bolts .....	2¼%	2½
Booming and driving logs (not otherwise specified) .....	2¼%	2½
Tie cutting .....	2¼%	2½
50-2 Booming logs (this sub-class exclusively for independent boom companies. All booming and driving done by logging companies must be classified as 50-1) .....	1½%	2½

The application of this act as between employers and workmen shall date from and include the first day of July, 1923. *Provided*, That this section shall not be effective until the first day of September, 1923. Every employer who shall enter into business at any intermediate day, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of labor and industries of such fact, accompanying such notification with an estimate of his payroll for the first four months of his proposed operations, and shall make payment of the premium on such estimated payroll. Every such employer shall be liable for a premium of at least one dollar irrespective of the amount of his payroll.

Act to date  
from  
July 1, 1923.

Employer  
commencing  
or resuming  
operations.

Every employer within the provisions of this act shall on or before the fifteenth day of January, the fifteenth day of May and the fifteenth day of September of each year furnish the department with a true and accurate payroll showing the aggregate number of work days, that is men-days, during which workmen were employed by him during the four preceding calendar months, the total amount paid to such workmen during said four months, and a segregation of employment in the different classes pro-

True  
payroll.

vided in this act, and shall pay his premiums thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director of labor and industries.

Record of employment.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the director of labor and industries, supervisor of industrial insurance, or the traveling auditors, agents or assistants of the department, as provided in Section 7690 of Remington's Compiled Statutes of Washington.

See Rem. Comp. Stat. § 7690; Pierce's Code § 3483.

Partners or other person excluded from payroll.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such persons shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll also state the names and addresses of any contractor or subcontractor operating for or under him.

Failure to keep record, penalty.

Every person, firm or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Failure to furnish estimated payroll, penalty.

Every employer who shall fail to furnish an estimated payroll and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500.00) and shall also be liable if an accident has been sustained by an employee prior to the time such estimate is received by the department, to a penalty in a sum equal to 50



per cent of the cost to the accident fund and medical aid fund of such accident, to be collected in a civil action in the name of the state, and paid into the accident fund. In case the consequent payment to the injured workman, his dependents or beneficiaries, be payable in monthly payments, the cost to the accident fund shall be estimated in accordance with the rule stated in Section 7681 of Remington's Compiled Statutes of Washington. The director of labor and industries may waive the whole or any part of any penalty charged under this act.

See Rem. Comp. Stat. § 7681; Pierce's Code § 3475.

Waiver of penalty.

Any employer who shall misrepresent to the department the amount of his payroll or the number of days upon which the premium under this act is based shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentation shall be made knowingly. Civil penalties to the state under this act shall be collected by civil action in the name of the state and paid into the accident fund.

Misrepresentation of payroll.

Penalty.

Action to collect civil penalties.

Any person, firm or corporation who not having previously reported to the department shall establish any new plant, or works, or enter upon the performance of any new building contract or construction contract and who shall fail to send written notice thereof to the department within five days after such establishing or entering shall be guilty of a misdemeanor.

New business or plant, duty to report, penalty for failure.

For the purpose of such payments into the accident fund accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund

Classification of industry.

Class liability.

Accident  
fund.

thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

See Rem.  
Comp. Stat.  
§ 7713;  
Pierce's Code  
§ 3502.

Medical aid  
fund,  
how kept.

The medical aid fund created in Section 7713 of Remington's Compiled Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and subclass of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and subclasses and determining the correctness of the medical aid rates charged such classes and subclasses.

Accident fund  
self-  
supporting.

In that the intent is that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the director of labor and industries, in accordance with any relative increase or decrease in hazard shown by experience, and if in the adjustment by the director of labor and industries the moneys paid into the fund of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Increase or  
decrease in  
hazard.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The director of labor and industries shall make corrections of classifications as between classes of industries if and as experience shall show error or inac-

Unlawful  
to deduct  
premium  
from  
workmen.

curacy therein. From the original classification or premium rating or any change made therein any employer claiming to be aggrieved may upon application have a hearing before the joint board created by the administrative code upon notice to the interested parties and in the manner provided in Section 7697 of Remington's Compiled Statutes of Washington, a review by the courts.

Appeal from classification.

See Rem. Comp. Stat. § 7697; Pierce's Code § 3488.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the payroll of each occupation, or in the discretion of the director of labor and industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest payroll. In computing the payroll the entire compensation received by every workman employed in extra-hazardous employment shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium or otherwise, and whether payable in money, board, or otherwise.

Establishment comprising several different classes of occupations.

The director of labor and industries shall have power to authorize any employee of the department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums.

Attorney of department to collect premiums.

SEC. 2. That Section 7679 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7679; Pierce's Code § 3472.

Section 7679. Each workman who shall be injured whether upon the premises or at the plant, or he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall

Injured workman.

Compensation for injuries. 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.

#### COMPENSATION SCHEDULE.

Compensation schedule.

Death.

Burial fee.

Widow or invalid widower.

(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.

(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).

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 payment for the child or children shall continue as before.

Remarriage  
of widow.

(2) If the workman leave no wife or husband, but a 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.

Children  
under  
16 years  
of age.

(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.

Dependents.

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 of  
workman  
under 21  
years of age.

(4) In the event a surviving spouse receiving monthly payment shall die, leaving a child or children under the age of sixteen years, such child or

If surviving  
spouse dies  
leaving  
children.

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.

Permanent total disability.

(b) Permanent total disability means the 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.

Schedule of compensation.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

Workman unmarried.

(1) If unmarried at the time of the injury, the sum of thirty-five dollars (\$35.00).

Workman with wife or invalid husband.

(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).

Husband not an invalid.

If the husband is not an invalid the monthly payment of forty dollars (\$40.00) shall be reduced to twenty dollars (\$20.00) as long as they are living together as husband and wife.

Workman with wife or husband and child under 16 years of age.

(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.

Disability requiring constant 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 so 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.

See Rem.  
Comp. Stat.  
§ 7712 to  
§ 7725;  
Pierce's Code  
§ 3501 to  
§ 3514.

(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 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.

Death during  
period of  
disability.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this act.

Invalid child  
in state  
institutions.

(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 with, 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 or such lesser period of time as the total

Temporary  
total  
disability.

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 a wife or invalid husband and 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.

Temporary total disability for more than six months.

(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.

Recovery, wholly or partially.

(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.

Reserve fund.

(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 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.

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 1918, the state insurance commissioner shall expert the re-

Death or  
total  
disability.

Transfer  
from  
accident to  
reserve  
fund.

Annuities.

Reserve  
invested.

Insurance  
commission  
to expert  
reserve  
fund.

serve fund of all classes to ascertain their standing as of October 1st, of that year, and the relation of all outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than December 31st. If the report shows that there was on said October 1st, in the reserve fund of all classes in cash or at interest a greater sum than the annuity value of the outstanding pension obligations, the surplus shall be forthwith turned over to the accident fund of all classes, such return to be made on a proportionate basis according to the percentage of annuity deposits paid by each of said classes to said fund, but if the report show the contrary condition of said reserve, the deficiency shall be forthwith made good out of the accident funds of all of said classes proportioned on a basis according to the percentage of annuity deposits paid by each of said classes to said fund. The state treasurer shall keep accurate account 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 funds 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.

Reserve fund surplus, deficiency.

State treasurer to keep reserve fund accounts.

Permanent partial disability defined.

(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 de-

scribed, the injured workman shall receive compensation as follows:

SPECIFIC MAJOR PERMANENT PARTIAL DISABILITY INJURIES.

Loss of one leg amputated so near the hip that an artificial limb cannot be worn .....	\$2,400.00	Major permanent partial disability.
Loss of one leg at or above the knee so that an artificial limb can be worn .....	\$2,280.00	
Loss of one leg below the knee .....	\$1,560.00	
Loss of the major arm at or above the elbow .....	\$2,280.00	
Loss of the major hand at wrist .....	\$1,920.00	
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	

SPECIFIC MINOR PERMANENT PARTIAL DISABILITY INJURIES.

Loss of one thigh at upper third .....	\$2,280.00	Minor permanent partial disability.
Loss of one thigh at lower third .....	\$2,280.00	
Loss of one leg at lower third .....	\$1,560.00	
Loss of foot at the ankle .....	\$1,560.00	
Loss of great toe with metatarsal bone thereof .....	\$480.00	
Loss of great toe at the proximal joint .....	\$300.00	
Loss of great toe at the second joint .....	\$105.00	
Loss of one other toe other than the great toe with metatarsal bone thereof .....	\$165.00	
Loss of second toe at proximal joint .....	\$75.00	
Loss of third toe at proximal joint .....	\$75.00	
Loss of fourth toe at proximal joint .....	\$75.00	
Loss of fifth toe at proximal joint .....	\$30.00	
Loss of metatarsal bone on toe other than great toe... ..	\$90.00	
Loss of fore-arm at upper third .....	\$2,100.00	
Loss of fore-arm at lower third .....	\$2,100.00	
Loss of thumb with metacarpal bone thereof .....	\$720.00	
Loss of thumb at proximal joint .....	\$480.00	
Loss of thumb at second joint .....	\$180.00	
Loss of index or first finger at proximal joint .....	\$390.00	
Loss of index or first finger at second joint .....	\$330.00	
Loss of index or first finger at distal joint .....	\$150.00	
Loss of middle or second finger at proximal joint .....	\$300.00	
Loss of middle or second finger at second joint .....	\$250.00	
Loss of middle or second finger at distal joint .....	\$90.00	
Loss of ring or third finger at proximal joint .....	\$270.00	
Loss of ring or third finger at second joint .....	\$210.00	
Loss of ring or third finger at distal joint .....	\$90.00	
Loss of little or fourth finger at proximal joint .....	\$105.00	

Loss of little or fourth finger at second joint .....	\$75.00
Loss of little or fourth finger at distal joint .....	\$30.00
Loss of metacarpal bone in finger except thumb .....	\$75.00
Broken arch in foot .....	\$600.00
Ankylosed ankle .....	\$480.00
Ankylosed knee .....	\$600.00

*Provided, however,* if any of the above mentioned specific minor permanent partial disability injuries shall not result in or involve amputation, not more than three-fourth ( $\frac{3}{4}$ ) of the foregoing respective 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 herein before enumerated.

Compensation for any other specific major permanent partial disability or specific minor permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that major specific or minor specific permanent partial disability 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).

Other major or minor permanent partial disabilities.

Limit.

Parents of workman under 21 years of age.

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.

Further accident to workman.

(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.

Should such further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be en-

titled notwithstanding the payment of a lump sum for his prior injury.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the department may, upon the application of the beneficiary or upon its own motion, readjust for 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.

Aggravation, diminution, termination of disability.

(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.

Husband or wife abandoned.

(j) If a beneficiary shall reside or remove out of the state the department may, in its discretion, convert any monthly payments provided for such case into a lump sum payment (not in any case to exceed 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 \$4,000.00).

Beneficiary nonresident.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

Court review, venue.

(l) 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.

No payments for less than three days.

SEC. 3. That Section 7682 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7682; Pierce's Code § 3476.

Section 7682. 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

Default in payment into accident fund.

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.

Penalty.

State claim  
for payments  
prior lien.

The claim of the state for payments and penalties due herein shall be a lien prior to all other liens, except taxes, upon the real estate, plant, works, equipment and buildings improved, operated, or constructed by any employer, and also upon any logs, spars, piles, ties, or other timber produced or articles manufactured by such employer which shall be owned by or in the possession of any person liable for such premiums. The lien hereby created shall attach from the date of the commencement of the labor 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.

Lien  
commences.

Lien filed.

Lien  
continues.

Lien  
foreclosed.

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 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 the 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.

SEC. 4. That Section 7684 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 7684. No money paid or payable under this act out of the accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be taken in execution or attached or garnished, nor shall the same pass to any other person by operation of law. Any such assignment or charge will be void: *Provided*, That if any workman shall suffer a permanent partial injury, and shall die from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman shall suffer any other injury and shall die from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent

Actions to  
recover  
payments.

Amends Rem.  
Comp. Stat.  
§ 7684;  
Pierce's Code  
§ 3478.

Payments  
due from  
fund  
cannot be  
assigned.

Death of  
workman  
from cause  
other than  
accident.

Payments  
due paid  
widow  
and children.

partial award, or of such monthly payment or both, shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children and shall not leave a widow: *Provided*, That if any workman shall suffer any injury and shall die therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children, and shall not leave a widow. *Provided, further*, That if the injured workman shall have resided in the United States as long as three years prior to the date of such injury such payment shall not be made to any widow or child who was at the time of such injury a non-resident of the United States.

Alien non-  
resident  
beneficiary.

Except as otherwise provided by treaty, whenever under the provisions of this act, compensation is payable to a beneficiary or dependent who is an alien not residing in the United States, the department shall pay fifty per centum of the compensation herein otherwise provided to such beneficiary or dependent. But if a non-resident alien, beneficiary or dependent is a citizen of a government having a compensation law which excludes citizens of the United States either resident or non-resident, from partaking of the benefit of such law in as favorable a degree as herein extended to non-resident aliens he shall receive no compensation.

Proof of  
dependency  
of non-  
residents.

Proof of dependency by any beneficiary or dependent residing without the United States shall be made before the nearest United States consul or consular agent under the seal of such consul or consular agent, and the department may cause any warrant or warrants to which such beneficiary or dependent is entitled to be transmitted to the benefi-



ciary or dependent through the nearest United States consul or consular agent.

SEC. 5. That Section 7692 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7692; Pierce's Code § 3485.

Section 7692. Whenever the state, county, any municipal corporation or other taxing district shall engage in any extra-hazardous work, or let a contract therefor, in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality or other taxing district. If said work is being done by contract, the payroll of the contractor and the sub-contractor shall be the basis of computation, and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total payroll. The contractor and any sub-contractor shall be subject to the provisions of the act, and the state for its general fund, the county, municipal corporation or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor, in turn shall be entitled to collect from the sub-contractor his proportionate amount of the payment. Whenever and so long as, by state law, city charter or municipal ordinance, provision is made for municipal employees injured in the course of employment, such employees shall not be entitled to the benefits of this act and shall not be included in the payroll of the municipality under this act.

State, county, municipal corporations, etc.

Application of act.

Contract.

Contractor, sub-contractor.

The provisions of this act shall apply to all extra-hazardous work done by contract; the person, firm or corporation who lets a contract for such extra-hazardous work shall be responsible primarily and directly for all payments due to the accident fund and medical aid fund upon the work. The contractor

All extra-hazardous contract work under act.

Person letting contract responsible.

and any sub-contractor shall be subject to the provisions of this act, and the person, firm or corporation letting the contract shall be entitled to collect from the contractor the full amount payable to the accident fund and medical aid fund, and the contractor in turn shall be entitled to collect from the sub-contractor his proportionate amount of the payment.

It shall be unlawful for any city or town to issue a construction building permit to any person who has not submitted to the department of labor and industries an estimate of payroll and paid premium thereon as provided by Section 7676 of Remington's Compiled Statutes.

City or town,  
building  
permits.

See Rem.  
Comp. Stat.  
§ 7676;  
Pierce's Code  
§ 3471.

Amends Rem.  
Comp. Stat.  
§ 7696;  
Pierce's Code  
§ 3487.

SEC. 6. That Section 7696 of Remington's Compiled Statutes of Washington be amended to read as follows:

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 hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. 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 workman of the fact, printed notices furnished by the department stating that he or it has elected to contribute to the accident fund

Employer  
in other  
occupations  
may come  
under act.

See Rem.  
Comp. Stat.  
§ 7674;  
Pierce's Code  
§ 3469.

Rate fixed.

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 subject to all the provisions of Section 7673 to 7796 of Remington's Compiled Statutes, and entitled to all of the benefits thereof.

Workman may elect not to come under act.

See Rem. Comp. Stat. § 7673 to § 7796; Pierce's Code § 3468 to § 3515-73.

SEC. 7. That Section 7712 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7712; Pierce's Code § 3501.

Section 7712. It is the intent to require the industries of the state to furnish medical, surgical and hospital care to their injured workmen and to place the expense thereof upon each industry as near as may be in the proportion in which it produces injury and creates expense.

Medical, surgical and hospital care.

The rate which each industry shall pay into the medical aid fund shall be as provided in Section 7676 of Remington's Compiled Statutes, which rate may be increased or decreased, by the director of labor and industries through and by means of the division of industrial insurance, based upon the medical aid cost experience of such industry.

See Rem. Comp. Stat. § 7676; Pierce's Code § 3471.

Rate increased or decreased.

From any change made in such rates any employer or workman claiming to be aggrieved may upon application, have a hearing before the division of industrial insurance upon notice to the interested parties and in the manner provided in Section 7697

Change in rates, hearing upon.

See Rem. Comp. Stat. § 7697; Pierce's Code § 3488.

of Remington's Compiled Statutes, a review by the courts. The body of interested workmen may designate in writing in duplicate, one of them to be the recipient of service upon all of them, one copy to be posted for local convenience, and the other to be filed with the supervisor of industrial insurance. In default of any such designation, service upon any one workman other than the one instituting a complaint shall be service upon all.

Amends Rem.  
Comp. Stat.  
§ 7713;  
Pierce's Code  
§ 3502.

SEC. 8. That Section 7713 of Remington's Compiled Statutes of Washington be amended to read as follows:

Medical  
aid fund  
created.

Section 7713. A fund is hereby created in the state treasury to be known as the medical aid fund. Into it shall be paid by each employer on or before the 15th day of September, 1923, and on or before the 15th day of January, May and September of each year thereafter for each day's work or fraction thereof done for him in extra-hazardous employment in or during the preceding four calendar months the medical aid rate provided in Sections 7676 and 7712 of Remington's Compiled Statutes.

Payments  
into.

See Rem.  
Comp. Stat.  
§ 7676 and  
§ 7712;  
Pierce's Code  
§ 3471 and  
§ 3501.

The employer shall deduct from the pay of each of his workmen engaged in extra-hazardous work one-half of the amount the employer is required by the foregoing provision of this section to pay into said fund for or on account of the employment of such workman.

Employer to  
deduct one-  
half from  
employees.

Amends Rem.  
Comp. Stat.  
§ 7714;  
Pierce's Code  
§ 3503.

SEC. 9. That Section 7714 of Remington's Compiled Statutes of Washington be amended to read as follows:

See Rem.  
Comp. Stat.  
§ 7673 to  
§ 7796;  
Pierce's Code  
§ 3468 to  
§ 3515-73.

Section 7714. Upon the occurrence, after June 30, 1923, of any injury to a workman entitled to compensation under the provisions of said Sections 7673 to 7796 of Remington's Compiled Statutes, he shall receive in addition to such compensation, and out of the medical aid fund, proper and necessary medical

and surgical services, at the hands of a physician of his own choice if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

Workman to receive medical and surgical treatment.

In the case of permanent partial disability not to extend beyond the date when compensation shall be awarded him out of the accident fund, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him out of the accident fund shall cease, in case of temporary disability not to extend beyond the time when the monthly allowances to him out of the accident fund shall cease, in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll. But after any injured workman shall have returned to his work his medical and surgical treatment may be continued at the expense of the medical aid fund if, and as long as, such continuation is deemed by the supervisor of industrial insurance to be necessary to his more complete recovery. In order to authorize such continued treatment in any case the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary. The director of labor and industries shall have power to enact rules prescribing whether and under what conditions an injured workman who has been receiving treatment under medical aid contract at a place other than his place of permanent abode and who shall be or have become ambulatory or who being discharged shall require further treatment may be transferred to the care of a surgeon at his place of residence, and providing for the compensation of such surgeon at the expense of the doctor, hospital or hospital association holding such contract.

First aid kit.

Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the department with materials for first aid to his injured workmen. Every employer, who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep one first aid station equipped as required by the department with materials for first aid to his injured workmen, and shall cooperate with the department in training one or more employees in first aid to the injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under the provisions of Sections 7734 and 7736 of Remington's Compiled Statutes. When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. Every workman whose injury shall result in the loss of one or more limbs or eyes, shall be once provided with proper artificial substitutes to be purchased by the department at the expense of the accident fund. Every workman, who shall suffer a penetrating wound of the cornea producing an error of refraction, shall be once provided at the expense of the accident fund, proper and properly equipped lenses to correct such error of refraction, and his disability rating shall be based upon the corrected result. Every workman, whose accident shall result in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced at the expense of the accident fund. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches may be provided at the expense of the medical aid fund and all mechanical appliances required as permanent

See Rem.  
Comp. Stat.  
§ 7734 and  
§ 7736;  
Pierce's Code  
§ 3515-8 and  
§ 3515-10.

Transporta-  
tion for  
injured  
workman.

Injury to  
eye, tooth  
or artificial  
limb.

Mechanical  
appliances  
supplied.

equipment after treatment has been completed shall be once provided at the expense of the accident fund. A workman, whose injury is of such short duration as to bring him within the provisions of subdivision (1) of section 7679 of Remington's Compiled Statutes, shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this section.

See Rem.  
Comp. Stat.  
§ 7679;  
Pierce's Code  
§ 3472.

SEC. 10. That section 7719 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7719;  
Pierce's Code  
§ 3508.

Section 7719. It shall be the duty of the director of labor and industries, through and by means of the division of industrial insurance to provide care and treatment for each workman injured after June 30, 1923, in extra-hazardous employment, to make a record of the commencement of every disability, and the termination of the same and subject to the provisions of section 7716 of Remington's Compiled Statutes to certify all bills rendered for care or treatment of injured workmen, with power to reject any bill or item thereof incurred in violation of the principles laid down in section 7715 of Remington's Compiled Statutes, or the rules and regulations promulgated thereunder.

Care and  
treatment for  
injured  
workman.

Record.

See Rem.  
Comp. Stat.  
§ 7716;  
Pierce's Code  
§ 3505.

See Rem.  
Comp. Stat.  
§ 7715;  
Pierce's Code  
§ 3504.

SEC. 11. That Section 7725 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7725;  
Pierce's Code  
§ 3514.

Section 7725. The provisions of Sections 7673 to 7711, inclusive, of Remington's Compiled Statutes, shall be applicable to the collection of the medical aid fund, and to the medical, surgical and hospital care of injured workmen only so far as they are not inconsistent with the provisions of sections 7712 to 7796, inclusive. Disbursements for medical aid administrative expense and disbursements for

See Rem.  
Comp. Stat.  
§ 7673 to  
§ 7711;  
Pierce's Code  
§ 3468 to  
§ 3500.

See Rem.  
Comp. Stat.  
§ 7712 to  
§ 7796;  
Pierce's Code  
§ 3501 to  
§ 3515-73.

Payments from medical aid fund, how made.

special medical examinations relating to medical treatment or disability rating and disbursements in payment of bills incurred for the medical, surgical or hospital care of injured workmen shall be made by warrants drawn against the medical aid fund by the state auditor upon certificate thereof or requisition therefor by the department.

Amends Rem. Comp. Stat. § 7751; Pierce's Code § 3515-25.

SEC. 12. That section 7751 of Remington's Compiled Statutes of Washington be amended to read as follows:

Hearing on classification.

Section 7751. Written notice of every such hearing shall be mailed to each employer whose class, class subdivision or establishment is affected; *Provided*, That the publication of such notice in any bulletin mailed by the department to each such employer shall be sufficient notice under this act. It shall be the duty of each employer receiving such a notice to forthwith post the same at his establishment for the information of his workmen.

Amends Rem. Comp. Stat. § 7774; Pierce's Code § 3515-48.

SEC. 13. That section 7774 of Remington's Compiled Statutes of Washington be amended to read as follows:

Safe place, safety device, educational standards.

Section 7774. It shall be the duty of the director of labor and industries, through and by means of the division of safety to enforce the safe place, safety device and educational standards and orders, to inspect the establishment or work of every employer engaged in extra-hazardous work (other than coal mines) as often as it is deemed necessary, but not less than once every year, for the purpose of ascertaining whether the safe place, safety device and educational standards applicable thereto are being complied with and to investigate and analyze all serious accidents to workmen in order to provide a remedy to prevent a repetition of the same, not only in the establishment in which the accident occurred, but also in all other like establishments.



SEC. 14. That section 7775 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7775;  
Pierce's Code  
§ 3515-48a.

Section 7775. Any employer who in any establishment carried on by him has refused or failed to comply with any of the existing educational, safe place or safety device standards applicable to any such establishment for a period of thirty days after having had written notice from the division of safety shall be penalized in a sum not to exceed one thousand dollars (\$1,000.00), to be collected in a civil action in the name of the state and paid into the accident fund.

Failure to  
comply with  
safety  
standards,  
penalty.

SEC. 15. That section 7781 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7781;  
Pierce's Code  
§ 3515-58.

Section 7781. Each employer who shall be certified by the Supervisor of Safety to have complied during the calendar year preceding the current year with all of the educational, safe place and safety device standards and orders applicable to his establishment or case, and who shall have cost the accident fund of any class or class subdivision to which he has contributed for such calendar year preceding the current year and for the year prior thereto between seventy-six per cent and ninety per cent of his premiums paid into such class or class subdivision of the accident fund for said aggregate two-year period, exclusive of all credits and penalties, shall be entitled to receive and shall receive a credit of ten per cent of his premium paid to the accident fund in such class or class subdivision for such calendar year preceding the current year. Each employer who shall be certified by the Supervisor of Safety to have complied during the calendar year preceding the current year with all of the educational, safe place and safety device standards and orders applicable to his establishment or case, and who shall have cost the accident

Supervisor of  
safety  
certificate.

Compliance  
with safety  
standards,  
credits.

fund of any class or class subdivision to which he has contributed for such calendar year preceding the current year and for the year prior thereto between fifty per cent and seventy-six per cent of his premiums paid into such class or class subdivision of the Accident Fund for said aggregate two-year period, exclusive of all credits and penalties, shall be entitled to receive and shall receive a credit of fifteen per cent of his premium paid to the accident fund in such class or class subdivision for such calendar year preceding the current year. In computing the cost to the accident fund of any employer to determine the credit or penalty to be awarded or charged such employer under sections 7781 to 7784, inclusive, of Remington's Compiled Statutes, the fixed sum of Four Thousand Dollars (\$4,000.00) shall be charged against the experience of such employer for each injury resulting in the death or total permanent disability of a workman, instead of the actual cost to the accident fund of such injury.

See Rem.  
Comp. Stat.  
§ 7781 to  
§ 7784;  
Pierce's Code  
§ 3515-58 to  
§ 3515-61.

Amends Rem.  
Comp. Stat.  
§ 7782;  
Pierce's Code  
§ 3515-59.

SEC. 16. That Section 7782 of Remington's Compiled Statutes of Washington be amended to read as follows:

Supervisor  
of safety,  
certificate.

Section 7782. Each employer who shall be certified by the supervisor of safety to have complied during the calendar year preceding the current year with all of the educational, safe place and safety device standards and orders applicable to his establishment or case and who shall have cost the accident fund of any class or class subdivision to which he is a contributor for such calendar year preceding the current year and for the year prior thereto between twenty-five per cent and fifty per cent of his total premiums paid into such class or class subdivision of the accident fund for said aggregate two-year period, exclusive of all credits and penalties, shall be entitled to receive and shall receive a credit of twenty per cent of his premiums to the accident fund in

Compliance  
with safety  
standards,  
credits.

such class or class subdivision for such calendar year preceding the current year. Each employer who shall be so certified by the supervisor of safety and who shall have cost the accident fund of any class or class subdivision to which he is a contributor for such calendar year preceding the current year and for the year prior thereto twenty-five per cent, or less, of his total premiums paid into such class or class subdivision of the accident fund for said aggregate two-year period, exclusive of all credits and penalties, shall be entitled to receive and shall receive a credit of thirty per cent of his premiums to the accident fund in such class or class subdivision for such calendar year preceding the current year.

SEC. 17. That Section 7783 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7783;  
Pierce's Code  
§ 3515-60.

Section 7783. Each employer who shall be certified by the supervisor of safety for any calendar year to have failed to comply during the calendar year preceding the current year with any safety standard or order applicable to his establishment or case and who shall have cost the accident fund of any class or class subdivision to which he is a contributor for such calendar year preceding the current year and for the year prior thereto more than one hundred per cent but not more than one hundred and twenty-five per cent of his premiums to the accident fund for said aggregate two-year period in such class or class subdivision shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred a sum equal to five per cent of his premium to the accident fund for that year in such class or class subdivision.

Supervisor of  
safety,  
certificate.

Failure to  
comply with  
safety  
standards,  
penalty.

Amends Rem.  
Comp. Stat.  
§ 7784;  
Pierce's Code  
§ 3515-61.

SEC. 18. That Section 7784 of Remington's Compiled Statutes of Washington be amended to read as follows:

Supervisor  
of safety,  
certificate.

Failure to  
comply with  
safety  
standards,  
penalty.

Section 7784. Each employer who shall be certified by the supervisor of safety for any calendar year to have failed to comply during the calendar year preceding the current year with any safety standard or order applicable to his establishment or case and who shall have cost for that year and for the preceding year the accident fund of any class or class subdivision to which he is a contributor for such calendar year preceding the current year more than one hundred and twenty-five per cent of his total premiums to the accident fund for said aggregate two-year period in such class or class subdivision shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred a sum equal to ten per cent of his premium to the accident fund for that year in such class or class subdivision.

Amends Rem.  
Comp. Stat.  
§ 7786;  
Pierce's Code  
§ 3515-63.

SEC. 19. That Section 7786 of Remington's Compiled Statutes of Washington be amended to read as follows:

See Rem.  
Comp. Stat.  
§ 7781 and  
§ 7782;  
Pierce's Code  
§ 3515-58 and  
§ 3515-59.

Section 7786. Any credit provided for in Sections 7781 and 7782 of Remington's Compiled Statutes shall be applied to the accident fund account of the employer entitled thereto. In case of permanent cessation of work any of such credits remaining after all sums due the accident fund and medical aid fund have been paid shall revert to the accident fund.

Credit for  
safety  
standards  
applied to  
accident fund.

Application  
to existing  
claims  
and cases.

SEC. 20. For all cases of injuries to workmen which occurred and for all claims or actions pending or causes of action existing before this act shall go

into effect, Sections 7673 to 7796 of Remington's Compiled Statutes of Washington shall continue in force as they were prior to and they shall be unaffected by the passage of this amendatory act.

See Rem.  
Comp. Stat.  
§ 7673 to  
§ 7796;  
Pierce's Code  
§ 3468 to  
§ 3515-73.

SEC. 21. Adjudication of invalidity of any of the sections of this act, or any part of any section shall not impair or otherwise affect the validity of any other of said sections or part thereof.

If any part  
unconstitu-  
tional.

SEC. 22. Sections 7677, 7678, 7691, 7721, 7722, 7750, 7753, 7776, 7777, 7778, 7779, 7785 and 7787 of Remington's Compiled Statutes of Washington, and all acts and parts of acts in conflict with the provisions hereof, are hereby repealed, but nothing herein contained shall operate to repeal any part of the Coal Mining Code or any of the following sections of Remington's Compiled Statutes of Washington, or any part thereof: 7642 to 7660, inclusive, 9843 to 9870, inclusive, and 10339 to 10459, inclusive.

Repeals Rem.  
Comp. Stat.  
§§ 7677, 7678,  
7691, 7721,  
7722, 7750,  
7753, 7776,  
7777, 7778,  
7779, 7785  
and 7787;  
Pierce's Code  
§§ 3471-1,  
3471-2, 3484,  
3510, 3511,  
3515-24,  
3515-27,  
3515-50,  
3515-54,  
3515-55,  
3515-56,  
3515-62 and  
3515-64.

SEC. 23. This act shall take effect on the 1st day of July, 1923, with the exception of sections 7676, 7712, and 7713, which take effect on the 1st day of September, 1923.

See Rem.  
Comp. Stat.  
§ 7642 to  
§ 7660;  
§ 9843 to  
§ 9870 and  
§ 10339 to  
§ 10459;  
Pierce's Code  
§ 3459 to  
§§ 3465, 3456,  
3466, 3467,  
3517-3519,  
2880-2907,  
5528-5637-3.

Passed the House March 1, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 16, 1923.

See Rem.  
Comp. Stat.  
§ 7676, 7712  
and 7713;  
Pierce's Code  
§ 3471, 3501  
and 3502.

## CHAPTER 137.

[H. B. 110.]

## AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to agricultural and vegetable seeds and amending sections 2810, 2818, 2819, 2820, 2825, 2827 and 2828 of Remington's Compiled Statutes of the State of Washington.

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

Amends Rem.  
Comp. Stat.  
§ 2810;  
Pierce's Code  
§ 99.

SECTION 1. That Section 2810 of Remington's Compiled Statutes be amended to read as follows:

Agricultural  
seed, defined.

Section 2810. That the term "agricultural seed" as used in this act shall include the seeds of all domesticated grasses, cereals, legumes such as alfalfa, alsike clover, crimson clover, red clover, sweet clover, white clover, field peas, horse beans and vetches, and the seeds of all other crops that are, or may be commercially grown on a field scale in the state of Washington; while the term "vegetable seeds" shall include the seeds of those crops which are successfully grown in Washington on a garden scale and are generally known or sold under the name of "vegetable seeds"; *Provided*, the director of agriculture shall have the power to apply, through rules and regulations, any part of the seed law as he shall deem necessary or applicable to the sale and distribution of tubers, bulbs or parts of plants commonly used for planting or propagating purposes.

Vegetable  
seeds, defined.

Tubers, bulbs.

Amends Rem.  
Comp. Stat.  
§ 2818;  
Pierce's Code  
§ 107.

SEC. 2. That Section 2818 of Remington's Compiled Statutes be amended to read as follows:

Weed seeds  
prohibited.

Section 2818. No person shall sell, offer or expose for sale or distribution for the purpose of seeding, any agricultural seeds as herein defined, which shall contain more than five (5) to the pound of the following weed seeds:

- Quack grass (*Agropyron repens*)
- Dodder (*Cuscuta* species)
- Fanweed (*Thlaspi arvense*)

or that shall contain any seeds of bindweed or wild morning glory (*Convolvulus* species), Canada thistle (*Cnicus arvensis*), or corn cockle (*Lychnis githago*).

SEC. 3. That Section 2819 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 2819;  
Pierce's Code  
§ 108.

Section 2819. (2) No person shall sell, offer or expose for sale or distribution for the purpose of seeding any agricultural seeds as herein defined which shall contain more than ninety (90) to the pound, of the following weed seeds:

Russian thistle (*Salsola pestifer*)

Charlock (*Brassica arvensis*)

Jim Hill mustard (*Sisymbrium altissimum*)

Buckhorn plantain (*Plantago lanceolata*)

or more than fifteen to the pound of wild oats (*Avena fatua*) in the seeds of cereals, vetches or peas.

(b) Weed seeds of any other kind than those mentioned in section 2818 and section 2819, paragraph (a), when found in any sample of agricultural seed, shall be classed as impurities therein and when presented in quantities exceeding two per cent of the sample either singly or in combination, the approximate percentage of each shall be stated on the label attached to the container or stamped on the container itself.

See Rem.  
Comp. Stat.  
§ 2818 and 2819;  
Pierce's Code  
§ 107 and 108.

Impurities.

The director of agriculture may make regulations determining the species of noxious weeds which shall be included with those mentioned in section 2818 or section 2819, paragraph (a).

See Rem.  
Comp. Stat.  
§ 2818 and 2819;  
Pierce's Code  
§ 107 and 108.

SEC. 4. That section 2820 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 2820;  
Pierce's Code  
§ 109.

Section 2820. Sand, dirt, chaff and foreign substances, broken seed and seed not capable of germinating, shall be considered impurities when present in agricultural seeds sold, offered or exposed for sale

Sand, dirt,  
chaff, etc.

for the purpose of seeding, and when such impurities or any of them are present in quantity exceeding one-half ( $1\frac{1}{2}$ ) of one (1) per cent, the approximate percentage shall be plainly indicated on the label.

SEC. 5. That section 2825 of Remington's Compiled Statutes shall be amended to read as follows:

Section 2825. It shall be the duty of the said director of agriculture, either by himself or his inspectors or assistants, to inspect, examine, and take samples of any agricultural seeds, stored, sold, offered or exposed for sale or distribution within this state for seeding purposes, at such time, and place, and to such extent as he may determine.

The director, supervisor, inspectors, or assistants shall have free access at all reasonable hours upon and into any vessels, ferries, premises or structures, to make examination of any agricultural seeds whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in possession of any warehouse, elevator, railway or steamship company; and he is hereby given authority in person or by his inspectors or assistants upon notice to the dealer, his agent or representative of any warehouse, elevator, railway or steamship company, if present, to take for analysis a sample of such agricultural seeds from a parcel, package, lot or other container or number of parcels, packages, lots, or other containers; said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with, or on the premises of the vendor or party in interest, and the other retained by said director of agriculture or his agent for analysis.

The said director, supervisor, inspector, and assistants shall be vested with all necessary powers for the proper execution of their duties, including all

Amends Rem.  
Comp. Stat.  
§ 2825;  
Pierce's Code  
§ 112b.

Inspection  
by director.

Access to  
vessels,  
structures, etc.

Evidence of  
fraud, etc.



action or procedure needful to secure evidence of fraud and dishonest dealing in or the fraudulent advertising of seed.

Prosecutions for violation of this act shall be brought in the proper court by the prosecuting attorney of the county in which said violation occurred, upon complaint of the director, supervisor, inspectors or assistants. Prosecutions.

All moneys received from license fees, fines, costs imposed and recovered under the provisions of this act shall be paid to the director of agriculture, or his agents, and by him paid into the state treasury to the credit of the agricultural seed revolving fund to be used to assist in defraying costs of inspection and analysis and grading of agricultural and vegetable seeds under the provisions of this act. License fees, fines, costs, how disposed of.

The director, supervisor, or inspectors shall have the power whenever he shall deem it necessary to call upon the attorney general for aid in the prosecution of all cases arising under the provisions of this act. Attorney general.

Whoever violates any of the provisions named in this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named herein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) and costs for the first offense and not less than one hundred dollars (\$100.00) and costs for the second or any subsequent offense. Violation, penalties.

SEC. 6. That section 2827 of Remington's Compiled Statutes be amended to read as follows: Amends Rem. Comp. Stat. § 2827; Pierce's Code § 112d.

Section 2827. It shall be unlawful for any person, firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing into this state for sale or distribution any agricultural or vegetable seed, without first having ob- License for dealers.

Fee.

tained from the director of agriculture and having in force a license so to do. The license fee shall be two hundred dollars (\$200.00) for wholesale seed dealers, ten dollars (\$10.00) for those engaged in the retail seed business in cities of the first and second classes, five dollars (\$5.00) for those engaged in the retail seed business in cities of the third class, and one dollar (\$1.00) for all other retailers dealing in agricultural or vegetable seeds: *Provided*, that no license shall be required of retail seed dealers for handling only seed purchased from a licensed wholesale dealer or seed grown in the state of Washington and purchased from the producer within the state. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. The director of agriculture may publish from time to time, in bulletins or reports, a list of those licensed under this act.

Amends Rem.  
Comp. Stat.  
§ 2828;  
Pierce's Code  
§ 112e.

SEC. 7. That section 2828 of Remington's Compiled Statutes be amended to read as follows:

Rules for  
grading  
alfalfa, etc.

Section 2828. The director of agriculture shall have the power to adopt, promulgate and enforce rules and regulations for the grading of alfalfa, alsike clover, red clover, white clover, timothy or other agricultural or vegetable seeds, sold or distributed for seeding purposes. When such grades are in force they shall be placed on the label in lieu of such requirements of labeling prescribed in sections 2814, 2815 and 2816 of Remington's Compiled Statutes as the director of agriculture may designate.

See Rem.  
Comp. Stat.  
§ 2814, 2815  
and 2816;  
Pierce's Code  
§ 103, 104  
and 105.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

## CHAPTER 138.

[H. B. 202.]

## IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts and the organization thereof, to the authorization, issue and sale of bonds and to the levy and collection of assessments, stating the purposes for which such districts may be organized, prescribing their powers and amending sections 7417, 7418, 7419, 7429-1, being section 6, chapter 180, Laws of 1919, 7432, 7440, 7447 and 7453 of Remington's Compiled Statutes of Washington, and adding to chapter 4, Title XLVIII thereof, new sections known as 7417-1, 7417-2, 7428-1, 7428-2, 7428-3, 7431½, 7431½-1, 7431½-2, 7431½-3, 7431½-4, 7431½-5 and 7442-1, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 7417 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 7417;  
Pierce's Code  
§ 3197.

Section 7417. Whenever fifty or a majority of the holders of title to, or of evidence of title to land susceptible of "irrigation" desire to organize an irrigation district for any or all of the purposes mentioned in section 2 hereof, they may propose the organization of an irrigation district in the manner provided herein; and when so organized, such district shall have all the powers that may now or hereafter be conferred by law.

Desire to orga-  
nize district.

SEC. 2. That Chapter 4 of Title XLVIII, Remington's Compiled Statutes of Washington, be amended by adding thereto two new sections to be known as sections 7417-1 and 7417-2, to read as follows:

Section 7417-1. An irrigation district may be organized or maintained for any or all the following purposes:

Purposes for  
which  
organized.

1. The construction or purchase of works, or parts of same, for the irrigation of lands within the operation of the district.

2. The reconstruction, repair or improvement of existing irrigation works.

3. The operation or maintenance of existing irrigation works.

4. The construction, reconstruction, repair or maintenance of a system of diverting conduits from a natural source of water supply to the point of individual distribution for irrigation purposes.

5. The execution and performance of any contract authorized by law with any department of the federal government or of the state of Washington, for reclamation and irrigation purposes.

6. The performance of all things necessary to enable the district to exercise the powers herein granted.

Section 7417-2. Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

1. To purchase, and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use.

2. To construct, repair, purchase, maintain or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

3. To construct, repair, operate and maintain a system of drains, as herein provided.

4. To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

SEC. 3. That section 7418 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7418; Pierce's Code § 3198.

Section 7418. For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall contain the following:

Petition.

1. A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

Contents.

2. The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

3. A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.

4. A statement of the number of directors, either three (3) or five (5), desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

5. Any other matter deemed material.

6. A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider

Bond.

Petition  
published.

Notice of  
hearing.

Lands in two  
counties.

and act upon said petition, and shall be published once a week, for at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the director of the department of conservation and development from year to year, which said notice shall be published for at least two weeks (three issues) prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the state director of the department of conservation and development at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' bondsmen, make such investigation, through the division of hydraulics, of the sufficiency of the source and supply of water for the purposes of the proposed district, as he may deem necessary, and file a report of his findings, together with a statement of his costs, with the board

of county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: *Provided*, that said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district; any lands included within any district, which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: *And provided further*, that any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district.

At said hearing the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the

Hearing.

Boundaries  
established.Name of  
district.Election,  
notice.

name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as directors of the district: *Provided*, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

SEC. 4. That section 7419 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 7419. Whenever any state, granted, school or other public lands of the state shall be situated in any irrigation district organized under this act, such lands shall be subject to the provisions of this act in the same manner in which lands of like character held under private ownership are subject thereto except as hereinafter provided: *Provided*, That no state, granted, school or other public lands of the state shall be included in any such district except upon the consent of the commissioner of public lands to the inclusion of such lands in such district, and he shall be served with a copy of the petition proposing to include any such lands in any district, together with a map of the district and notice of the time and place of hearing the same, at least thirty

Amends Rem.  
Comp. Stat.  
§ 7419;  
Pierce's Code  
§ 3198a.

Public lands  
included.



days prior to such hearing, and if he shall determine that such public lands will be benefited by being included in such district, he shall give his consent thereto in writing or shall file with the board a statement of his objections thereto: *Provided, further,* That any state, granted, school or other public lands of the state which are situated within the boundaries of any irrigation district, but were not included within such district at the time of its organization, may be so included in such district after a hearing as herein provided.

Whenever the commissioner of public lands or any interested person shall desire to have such lands included in the district, he shall file a request to that effect in writing with the district board, which shall thereupon fix a time and place for hearing such request and cause a notice of the same to be given by posting a copy of said notice in three (3) public conspicuous places in the district, one of which shall be at the place of hearing, at least twenty (20) days before the hearing, and by mailing, by registered mail, a copy of the notice to the commissioner of public lands. Said notice shall describe the lands to be included and direct all persons objecting to such inclusion to appear at the time and place stated and present their objections. At said hearing, the district board shall consider all objections to such inclusion and shall have the power to adjourn to a later date for cause and by resolution to determine the matter. The determination of the district board shall be final and conclusive upon all persons, except in no case shall any such lands be included in any district without the written consent of the commissioner of public lands.

Request for  
inclusion.

Upon the inclusion of any state, granted, school or other public lands of the state within the limits of such organized district, the state shall be entitled to receive its proportion of water as in case of other

Payment  
by state.

land owners upon payment by the state, as herein provided, of such sums as shall be determined by the board of directors upon agreement with the commissioner of public lands, and at the time to be so fixed, which sums shall be such equitable amount as such lands should pay having regard to the length of time the district has been organized and to the present condition of the irrigation system, as well as to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit, if equitable, for any sums paid as water rent by the occupant of said lands prior to the inclusion of same in the district, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed: *Provided*, That no special assessments for other purposes than the payment of principal and interest on bonds or maintenance shall be levied against such lands while under state ownership without the written consent of the state land commissioner.

Delinquent  
assessments on  
public lands.

Certified to  
state auditor.

Any public lands which shall be included in any irrigation district shall not be sold for delinquencies, but immediately after the delinquency thereof, the amount of the assessment shall be certified by the county treasurer of the county in which the land is situated to the commissioner of public lands, whose duty it shall be to certify the same to the state auditor, who shall, at the next session of the legislature unless such assessment, or assessments, have been paid in the meantime, certify to the legislature the amount of such assessments and the legislature shall provide for the payment of the same with interest by appropriation out of the general fund of the state, and the amount so paid shall be added to the appraised value of the tract of land against which the delinquent assessment was certified and shall be collected at the time and in the manner provided in section 4480 of this code. The certificate of the county

treasurer herein provided for shall contain (1) a description of the state, school, or granted lands by legal subdivisions, (2) the amount of the assessment against each legal subdivision separately stated.

SEC. 5. That Chapter 4 of Title XLVIII of Remington's Compiled Statutes of Washington be amended by adding thereto three new sections to be known as sections 7428-1, 7428-2 and 7428-3, as follows:

Section 7428-1. Whenever, in the judgment of the district board, a system of drainage for any lands included in the operation of the district will be of special benefit to the lands of the district as a whole, it shall pass a resolution to that effect and call a further meeting of the board to determine the question. Notice of said meeting shall be given by the secretary for the same length of time and in the same manner as required by law for the meeting of the county board to hear the petition for the organization of the district. At the time and place mentioned in the notice the board shall meet, hear such evidence as shall be presented, and fully determine the matter by resolution which said resolution shall be final and conclusive upon all persons as to the benefit of said system of drainage to the lands in the district.

Drainage  
for district.

Section 7428-2. Upon the passing of said resolution, the district shall in all respects have the same power and authority as is now, or may hereafter be, conferred respecting irrigation and all powers in this act conferred upon irrigation districts with respect to irrigation shall be construed to include drainage in conjunction therewith as herein provided.

Powers with  
respect to  
drainage.

Section 7428-3. Any district heretofore or hereafter organized and existing, may change its name by filing with the board of county commissioners of

Change of  
name.

the county in which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of directors adopted by the unanimous vote of all the members of said board at a regular meeting thereof providing for such change of name; and thereafter all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name, and a change of name heretofore made by any existing irrigation district in this state, substantially in the manner above provided is hereby ratified, confirmed and validated.

Amends Rem.  
Comp. Stat.  
§ 7429-1;  
Pierce's Code  
§ 3208a.

SEC. 6. That section 7429-1 of Remington's Compiled Statutes of Washington, being section 6, chapter 180, Laws of 1919, be amended to read as follows:

Verdict in  
condemnation  
proceedings.

Section 7429-1. The jury, or the court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the property damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict or findings, that the gross damages exceed said gross benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a de-

Special  
benefits.

Gross dam-  
ages, gross  
benefits.

cree of appropriation shall be entered, vesting the title to the property appropriated in the irrigation district. If it shall appear by the verdict that the gross benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the property appropriated in the irrigation district. The verdict and findings of the court or jury as to damages and benefits shall be binding upon the board of directors of the irrigation district in their levy of assessments to pay the cost of the irrigation system or improvements on behalf of which the condemnation was had: *Provided*, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the condemnation proceedings. The damages thus allowed but not paid shall be applied *pro tanto* to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded.

SEC. 7. That chapter 4 of Title XLVIII of Remington's Compiled Statutes of Washington be amended by adding thereto six new sections to be known as sections 7431½, 7431½-1, 7431½-2, 7431½-3, 7431½-4 and 7431½-5, as follows:

Section 7431½. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of law relating to irrigation districts, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the board deems it neces-

Surveys,  
plans, etc.

sary or expedient to raise additional money for said purpose, cause the necessary surveys, examinations, maps and plans to be made and shall demonstrate the practicability of the general plan of the district's proposed works and furnish the proper basis for an estimate of the cost of carrying out the same.

Section 7431½-1. Such examinations, surveys, maps, plans and specifications with estimates of cost as are deemed necessary for an understanding of the proposed plan of development shall be certified by the district board and its engineer and filed with the state director of the department of conservation and development at Olympia, Washington.

Filed with  
director of  
conservation  
and develop-  
ment.

Section 7431½-2. Said director shall forthwith consider said certified report and if he deem it advisable make, through the appropriate divisions of his department, additional studies of the project at the expense of the district, and as soon as practicable thereafter, but in any event within ninety (90) days from the receipt of said certified report, make his findings and submit the same to the district board.

Director to  
investigate  
and report.

Section 7431½-3. In his findings said state director shall give generally his conclusions regarding the supply of water available for the project, the nature of the soil proposed to be irrigated and its susceptibility to irrigation, the duty of water for irrigation and the probable need of drainage, the probable cost of works, water rights and other property necessary for the project, the conditions of land settlement therein, and the proper amount and dates of maturity of the bonds proposed to be issued, and such other matters as he deems pertinent to the success of the project, provided that said findings and conclusions shall be advisory only and shall not be binding upon the directors of the irrigation district.

Findings of  
director.

Section 7431½-4. In the case of an irrigation district under contract or in cooperation with the United States under the provisions of the United

United States  
Reclamation  
Service.

States Reclamation Act, the investigation and findings above required to be made by the state director of the department of conservation and development may be made by the United States Reclamation Service with the same authority and under like conditions, if it so elects.

Section 7431 $\frac{1}{2}$ -5. Upon receipt of said findings the district board shall thereupon finally determine the plan of development and estimate and determine the amount of money to be raised and shall immediately thereafter call a special election as provided by law.

Determination on plan of development.

SEC. 8. As to existing irrigation districts the provisions of section 7, of this act relating to the filing of examinations, surveys, maps, plans and specifications of the plan of development with the Director of the Department of Conservation and Development and to an examination and the filing of findings and conclusions by that department, shall not apply.

Existing districts excepted.

SEC. 9. That section 7432 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7432; Pierce's Code § 3211.

Section 7432. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by law the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in gold coin of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: *Provided*, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: *Provided further*, That bonds, authorized by a

Election on issuance of bonds.

Form of bonds.

special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in Section 7429 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election

Notice of election.

Ballots.

See Rem. Comp. Stat. § 7429; Pierce's Code § 3208.

Contract with United States.



shall state under the terms of what act or acts of Congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All bonds issued under this act shall bear interest at such rate not exceeding 6% per annum as the board of directors may determine, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the State of Washington in New York City, said place of payment to be designated in the bond. Said bonds shall be each of the denomination of not less than one hundred nor more than one thousand dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto. The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal attached is the seal of

Bonds, rate of interest.

Where payable.

Denominations.

Register.

the district. Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered and cancelled: *Provided further*, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of cancelling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto. If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby cancelled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such

Exchange for  
outstanding  
issues.

Cancellation  
of prior issues.

denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such re-issue of bonds shall have been previously voted upon favorably by the legally qualified electors of such dis-

Numbered.

Interest  
coupons.

Exchange.

Re-issue.

trict, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

Amends Rem.  
Comp. Stat.  
§ 7440;  
Pierce's Code  
§ 3218.

SEC. 10. That Section 7440 of Remington's Compiled Statutes of Washington be amended to read as follows:

Annual  
assessment.

Section 7440. 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.

For bonds.

Levy to cover delinquencies.

It shall also be the duty of the board when making the levy in the years 1921, 1922 and 1923 to take into account the change of dates in the year 1924 and thereafter, and the board shall add a sufficient amount to the assessment levied in those years to take care of all obligations maturing before the due date of the assessment levied in 1924. 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," and "Coupon Warrant 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

Levy for 1921-1922, 1923.

Funds.

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.

Annual assessment roll delinquent.

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 1925, 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 day of the 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.

Levy to make final payment on bonds.

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.

SEC. 11. That chapter 4 of Title XLVIII of Remington's Compiled Statutes of Washington be amended by adding thereto a new section to be known as Section 7442-1, as follows:

Section 7442-1. All assessments authorized under this act shall be paid in legal tender of the United States except that assessments levied for the expense fund of the district may be paid with district warrants issued in payment for labor hired directly by the district, at par without interest: *Provided, however,* that in no case shall the county treasurer be authorized to pay any cash difference to the holders of any warrant so offered in payment of such assessments.

Assessment payable in cash.

SEC. 12. That Section 7447 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem. Comp. Stat. § 7447; Pierce's Code § 3225.

Section 7447. 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 two years 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

Redemption of property sold for assessment.

certificate and pay it on demand to such person or his assignee. No redemption shall be made except 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 two years 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, fee.

Amends Rem.  
Comp. Stat.  
§ 7453;  
Pierce's Code  
§ 3231.

SEC. 13. That Section 7453 of Remington's Compiled Statutes of Washington be amended to read as follows:

County treas-  
urer ex-officio  
district  
treasurer.

Section 7453. 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 prosecution for malfeasance and misfeasance, or failure to perform any duty herein prescribed as county treasurer, or district treasurer, as is pro-



vided 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. 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 on the first Monday 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 preceding month, and said report shall be filed in the office of the board.

Treasurer's  
report.

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

Claims  
against  
district.

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.

If any part unconstitutional.

SEC. 14. 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.

Emergency.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions and shall take effect immediately.

Passed the House February 28, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

CHAPTER 139.

[S. B. 269.]

STATE HIGHWAYS.

AN ACT relating to the acquirement of lands for rights of way and drainage of state highways and for the purpose of securing sand pits, gravel pits, borrow pits and stone quarries, and rights of way to gain access thereto, and amending section 6766 of Remington's Compiled Statutes.

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

Amends Rem. Comp. Stat. § 6766; Pierce's Code § 6786.

Lands for rights of way, drainage, sand, gravel or borrow pits.

SECTION 1. That Section 6766 of Remington's Compiled Statutes be amended to read as follows:

Section 6766. Whenever it is necessary to secure any lands for a right of way for a state highway, or for the drainage thereof, or for the purpose of acquiring sand pits, gravel pits, borrow pits and stone quarries for the construction or maintenance,

or both, of any state highway together with right of way to reach such property and gain access thereto, the supervisor of highways is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands the action shall be brought in the name of the state under the provisions of Sections 891 to 900, both inclusive, of this code, and in such action the selection of the lands by the supervisor of highways shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands are necessary for the purpose sought. The cost of such lands may be paid from the fund apportioned to the state road for which such right of way, drainage, sand pits, gravel pits, borrow pits and stone quarries are acquired. Whenever it is necessary to locate and construct a state road over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, the supervisor of highways shall file in the office of the state land commissioner a map showing the location of such road over and across such lands with reference to a United States government survey, and upon the filing of such map the easement for such right of way shall be reserved to the state and such land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way.

See Rem.  
Comp. Stat.  
§ 891 to 900;  
Pierce's Code  
§ 7661 to 7670.

Across  
public lands.

Passed the Senate February 27, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.

CHAPTER 140.

[S. B. 151.]

JOINT DIKING AND DRAINAGE DISTRICTS.

AN ACT relating to diking and drainage districts in two or more counties and legalizing and validating the organization, establishment and creation of diking and drainage districts in two or more counties which may have been heretofore established or attempted to be established under the provisions of Chapter 4, Title XXVII of Remington's Compiled Statutes.

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

Amends Rem. Comp. Stat. § 4361; Pierce's Code § 1945-1.

SECTION 1. That Section 4361 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Authorized.

Section 4361. Whenever a portion of two or more counties require diking, drainage, or the erection of flood dams or drift barriers to prevent inundations, such portion of two or more counties may be organized into a district; and the board of commissioners, hereinafter provided for, shall have and possess the powers herein conferred, or that may hereafter be conferred by law upon such districts and board of commissioners, and all such powers not in conflict with those herein granted, which now exist under the provisions of the laws of the state relating to the establishment, construction and maintenance of dikes and drains; and such districts shall be known and designated as "Diking and Drainage District No. .... in ..... and ..... counties (here insert name of counties), of the State of Washington;" and shall have the right to sue and be sued by, in the name of its board of commissioners herein provided for, and shall have perpetual succession, and shall adopt and use a seal.

Amends Rem. Comp. Stat. § 4362; Pierce's Code § 1945-2.

SEC. 2. That Section 4362 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Section 4362. For the purpose of the formation of such diking district, a petition shall be presented to the board of county commissioners of each of the two or more counties in which the portion of said counties are situated; which petition shall set forth the objects for the creation of said district, and shall designate in a general way the boundaries thereof, and set forth therein approximately the number of acres of land to be benefited by the proposed system, and shall also contain a brief description of the proposed system, and approximately the route over which the same is to be constructed, together with the proposed flood dams or drift barriers, if any, and approximately the termini thereof. The petition shall also set forth the further fact that the establishment of the said district and the proposed system will be conducive to the public health, convenience and welfare, and will increase the public revenue, and that the establishment of said district will be of special benefit to the property included in each of the counties in said district. The petition shall be signed by at least one hundred of the freeholders in the proposed district, or by a majority of the freeholders in said district in each of the counties, in case there are less than two hundred freeholders in the proposed district. Said petition shall ask that a district be organized under the provisions of this act. The original petition shall be filed with the Board of County Commissioners of one of said counties, and a copy of said petition shall be filed with the Board of County Commissioners in each of the other counties in which said proposed district is situated. At the time of filing of the original petition, the petitioners shall file with the Board of County Commissioners of that county, a bond running to the State of Washington, in the penal sum of \$1,000, with two or more sureties, to be approved

Formation,  
petition.

Contents.

Filed.

Bond.

by the Board of County Commissioners, conditioned that they will pay all costs in case said district, for any reason shall not be established.

Amends Rem.  
Comp. Stat.  
§ 4364;  
Pierce's Code  
§1945-4.

SEC. 3. That Section 4364 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Election to  
determine.

Section 4364. Upon the establishment of a district as aforesaid, the said body shall give notice of an election to be held in the diking and drainage district established, as aforesaid, for the purpose of determining whether the same shall be approved and become an organized diking and drainage district, and for the further purpose of choosing at such election three commissioners, who shall be known and designated as "Commissioners for Diking and Drainage District No. .... (here insert number), in ..... and ..... Counties (here insert names of counties), State of Washington," and such notice shall particularly describe the boundaries as established, and shall state the name of such proposed diking and drainage district, and the same shall be published for at least two weeks prior to such election in two or more weekly newspapers published within the proposed district, and in case no such newspaper be published in such district, then in two or more newspapers of general circulation in such district for two successive issues; and shall be posted for the same period in at least ten public places within the boundaries of such proposed district, which notice shall designate the places within the proposed district where the said election shall be held, and require the voters to cast ballots which shall contain the words "Diking and Drainage District 'yes' ", or "Diking and Drainage District 'no' ", and also the names of the persons voted for as commissioners of such district. The voting places shall be designated by such body; said body shall also appoint two judges, one inspector and two clerks for

Notice.

Voting places.

such election, to act at each polling place, whose compensation shall be the same as in elections for county and state officers, and which shall be a charge upon such district in case the same be established; in case such district be not established, then all costs and expenses shall be collected from the bond hereinbefore provided for. The election shall be held on the day designated in the notice, and shall be conducted in accordance with the general election laws of the State of Washington, as far as applicable. The returns of all the elections hereunder shall be made by the judges of election to the Commissioner of Public Lands. No person shall be entitled to vote at such election unless he be a qualified elector in the county in which said district is located, and shall either have resided within the boundaries of such proposed district for a period of not less than ninety days next preceding the election, or shall be the owner of an interest in real estate situated within said proposed district. The Commissioner of Public Lands shall, within fifteen days next succeeding said election, canvass the vote, and if upon such canvass and count it appears that the majority of votes cast in each of the counties are for "Diking and Drainage District 'yes' ", then the said body shall immediately certify to the board of county commissioners of each county interested and to the Commissioner of Public Lands the result of such election, and shall in such certificate declare the proposed territory duly organized as a drainage and diking district; and that the three persons receiving the highest number of votes are duly elected commissioners of such diking and drainage district. The commissioners so elected shall hold their position for the period of two years from and after their election and until their successors are elected and qualified. All commissioners must be qualified electors of the district. Any vacancies occurring upon said board by failure to

Qualification  
of electors.

Canvass  
of vote.

Commissioners  
elected.

qualify, death or resignation, or otherwise, shall be filled by the board of commissioners of said district. After the first election a general election for the election of such board of commissioners for the diking and drainage district shall be held every second year thereafter, on the first Tuesday of October, and the returns thereof shall be canvassed by the Commissioner of Public Lands, who shall certify the result to the respective boards of county commissioners. The Commissioner of Public Lands at the time of certifying any election shall also issue a certificate to each person elected as a member of the board that he has been duly elected as one of the Commissioners for Diking and Drainage District No..... in the Counties of ..... and ....., State of Washington. No official ballot shall be required at the first or any subsequent election, and the law known as the "Direct Primary Law" of this state shall have no application to the elections held under this act.

Amends Rem.  
Comp. Stat.  
§ 4365;  
Pierce's Code  
§ 1945-5.

SEC. 4. That Section 4365 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Commissioners,  
oath.

Section 4365. The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

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

I, the undersigned, a member of the Board of Commissioners of the Diking and Drainage District No....., in ..... and ..... Counties, do solemnly swear (or affirm) that I will well and truly discharge my duties as a member of said commission.

Bond.

The members shall also, before entering upon their duties, give a bond to the State of Washington for the benefit of such diking and drainage district, for the faithful performance of their duties as such board of commissioners, in the penal sum of \$5,000.00



with a company or corporation as surety, authorized to make and execute official bonds under the laws of the state, the district to bear the expense of such bond; and upon the oath and bond being filed with the Commissioner of Public Lands, that officer shall enter an order upon his records that the three persons named as aforesaid have qualified as the board of commissioners for Diking and Drainage District No. ...., in ..... and ..... counties, and that said persons and their successors do and shall constitute a board of commissioners for the aforesaid diking and drainage district; which order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute such board of diking and drainage commissioners.

The said board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and another as secretary. The said board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of a plan of improvement of the district as aforesaid, proceed to acquire the necessary property and property rights for the construction, establishment and maintenance of said system either by purchase or by power of eminent domain as herein-after provided. Upon such acquisition being had, the board shall then proceed with the construction of said diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of said work done by contract. In case the board shall decide

Board organized.

Construction work.

upon doing the same by contract, it shall advertise for bids for said construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the State of Washington relating to contractors of public work.

**Warrants.**

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under the provisions of this act, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of said district. All warrants issued hereunder shall draw interest at a rate not to exceed eight per cent per annum.

**Assessments.**

Upon the completion of the construction of said system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the said district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel or tract of land

within such district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form, to wit:

To.....: Your property (here describe the property) is assessed \$.....  
 A hearing on the assessment roll will be had before the undersigned at the office of the said board at ..... on the ..... day of ..... at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the said assessment against your lands, or any part or portion thereof.

Objections.

Notice of hearing.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of said notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be *prima facie* evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two

successive weeks in one or more weekly newspapers within the boundaries of said district, in each county if there be such newspapers published therein, and if there be no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks, which notice shall be signed by the chairman or secretary of the said board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to said assessment roll and the levies as therein made.

Amends Rem.  
Comp. Stat.  
§ 4376;  
Pierce's Code  
§ 1945-16.

SEC. 5. That Section 4376 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Bonds.

Section 4376. Any such district by and through its board of commissioners, may, by resolution of such board, cause to be issued in the name of the district, bonds for the whole cost of the improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as herein specified. Such bonds shall be called Local Improvement Bonds, Diking and Drainage District No. .... in ..... and ..... Counties, State of Washington, and shall be payable in not more than ten years after date, and shall be subject to annual call by the board, in such manner and amount as there may be cash on hand to pay, in the respective local improvement fund, from which such bonds are payable, interest to be paid at the office of the treasurer of the fund.

Form, maturity,  
interest.

The board shall have the right to fix the beginning of the maturity of said bonds at not later than five years from date thereof. Said bonds shall bear interest at a rate not exceeding eight per cent per annum, and shall be in such denominations as the board may determine, and shall be sold at not less

than par and accrued interest, or said bonds may be exchanged at not less than par and accrued interest for outstanding warrants. All warrants and bonds provided for in this act shall be retired in their numerical order. In making sale of said bonds the board shall advertise the same for sale to the highest bidder, upon such notice as it may determine. Any bonds issued hereunder shall be subject to annual call by the treasurer of the board at the expiration of any year before maturity, in such manner and amounts as there may be cash on hand with which to pay the same in the said fund from which the same may be payable. Such call for payment shall be made by publishing notice of such call in a newspaper in each county in which said district is situated for three consecutive issues beginning not more than twenty days before the expiration of any year from the date of such bond, and interest on said bonds shall cease at the date named in such call.

Sale.

Said bonds shall have attached thereto interest coupons representing the annual or semi-annual interest for the term of said bond.

Interest coupons.

The bonds and interest coupons shall be signed by the chairman and secretary of said board, provided that the interest coupons may be executed by a facsimile of said signatures in lieu thereof.

It shall be the duty of the board to keep a register of all such bonds.

Register.

SEC. 6. That chapter 4, Title XXVII of Remington's Compiled Statutes is hereby amended by adding a new section thereto to be known as Section 4376-1.

Amends Rem. Comp. Stat. § 4376-1; Pierce's Code § 1945-16-1.

Section 4376-1. That the organization, establishment and creation of all diking and drainage districts in this state situated in two or more counties heretofore had or made, or attempted to be had or made, pursuant to the provisions of chapter 4, Title

Validation of existing districts.

XXVII of Remington's Compiled Statutes, relating to the creation and establishment of such diking and drainage districts, and all acts, steps or proceedings had or attempted to be had by any such district, are hereby for all purposes declared legal and valid, and such districts situated in two or more counties are hereby declared duly organized, established and created, and all contracts, obligations or debts heretofore made or incurred by or in favor of such diking and drainage district situated in two or more counties so attempted to be organized, established and created, and all official bonds or other obligations executed in connection with or in pursuance of such organization, are hereby declared legal and valid, and of full force and effect.

Passed the Senate February 14, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.

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## CHAPTER 141.

[S. B. 227.]

### LOCAL IMPROVEMENTS.

AN ACT relating to local improvements and providing for the maintenance in cities and towns of local improvement guaranty funds.

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

SECTION 1. Every city and town may immediately create a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payments of its local improvement bonds issued subsequent to the effective date of this act: *Provided*, that this act shall not apply to any city of the first class maintaining a local improvement guaranty fund pursuant to the provisions of chapter 138 of the 1917 Session Laws of Wash-

Bond  
payments  
guaranteed.

See Rem.  
Comp. Stat.  
§ 8986 to 8991;  
Pierce's Code  
§ 1066 to 1071.

ington, but any such city of the first class may by ordinance elect to operate under the provisions of this act, and may transfer to the guaranty fund created hereunder all of the assets of the former fund, and upon such election and transfer all bonds guaranteed under such former fund shall be held and deemed to be guaranteed under the provisions of this act.

SEC. 2. Such fund shall be designated "Local Improvement Guaranty Fund," and shall at no time exceed a sum equal to five per cent of the outstanding bond obligations thereby guaranteed.

Guaranty  
fund.

SEC. 3. After the creation of such guaranty fund the city or town shall levy, from time to time as other taxes are levied, such sums as may be needed to meet the financial requirements of the fund. Wherever there shall have been paid out of a guaranty fund any sum on account of principal or interest of a local improvement bond the city or town, as trustee for the fund, shall be subrogated to all the rights of the holder of the bond or interest coupon so paid, and the proceeds thereof shall become part of the fund. There shall also be paid into each guaranty fund the interest received from bank deposits of the fund, and from all moneys collected from local assessments the bonds against which are guaranteed [guaranteed] by the fund. Warrants drawing interest at a rate not to exceed six per cent shall be issued against a guaranty fund to meet any liability accruing against it, but at the time of making its annual budget and tax levy the city or town shall provide for the levying of sum sufficient, with the other resources of the fund, to pay warrants so issued during the preceding fiscal year. *Provided, however,* that such warrants shall at no time exceed five per cent of the outstanding bond obligations guaranteed by said fund.

Tax levy for  
payment.

Improvements,  
when pro-  
hibited.

SEC. 4. No city or town operating under the provisions of this act shall order any improvement to be paid for by local assessment where the estimated cost of such improvement, when added to all other outstanding and unpaid local improvement assessments against the property included in the district, excluding penalties and interest, shall exceed in amount seventy-five per cent of the actual value of the real property, exclusive of improvements thereon, within the district according to the last assessment for purposes of general taxation: *Provided, however,* that the council of the city or town may, by a unanimous vote of the council, order the construction of sanitary sewers where, in the judgment of the council, the same are necessary for public health, and assess a part or the whole of the cost thereof to the property benefited without regard to the foregoing limitation.

Bond-holders,  
no claim  
against city.

SEC. 5. Neither the holder nor the owner of any bond issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond was issued, and except as against the local improvement guaranty fund of such city or town. A copy of this section shall be plainly written, printed or engrossed on each bond issued and guaranteed [guaranteed] hereunder.

Fund, how  
abolished.

SEC. 6. Whenever a city or town shall have established a local improvement guaranty fund under this act the ordinance establishing such fund may be repealed only by an ordinance which shall be submitted to the voters of such city or town at a general election and ratified by a majority of the electors voting thereon.

Passed the Senate March 8, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.



## CHAPTER 142.

[S. B. 153.]

## PROBATE LAW.

AN ACT relating to probate law and procedure, including the making and probating of wills, administration of estates of deceased persons; appointment of guardians of the persons and estates of minors, insane and mentally incompetent persons and administering their estates and providing penalties for violations of certain provisions of this act and amending sections 1381, 1420, 1473, 1477 and 1568, of Remington's Compiled Statutes, and amending Chapter III, Title X of Remington's Compiled Statutes, by adding thereto a new section, to be known as section 1585-a.

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

SECTION 1. That section 1381 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 1381;  
Pierce's Code  
§ 10050.

Section 1381. If any witness be prevented by sickness from attending at the time any will is produced for probate, or reside out of the state or more than thirty miles from the place where the will is to be proven, such court may issue a commission annexed to such will, and directed to any judge, justice of the peace, notary public, or other person authorized to administer an oath, empowering him to take and certify the attestation of such witness.

Absent witness to wills.

SEC. 2. That section 1473 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 1473;  
Pierce's Code  
§ 9893.

Section 1473. If it shall be made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate,

Homestead, set apart.

Value.

either community or separate, not exceeding the value of three thousand dollars (\$3,000.00), exclusive of any mortgage or mechanic's, laborer's or material men's or vendor's liens upon the property so set off, which property so set off shall include the home and household goods, if any, and such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates. Notice of such hearing shall be given by posting a notice in three public places in the county in which the hearing is to be held. Said notice may be posted by the clerk of the superior court of the county in which the hearing is to be held, or may be posted by any person qualified to serve a summons in a civil action. Said notices shall be posted at least ten days prior to the date fixed for the hearing. If there be any minor child or incompetent heir of the decedent the court shall appoint a guardian *ad litem* for such minor child or incompetent heir, who shall appear at the hearing and represent the interest of such minor child or incompetent heir. The order or judgment of the court making the award or awards provided for in this section shall be conclusive and final, except on appeal and except for fraud. The awards in this section provided shall be in lieu of all homestead provisions of the law and of exemptions.

Notice.

Minor or incompetent heir.

Amends Rem.  
Comp. Stat.  
§ 1477;  
Pierce's Code  
§ 9828.

Notice to  
creditors.

SEC. 3. That section 1477 of Remington's Compiled Statutes be amended to read as follows:

Section 1477. Every executor or administrator shall, immediately after his appointment, cause to be published in some newspaper printed in the county, if there be one, if not, then in such newspaper as may be designated by the court, a notice that he has been appointed and has qualified as such executor or

administrator, and therewith a notice to the creditors of the deceased, requiring all persons having claims against the deceased to serve the same on the executor or administrator or his attorney of record, and file with the clerk of the court, together with proof of such service, within six months after the date of the first publication of such notice. Such notice shall be published once in each week for three successive weeks. If a claim be not filed within the time aforesaid, it shall be barred. Proof by affidavit of the publisher of the publication of such notice shall be filed with the court: *Provided, however*, in cases where all the property is awarded to the widow, husband or children as in this act provided, the notice to creditors herein provided for may be omitted.

Published.

SEC. 4. That section 1568 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 1568; Pierce's Code § 9900.

Section 1568. If the petition be with reference to the appointment of any guardian mentioned in the preceding section, except guardians for the property of non-residents of the state, or where the applicant for appointment is the person having the custody care and control of such minor, insane or mentally incompetent person, or is the person with whom such minor, insane or mentally incompetent person resides, then the notice of hearing provided for in the preceding section shall be personally served upon the person having the custody, care and control of such minor, insane or mentally incompetent person, or the person with whom such minor, insane or mentally incompetent person resides, and if such minor be over the age of fourteen years, then such notice shall also be personally served upon such minor. If such minor, insane or mentally incompetent person be in the care, custody or control of any officer or institution, then such notice shall be served upon such officer or head of such institution. The notice herein provided for shall be served at least ten days prior

Petition for appointment of guardian.

Service of notice of hearing.

to the time set for such hearing, and proof, as in civil actions provided, of such service shall be made and filed in the proceedings.

SEC. 5. That Chapter III, Title X of Remington's Compiled Statutes be amended by adding thereto a new section to be known and designated as section 1585-a, to read as follows:

Section 1585-a. If any person who is bound by contract in writing to convey any real property shall become insane or mentally incompetent before making the conveyance, the court having jurisdiction of the guardianship of such property may, upon application of the guardian of such insane or incompetent person, or upon application of the person claiming to be entitled to the conveyance, make an order authorizing and directing the guardian to convey such property to the person entitled thereto. The application and the proceedings, shall, as nearly as may be, be the same as provided for the specific performance of decedent's contracts as set forth in sections 1558 to 1564, both inclusive, of Remington's Compiled Statutes.

Insane or incompetent person, conveyance of real estate.

See Rem. Comp. Stat. § 1558 to 1564; Pierce's Code § 10005 to 10011.

Passed the Senate March 8, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.

## CHAPTER 143.

[S. B. 70.]

## FORESTS.

AN ACT relating to the preservation and protection of certain forests and timber, and amending Sections 2, 3, 4 and 6 of Chapter 67 of 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 67, Laws of 1921 be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5819;  
Pierce's Code  
§ 2567-2.

Section 2. The director of conservation and development through and by means of the division of forestry shall have the power and it shall be his duty to make, adopt, amend and promulgate rules and regulations for the preservation and protection of the forests and timber situated upon the lands described in section 1 of this act, from damage or destruction by fire.

Rules and  
regulations  
by director.

SEC. 2. That Section 3 of Chapter 67, Laws of 1921, be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5820;  
Pierce's Code  
§ 2567-3.

Section 3. All such rules and regulations or amendments thereto shall be promulgated by the director of conservation and development through and by means of the division of forestry by publication in a newspaper of general circulation published at the state capitol, and shall take effect and be in force at the times specified therein.

Publication.

SEC. 3. That Section 4 of Chapter 67, Laws of 1921, be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5821;  
Pierce's Code  
§ 2567-4.

Section 4. Any person violating or failing to comply with any rules or regulations of the director of conservation and development through and by means of the divisions of forestry, made under the provisions of this act, shall be guilty of a misdemeanor.

Penalty.

Amends Rem.  
Comp. Stat.  
§ 5323;  
Pierce's Code  
§ 2567-6.

SEC. 4. That Section 6 of Chapter 67, Laws of 1921, be amended to read as follows:

Appointment  
of agents  
by director.

Section 6. The director of conservation and development through and by means of the division of forestry may appoint such agents or employees as he may deem necessary to properly carry out the provisions of this act, and he may empower such agents or employees to allow claims or to do any other act which the director of conservation and development through and by means of the division of forestry is authorized by this act to perform.

Emergency.

SEC. 5. This act is necessary for the immediate preservation of the public peace, safety and health, and for the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate March 8, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.

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## CHAPTER 144.

[S. S. B. 13.]

### CORPORATIONS.

AN ACT relating to corporation fees and amending sections 3836, 3837, 3838, 3841, 3843 and 3844 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 3836;  
Pierce's Code  
§ 4641.

SECTION 1. That section 3836 of Remington's Compiled Statutes be amended to read as follows:

Filing fee.

Section 3836. Every corporation incorporated under the laws of this state, or of any state or territory in the United States or of any foreign state or country, required by law to file articles of incorporation in the office of the secretary of state, shall pay to

the secretary of state a filing fee in proportion to its authorized capital stock as follows:

Capital not exceeding \$50,000.00, fee \$25.00;

Schedule.

Capital of more than \$50,000.00, and less than \$100,000.00, fee \$40.00;

Capital of \$100,000.00, or more, and less than \$150,000.00, fee \$75.00;

Capital of \$150,000.00, or more, and less than \$200,000.00, fee \$100.00;

Capital of \$200,000.00, or more, and less than \$300,000.00, fee \$150.00;

Capital of \$300,000.00, or more, and less than \$400,000.00, fee \$200.00;

Capital of \$400,000.00, or more, and less than \$500,000.00, fee \$250.00;

Capital of \$500,000.00, or more, and less than \$1,000,000.00, fee \$500.00;

Capital of \$1,000,000.00, or more, and less than \$2,000,000.00, fee \$750.00; and \$10.00 additional for each \$1,000,000.00, or major fraction thereof, of capital stock in excess of \$2,000,000.00.

SEC. 2. That section 3837 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 3837;  
Pierce's Code  
§ 4642.

Section 3837. Every corporation, foreign or domestic, 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 prescribed in the preceding section for the increase in the capital stock of the corporation, less the amount already paid for filing the original articles of incorporation, or original articles and amendatory or supplemental articles, or certificate of increase, and every such corporation desiring to file amendatory or supplemental articles decreasing, or certificate of decrease of capital stock, shall pay to the secretary of state a filing fee of \$25.00. For fil-

Fees for  
amendatory  
articles.

ing of other amendatory or supplemental articles, it shall pay a fee of \$10.00.

Amends Rem.  
Comp. Stat.  
§ 3838;  
Pierce's Code  
§ 4643.

SEC. 3. That section 3838 of Remington's Compiled Statutes be amended to read as follows:

Fee for  
appointment  
of agent.

Section 3838. Every foreign corporation filing in the office of the secretary of state a certificate of the appointment of an agent residing in this state, or a certificate of the revocation of such appointment of the resident agent, shall pay to the secretary of state a fee of ten dollars.

Amends Rem.  
Comp. Stat.  
§ 3841;  
Pierce's Code  
§ 4646.

SEC. 4. That section 3841 of Remington's Compiled Statutes be amended to read as follows:

Annual  
license fee.

Section 3841. Every corporation incorporated under the laws of this state, and every foreign corporation, having its articles of incorporation on file in the office of the secretary of state, shall, on or before the first day of July of each and every year, pay to the secretary of state, for the use of the state, the following license fees in proportion to its authorized capital stock, as follows:

Schedule.

Capital of \$50,000.00, or less, fee \$15.00;

Capital in excess of \$50,000.00 and up to and including \$100,000.00, fee \$25.00;

Capital in excess of \$100,000.00 and up to and including \$500,000.00, fee \$50.00;

Capital in excess of \$500,000.00 and up to and including \$1,000,000.00, fee \$100.00;

Capital in excess of \$1,000,000.00 and up to and including \$2,000,000.00, fee \$150.00; and \$1.00 for each \$1,000,000.00 or fraction thereof of capital in excess of \$2,000,000.00. Every corporation failing to pay the said annual license fee, on or before the first day of July of any year, and desiring to pay the same thereafter, and before the first day of January next following, shall pay to the secretary of state, for the use of the state, in addition to the said license fee the following further fee, as a penalty for such



failure, the sum of two dollars and fifty cents: *Provided, however,* That building and loan and savings and loan associations paying special fees provided for in the act under which same are incorporated shall not be required to pay the regular fee provided herein: *Provided further,* 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 fee provided herein, and the excess only shall be collected under this act.

SEC. 5. That section 3843 of Remington's Compiled Statutes be amended to read as follows:

Section 3843. Every corporation whose name has been, or shall hereafter be, stricken from the records of the office of the Secretary of State in pursuance of law for failure to pay its annual license fee for two years, is hereby authorized and permitted to apply to the Secretary of State for reinstatement at any time within three years after its name has been stricken from the records of the office of the Secretary of State. Any corporation stricken from the records and dissolved, as provided in this chapter, may at any time thereafter hold a meeting of stockholders, in the same manner as provided during its corporate existence, and pass such resolutions as may be necessary to close out its affairs and wind up the business of such corporation, and where such stricken and dissolved corporation has heretofore held such meetings of stockholders for the purpose of passing resolutions to wind up its affairs, such method of procedure is hereby validated and approved.

SEC. 6. That section 3844 of Remington's Compiled Statutes be amended to read as follows:

Section 3844. Any corporation so applying for reinstatement shall at the time of its application pay to the Secretary of State for the use of the State all

Amends Rem.  
Comp. Stat.  
§ 3843;  
Pierce's Code  
§ 4652.

Reinstatement  
when stricken  
from records.

Dissolved,  
stockholders  
meeting.

Amends Rem.  
Comp. Stat.  
§ 3844;  
Pierce's Code  
§ 4653.

Reinstatement  
fee.

license fees and penalties then due from it and the additional sum of ten dollars for each and every year that its name has been stricken from the records, and upon the making of such application and such payment, it shall be the duty of the Secretary of State to enter upon his records a notation that such corporation is re-instated.

Passed the Senate March 8, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 17, 1923.

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## CHAPTER 145.

[S. B. 58.]

### INSANE PERSONS.

AN ACT relating to and prescribing the procedure, terms and conditions for admission or commitment to and or retention in state hospitals for the insane, providing for certain charges to be paid by persons and counties for the care and maintenance of insane persons and amending section 6930 of Remington's Compiled Statutes and adding thereto certain new sections, and prescribing penalties.

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

SECTION 1. That section 6930 of Remington's Compiled Statutes be and the same is hereby amended to read as follows:

Section 6930. The superior court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summon to appear at the same time and place two or more witnesses, who shall testify, under oath, as to conversations, manners, and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the same time and place, two reputable physicians, be-

Amends Rem.  
Comp. Stat.  
§ 6930;  
Pierce's Code  
§ 2827.

Application  
for commit-  
ment.

fore whom the judge shall examine the charge, unless the accused, or anyone in his or her behalf, shall demand a jury to decide upon the question of insanity. If such demand be made, the trial shall be by jury. If no jury be demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal, or incendiary disposition, or that from any other violent symptoms, the said insane person would be dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal, or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large or if the trial has been by jury, and the accused declared insane [insane] by said jury; and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to a hospital for the insane, upon the following conditions, namely, that at the time of and as a part of such proceedings, the court shall summon the guardian, if any, of such alleged insane person, also the relatives of such alleged insane person; to-wit: husband or wife, parents, children, brothers, sisters or other interested

Jury trial.

Physicians' examination.

Physicians' certificate.

Ordered to hospital.

persons to appear in court. If there is no guardian for such alleged insane person the court shall appoint such guardian. Such persons shall be examined as witnesses under oath for the purpose of determining the financial ability of said insane person, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the hospital for the insane to which he may be committed. Findings of fact shall be made relative to the financial ability to pay such costs as above set out and a judgment entered therein against the proper party or estate so found responsible. Every insane person, his estate or relatives, as above set forth, found to have the financial ability to pay the expenses above enumerated, shall pay therefor the sum of \$4.50 per week during the time such insane person is committed to a state hospital for the insane and as directed by order of the court, and in addition thereto shall pay the cost of transportation of such insane person and all court costs. The charge of \$4.50 shall be made to apply in all cases from the day the insane person is received at the institution. Remittance therefor shall be made to the Director of Business Control in advance on the first day of each calendar month during the time the insane person remains committed. Pending such trial and before judgment, the court may make such disposition of such alleged insane person as may seem proper. If the court finds that the insane person or his estate or relatives have not the financial ability to pay said sum and that such insane person is violently insane and dangerous to life and property and that such insane person should be committed to a hospital for the insane, the charges and costs above referred to shall be borne by the state of Washington. If the court finds that the insane person or his estate or relatives have not the financial ability to pay said charges and costs and that such

Guardian and relatives examined.

Cost of keep, judgment against relatives.

State to pay.

insane person should be committed to a hospital for the insane, but is not violently insane and dangerous to life and property, the charges and costs above referred to shall be paid by the county from which the commitment is made.

County  
to pay.

SEC. 2. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-1 which shall read as follows:

Section 6930-1. The court may as a conditional precedent to commitment also by such judgment require such guardian or relatives to give a surety company bond, conditioned for the payment to the Director of Business Control of the amount per week designated in the judgment and in accordance with the rules and regulations governing payment as promulgated by the Director of Business Control.

Surety bond  
to insure  
payment.

SEC. 3. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-2 which shall read as follows:

Section 6930-2. All persons who are at the time this act takes effect inmates of a state hospital for the insane or their estates or relatives as their respective responsibility may appear shall upon the taking effect of this act be liable for the payment of \$4.50 per week herein provided and under the same terms and conditions applying to those to be hereafter committed.

Present  
inmates.

SEC. 4. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-3 which shall read as follows:

Section 6930-3. The Director of Business Control shall in the manner provided by law for the service of summons in civil actions give notice to all guardians, husbands, wives, parents, brothers or sisters or children of all inmates of the state hospitals for the insane, that on and after the taking effect of this act every inmate in a state hospital for the in-

Notice to  
relatives  
and guardian  
requiring  
payment.

sane shall be kept and maintained therein only upon payment to the Director of Business Control of the sum of \$4.50 per week payable monthly in advance.

SEC. 5. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-4 which shall read as follows:

Section 6930-4. The guardians or relatives of all insane persons referred to in the last preceding section shall make the payments herein required under such reasonable rules and regulations as the Director of Business Control shall promulgate. All such payments shall be made to the Director of Business Control and by him thereafter transmitted monthly to the State Treasurer.

Rules as to  
payment.

SEC. 6. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-5 which shall read as follows:

Section 6930-5. It shall be the duty of the Director of Business Control to certify to the Prosecuting Attorney of each county a list of names of all inmates of state hospitals for the insane committed from their respective counties, together with names and addresses of guardians or relatives of such inmates. Any guardian or relative responsible for the payments referred to in section 4 of this act who shall fail, neglect or refuse to make such payment or shall fail or neglect to apply for relief from the provisions of this act in the manner herein provided and within thirty days from the date of service of the notice referred to in section 4 shall be subject to a penalty of \$250.00 to be collected by appropriate proceedings instituted by the Prosecuting Attorney of the county from which the designated inmate was committed. The Prosecuting Attorneys of all counties are hereby expressly authorized and directed to institute and carry to judgment and execution penalty actions to carry out the provisions of this act.

Lists of  
inmates,  
certified to  
prosecuting  
attorney.

Penalty.

Action to  
recover  
penalty.

SEC. 7. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-6 which shall read as follows:

Section 6930-6. Such guardians and relatives responsible for the care and maintenance of insane persons committed to such institutions prior to the taking effect of this act, who have not the financial ability to pay such charges may make application to the superior court of the county wherein the order of committment was entered, praying that he, she or they be relieved from such payment either in whole or in part. Upon receipt of such application the court shall proceed to summarily determine the financial ability of the applicant or applicants or such guardian or relative as may be found responsible for the care and maintenance of the insane person designated in the application or petition.

Relatives  
unable to pay,  
relieved.

The Superior Court shall have power to subpoena and examine such persons as he may believe to have knowledge of the facts to be ascertained and may for the purpose of this act conduct such proceedings in the nature of a hearing, upon proceedings supplemental to execution in civil actions. The Superior Court may endorse upon the application the names of persons other than the applicant and thereby make such persons proper or necessary parties to the proceeding. At the conclusion of the hearing the court shall enter its findings of fact which shall be either:

Hearing be-  
fore court.

(1) that no person has been found who has the financial ability to pay the charges herein provided or

(2) that some designated guardian or relative has the financial ability to pay the charges herein provided.

Findings.

If the findings be the second alternative last above referred to, then the court shall enter its order

and judgment as provided in this act by original proceedings for committment and to the same effect.

SEC. 8. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-7 which shall read as follows:

Judgment  
forwarded  
director.

Section 6930-7. A certified copy of the findings and judgment in each case entered under the provisions of this act shall, within five days from their respective dates be transmitted by the respective clerks of the Superior Court to the Director of Business Control.

SEC. 9. That there shall be added to Remington's Compiled Statutes a new section to be numbered 6930-8 which shall read as follows:

Judgment  
collected.

Section 6930-8. In all cases where judgment is entered against the estate or guardian of an insane person or the relative or relatives of an insane person under the provisions of this act the Prosecuting Attorney of the county wherein the judgment is entered shall proceed to collect the same by appropriate proceedings. The funds so collected shall be paid to the County Treasurer who shall forward the same to the Director of Business Control on the first day of each calendar month. Such sums shall be paid by the Director of Business Control to the State Treasurer.

Passed the Senate March 7, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.



## CHAPTER 146.

[H. B. 205.]

## PUBLIC WAREHOUSEMEN.

AN ACT relating to public warehousemen, and amending section 7001 of Remington's Compiled Statutes.

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

SECTION 1. That section 7001 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 7001; Pierce's Code § 2664.

Section 7001. Upon the return of the receipt to the proper warehouseman, properly indorsed, and upon payment or tender of all advances and legal charges, grain, hay or peas of the grade and quantity named therein shall be delivered to the holder of such receipt, within forty-eight hours after the facilities for receiving the same have been provided. If such warehouseman shall fail so to deliver it, he shall be liable to the owner, in damages at the rate of one per cent of the reasonable value of the product for each day's delay, unless he shall deliver the property to the several owners in the order of demand as rapidly as it can be done by ordinary diligence. If, upon such demand and tender, the warehouseman shall fail so to deliver such grain, hay or peas, the person entitled thereto may recover the same by action; and such warehouseman or person or agent in charge thereof shall be subject to a penalty, as hereinafter provided. *Provided, however,* that the holder of a warehouse receipt or receipts shall at the time of the surrender thereof to the warehouseman for shipment be entitled to demand and receive from such warehouseman a trust receipt or trust receipts in lieu of the warehouse receipts surrendered. Such trust receipt shall embody within its terms:

Return of receipt.

Failure to deliver commodities, penalty.

Trust receipt.

- (a) The name of person to whom issued.

Terms and contents.

(b) Acknowledgment by warehouseman that the warehouse receipts and commodity thereby covered are held in trust by the warehouseman for the holder of the trust receipt for the purpose of shipment or delivery as therein specified.

(c) Description of warehouse receipts for which trust receipt is issued.

(d) Description of commodity, with grades if any, covered by such warehouse receipts.

(e) A copy of the shipping or delivery instructions.

(f) Amount of charges if any paid by the holder of warehouse receipts to warehouseman at time of the surrender thereof.

(g) That the trust receipt will be surrendered to warehouseman by the holder thereof upon receipt of proper and valid bill or bills of lading covering commodity therein described or upon receipt of written evidence of shipment or delivery by such warehouseman of the commodity in accordance with shipping or delivery instructions stated in said trust receipt.

It shall be the duty of such warehouseman to issue such trust receipt or trust receipts to the holder of such warehouse receipt or receipts when requested so to do. At the time of the surrender of such warehouse receipt or receipts and the issuance by the warehouseman of his trust receipt or trust receipts therefor, the fact of the issuance of such trust receipt or trust receipts shall be plainly noted by the warehouseman upon the warehouse receipt or warehouse receipts so surrendered. Such notation thereon shall give the name of the person, firm, or corporation who received the trust receipt from the warehouseman, the date of the issuance thereof, and the serial number, if any, of the trust receipt or trust receipts issued in exchange therefor. The warehouseman thereafter when and if such trust receipt or trust receipts shall have been surrendered to him

Surrender of  
trust receipt.

in exchange for the bill or bills of lading hereinabove mentioned shall cause such trust receipt to be attached to the cancelled warehouse receipt for which such trust receipt has been issued by him and in case such trust receipt shall have been issued for more than one warehouse receipt then such trust receipt shall be attached to one of such warehouse receipts and a notation made upon the other warehouse receipts for which such trust receipt may have been issued giving the number of the warehouse receipt to which such surrendered trust receipt has been attached.

Passed the House February 26, 1923.

Passed the Senate March 5, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 147.

[H. B. 207.]

### COUNTY ROADS BY SPECIAL ASSESSMENT.

AN ACT relating to the improvement of roads at the expense of the property benefited, amending Sections 6603 and 6607 of Remington's Compiled Statutes, and further amending said statutes by adding thereto a new section to be known as Section 6646-1 and fixing the time when this act shall take effect.

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

SECTION 1. That Section 6603 of Remington's Compiled Statutes be amended to read as follows:

Section 6603. Applications for such improvement shall be made to the commissioners of the county, signed by the owners of at least fifty-one per cent (51%) of the lineal frontage of the lots or lands abutting upon the proposed improvement: *Provided*, that such petitioners shall appear by the assessment rolls of the county to own property which will be particularly benefited, representing in value not less than ten thousand dollars for each mile of the im-

Amends Rem.  
Comp. Stat.  
§ 6603;  
Pierce's Code  
§ 6087.

Application.

provement petitioned for, and the petitioners must represent property within the improvement boundary equivalent to not less than five thousand dollars for each mile of the proposed improvement.

Amends Rem.  
Comp. Stat.  
§ 6607;  
Pierce's Code  
§ 6091.

SEC. 2. That Section 6607 of Remington's Compiled Statutes be amended to read as follows:

Appraisers.

Section 6607. Immediately upon the filing of the engineer's report, the county commissioners shall appoint three disinterested appraisers, residing within the county, but not within the territory particularly benefited by the proposed improvement, whose duty it shall be to at once proceed to assess the benefits of such proposed improvement to the corporations, companies, persons and property particularly benefited thereby, and estimate the damages to property over or through which the road shall be established or relocated, and award the same to the owners thereof. Before entering upon their duties

Oath.

the appraisers shall severally take and subscribe to an oath to impartially and to the best of their knowledge and ability, perform the duties required of them, and file said oath with the clerk of the board of county commissioners. Said clerk shall thereupon and forthwith deliver into the hands of the appraisers the engineer's report upon the proposed improvement, and all maps, charts and schedules pertaining thereto, taking a receipt from said appraisers therefor. The appraisers shall thereupon

View.

proceed to actually view in person all lands as shall appear from the engineer's report to lie within the improvement boundary, and obtain from the duplicate assessment roll of the county the total assessed valuation at the time of all property within the limits of any road district or township through or into which the proposed improvement is located. They shall then prepare a schedule, which shall set forth:

Schedule.

(1) The benefits assessed to the county for such improvement shall be twenty-five per cent (25%) of the whole estimated cost thereof. Benefits to county.

(2) The benefits assessed to each road district or township through or into which the improvement is located, which assessment shall be equal upon all the assessed property in the road district or township according to the value thereof as shall appear upon the duplicate assessment roll of the county at the time, and which benefits shall be one-fourth ( $\frac{1}{4}$ ) of the whole estimated cost of the improvement within the boundary of the road district. Benefits to road district.

(3) The benefits assessed to the lots and lands lying within the proposed improvement boundary, listing each tract of land assessed, giving the number of acres thereof, the owner as shall appear of record, the estimated valuation of each tract exclusive of improvement, and the benefit assessed thereto, and the total amount of benefits assessed to lots and lands shall be fifty per cent (50%) of the whole estimated cost of the proposed improvement: *Provided*, that the lots or tracts of land within the improvement boundary whose natural outlet will not be in whole or in part over said road when improved, shall not be separately assessed under the provisions of this clause. *Provided, further*, in counties having township organization the benefits assessed shall be as follows: Benefits to private lands.

(a) The benefits assessed to the county for such improvement, shall be one-half ( $\frac{1}{2}$ ) of the whole estimated cost thereof; Township organization.

(b) The benefits assessed to each township through or into which the improvement is located, which assessment shall be equal upon all assessed property in the township according to the value thereof as shall appear upon the duplicate assessment roll of the county at the time and which benefit Benefits assessed to township.

shall be twenty-five per cent of the whole estimated cost of the improvement within the boundary of the township.

Benefits  
assessed to  
private lands.

(c) The benefits assessed to the lots and lands lying within the proposed improvement boundary, listing each tract of land assessed, giving the number of acres thereof, the owner as shall appear on the record, the estimated value of each tract exclusive of improvements, and the benefits assessed thereto, the total amount of benefits assessed to lots and lands shall be twenty-five per cent (25%) of the whole estimated cost of the improvement: *Provided*, that the lots and tracts of land within the improvement boundary whose natural outlet will not be in whole or in part over said road when improved, shall not be separately assessed under the provisions of this clause.

Lands taken  
or damaged.

(4) A list of each tract or lot or portion thereof taken and damaged by the establishment or relocation of the road proposed to be improved and the lands contiguous or lying near thereto on which is located material necessary or available to be used in the construction of the proposed improvement, and of materials available for construction on contiguous or near lying lands, which list shall recite the number of acres of each of such lands so to be taken or damaged, and the amount of such contiguous or near lying materials estimated to be required, the owner thereof as shall appear of record, the estimated value thereof including improvements thereon, and the damages resulting therefrom, and the award made therefor.

Amends Rem.  
Comp. Stat.  
§ 6646-1;  
Pierce's Code  
§ 6125-1.

SEC. 3. That Chapter XIX, Title XLI of Remington's Compiled Statutes be amended by adding thereto a new section to be known as Section 6646-1 to read as follows:

Benefits  
75% local.

Section 6646-1. (a) In cases where a road improvement under this act is desired but the proposed

improvement is of such a local nature that at least 75% of its benefit will accrue to the lands in the immediate vicinity thereof, such improvement may be ordered and constructed and the costs thereof paid and the assessment therefor levied and collected as set forth in this chapter, (same being Sec. 6598 to 6646 inclusive of Remington's Compiled Statutes of Washington) under certain modifications of the procedure, rights and liabilities therein set forth, such changed and special procedure, rights and liabilities, being as follows:

See Rem.  
Comp. Stat.  
§ 6598 to 6646;  
Pierce's Code  
§ 6082 to 6125.

(b) The "improvement boundary" of such special district need not include all lands lying within two miles from the proposed road improvement as required by Sec. 6599, but shall include such lands within such distance or a lesser distance therefrom as are especially benefited thereby. Otherwise it shall be as defined in said section.

Improvement  
boundary.

See Rem.  
Comp. Stat.  
§ 6599;  
Pierce's Code  
§ 6083.

(c) Application for such improvement shall be made to the commissioners of the county signed by the owners of at least fifty-one per cent (51%) of the lineal frontage of the lots or lands abutting upon the proposed improvement. The improvement boundary shall be recited in the said petition and the subscribers of said petition shall further appear by the assessment rolls of the county to own land within said improvement boundary of the total assessed valuation of half or more than half of the assessed valuation of all lands lying within said improvement boundary. Other than as herein stated the provisions of Section 6603 shall be applicable to such petition.

Application.

See Rem.  
Comp. Stat.  
§ 6603;  
Pierce's Code  
§ 6087.

(d) The petition shall recite that the subscribers thereto agree that the special benefits accruing to the lands within the improvement boundary will be at least 75% of the benefits accruing therefrom and that there may be assessed against the lands within

Petition.

said improvement boundary at least 75% of the cost of such proposed improvement and as much more thereof as may be found equitable to be assessed thereto.

(e) In case of such special improvement the appraisers in assessing the benefits for the same as specified in Section 6607, shall apportion at least 75% of the costs of the proposed improvement, and such greater proportion thereof as they shall find equitable against the lands lying within the proposed improvement boundary; the remainder of said costs shall be apportioned equally against the road district or the townships traversed by said improvement and the county. Otherwise said assessment shall be as prescribed by said Section 6607.

(f) If bonds are issued for payment of such special improvement the interest and principal thereof shall be payable only out of the improvement fund, and no advances to pay the same shall be made out of the general road and bridge fund of the county, or out of the county current expense fund or out of any other county funds.

(g) In case of such special improvement being constructed, all the lands included within the improvement boundary shall be and remain liable for the costs of the improvement until the same are fully paid; if upon the foreclosure of the assessment upon any property the same shall not sell for enough to pay the assessment against it, or if any property assessed was not subject to assessment, or if any assessment made shall have been eliminated by foreclosure of a tax lien or made void in any other manner, or if by inadvertence or for any cause the assessment levied shall be found to be insufficient to meet the entire cost of construction, the board of county commissioners shall cause a supplemental assessment to be made on the property benefited by the improvement and against the county, and the road

See Rem.  
Comp. Stat.  
§ 6607;  
Pierce's Code  
§ 6091.

Benefits  
assessed.

See Rem.  
Comp. Stat.  
§ 6607;  
Pierce's Code  
§ 6091.

Bonds.

Assessments,  
foreclosure.



district or townships chargeable therewith in the manner provided for the original assessment, and in the same proportion as said assessment to cover the deficiency so caused in the original assessment.

SEC. 4. 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: *Provided*, that this Act shall not apply to any improvement heretofore initiated and in regard to which a hearing has been held as provided in Section 6605, and the improvement has been heretofore ordered, and all such improvements shall proceed as though this Act had not been passed.

Emergency.

See Rem.  
Comp. Stat.  
§ 6605;  
Pierce's Code  
§ 6089.

Passed the House February 26, 1923.

Passed the Senate March 3, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 148.

[H. B. 143.]

### INSPECTION OF HAY AND GRAIN.

AN ACT relating to appropriations and making an appropriation for the director of agriculture for supplies, material and services in the division of agriculture for the inspection of hay, grain and other commodities, and making a further appropriation to the director of business control for the purpose of industrial aid to the adult blind, amending chapter 3 of Title LXVII of Remington's Compiled Statutes, and providing that this act shall take effect immediately.

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

SECTION 1. That there is hereby appropriated from the general fund in the state treasury the sum of nineteen thousand nine hundred forty-eight dollars and nineteen cents (\$19,948.19) to be expended by the director of agriculture, through and by means

Appropriation  
\$19,948.19.

of the division of agriculture, for supplies, material and services for the inspection of hay, grain and other commodities as required by law; said appropriation to be paid out only to the extent and in the amounts equal to collection and payments heretofore or hereafter made into the general fund of the state treasury from fees charged by the state for the inspection of hay, grain and other commodities as required by law.

Vetoed  
L. F. H.

SEC. 2. That all the duties now vested in the supervisor of industrial relations and the director of labor and industries, as set forth in Chapter 3 of Title LXVII of Remington's Compiled Statutes be and the same are hereby conferred upon the director of business control, vesting in said director of business control, all the authority heretofore vested in said director of labor and industry under the chapter heretofore referred to, and there is hereby appropriated out of the general fund in the state treasury for such purposes, the sum of one dollar.

Emergency.

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

Passed the House February 20, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor, with the exception of Section 2, which is vetoed March 17, 1923.

## CHAPTER 149.

[H. B. 115.]

## COMMON CARRIERS.

AN ACT relating to and regulating the issuing by carriers of bills of lading and livestock contracts and providing for terms thereof and liability of carriers thereunder, and providing a penalty for violations thereof.

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

SECTION 1. That any common carrier, railroad or transportation company receiving property for transportation wholly within the State of Washington from one point in the State of Washington to another point in the State of Washington, shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it, or by any common carrier, railroad or transportation company to which such property may be delivered, or over whose line or lines such property may pass when transported on a through bill of lading, and no contract, receipt, rule, regulation or other limitation of any character whatsoever, shall exempt such common carrier, railroad or transportation company from the liability hereby imposed; and any such common carrier, railroad or transportation company so receiving property for transportation wholly within the State of Washington, shall be liable to the lawful holder of said receipt or bill of lading, or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to such property caused by it, or by any such common carrier, railroad or transportation company to which such property may be delivered, or over whose line or lines such property may pass, when transported on a through bill of lading, notwithstanding any limita-

Bills of lading to be issued.

Liability for loss.

Liability when no bill lading issued.

Limitation  
of liability.

tion of liability or limitation of the amount of recovery, or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule or regulation, or in any tariff filed with the Department of Public Works; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void; *provided, however*, that the provisions hereof respecting liability for full actual loss, damage or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply, first to baggage carried on passenger trains, automobile stages or boats, or trains or boats carrying passengers; second, to property, except ordinary livestock, received for transportation concerning which the carrier shall have been or shall hereafter be expressly authorized or required by order of the Department of Public Works, to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released; and any tariff schedule which may be filed with the Department of Public Works pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared or agreed upon; and the Department of Public Works is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary livestock" shall include all cattle, swine, sheep, goats, horses and mules ex-

Exceptions.

Tariff  
schedule.

Term ordinary  
livestock  
defined.

cept such as are chiefly valuable for breeding, racing, show purposes, or other special uses; *Provided, further*, that nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law; *provided, further*, that it shall be unlawful for any such common carrier to provide by rules, contract, regulation, or otherwise a shorter period for giving notice of claims than ninety days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice; *provided, however*, that if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery.

Period for  
filing claims.

Loss caused  
by carelessness  
and negli-  
gence.

SEC. 2. That the common carrier, railroad, or transportation company issuing such receipt or bill of lading, shall be entitled to recover from the common carrier, railroad or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

Carrier to  
recover from  
other carrier.

SEC. 3. That any common carrier subject to the provisions of this act, or whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone, or with any other corporation, company, person, or party, shall willfully do or cause to be done,

Violation of  
act, penalty.

or shall willingly suffer or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter or thing in this Act required to be done, or shall cause or willingly suffer or permit any act, matter or thing so directed or required by this act to be done, or not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this Act for which no penalty is otherwise provided, or who shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof in any court of competent jurisdiction, be subject to a fine of not to exceed five thousand dollars for each offense.

Passed the House March 2, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 150.

[S. B. 176.]

### NURSES.

AN ACT regulating the examination and registration of nurses, amending sections 10165 and 10166 and repealing section 10167 of Remington's Compiled Statutes.

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

SECTION 1. That section 10165 of Remington's Compiled Statutes be amended to read as follows:

Section 10165. The director of licenses shall adopt such rules and regulations as he shall deem necessary for carrying this act into effect and shall keep a register of the names of all nurses registered under this act, which register shall be open to the public at all reasonable times, and shall furnish a

Amends Rem.  
Comp. Stat.  
§ 10165;  
Pierce's Code  
§ 4281.

Register kept  
by director  
of licenses.

certificate of registration to all such nurses. Examinations shall be held at least once in each year.

SEC. 2. That section 10166 of Remington's Compiled Statutes shall be amended to read as follows:

Amends Rem. Comp. Stat. § 10166; Pierce's Code § 4282.

Section 10166. That every nurse desiring to style herself a registered nurse in the State of Washington shall make application as provided in Section 10858 of Remington's Compiled Statutes for examination for registration, such examination to consist of questions in Surgical Nursing, Bacteriology and communicable diseases, Materia Medica, Diagnostics, Medical Nursing, Obstetrics, Gynecology, Hygiene, Pediatrics and Anatomy and Physiology and at the time of making such application the applicant shall pay to the State Treasurer ten dollars (\$10.00), no portion of said fee to be returned. Said applicant must furnish satisfactory evidence that she is over twenty years of age, of good moral character, and free from habits liable to interfere with her services as a nurse, and further, that she holds a diploma from a training school for nurses of a reputable hospital: *Provided*, that training school shall give not less than two years' training in a general hospital, or instruction of same kind, and, to at least the same extent, as that given in the general hospital, all of which shall be determined under rules adopted by the director of licenses.

Application for registration.

See Rem. Comp. Stat. § 10858; Pierce's Code § 4-100.

Examination, subjects of.

SEC. 3. Only nurses registered in the State of Washington who have had at least three years practical experience in nursing after graduation shall be eligible for appointment as members of an examining committee.

Examining committee.

SEC. 4. Section 10167 of Remington's Compiled Statutes is hereby repealed.

Repeals Rem. Comp. Stat. § 10167; Pierce's Code § 4283.

Passed the Senate February 17, 1923.

Passed the House March 3, 1923.

Approved by the Governor March 19, 1923.

## CHAPTER 151.

[S. H. B. 41.]

## BONDS BY MUNICIPAL CORPORATIONS.

AN ACT relating to bonds issued by counties, cities, towns, school districts, port districts, metropolitan park districts and other municipal corporations, and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. Hereafter all bonds, including re-funding bonds, issued under lawful authority by any county, city, town, school district, port district or metropolitan park district, shall be serial in form and maturity and numbered from one upward consecutively. Interest on all such bonds shall be payable either annually or semi-annually, as may be set forth in the act of the officers of the issuing municipal corporation. The various annual maturities shall commence with the second year after the date of issue of such 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 bond number one of any issue shall be of a denomination other than a multiple of one hundred dollars.

SEC. 2. The officials now or hereafter charged by law with the duty of levying taxes for the payment of said bonds and interest shall, in the manner provided by law, make an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on said bonds maturing as herein provided.

SEC. 3. Before any bonds issued by any such municipal corporation shall be offered for sale the corporate authorities issuing such bonds shall desig-

County, City,  
town, school  
district, port  
district, metro-  
politan park  
district.

Serial in  
form.

Tax levy.

Rate of  
interest  
designated.



nate the maximum rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. When a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted to the electors shall have specified the maximum rate of interest to be borne by said bonds, no increase of such maximum rate of interest shall be made by the corporate authorities. All such bonds shall be sold at public sale, and a notice calling for bids for the purchase of said bonds shall be published once a week for four consecutive weeks in the official newspaper of the municipal corporation offering the bonds for sale, and such other notice shall be given as the corporate authorities may direct; or, if there be no official newspaper of the municipal corporation, the publication shall be made in a newspaper of general circulation in the county in which the corporation is located. Such notice shall specify a place, and designate a day and hour subsequent to the date of the last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. A copy of such notice shall, at least three weeks prior to the date fixed for the sale, be mailed to the State Finance Committee, Olympia, Washington. The notice shall specify the maximum rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying (a) the lowest rate of interest and premium, if any, above par, at which such bidder will purchase said bonds; or (b) the lowest rate of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder making the best bid subject to the right of the corporate authorities to reject any and all bids and re-advertise. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid on the sale of such bonds. All bids shall be sealed

Sale, public  
auction.

Notice.

State finance  
committee.

Bids.

and, except the bid of the State of Washington, if one is received, shall be accompanied by a deposit of five per cent, either cash or certified check, of the amount of the bid, which shall be returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds within thirty days following the acceptance of his bid, the amount of his deposit shall be forfeited to the municipal corporation issuing the bonds, and in that event the corporate authorities may accept the bid of the one making the next best bid, or if all bids be rejected such corporate authorities shall re-advertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, and not less than par and accrued interest, the corporate authorities shall determine which bids will be accepted.

Deposits.

SEC. 4. If a bid be accepted the deposits of all other bidders shall be thereupon returned; if no bid be accepted the deposits of all, except the two highest bidders, shall be returned forthwith; if all bids be rejected, then all deposits shall be returned forthwith.

Maturity of bonds.

SEC. 5. Bonds issued under this act shall never be issued to run for a longer period than thirty 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 use of the bonds.

Public utility bonds.

SEC. 6. This act shall not apply to public utility bonds payable wholly from the earnings of such utility.

Repeal.

SEC. 7. All acts and parts of acts in conflict herewith, are hereby repealed: *Provided*, that this act shall not affect the validity nor the procedure necessary for the payment and redemption of any

Saving clause.

bonds heretofore issued and sold by any such municipal corporation, or any bonds authorized under existing laws, a part of which have been sold.

Passed the House March 3, 1923.

Passed the Senate March 5, 1923.

Approved by the Governor March 20, 1923.

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## CHAPTER 152.

[H. B. 17.]

### PUBLIC SCHOOLS.

AN ACT relating to health, welfare, and care of children in attendance at public schools, and amending section 4806 of Remington's Compiled Statutes.

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

SECTION 1. That Section 4806 of Remington's  
Compiled Statutes be amended to read as follows:

Amends § 4806;  
Pierce's Code  
§ 5007a.

The Board of Directors of any public school in any school district of the first class may cause to be furnished free of charge, in a suitable individual sterilized receptacle on each and every school day to each child in attendance under the age of fourteen years desiring the same, not less than one half pint of pure whole milk. The cost of supplying such milk shall be paid for and in the same manner and out of the same fund as the other items of expense incurred in the conduct and operation of said school.

First class  
district.

Free milk  
for pupils.

Passed the House February 2, 1923.

Passed the Senate February 21, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 153.

[H. B. 31.]

## THIRD CLASS CITIES.

AN ACT relating to consolidation of and the annexation of territory to cities of the third class, providing procedure and limiting the time for attacking the validity thereof, and validating certain consolidations and annexations heretofore made, and authorizing the payment of the cost of certain utilities.

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

Consolidation  
and annexation,  
proceedings attacking.

SECTION 1. Proceedings attacking the validity of the consolidation of any city of the third class or the annexation of territory to any city of the third class shall be by *quo warranto* only, instituted by the prosecuting attorney of the county in which such city is located, or by some person interested in such proceedings, which interest must be clearly shown, and within one year after the consummation of such consolidation or annexation proceedings, and no error, irregularity or defect of any kind or nature in any such consolidation or annexation proceedings shall invalidate such consolidation or annexation after one year.

Consolidation  
and annexation  
validated.

SEC. 2. All proceedings for the consolidation of cities of the third class and for the annexation of any unincorporated territory described in any abstract filed with the secretary of state in any such annexation proceeding to a city of the third class heretofore had, or attempted to be had, and over which such consolidated cities or annexed territory such city has exercised jurisdiction for a period of one year after the filing of such abstract with the secretary of state, are hereby ratified and validated as of the date of filing such abstract, irrespective of the fact that such consolidated cities, or any part thereof, are separated by a body of navigable water

or that such annexed territory, or any part thereof, is separated from such city by a body of navigable water, and irrespective of any failure to file a petition for such consolidation or annexation, or to give proper notice of election or of any other defect occurring in such consolidation or annexation proceedings, and all territory so sought to be annexed is hereby declared to be a part of such annexing city as of the date of filing such abstract, and such cities so consolidated are hereby declared to be one municipal corporation as of the date of filing such abstract. All proceedings since the date of the filing of such abstract heretofore had or attempted to be had by any such city within or including such annexed territory, or any part thereof, in the creation of local improvement districts and the making of local improvements, the levying of special assessments and the issuance of bonds therein and also in the levy of taxes, making of contracts, incurring of indebtedness and the issuance of bonds therefor are hereby ratified, validated and confirmed. *Provided*, that nothing in this act contained shall affect the rights of any parties in any proceedings now pending in any court of record in this state and the rights of such parties therein shall be determined and adjudicated as the same existed prior to the passage of this act.

SEC. 3. If in any proceeding now pending in any court of this state affecting assessments levied or attempted to be levied by a city of the third class upon property in a local improvement district situate in territory annexed or attempted to be annexed to said city to pay for the extension of any public utility owned by said city into such annexed territory heretofore had, the court shall reduce or annul such assessments, or any part thereof, thereby creating a deficit in the fund created to pay for such extension, such city is hereby authorized and empowered,

Assessment for  
public utilities.  
in annexed  
territory.

notwithstanding the provisions of any ordinance, to charge such deficit to such utility and provide by ordinance for payment thereof out of the income of such utility.

SEC. 4. If any section or provision of this act should 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.

Passed the House February 6, 1923.

Passed the Senate March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 154.

[H. B. 108.]

### STATE FORESTS.

AN ACT relating to and providing for the acquiring, seeding, reforestation and administering of lands for State Forests, and repealing Chapter 169, Laws of 1921, and making an appropriation.

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

SECTION 1. There is hereby created a State Forest Board to consist of ex-officio, the Governor, Commissioner of Public Lands, Dean of Forestry of the University of Washington, Director of Conservation and Development, and State Supervisor of Forestry. The Governor shall be Chairman and the Commissioner of Public Lands Secretary of said Board. A Vice-Chairman, who shall act during the absence or disability of the Chairman may be selected by said Board from among its members; and an assistant secretary may be designated from among the em-

if any part  
unconstitu-  
tional.

State forest  
board,  
created.

ployes in the office of Commissioner of Public Lands. The members of said Board shall receive no salary or compensation for their services, but shall be reimbursed for expenses incurred in the performance of their duties.

SEC. 2. Within thirty (30) days after the taking effect of this act, the Commissioner of Public Lands shall call a meeting of the Board at which meeting the Board shall adopt such rules and regulations as are deemed advisable and necessary for carrying out the provisions of this act. Special meetings of the Board may be called at any time by the Secretary of the Board, and shall be called at any time upon request of the Chairman, or any two members.

First meeting called.

SEC. 3. The Board shall have the power 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, and reserve to the grantor or donor of such lands all oils, gases, coal, minerals and fossils of every name, kind and description, or either of them, which may be in, under or upon said lands, and the right to enter upon said lands, for the purpose of prospecting for or opening, developing and working mines thereof and taking and removing therefrom the materials reserved, with the right in the board to make such rules and regulations as it deems necessary for the protection of the forest growth thereon. 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 of board.

Lands ac-  
quired for  
reforestation.

Price to be  
paid.

Area.

SEC. 4. Said board shall take such steps as it deems advisable for locating and acquiring lands suitable for state forests and re-forestation. No sum in excess of two dollars per acre shall ever be paid or allowed either in cash, bonds or otherwise, for any lands suitable for forest growth, but devoid of such; nor shall any sum in excess of six dollars per acre be paid or allowed either in cash, bonds or otherwise, for any lands adequately restocked with young growth or left in a satisfactory natural condition for natural reforestation and continuous forest production; nor shall any lands ever be acquired by said board except upon the approval of the title by the Attorney General and on a conveyance being made to the State of Washington by good and sufficient deed. No forest lands shall be designated, purchased, or acquired by said board unless the area so designated or the area to be acquired shall, in the judgment of the board be of sufficient acreage and so located that it can be economically administered for forest development purposes. Whenever the board acquires or designates an area as forest lands it shall designate such area by a distinctive name or number, *e. g.*, "State forest No.....", or, "Cascade State Forest".

Utility bonds.

SEC. 5. For the purpose of acquiring and paying for lands for state forests and reforestation as herein provided the board may issue utility bonds of the State of Washington, in an amount not to exceed two hundred thousand dollars (\$200,000.00) in principal, during the biennium expiring March 31, 1925, and such other amounts as may hereafter be authorized by the Legislature. Said bonds shall bear interest at not to exceed the rate of three and a half per cent per annum which shall be payable annually. Said bonds shall never be sold or exchanged at less than par and accrued interest, if any, and shall mature in not less than a period equal to the time neces-



sary to develop a merchantable forest on the lands exchanged for said bonds or purchased with money derived from the sale thereof. Said bonds shall be known as State Forest Utility Bonds. The principal or interest of said bonds shall not be a general obligation of the state, but shall be payable only from the Forest Development Fund hereinafter created. The Board may issue said bonds in exchange for lands selected by it in accordance with this act, or may sell said bonds in such manner as it deems advisable, and with the proceeds purchase and acquire such lands. Any of said bonds issued in exchange and payment for any particular tract of land may be made a first and prior lien against the particular land for which they are exchanged, and upon failure to pay said bonds and interest thereon according to their terms, the lien of said bonds may be foreclosed by appropriate court action.

Bonds  
exchanged  
for lands.

SEC. 6. There is hereby created a Forest Development Fund of which the State Treasurer shall be the custodian. 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 pledged for the sole purpose of paying interest and principal on the bonds issued by the State Forest Board; and any of such bonds shall be a first and prior claim and lien against said fund for the payment of principal and interest. No sums shall be withdrawn or paid out of said fund except upon order of said State Forest Board.

Forest develop-  
ment fund.

SEC. 7. All lands acquired or designated by said Board as state forest lands shall be forever reserved from sale, but the timber and other products thereon

Forest lands  
reserved  
from sale.

may be sold or the said lands may be leased in the same manner and for the same purposes as is authorized for the state granted lands, except that no sale of any timber or other products thereon and no lease of said lands shall be made until ordered and approved by the State Forest Board. All money derived from the sale of timber or other products or from lease, or from any other source from said lands, except where the constitution of this state requires other disposition, shall be disposed of as follows: The Commissioner of Public Lands shall first determine the amount, if any, that has been expended from the Reclamation Revolving Fund of the state treasury in acquiring, caring for, maintaining and administering the lands from which said revenue is derived and until such cost to the Reclamation Revolving Fund is repaid, the whole amount of revenue derived from said lands shall be paid into the Reclamation Revolving Fund of the state treasury; but upon the repayment to the Reclamation Revolving Fund, of the amount that such land has cost the Reclamation Revolving Fund, the remaining, or any subsequent revenues derived from said land shall be paid into the State Forest Development Fund.

Disposition of funds from sale of timber.

SEC. 8. The Supervisor of Forestry, the Supervisor of Reclamation, the Supervisor of Geology and the Commissioner of Public Lands shall, on or before the first day of January of each year report to the State Forest Board any logged off lands, or deforested lands belonging to the state, or held in private ownership coming to their knowledge and observation during the preceding year of a character suitable for state forest lands or reforestation.

Officials to report lands suitable for reforestation.

SEC. 9. The Commissioner of Public Lands shall keep in his office in a permanent bound volume a record of all proceedings of the State Forest Board; and shall also keep a permanent bound

Record of proceedings of board.

record of all forest lands acquired by the state and any lands owned by the state and designated as such by the State Forest Board. The record shall show the date and from whom said lands were acquired; amount and method of payment therefor; the forest within which said lands are embraced; the legal description of such lands; the amount of money expended, if any, and the date thereof, for seeding, planting, maintenance or care for such lands; the amount, date and source of any income derived from such land; and such other information and data as may be required by the Board.

Record of  
lands.

SEC. 10. There is hereby appropriated from the Reclamation Revolving Fund of the state treasury the sum of twelve thousand dollars (\$12,000.00), or so much thereof as is necessary to pay any costs of administering this act and any interest on bonds that may be issued by said board; said expenditures to be made upon vouchers approved by said Board or a majority of its members. Any sums necessary to pay interest or principal on any bonds issued shall, upon direction of the State Forest Board, be transferred to and paid out of the said Forest Development Fund.

Appropriation  
\$12,000.00.

SEC. 11. That chapter 169 of the Laws of 1921 is hereby repealed.

Repeals Rem.  
Comp. Stat.  
§5812 to 5817;  
Pierce's Code  
§ 2578-2 to  
2578-7.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 19, 1923.

## CHAPTER 155.

[H. B. 121.]

## PRIMARY HIGHWAY MAINTENANCE FUND.

AN ACT relating to the primary highway maintenance fund and the release and discharge of liability of Norval Enger, American Surety Company of New York and C. W. Clausen, state auditor, from liability on account of loss of money from said funds by failure of the Grant County State Bank.

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

SECTION 1. That Norval Enger, American Surety Company of New York, a corporation, and C. W. Clausen, state auditor, and each of them, are hereby released and discharged from all liability and claim from the State of Washington on account of the sum of one thousand four hundred and twenty-one dollars and fifteen cents (\$1,421.15) on deposit in the Grant County State Bank at the time of the failure of said bank; which said sum of money was advanced to said Norval Enger as construction engineer of Grant County from the primary highway maintenance fund of the state treasury on a warrant drawn by C. W. Clausen, state auditor, to be used by said Norval Enger as a revolving fund for primary highway maintenance work in Grant County, and which said money was deposited by said Norval Enger in said bank, and for which said Norval Enger was required to and did furnish a bond signed by the American Surety Company of New York, as surety, and payable to C. W. Clausen as state auditor, conditioned to properly account for said money.

SEC. 2. The release herein granted is on the condition that said Norval Enger shall file with the state treasurer an assignment in proper form to the State of Washington of all his rights, title and interest in and to any claim against said Grant County State Bank, or any dividend on account of said de-

Release from  
liability of  
Norval Enger,  
American  
Surety Com-  
pany, C. W.  
Clausen.

Conditions  
of release.

posit; and shall also file with the state treasurer a statement under oath that he has received no payment of dividend on account of said deposit and has made no sale or assignment of such claim or dividend due, or to become due thereon, to any person, firm or company.

SEC. 3. Any sums received by the state treasurer as dividends or payments on account of any assignment executed by said Norval Enger under the provisions of this act, shall be deposited by the state treasurer in the primary highway maintenance fund of the state treasury. Dividends.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 156.

[H. B. 125.]

### CRIMES AND PUNISHMENTS.

AN ACT relating to crimes and punishments, making it a gross misdemeanor to obtain or solicit employment in asserting certain rights of action without the state.

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

SECTION 1. Whoever obtains or solicits for himself or another employment in asserting without the state any claims or right of action that arose within the state for death or personal injuries in favor of a resident of the state and against a resident thereof or a corporation subject to service of process therein, is guilty of a gross misdemeanor.

Solicitation of employment in asserting claims for death or personal injury.

Passed the House February 15, 1923.

Passed the Senate February 27, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 157.

[H. B. 191.]

## STATE PARKS.

AN ACT relating to parks and parkways and amending sections 10942 and 10943 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:*

SECTION 1. That Section 10942 of Remington's Compiled Statutes 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 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.

(4½) To clear, drain, grade, seed and otherwise improve and or beautify any parks and parkways, and to erect structures, buildings, fireplaces,

Amends Rem.  
Comp. Stat.  
§ 10942;  
Pierce's Code  
§ 6503-57.

State parks  
committee.

Powers  
enumerated.

comfort stations and build and maintain paths, trails and roadways through and on parks and parkways.

(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 five 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.

(6) To employ such assistance as it may deem necessary.

(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 parks or parkway purposes as it shall deem proper, subject to the following provisions: (a) No tract, except tracts acquired by donation 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 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.

(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.

(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.

SEC. 2. That Section 10943 of Remington's Compiled Statutes be amended to read as follows:

Section 10943. The state parks committee shall also have the power to receive in trust any money donated or bequeathed to it, and to carry out the terms, if any, of such donation or bequest, or, in the absence of such terms, to expend the same as it may deem advisable for park or parkway purposes. Money so received shall be deposited in the state treasury to the credit of the State Parks and Parkway Fund.

Amends Rem.  
Comp. Stat.  
§ 10943.  
Pierce's Code  
§ 6503-58.

Donated  
money.



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

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 158.

[H. B. 101.]

### BUDGET FOR CITIES.

AN ACT providing for a budget system for making and controlling estimates, tax levies and expenditures in cities of the first class having a population of less than three hundred thousand, and in cities and towns of the second and third classes, and providing penalties for the violation thereof.

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

SECTION 1. On or before the second Monday in July of each year the auditor of each city of the first class having a population of less than three hundred thousand and of each city and town of the second and third classes shall notify in writing every official, elective or appointive, of such city or town, in charge of an office, department, division, service or institution to file with such auditor on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenue, if any, from sources other than taxation, and of all expenditures required by such office, department, division, service or institution for the ensuing fiscal year. The city council in cities having commission form of government and the mayor in all others shall submit to the auditor detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or

Auditor to  
notify  
officials.

Itemized  
estimates.

warrants not yet authorized, together with a statement of the proposed method of financing them.

Forms  
furnished  
by auditor.

The estimates required in this section shall be submitted on forms provided by the auditor and classified according to the classification established by the State Division of Municipal Corporations, and the auditor is hereby directed and required to provide said forms. He shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which falls properly within the duties of his office.

Estimates  
filed, penalty  
for failure.

It shall be the duty of each of such officials to file such estimates within the time and in the manner provided in said notice and form, and the auditor shall deduct and withhold from the salary of each official failing or refusing to file such estimates as herein provided the sum of ten dollars for each day of delay: *Provided*, that the total penalty against any one official shall not exceed fifty dollars in one year: *And Provided further*, that in the absence or disability of any such official the duties required herein shall devolve upon the official or employee in charge of such office, department, division, service or institution for the time being. The said notice shall contain a copy of this penalty clause.

Auditor to  
prepare  
budget.

SEC. 2. Upon the receipt of such estimates the auditor shall prepare the city or town budget, which shall set forth the complete financial program of the city or town for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

Revenue  
section.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, division, service or institution for the ensuing fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, divisions, services and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, and the actual expenditures for the last completed fiscal year.

Expenditure section.

Such estimates, appropriations and expenditures shall be classified under the general classes of

Classifications.

- (1) salaries and wages
- (2) maintenance and operation
- (3) capital outlay
- (4) interest and debt redemption
- (5) expenditures proposed to be made from bond or warrant issues not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by said Division of Municipal Corporations. Expenditures for "capital outlay" shall set forth and describe each proposed object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately and for each series or issue of bonds and requirement for warrant redemption and interest shall be set out in a like manner. The total amount of emergency warrants issued during the preceding fiscal year shall be set out separately together with a statement showing each emergency and the amount of warrants issued therefor.

Salaries and wages.

Maintenance and operation.

Capital outlay.

Interest and debt redemption.

Budget submitted to council or mayor.

Considered, filed, notice given.

Notice published.

Copies provided.

Hearing.

SEC. 3. The said budget shall be submitted by the auditor to the city or town council in cities or towns having commission form of government and to the mayor in other cities and towns on or before the first Tuesday in September of each year. Such city or town council or mayor shall thereupon consider the same in detail and make any revisions or additions deemed advisable and shall then publish a notice stating that such city or town council or mayor has completed and placed on file the city or town preliminary budget for the ensuing fiscal year, a copy of which will be furnished any taxpayer who will call at the auditor's office therefor, and that the council of such city or town will meet on the first Monday in October thereafter for the purpose of fixing the final budget and making the tax levies, designating the time and place of such meeting and giving notice that any taxpayer may appear thereat and be heard for or against any part of such budget.

Such notice shall be published once each week for two consecutive weeks immediately following said adoption of the preliminary budget in the official newspaper of the city or town, or if there be none in a newspaper of general circulation in the city or if there be none in a newspaper of general circulation in the county. The city or town council or mayor shall provide a sufficient number of copies of said detailed and comparative preliminary budget to meet the reasonable demands of the taxpayers therefor and the same shall be available for distribution not later than two weeks immediately preceding the first Monday in October.

SEC. 4. On the first Monday in October in each year the council of each city or town shall meet at the time and place designated in said notice whereat any taxpayer may appear and be heard for or against any part of said budget. Such hearing may be continued from day to day until concluded but not

to exceed a total of five days. The officials in charge of the several offices, departments, divisions, services and institutions shall be present at the time the estimates for their respective offices, departments, divisions, services or institutions are under consideration and may be questioned by such council or mayor or by any taxpayers present concerning such estimates.

Upon the conclusion of such hearing the city or town council shall fix and determine each item of the budget separately and shall by ordinance adopt the budget, setting out in separate totals the appropriation total allowed for each of the following classes:

Items determined.

Adopt by ordinance.

Salaries and wages.....	\$.....
Maintenance and operation.....	\$.....
Capital Outlay .....	\$.....
Interest and Debt Redemption.....	\$.....
Expenditures to be made from bond or warrant issues not yet authorized..	\$.....

A copy of the budget as adopted shall be transmitted to the said Division of Municipal Corporations. They shall then by ordinance fix the amount of the tax levies necessary to raise the amount of the estimated expenditures less the total of the estimated revenues from sources other than taxation, including available surplus, and such expenditures as are to be met from bond or warrant issues, and certify the amount of the levies so determined to the county commissioners in the manner provided by law. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

Tax levy.

SEC. 5. The estimates of expenditure itemized and classified as set out in section 4 hereof and as finally adopted in such ordinance shall constitute the appropriations of such city or town for the en-

Appropriations.

suing fiscal year, and the city or town council, the mayor and every other city or town official or employee shall be limited in the making of expenditures and the incurring of liabilities to the amounts of such detailed appropriation items or classes: *Provided*, That no salary shall be increased above the amount provided therefor in the budget appropriation. Transfers between the general classes provided in section 2 hereof shall not be permitted.

Bond and  
warrant  
monies.

Monies received from the sale of bonds or warrants shall be used for no other purpose than that for which issued but if any surplus remain after the accomplishment of such purpose then it shall be used for the redemption of the city debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter in the manner provided by law no such expenditure shall be made or incurred until such bonds have been duly authorized.

Liabilities in  
excess, void.

Liabilities incurred by any city or town official in excess of any of the budget appropriations shall not be a liability of the city or town. The auditor shall issue no warrant and the city or town council or mayor shall approve no claim for an expenditure in excess of each separate budget appropriation, except upon an order of a court of competent jurisdiction or for emergencies as hereinafter provided.

Emergency.

SEC. 6. When a public emergency other than those specifically described hereinafter and which could not reasonably have been foreseen at the time of making the budget, shall require the expenditure of money not provided for in the budget, the city or town council shall before it may make any expenditure therefor adopt an ordinance stating the facts constituting the emergency and the estimated amount of money required to meet it and declaring that an emergency exists: *Provided*, that such ordinance shall not be voted on until one week shall have

Ordinance  
declaring.

elapsed after its introduction and that it shall require the unanimous vote of the members of the council present and the approval of the mayor in cities and towns not having commission form of government: *And Provided further*, that any taxpayer may appear at such meeting for passing on such ordinance and be heard for or against the adoption thereof. Any city or town publishing a weekly bulletin or official gazette shall publish a copy of such proposed ordinance together with a notice of the time set for voting thereon before the day set for such vote.

*Provided* that upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the city or town, or to meet mandatory expenditures required by laws enacted since the last budget was adopted, the city or town council may, upon the adoption by the unanimous vote of the members present of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, make the expenditures therefor without further notice or hearing.

Emergencies  
enumerated.

All emergency expenditures shall be paid for by the issuance of emergency warrants. Emergency warrants shall be paid from any monies on hand in the city or town treasury in the fund properly chargeable with such expenditure, and such city or town treasurer is hereby authorized and directed to pay such warrants out of any such monies. If at any

Emergency  
warrants.

time there shall be insufficient money on hand to pay any emergency warrant, such warrant shall be registered, bear interest and be called in the same manner as other city or town warrants.

Emergency warrants paid.

The auditor shall include in the annual budget to be submitted to the city or town council or mayor the total amount of the emergency warrants issued during the preceding fiscal year; and at the time the final budget is adopted such city or town council shall include in their tax levies a levy sufficient to reimburse the fund or funds out of which said emergency warrants were paid: *Provided*, that any or all of such warrants may be funded into bonds in any manner authorized by law if deemed advisable.

Appropriations lapse.

All appropriations shall lapse at the end of the fiscal year: *Provided*, that the appropriation accounts shall remain open for a period of twenty days thereafter for the payment of claims incurred against such appropriations prior to the close of the said fiscal year. Upon the expiration of such twenty days all appropriations shall become null and void and any claim presented thereafter against any of such appropriations shall be provided for in the next ensuing budget: *Provided, however*, that this shall not prevent payments upon uncompleted improvements in progress at the close of the fiscal year.

Monthly report.

SEC. 7. On or before the 25th day of each month the auditor shall submit to the city or town council or mayor a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month, and like information for the whole of the current fiscal year to the first day of said month, together with the unexpended and unencumbered balance of each appropriation. He shall also set forth the receipts from taxes and from sources other than taxation for the same periods.



SEC. 8. This act shall apply to cities of the first class having a population of less than three hundred thousand and to cities and towns of the second and third classes. Applies to certain cities.

SEC. 9. The term "auditor" as used in this act shall include and apply to the officer performing the duties commonly performed by a city or town auditor in cities or towns having no officer bearing the title of auditor. In cities and towns of the second and third classes it shall include and apply to the city or town clerk. Auditor defined.

SEC. 10. The State Division of Municipal Corporations is hereby empowered to make and install such forms and classifications as are required herein, to define for the accounting officer what expenditures shall be chargeable to each budget class and to establish such accounting and cost systems as may be necessary to secure accurate budget information. Forms and classifications.

SEC. 11. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars. Penalty.

SEC. 12. All acts or parts of acts or charters in conflict herewith are hereby repealed. Repeal.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 20, 1923.

## CHAPTER 159.

[H. B. 114.]

## ATTACHMENTS.

AN ACT relating to writs of attachment and amending section 648 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 648;  
Pierce's Code  
§ 7380.

Issued  
by clerk.

Affidavit  
to support.

Grounds.

SECTION 1. That Section 648 of Remington's Compiled Statutes be amended to read as follows:

Section 648. The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either,—

1. That the defendant is a foreign corporation; or

2. That the defendant is not a resident of this state; or

3. That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or

4. That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or

5. That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or

6. That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dis-

pose of, any of his property, with intent to delay or defraud his creditors; or

7. That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or

8. That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or

9. That the damages for which the action is brought are for injuries arising from the commission of some felony, or for the seduction of some female; or

10. That the object for which the action is brought is to recover on a contract, express or implied.

Passed the House February 19, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 160.

[H. B. 130.]

### SUPPLEMENTAL PROCEEDINGS.

AN ACT relating to supplemental proceedings, and amending Sections 615, 629 and 638 of Remington's Compiled Statutes.

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

SECTION 1. That Section 615, Remington's Compiled Statutes, is hereby amended to read as follows:

Section 615. Any person may be made a party to a supplemental proceeding by service of a like order in like manner as that required to be served upon the judgment debtor, and upon proof by affidavit or otherwise, to the satisfaction of the judge,

Amends Rem.  
Comp. Stat.  
§ 615;  
Pierce's Code  
§ 7929.

Parties.

Affidavit.

that execution has been issued and return made thereon wholly or partially unsatisfied, and also that any person or corporation has personal property of the judgment debtor of the value of twenty-five dollars or over, or is indebted to him in said amount, or is holding the title to real estate for the judgment debtor, or has knowledge concerning the property interests of the judgment debtor, the judge may make an order requiring such person or corporation, or an officer thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

Amends Rem.  
Comp. Stat.  
§ 629;  
Pierce's Code  
§ 7943.

SEC. 2. That Section 629, Remington's Compiled Statutes, is hereby amended to read as follows:

Section 629. Where the judgment debtor or other person against whom the special proceeding is instituted has been examined, and property applicable to the payment of the judgment has not been discovered, the judge may make an order allowing him a sum, not to exceed twenty-five dollars, as costs, provided that any such sum so allowed the judgment debtor, shall be set off against the amount due the judgment creditor on his judgment.

Attorney's fee.

Amends Rem.  
Comp. Stat.  
§ 638;  
Pierce's Code  
§ 7952.

SEC. 3. That Section 638, Remington's Compiled Statutes, is hereby amended to read as follows:

Section 638. Proceedings under this chapter are special proceedings, and shall be heard by the judge or referee before whom the same are returnable without a jury, except as provided in Section 4 of this Act.

Non-jury hearing.

Title to real  
property.

SEC. 4. In any supplemental proceeding, where it appears to the court that a judgment debtor may have an interest in or title to any real property, and such interest or title is disclaimed by the judgment debtor or disputed by another person, or it appears that the judgment debtor may own or have a right of possession to any personal property, and such own-

ership or right of possession is substantially disputed by another person, the court may, if the person or persons claiming adversely be a party to the proceeding, adjudicate the respective interests of the parties in such real or personal property, and may determine such property to be wholly or in part the property of the judgment debtor. If the person claiming adversely to the judgment debtor be not a party to the proceeding, the court shall by show cause order or otherwise cause such person to be brought in and made a party thereto, and shall set such proceeding for hearing on the first open date in the trial calendar. Any person so made a party, or any party to the original proceeding, may have such issue determined by a jury upon demand therefor and payment of a jury fee as in other civil actions; *provided*, that such person would be entitled to a jury trial if the matter was adjudicated in a separate action.

Adjudication  
of rights of  
interested  
parties.

Jury trial.

Passed the House March 2, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 161.

[H. B. 175.]

### BONDS OF IRRIGATION DISTRICTS.

AN ACT providing for refunding irrigation district bonds.

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

SECTION 1. That all bonds heretofore issued by any irrigation district in this state may be refunded in the manner hereinafter provided.

Refunded.

SEC. 2. Whenever the board of directors of any irrigation district shall deem it for the best interest

Directors  
determine.

of said district that any or all outstanding bonds of said district be refunded, they shall so declare by resolution duly adopted and recorded in the minutes of said board and shall, with the written approval of the state director of the department of conservation and development, submit the question to the legally qualified electors of said district at a general election or at a special election called for that purpose and if a majority of said electors voting at said election vote in favor thereof the directors of said district shall issue and exchange said bonds for those outstanding, or sell said bonds and retire said outstanding bonds.

Vote of  
electors.

Form, denomi-  
nations, ma-  
turity, etc.

SEC. 3. Said bonds shall be issued in series and in denominations of not less than one hundred (\$100) dollars nor more than one thousand (\$1000) dollars. The first series shall mature not later than ten years and the last series not later than forty years. Each series shall be numbered from one, up consecutively, shall bear the date of their issue, and shall bear interest at any rate not exceeding six per cent per annum, payable semi-annually on the first day of January and July of each year, with interest coupons attached and the 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 is situated, or at any fiscal agency of the State of Washington. Said bonds shall be negotiable in form and the bonds and interest coupons shall be signed by the president and secretary of the board of directors of said district and the seal of said district, affixed. The signatures of the president and secretary may, however, appear by lithographic fac simile.

Exchanged  
for par.

SEC. 4. The bonds issued under and by virtue of this chapter shall not be exchanged for less than the par value of the bonds refunded or sold for less than ninety per cent of their par value and all money

derived from the sale of such bonds shall be applied to the redemption of outstanding bonds of said district and if such outstanding bonds shall be so refunded they shall be endorsed in red ink "Refunded Bonds," and filed and preserved for one year and then destroyed by the county treasurer in the presence of witnesses; and the secretary of said district and the county treasurer of said county shall keep a record of such bonds so refunded and shall note the date of the refunding and the date of the destruction of the refunded bonds and in whose presence they were destroyed.

Sold for  
not less than  
90% of par.

SEC. 5. Where the bonds to be refunded are serial bonds and not subject to call, the refunding bonds shall be issued in series only as necessary to take up the series next falling due, and shall be dated the same as the maturity of said series falling due, but the election aforesaid shall be sufficient authority for the directors to issue sufficient bonds to retire the entire outstanding issue of bonds to be refunded as they mature, but none of said refunding bonds shall be signed before the date of their issue, and until signed shall be deposited and kept in the office of the county treasurer.

Refunded  
in series.

SEC. 6. The notice of election provided for in this chapter shall be given and said election held in all respects in accordance with section 7432 of Remington's Compiled Statutes, except in first class and class A counties, where the said notice and election shall be held in the manner provided by law for such counties.

Election, how  
held.

See Rem.  
Comp. Stat.  
§ 7432;  
Pierce's Code  
§ 3211.

SEC. 7. The county treasurer shall keep a register of bonds, which register shall show the number, date, amount, interest, name of payee and when and where payable, of each and every bond executed, issued or sold under the provisions of this chapter.

Register.

Passed the House February 28, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 19, 1923.

## CHAPTER 162.

[H. B. 194.]

## PORT OF KALAMA.

AN ACT granting certain tide lands to the port of Kalama for port purposes only, and providing for its reversion to the state if not used for such purposes.

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

SECTION 1. There is hereby granted to the port of Kalama a port district incorporated under the provisions of chapter 92 of the Laws of 1911 all the following described tide lands in Cowlitz County, Washington: All of tracts 5, 18, 20 and 21 of Kalama tide lands and that portion of tract 6 of Kalama tide lands as shown on the plats of record and on file in the office of the commissioner of public lands lying south of the following described line: Beginning at a point in the Jacob Ahles Donation Land Claim in section 20, township 6 north, range 1 west, W. M., on the west line of the right of way of the Northern Pacific Railway Company, said point being 1,300 feet northwesterly along said west line from the point of intersection of the south line of said claim with said west line; and running thence west parallel with the south line of said claim to the line of ordinary high water on the east side of said tract 6; thence s. 66° 30' W. across said tract to the line of extreme low tide, the outer boundary of said tract, and that portion of tract 22, lying in front of lots 22, 23, and 24, block 408 of the Replat of Parker's Addition to Kalama, being that portion of said tract lying between the north line of said lot 22 and the south line of said block 408 both produced westerly to the inner harbor line, all as shown on the official maps of Kalama Tide Lands on file in the office of the commissioner of public lands at Olympia Washington.

See Rem.  
Comp. Stat.  
§ 9688 to 9701;  
Pierce's Code  
§ 4472 to 4485.

Grant of  
tide lands.

Description.



SEC. 2. The commissioner of public lands in the State of Washington is hereby authorized and directed to certify in the manner provided by law in other cases to the Governor for a deed to the port of Kalama in the State of Washington all of said described tide lands.

Commissioner of public lands to certify.

SEC. 3. The Governor is hereby authorized and directed to execute and the Secretary of State to attest a deed conveying to the said port of Kalama all of said tide lands.

Deed to be executed.

SEC. 4. All of the tide lands described in section 1 of this act are hereby granted to said port of Kalama, to be used for port purposes only and for no other purposes; and in case the said port of Kalama shall attempt to use or permit the use of said tide lands or any portion thereof for any other purpose, 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.

Purposes of grant.

Passed the House March 5, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 163.

[H. B. 208.]

### LOCAL IMPROVEMENT BONDS:

AN ACT validating the acts of officers and voters of cities of the first class relating to the creation of indebtedness and issuance of bonds to meet deficiencies in local improvement district funds.

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

SECTION 1. All proceedings heretofore taken by the officers and electors of a city of the first class to incur an indebtedness and issue general bonds to

General bonds issued to pay local improvement deficiency.

meet a deficiency in a local improvement district fund are hereby approved and confirmed and the incurring of the indebtedness and the issuance of the bonds are hereby authorized and validated, if

Validated.

Conditions.

(a) The improvement was such that the city by vote of its electors or otherwise might lawfully have assumed a part of the cost in the first instance;

(b) The improvement was actually made and accepted;

(c) The deficiency was caused by a judgment or judgments of a court of competent jurisdiction holding void or reducing assessments upon property;

(d) A proposition that the city incur an indebtedness and issue and sell its general bonds to pay the deficiency so caused, was submitted to a vote of the electors of the city at an election duly held therein and was approved by more than three-fifths of the electors voting thereon; and

(e) The legislative authority of the city, pursuant to such vote, has authorized the incurring of the indebtedness and the issuance and sale of the bonds.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,

*Secretary of State.*

## CHAPTER 164.

[H. B. 102.]

## COUNTY BUDGET.

AN ACT providing for a budget system for making and controlling county estimates, tax levies and expenditures and providing penalties for the violation thereof.

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

SECTION 1. On or before the second Monday in July of each year the county auditor of each county shall notify in writing each county official, elective or appointive, in charge of an office, department, service or institution of the county, to file with said auditor on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service or institution for the ensuing fiscal year. The county commissioners shall submit to the auditor a detailed statement showing all new road and bridge construction to be financed from the county road and bridge fund, each separate road district fund, the permanent highway fund and from bond issues theretofore issued, if any, for the ensuing fiscal year, together with the cost thereof as computed by the county engineer or for constructions in charge of a special engineer, then by such engineer, and it shall be the duty of such engineer to prepare such estimates of cost for the county commissioners. They shall also submit a similar statement showing the road and bridge maintenance program as near as can be estimated.

Auditor to notify officials to file estimates.

Commissioners to submit statement.

Roads and bridges.

The county commissioners shall submit to the auditor detailed estimates of all expenditures for construction or improvement purposes proposed to

Improvements from bonds and warrants.

be made from the proceeds of bonds or warrants not yet authorized.

Forms and  
classifications.

The estimates required in this section shall be submitted on forms provided by the auditor and classified according to the classification established by the State Division of Municipal Corporations. The auditor is hereby directed to provide such forms. He shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his office.

Estimates to  
be filed,  
penalty  
for failure.

It shall be the duty of each of said officials to file such estimates within the time and in the manner provided in said notice and form, and the auditor shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: *Provided*, that the total penalty against any one official shall not exceed fifty dollars in any one year: and *Provided further*, that in the absence or disability of any such official the duties required herein shall devolve upon the official or employee in charge of such office, department, service or institution for the time being. The said notice shall contain a copy of this penalty clause.

Budget  
prepared.

SEC. 2. Upon the receipt of such estimates the auditor shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

Revenue  
section.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the esti-

mated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

Expenditure  
section.

Such estimates, appropriations and expenditures shall be classified under the general classes of (1) salaries and wages (2) maintenance and operation (3) capital outlay (4) interest and debt redemption, and (5) expenditures proposed to be made from bond or warrant issues not yet authorized.

General  
classes.

Within the general class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by the said Division of Municipal Corporations. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds and warrant interest and redemption requirements shall be set out in a similar manner. The total amount of emergency warrants issued during the preceding fiscal year shall be set forth separately together with a state-

Salaries  
and wages.

Capital  
outlay.

Interest and  
debt  
redemption.

ment showing the amount issued for each emergency.

Budget submitted to commissioners.

SEC. 3. The said budget shall be submitted by the auditor to the county commissioners on or before the first Tuesday in September of each year. The county commissioners shall thereupon consider the same in detail, make any revisions or additions they deem advisable and shall then publish a notice stating that the said county commissioners have completed and placed on file their preliminary budget for the county for the ensuing fiscal year, a copy of which will be furnished any citizen who will call at their office for it, and that they will meet on the first Monday in October thereafter for the purpose of fixing the final budget and making tax levies, designating the time and place of such meeting, and that any taxpayer may appear thereat and be heard for or against any part of said budget. Such notice shall be published once each week for two consecutive weeks immediately following said adoption of the preliminary budget in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county. The county commissioners shall provide a sufficient number of copies of said detailed and comparative preliminary budget to meet the reasonable demands of the taxpayers therefor and the same shall be available for such distribution not later than two weeks immediately preceding the first Monday in October.

Preliminary budget.

Notice of filing.

Copies.

Hearings.

SEC. 4. On the first Monday in October in each year the county commissioners shall meet at the time and place designated in said notice, whereat any taxpayer may appear and be heard for or against any part of such budget. Such hearing may be continued from day to day until concluded but not to exceed a total of five days. The officials in charge of the several offices, departments, services and institutions shall, at the time the estimates for their

respective offices, departments, services or institutions are under consideration, be called in and appear before such hearing by the county commissioners at the request of any taxpayer and may be questioned concerning such estimates by the commissioners or any taxpayer present.

Upon the conclusion of such hearing the county commissioners shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the Division of Municipal Corporations.

Items  
determined.

The County Commissioners shall then fix the amount of the levies necessary to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation including available surplus and such expenditures as are to be met from bond or warrant issues. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

Tax levy.

SEC. 5. The estimates of expenditures itemized and classified as required in section 2 hereof and as finally fixed and adopted in detail by said board of county commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and the county commissioners and every other county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: *Provided*, that upon a resolution formally adopted by the county commissioners at a regular or special meeting and entered upon the minutes, transfers or revisions within the general class of "salaries and wages" and of "maintenance and operation" may be made: *Provided*, that no salary item shall be increased above the amount appropriated therefor.

Appropriations.

Transfers  
within  
classes.

Transfers between the general classes provided in section 2 hereof shall not be permitted: *Provided*, that in the case of road and bridge maintenance appropriations any lawful transfer deemed necessary may be made.

Borrowed  
monies.

Monies received from borrowings shall be used for no other purpose than that for which borrowed except that if any surplus shall remain after the accomplishment of the purpose for which borrowed, it shall be used to redeem the county debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditures shall be made or incurred until such bonds have been duly authorized.

Expenditures  
in excess of  
budget, void.

Expenditures made, liabilities incurred or warrants issued in excess of any of the detailed budget appropriations or as revised by transfer as herein provided shall not be a liability of the county but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The county auditor shall issue no warrant and the county commissioners shall approve no claim for any expenditure in excess of said detailed budget appropriation or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. Any county commissioner, or commissioners, or county auditor approving any claim or issuing any warrant in excess of any such budget appropriation except as above provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such county commissioner or commissioners or auditor, or all of them, and their several sureties on their official bonds.

Penalty.

Emergency  
expenditures.

SEC. 6. When a public emergency other than such as are specifically described hereinafter, and



which could not reasonably have been foreseen at the time of making the budget, shall require the expenditure of money not provided for in the budget, the county commissioners by unanimous vote of the commissioners present at any meeting the time and place of which all the commissioners shall have had reasonable notice, shall adopt and enter upon their minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet the emergency, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein but which shall be not less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in the official county newspaper or if there be none, in a newspaper of general circulation in the county. Upon the conclusion of said hearing if the county commissioners deem it advisable they may proceed to make the expenditures necessary to meet the said emergency and no more:

*Provided*, that upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by any law enacted since the last budget was adopted, the county commissioners may, upon the adoption by the unanimous vote of the commissioners present at any

Emergencies  
enumerated.

meeting the time and place of which all of such commissioners shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, make the expenditures necessary to meet such emergency without further notice or hearing.

Emergency warrants.

All emergency expenditures shall be paid for by the issuance of emergency warrants which shall be paid from any monies on hand in the county treasury in the fund properly chargeable with such expenditures and the county treasurer is hereby authorized and directed to pay such warrants out of any monies in the treasury in such fund. If at any time there shall be insufficient monies on hand in the treasury to pay any of such warrants, then such warrants shall be registered, bear interest and be called in the manner provided by law for other county warrants.

Emergency warrants paid.

The county auditor shall include in the annual budget to be submitted to the county commissioners the total amount of emergency warrants issued during the preceding fiscal year and the county commissioners shall include in their tax levies a levy sufficient to raise an amount equal to the total of such warrants: *Provided*, that the county commissioners, if they deem it advisable, instead of including the amount of such emergency warrants in their budget levy may fund the same or any part thereof into bonds in any manner provided by law.

Appropriations lapse.

All appropriations shall lapse at the end of the fiscal year: *Provided*, that the appropriation accounts shall remain open for a period of thirty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year. After said period shall have expired all appropriations shall become null and void and any claim presented thereafter against any such appropriation shall be provided for in the next ensuing

budget: *Provided, however* that this shall not prevent payments upon uncompleted improvements in progress at the close of the fiscal year.

SEC. 7. On or before the 25th day of each month the auditor shall submit to the county commissioners a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of said month, together with the unexpended and unencumbered balance of each appropriation. He shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

Monthly  
report by  
auditor.

SEC. 8. The said State Division of Municipal Corporations is hereby empowered to make such rules, classifications and forms as may be necessary to carry out the provisions of this act, to define what expenditures shall be chargeable to each budget account, and to establish such accounting and cost systems as may be necessary to provide accurate budget information.

Forms and  
classification  
to be  
provided.

SEC. 9. This act shall not be construed to create any new fund or funds.

No new funds.

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars.

Penalty.

SEC. 11. All acts or parts of acts in conflict herewith are hereby repealed.

Repeal.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 20, 1923.

## CHAPTER 165.

[H. B. 90.]

## CAPITOL BUILDING LANDS.

AN ACT relating to the construction of the capitol building at the state capital, erecting a memorial, acquiring property, improving grounds, providing for the sale of timber on the capitol building lands and the suspension of the levy for capitol building purposes and 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. That the state capitol committee is hereby authorized and required from time to time prior to the first day of July, 1925, upon its own initiative, or upon application of any person interested, to seek proposals by advertising in the public press or otherwise, within or without the state, for the sale of, and to offer for sale and sell, in quantities of not less than four hundred million (400,000,000) feet as determined by said committee from cruises heretofore or hereafter and in locations to be determined by said committee, sufficient timber on the capitol building lands to complete the construction of the capitol building now in course of construction at the state capital the memorial in honor of the soldiers, sailors and marines from this state who lost their lives in the service by disease or on the battle field, at home or abroad, in the late war with the Teutonic Powers, as heretofore provided by law, and the acquisition by purchase or condemnation of the balance of that certain block of land lying between Thirteenth and Fourteenth Streets, Main Street and the Capitol Grounds and the west one-half (W. ½) of Block three (3) of Edward J. Allen's Addition to the City of Olympia, grading and improving the capitol grounds and reimbursing the state for monies loaned and charged

Advertising  
for sale,  
timber.

Capitol  
building.

Soldiers  
memorial.

Acquirement  
of lands.

against the capitol land grant as provided by Chapter 167, Laws of 1917; *Provided*, that nothing herein shall be construed as requiring said committee to offer for sale, the timber on any particular tract of land applied for, and said committee shall have power to add timber on other lands to such application and power to exclude timber on lands included in such application; and to re-advertise and re-seek other new proposals or bids as often as said committee shall deem necessary, and with a view to obtaining the full market value of such timber, to announce the times, terms and conditions of sale of the timber on certain specified tracts of the capitol building lands: *Provided, however*, that the committee may reject any or all such bids or proposals or accept any such bid or proposal, but no bid or proposal shall be accepted from any bidder for the timber on any tract which is not the highest and/or best bid offered, except when two or more such tracts are offered at the same time where any bidder had bid for the timber on more than one tract his total bids may be taken into consideration in determining the best bid; *Provided, further*, that the committee shall fix the time within which such timber shall be removed from the lands, which time shall not exceed twenty-five (25) years from the date of the sale of such timber, and may provide that the purchaser of timber shall not be limited as to the time of removal thereof upon payment to the state for the use of such lands upon which such timber is situated of an annual rental to be fixed by the committee at or before the time of sale. That after five millions of dollars has been set apart for the completion of the construction of such building, memorial and the acquisition of such property and improvement of grounds all moneys received from the sale of capitol building lands or timber or materials thereon and all moneys remaining in the capitol building construc-

Re-advertise.

Rejection  
of bids.Time for  
removal.

Capitol building fund to reimburse state.

tion fund and all moneys accruing to said funds after said sum has been set apart as aforesaid, shall be applied to the re-payment of the indebtedness due the state from said capitol building fund, until the same is fully paid.

Terms of sale.

SEC. 2. The committee shall make the necessary rules under which proposals or bids for the purchase of timber shall be received, and shall fix the terms of the sale thereof: *Provided*, that all bids shall be sealed bids and that at least one-fourth ( $\frac{1}{4}$ ) of the purchase price of the timber sold shall be paid at the time of sale and the balance shall be paid on or before ninety (90) days after the time of sale. All sales shall take place at the state capital and the proceeds of such sale of timber shall be paid into the capitol building construction fund.

Capitol building tax levy may be omitted.

SEC. 3. If it shall appear to the satisfaction of the state equalization committee at the time of its annual meeting in the year 1923 or in the year 1924, that there are or will be sufficient moneys in the capitol building construction fund accrued from the sale of capitol building lands or timber thereon; to proceed with the construction of such capitol building during the year for which said committee is authorized and required to levy taxes for capitol building purposes, said state equalization committee shall be, and is hereby, authorized to suspend and omit the required levy of one-half ( $\frac{1}{2}$ ) mill for such purposes, for such year.

Act concurrent.

SEC. 4. This act is concurrent with other legislation with reference to the disposition of the capitol building lands or timber thereon and is not to be construed as repealing or modifying any existing provision of law with reference thereto.

Appropriation \$10,000.00.

SEC. 5. There is hereby appropriated out of the capitol building construction fund, the sum of ten thousand dollars (\$10,000) or so much thereof as

may be necessary to defray the expense of making cruises of said timber lands as said committee may deem necessary, and the administrative expenses of carrying out the provisions of this act.

SEC. 6. This act is necessary for the support of the state government and its existing institutions and shall take effect immediately. Emergency.

Passed the House February 9, 1923.

Passed the Senate February 28, 1923.

Approved by the Governor March 20, 1923.

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## CHAPTER 166.

[H. B. 212.]

### COLUMBIA RIVER INTER-STATE BRIDGE.

AN ACT providing for the purchase by the state of all the interest of Clarke County in and to the interstate bridge across the Columbia River at Vancouver, and the operation and maintenance of said bridge by the state.

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

SECTION 1. Whenever the bonds issued by Clarke county for the construction of the interstate bridge across the Columbia River at Vancouver shall have been fully paid with the exception of not to exceed two hundred fifty thousand dollars (\$250,000) of bonds, the state highway committee shall be authorized to purchase from Clarke county, in the name of the State of Washington, with moneys appropriated for that purpose, all the interest of Clarke county in and to said bridge and to apply said purchase money to the liquidation and cancellation of any outstanding bonds and any accrued interest thereon: *Provided*, that the state highway committee shall not purchase the interest of Clarke county in said bridge until it shall have first entered into

State highway committee may purchase interest of Clarke county.

an understanding and agreement with the proper authorities of the State of Oregon or the county of Multnomah having charge of the maintenance and operation of said bridge, that the same shall be maintained and operated without the imposition and collection of tolls for pedestrians, horse-drawn vehicles and privately-owned motor vehicles.

Election to determine sale.

SEC. 2. At the general election to be held in Clarke county on the Tuesday next succeeding the first Monday in November, 1924, there shall be submitted to the electors of the county the proposition of authorizing the sale of the interest of Clarke county in and to the interstate bridge at Vancouver, to the State of Washington, for not to exceed \$250,000, by printing upon all official ballots to be used in said county at said election the following:

Shall the interstate bridge be sold to the state? Yes

Shall the interstate bridge be sold to the state? No

The ballots cast on such proposition shall be counted and canvassed in the manner provided by law and the result thereof certified by the canvassing board to the board of county commissioners of Clarke county and made a part of the records of the board. If a majority of the votes cast upon the question be "yes" it shall be the duty of the board of county commissioners of Clarke county, upon the election of the state highway committee to purchase the interest of Clarke county in said bridge and upon the payment of the purchase price, or cancellation of said remaining bonds, to convey to the state all interest of Clarke county in and to said bridge by a duly executed instrument of conveyance in such form as the attorney general may prescribe.

Operated without tolls.

SEC. 3. From and after the time when the state shall acquire from Clarke county its interest in said



interstate bridge, the same shall be maintained and operated by the state, in conjunction with the proper authorities of the State of Oregon or the county of Multnomah without the imposition and collection of tolls from pedestrians, horse-drawn vehicles or privately-owned motor vehicles, but the state may impose and collect such tolls for the use of such bridge by street and interurban railways, auto transportation companies, and motor vehicles operated for hire as the state highway committee and the proper authorities of the State of Oregon or the county of Multnomah may prescribe.

Passed the House February 28, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 167.

[H. B. 156.]

### INTERSTATE BRIDGES.

AN ACT relating to interstate bridges and amending section 6545 of Remington's Compiled Statutes.

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

SECTION 1. That section 6545 of Remington's Compiled Statutes be amended to read as follows:

Section 6545. In case any county is obligated to pay any bonded indebtedness for the construction of any such interstate [interstate] bridge and so long as any part of the principal or interest of such bonded indebtedness remains unpaid, fifty per cent (50%) of all moneys accruing to such county from the tolls shall be placed in a separate fund in the county treasury to be known as the interstate bridge fund and

Amends Rem.  
Comp. Stat.  
§ 6545;  
Pierce's Code  
§ 559.

Toll monies,  
how disposed  
of.

be expended for interest on and to redeem such bonded indebtedness, and the remaining fifty per cent (50%) of such moneys shall be placed in the road and bridge fund of the county, and if at the time of the taking effect of this act, there shall be on hand and unexpended in the interstate bridge fund in any such county, moneys in excess of one hundred twenty-five thousand dollars (\$125,000), then and in that event, the sum of one hundred twenty-five thousand dollars (\$125,000) shall be transferred from the interstate bridge fund of the county to the road and bridge fund of the county and all moneys so transferred to the road and bridge fund and all moneys accruing to the road and bridge fund of the county under the provisions of this section during the biennium ending April 30, 1925, to the extent that the same may be matched by federal aid moneys or state moneys, shall be expended in the construction of state highways and bridges in such county, and the balance of any such moneys transferred, placed in or accruing to the road and bridge fund of the county, in excess of the moneys matched by federal aid or state moneys, shall be expended in the manner provided by law. From and after the time when such bonded indebtedness is fully paid, all moneys accruing to such county from tolls shall be placed in the road and bridge fund of the county.

Passed the House February 23, 1923.

Passed the Senate March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 168.

[S. B. 51.]

## CORPORATIONS.

AN ACT relating to corporations and amending Section 3805 of Remington's Compiled Statutes of Washington, the same being Section 4505 of Pierce's Code, and Section 3823 of Remington's Compiled Statutes, being Section 4524 of Pierce's Code.

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

SECTION 1. That section 3805 of Remington's Compiled Statutes of Washington, the same being Section 4505 of Pierce's Code, be and the same is hereby amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 3805;  
Pierce's Code  
§ 4505.

Section 3805. Any two or more persons, who may desire to form a company for one or more of the purposes specified in either of the two next preceding sections, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the Secretary of State, and another in the office of the County Auditor of the County in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation. Said articles shall state the corporate name of the company, the objects for which the same shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years: *Provided*, That this limit of existence shall not apply to any life, accident and health insurance company, the number of shares of which the capital stock shall consist, the number of trustees and their names, who shall manage the concerns of the company for such length of time (not less than two nor more than six months) as may be designated in such certificate, and the name of the city, town, or locality and county in

Formation.

Articles.

Contents.

which the principal place of business of the company is to be located: *Provided further*, That any corporation other than one organized for banking, savings and loan, trust company, insurance, guaranty or surety purposes, may have and issue shares of either common or preferred stock without any nominal or par value, subject to the provisions of this act. The articles of incorporation may provide that the stock of the corporation (except in the case of the corporations excepted in the last preceding proviso) shall consist wholly of stock having a par value or wholly of stock without nominal or par value, or partly of one class of stock and partly of the other class, and, in the case of non-par-value stock, they shall state the total number of shares of such stock. Non-par-value stock, where authorized, may be issued by the corporation from time to time for such consideration, in labor, services, money or property, as may be fixed by the Board of Trustees pursuant to the articles of incorporation, or, if such articles shall not so provide, then by the consent of the holders of two-thirds of every class of stock then outstanding and entitled to vote. In case the articles of incorporation provide, in whole or in part, for non-par-value stock, the articles shall state the amount of capital (herein called "Initial Non-Par-Capital"), with which the corporation will begin to carry on business, which amount shall not be less than Five Hundred Dollars and shall be in addition to any amount of capital which may be designated for stock having par value, if any. Subscription of the amount of designated "Initial Non-Par Capital" together with the subscription of the full amount of stock having par value, if any, shall be sufficient to authorize the corporation to commence business and, in the case of corporations having the power of eminent domain, to condemn land for corporate purposes. The liability of each subscriber to non-par-value

Common,  
preferred,  
non-par value  
stock.

Capital.

stock, prior to the receipt by the corporation of the consideration to be received therefor as aforesaid, shall be his proportion (according to the number of shares) of the said designated "Initial Non-Par Capital," and no more, unless a greater liability is stated in the subscription contract. After the "Initial Non-Par Capital" shall have been paid up, the liability of a subscriber to non-par-value stock shall be such as shall be, or shall have been, mutually agreed upon between the corporation and the subscriber of the stock. The number of shares of non-par-value stock may be increased or diminished by the corporation from time to time by complying with the provisions of law relating to increases and reduction in capital stock, so far as the same may be applicable. Amendments may be made to the articles of incorporation by a majority vote of its trustees and the vote or written assent of two-thirds of the capital stock of such corporation. If the written assent of two-thirds of the capital stock has not been obtained then the vote of said stock may be taken at any regular meeting of the stockholders, or at any special meeting of the stockholders called for that purpose in the manner provided in the by-laws of such corporation for special meetings of the stockholders. The president and secretary of said corporation shall certify said amendments in triplicate under the seal of said corporation to be correct and file and keep the same as in the case of original articles and from the time of filing said amendments such corporation shall have the same powers and it and the stockholders thereof shall be subject to the same liabilities as if such amendments had been embraced in the original articles of incorporation. Nothing contained in this section shall be construed to cure or amend any defect existing in any original articles of incorporation in that such articles did not set forth the matters required to make the same valid

Increase or decrease of non-par value stock.

Amendments to articles.

at the time of filing, nor to cure or amend any defect in the execution thereof. If the articles of incorporation of any corporation state a time of existence less than fifty years, its time of existence may be extended by amendment but not beyond a period of fifty years from the date of its incorporation ;

*Provided*, That when valid articles of incorporation have heretofore been duly filed with the Secretary of State and errors have been made in the duplicate filed with the county auditor, such defects may be cured by filing with said county auditor, a certified copy of the original articles filed with the Secretary of State, and when said certified copy is filed, it shall have the same force and effect as though the duplicate had been filed with the county auditor at the same time the original was filed with the Secretary of State. Under the provisions of this section relating to amendments any corporation already existing at the time of making such amendment may avail itself of the provisions of this act relating to non-par-value stock, having due regard to the provisions of laws limiting the reduction of capital stock. In the case of a corporation whose stock is wholly or partly without par value, there shall be filed with the articles of incorporation the affidavit of one of the incorporators, or other representative of the corporation, stating that, to the best of his knowledge and belief, the value of the assets received and to be received by such corporation in return for the issuance of its non-par-value stock does not exceed a certain sum therein named, and the sum so named in such affidavit shall be assumed *prima facie* as the amount of capitalization represented by such non-par-value stock for the purpose of fixing the filing fees and annual license fees to be paid by such corporation under the laws of this State; *provided*, that at any time within two years after the filing of such articles of incorporation, the

Errors in duplicate articles.

Affidavit as to value of assets of non-par value.

Secretary of State may investigate and make a finding as to the value of such assets, and if the value of the assets received in consideration of the issuance of such non-par-value stock is found by him to exceed the amount stated in such affidavit, such corporation shall pay to the Secretary of State the additional filing and license fees payable under the laws of this State, based on the excess of the true valuation, as so found, over the value stated in such affidavit, together with interest on such additional sum at the rate of eight (8) per cent per annum from the date when the same became due, such payment to be made within sixty (60) days after notice mailed by the Secretary of State addressed to such corporation at its last known address: *and provided further* that such finding of the Secretary of State shall be subject to review on such evidence as the parties may submit to the court, if an action for such review be begun by such corporation in the Superior Court of Thurston County within said sixty (60) days. If such action be begun, such corporation shall be allowed sixty (60) days, after judgment of the court finally adjudging the matter, in which to pay any additional fees that may be payable.

Investigation  
of assets.Additional  
fees required.Court  
review.

SEC. 2. That Section 3823 of Remington's Compiled Statutes, being Section 4524 of Pierce's Code, be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 3823;  
Pierce's Code  
§ 4524.

Section 3823. It shall not be lawful for the trustees to make any dividend except from the net profits arising from the business of the corporation, nor divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, nor to reduce the capital stock of the company unless in the manner prescribed in this chapter, or the articles of incorporation or by-laws; and in case of any violation of the provisions of this section, the trustees, under whose administration the same may have happened, except those who may have

No dividends  
except from  
net profits.Reduction of  
capital stock.

caused their dissent therefrom to be entered at large on the minutes of the board of trustees at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly or severally liable to the corporation and the creditors thereof in the event of its dissolution, to the full amount so divided, or reduced, or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter: *Provided, further*, That in the case of corporations whose stock is wholly or partly without any nominal or par value, the provisions of this section shall not apply to so much of the capital stock as is represented by such non-par-value stock, except in the amount of the designated "Initial Non-Par Capital." The rights of creditors shall not be limited by the provisions of this section.

Distribution  
of capital  
stock.

Non-par  
value stock.

Passed the Senate January 26, 1923.

Passed the House March 2, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*



## CHAPTER 169.

[S. B. 55.]

## SUPERIOR COURT JUDGES.

AN ACT relating to the salaries of the Judges of the Superior Court in Class "A" counties.

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

SECTION 1. Each judge of the superior court in class "A" counties shall receive an annual salary of six thousand dollars (\$6,000.00). Salaries.

Passed the Senate January 25, 1923.

Passed the House March 2, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

## CHAPTER 170.

[S. B. 137.]

## INHERITANCE TAXES AND ESCHEATS.

AN ACT relating to inheritance taxes and escheats, and amending section 10878 of Remington's Compiled Statutes, and declaring an emergency.

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

SECTION 1. That Section 10878 of Remington's Compiled Statutes be amended to read as follows:

Section 10878. The director of taxation and examination shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties relating to inheritance taxes and escheats, now vested in, and required to be performed by, the state tax commissioner.

Amends Rem.  
Comp. Stat.  
§ 10878;  
Pierce's Code  
§ 4-120.

Director of  
taxation and  
examination  
to enforce.

**Emergency.** SEC. 2. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1st, 1923.

Passed the Senate February 13, 1923.

Passed the House March 2, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 171.

[S. B. 139.]

### HARBOR AREAS AND TIDE LANDS.

AN ACT relating to the leasing of harbor areas and tide lands belonging to the State, and repealing sections 8011, 8012, 8013 and 8014 of Remington's Compiled Statutes.

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

**Lease.** SECTION 1. The power to lease all tidelands and harbor areas belonging to the State of Washington and situate upon navigable tidal waters shall be vested in the Commissioner of Public Lands, who shall have authority to make leases thereof to such persons, upon such terms and conditions and for such length of time conformably to the state constitution and this act as he may prescribe: All applications under this act for leases of harbor area or tide lands lying within the limits of a port district shall before the execution of any such lease be referred by the commissioner of public lands to the port commission of such port district who shall make such investigation as it deems advisable, and by resolution make to the commissioner of public lands within sixty days, such recommendations as to the character of the improvements, time of commencement and completion thereof, the percentage for fix-

**Within port district.**

ing rental and the terms and conditions of the lease as to such port commission shall seem proper, which recommendations shall be advisory to but not binding upon the commissioner of public lands. No preference rights are renewed or created under the provisions of this act and the power of the commissioner of public lands to grant or reject an application as the public interest in his judgment may require, is hereby declared, but nothing in this section contained shall be construed to nullify or qualify the provisions of section 3 or section 4 hereof. In every lease granted the commissioner of public lands shall insert a provision reserving to the state, port district, county, city or other public agency in the territory where the portion of the harbor area described in such lease is located, the right to assume and thereafter hold such lease upon acquirement of the tide lands contiguous thereto and fronting thereon, without any value for said lease except for improvements thereon.

Recommendation by port commission.

SEC. 2. Applications, leases and bonds of lessees shall be in such form as the commissioner shall prescribe. Every lease shall provide that the rental shall be payable to the state treasurer, and for cancellation by the commissioner upon sixty days' written notice for any breach of the conditions thereof. Every lessee shall furnish a bond, with surety satisfactory to the commissioner, in such penalty as he may prescribe, but not less than five hundred dollars, conditioned for the faithful performance of the terms of the lease and the payment of the rent when due. If the commissioner shall at any time deem any bond insufficient, he may require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do.

Application.

Lease, contents.

Bond.

Applications for leases of harbor areas shall be accompanied by such plans and drawings and other data concerning the proposed wharves, docks or

Plans and drawings of improvements.

other structures or improvements thereof as the commissioner shall require. Every lease of harbor area shall provide that wharves, docks or other conveniences of navigation and commerce adequate for the public needs, to be specified in such lease, shall be constructed within such time as may be fixed in each case by the commissioner, that in no case shall the construction be commenced more than two years from the date of such lease and shall be completed within such reasonable time as the commissioner shall fix, any of which times may be extended by the commissioner either before or after their expiration, but the character of the improvements may be changed either before or after completion with the approval of the commissioner: *Provided*, that if in his opinion the improvements existing upon such harbor area or the tidelands adjacent thereto are adequate for the public needs, the commissioner may require the maintenance of such existing improvements and need not require further improvements.

Additional  
improvements,  
new lease.

SEC. 3. If the owner of any lease of harbor area shall desire to construct thereon any wharf, dock or other convenience of navigation or commerce, or to extend, enlarge or improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the commissioner for a re-lease of such harbor area for a period not exceeding thirty (30) years. Upon the filing of such application accompanied by such proper plans, drawings or other data the commissioner shall forthwith investigate the same and if he shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs he shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental to be a fixed per-

centage during the term of such lease on the true and fair value in money of such harbor area, determined from time to time by the county assessor as hereinafter provided. The commissioner may propose modifications of the proposed wharf, dock or other convenience or extensions, enlargements or improvements thereof. The commissioner shall, within ninety (90) days from the filing of such application notify the said applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid and if the applicant shall within ninety (90) days thereafter elect to re-lease such harbor area upon the terms and under the conditions and at the rental prescribed by the commissioner, the commissioner shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and cancelled.

Terms and conditions.

SEC. 4. Upon the expiration of any lease of harbor area hereafter expiring the owner thereof may apply for a re-lease of such harbor area for a period not exceeding thirty (30) years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tidelands adjacent thereto and with proper plans, drawings and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the commissioner shall forthwith investigate the same and if he shall determine that the character of the wharfs, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, he shall by order fix and determine the terms and conditions upon which such new lease shall be granted and the rate of rental to be paid which rate shall be a fixed percentage during the term of such lease on the true and fair value in

Expiration of lease, re-lease.

money of such harbor area, determined from time to time by the county assessor as herein provided.

SEC. 5. Upon the filing of any application for the lease of harbor area under sections 3 or 4 of this act the commissioner shall certify to the county assessor of the county in which such harbor area is situated a description of such harbor area with a request to value the same under this act. The assessor shall thereupon in accordance with section 11121 of Remington's Compiled Statutes determine the true and fair value in money of such harbor area (exclusive of the improvements thereon) as of March 1st preceding the date of the filing of such application and certify the same to the commissioner. Such value shall be the basis of rental until the assessor's next valuation as herein provided. The assessor shall thereafter in every even numbered year as of March 1st place a valuation on such harbor area (exclusive of improvements) in accordance with said section 11121, Remington's Compiled Statutes, and certify the same to the commissioner and such valuation shall be the basis of rental for the two year period following such valuation. Such assessor shall keep a record of such valuation separate from his records of assessments for taxation purposes; *Provided*, that the applicant or the state, through the commissioner, being dissatisfied with the valuation as fixed by the assessor, shall have the right of appeal from the findings of the assessor to a valuation board to be composed of the county commissioners, the county treasurer and the county assessor of the county in which the harbor area is located. To perfect such appeal, notice thereof shall be in writing and a copy must, within ten days after receipt of notice of the assessor's valuation, be personally served upon each member of the board of county commissioners and upon the county treasurer and the county assessor; or such copy may be left at

Assessor  
to value.

See Rem.  
Comp. Stat.  
§ 11121;  
Pierce's Code  
§ 6935.

Rental basis.

See Rem.  
Comp. Stat.  
§ 11121;  
Pierce's Code  
§ 6935.

Appeal from  
assessor's  
valuation.

the residence of such officer with some person of suitable age and discretion. Service of the notice may be made by any person qualified to serve a summons in a civil action. Within five days following the service of said notice on the chairman of the board of county commissioners, said chairman shall fix a time and place for a meeting of said valuation board and shall notify each of the officers of said board thereof, which said time shall be not less than five nor more than ten days from the date of giving said notice; like notice of the time and place fixed for said hearing shall also be given the applicant and commissioner. At the time and place fixed for said meeting the said board shall meet and determine, by such means as it may select, the valuation of the harbor area in question. A majority of said officers shall constitute a quorum for the purpose of determining the question, and the valuation shall be determined by a majority vote of the members of said board. If a majority of the members of said board participate in said meeting no question shall be made as to any irregularity of the giving of the notices required. The meeting of the board and its deliberations and voting shall be open to the public and any interested parties. The decision of the board of the question of valuation shall be final and conclusive on all parties.

SEC. 6. Upon receipt of the valuation of any tract of harbor area applied for under Section 4 hereof, the commissioner shall notify the applicant of the terms and conditions upon which the re-lease will be granted and of the rental fixed, and such applicant or his successor in interest shall have the option for the period of sixty (60) days from the date of the service of such notice in which to accept a lease on the terms and conditions and at the rental so fixed and determined. If such terms and conditions and rental be accepted a new lease shall be

Terms and  
conditions of  
re-lease.

Acceptance.

granted for the term applied for. If such terms and conditions be not accepted within the time aforesaid or within such further time, not exceeding three (3) months, as said commissioner shall grant, the same shall be deemed rejected by the applicant and the commissioner shall give eight (8) weeks notice by publication in one or more weekly newspapers printed and of general circulation in the county in which such harbor area is situate that a lease of such harbor area will be sold on said terms and conditions and at said rental at a time and place specified in such notice (which shall not be more than three months from the date of the first publication of said notice) to the person offering at such public sale to pay the highest sum as a cash bonus at the time of sale for such lease. Notice of such sale shall be served upon the applicant at least six (6) weeks prior to the date thereof. The person paying the highest sum as a cash bonus shall be entitled to lease such harbor area. If such lease be not sold at such public sale the commissioner may at any time or times again fix the terms, conditions and rental and again advertise such lease for sale as above provided and upon similar notice, upon failure to secure any sale of such lease as above prescribed, the commissioner may issue revocable leases without requirement of improvements for one year periods at the minimum rate of (2%) two per cent.

If not accepted, sold to highest bidder.

Reservation of right to regulate wharfage rates.

SEC. 7. The state of Washington shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage and other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used and the right to prevent extortion and discrimination in such use thereof.

Person defined.

SEC. 8. The word "person," when used in this act, shall be construed to mean, person, firm, cor-



poration, political subdivision or municipality, or any public commission.

SEC. 9. That sections 8011, 8012, 8013 and 8014 of Remington's Compiled Statutes be and the same are hereby repealed, but such repeal shall not be construed to invalidate or affect any lease of harbor area or tideland heretofore made.

Repeals Rem.  
Comp. Stat.  
§ 8011, 8012,  
8013 and 8014;  
Pierce's Code  
§ 4486, 4487,  
4488 and 4489.

Passed the Senate February 23, 1923.

Passed the House March 2, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 172.

[S. B. 241.]

### INDUSTRIAL LOAN COMPANIES.

AN ACT relating to Industrial Loan Companies, providing for their creation, supervision, examination and dissolution; prohibiting certain acts and providing a penalty therefor.

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

SECTION 1. The term "industrial loan company" as used in this act means any corporation which in the regular course of its business loans money and issues its own choses in action under the provisions of this act.

Term defined.

SEC. 2. (a) When authorized by the supervisor of banking, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate an industrial loan company in the manner herein prescribed.

Incorporation.

(b) Persons desiring to incorporate an industrial loan company shall execute articles of incorporation in quadruplicate, which shall be submitted

Articles.

for examination to the supervisor of banking at his office in Olympia.

Contents.

(c) Articles of incorporation shall state:

1. The name of the Industrial Loan Company.
2. The city, village or locality and county where such corporation is to be located.
3. The nature of its business.
4. The amount of its capital stock.
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.
7. Such articles shall be acknowledged before an officer authorized to take acknowledgements.

Fees.

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

For filing application for certificate of authority—\$100.00.

For filing articles of incorporation, or amendments thereof, or certified copies of articles of incorporation 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 renewal certificate of authority—\$10.00.

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

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.

SEC. 4. 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 Industrial Loan 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 company and whether the proposed Industrial Loan Company is being formed for other than 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. 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 Industrial Loan Company is located, and another quadruplicate to the secretary

Investigation  
by supervisor  
of banking.

Approved.

Refused.

Appeal to  
court.

Articles filed.

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.

Capital paid in.

SEC. 5. Before any Industrial Loan 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 this act, and that it has in good faith complied with 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

Certificate of authority.

incorporation, the business of an Industrial Loan Company. 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.

SEC. 6. Before the Articles of Incorporation of any corporation, incorporated under the provisions of this act, are filed, there must be paid in cash for the benefit of the corporation to a treasurer selected by the subscribers, not less than twenty-five per cent of the amount of the capital stock; the balance of the capital stock shall be paid in cash to the corporation at the rate of not less than ten per cent per month, following the initial payment thereon. No corporation organized hereunder shall expend for a plan of operation, organization expense and the sale of its capital stock an amount in excess of ten per cent of the paid in capital stock.

Capital paid  
in cash.

SEC. 7. (a) The capital stock of any corporation incorporated under the provisions of this act shall not be less than fifty thousand dollars in any city having a population of one hundred thousand inhabitants, or less; and shall not be less than one hundred thousand dollars in any city having one hundred thousand or more inhabitants and less than two hundred thousand; and shall not be less than two hundred thousand dollars in any city having two hundred thousand or more inhabitants, according to the last official census. The capital stock of any such corporation shall be divided into shares of the par value of One Hundred Dollars each. No corporation organized hereunder shall create more than two classes of stock.

Capital stock,  
amount  
required.

(b) Any Industrial Loan Company may increase or decrease its capital stock or otherwise amend its

Increase,  
decrease.

Amendment of  
articles.

articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of the stockholders representing two-thirds of its capital at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its by-laws: *Provided*, That notice of a meeting to increase or decrease capital stock shall first be published once a week for four weekly issues in a newspaper published in the county in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present capital of the Industrial Loan Company and the proposed new capital. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid, until twenty-five per cent of the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the supervisor of banking. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates until such reduction has been approved by said supervisor of banking.

Powers.

SEC. 8. Every corporation under the provisions of this act shall have power:

(a) To loan money on personal security, or otherwise, and to deduct interest therefor in advance at the rate of eight per cent per annum, or less. To require the borrower to purchase simultaneously with the loan transaction or otherwise and pledge as security therefor, an investment certificate not to exceed one-fifth more than the loan made; and to receive weekly, semi-monthly or monthly installment

payments thereon with or without an allowance of interest on such installments. To charge a delinquency charge of five cents or less on each dollar delinquent one full week or more—no interest shall be collected on delinquent installments. At the time the certificate is paid for in full the company shall liquidate the loan by cancelling an equal amount of the certificate pledged as security therefor.

(b) To charge for a loan, made pursuant to this section a fee of two dollars or less on loans under one hundred dollars, and a maximum fee of two per cent on loans of one hundred dollars or more for expenses in examining and investigating the character and circumstances of the borrower, no additional charge shall be made except to reimburse the corporation for money actually expended for additional services actually rendered the borrower. No charge shall be collected unless a loan shall have been made.

(c) To sell or negotiate written evidences of debt for the payment of money at any time either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest on such installments. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits nor to issue certificates of deposit or to create any liability due on demand. The issuance of choses in action herein authorized shall be approved as to form by the commissioner of banking and shall bear the endorsement on the face of the instrument, "This is not a certificate of deposit."

(d) To establish branches and subsidiaries subject to the approval and authority of the supervisor of banking provided such corporation shall have a minimum capital of five hundred thousand dollars.

See Rem.  
Comp. Stat.  
§ 3809;  
Pierce's Code  
§ 4515.

(e) Conferred upon corporations by Section 3809 of Remington's Compiled Statutes.

SEC. 9. No corporation under the provisions of this act shall:

Prohibited  
acts.

(a) Make any loan, on the security of makers, co-makers, endorsers, sureties or guarantors, for a longer period than one year from the date thereof, or to any person, firm or corporation who is not a resident of the county in which the corporation maintains an office.

(b) Hold at any one time the obligation or obligations of any person, firm or corporation, for more than one per cent of the amount of the capital and surplus of such industrial loan company.

(c) Hold at any one time the obligation or obligations of persons, firms, or corporations purchased from any person, firm or corporation for more than ten per cent of the total resources of such industrial loan company.

(d) Hold at any one time the obligation or obligations of persons, firms or corporations secured by real estate aggregating more than ten per cent of the total resources of such industrial loan company.

(e) 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. 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.

(f) Invest any of its funds, otherwise than as herein authorized, except in such investments as are by law legal investments for commercial banks, or in the securities of its branches or subsidiaries authorized by the supervisor of banking.

(g) Make any loan or discount, nor shall any officer or employee thereof on behalf of such corpora-



tion, make any loan or discount, directly or indirectly to any director, officer or employee of such corporation unless the same shall have been approved by a majority of the board of directors, or the discount committee if empowered by the board of directors to act, at a meeting at which no director, officer or employee to whom the loan is to be made shall be present. The resolution approving said loan shall be made a part of the corporate minutes.

(h) Have outstanding at any time its investment certificates in an aggregate sum in excess of five times the aggregate amount of its paid up capital and surplus, exclusive of those hypothecated with the corporation issuing them.

(i) Exact a surrender charge on investment certificates issued by the corporation.

(j) Deposit any of its funds with any other moneyed corporation, unless such corporation has been designated as such depository by a vote of the majority of the directors or the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

SEC. 10. Corporations, under the provisions of this act, shall at all times maintain a cash reserve equal to five (5) per cent of its issued and outstanding investment certificates, exclusive of those hypothecated with the corporation issuing them. Cash reserve.

SEC. 11. Corporations, under the provisions of this act, may purchase, hold and convey real estate for the following purposes, but for no other: Real estate.

(a) Such as shall be necessary for the convenient transaction of its business, including with its business offices other apartments in the same building to rent as a source [source] of income, provided however, the corporation shall not invest an amount in excess of twenty-five per cent of its capital, surplus and undivided profits in such real estate.

(b) Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business.

(c) Such as it shall purchase at sale under judgments, decrees or mortgage foreclosures under securities held by it, but no such corporation shall bid at any such sale a larger amount than shall be necessary to satisfy its debt and costs.

(d) Real estate shall be conveyed under the corporate seal of such corporation and the hand of its president or vice-president and manager or treasurer. No real estate acquired in the cases contemplated above shall be held for a longer period than five years unless used as business quarters by the corporation.

Dividends.

Reserve fund  
for losses.

SEC. 12. The directors of every corporation under the provisions of this act, may at certain times and in such manner as its by-laws prescribe, after providing for all expenses, interest and taxes accrued, or due, declare and pay dividends to the stockholders of such corporation as may be appropriated for that purpose under its by-laws, but before any dividend is declared the corporation shall reserve for losses an amount equal to one half of one per cent of the total outstanding loans and discounts; and shall set aside to surplus not less than ten per cent of the dividend to be declared until such surplus shall amount to twenty-five per cent of its capital stock. Unearned interest, accrued and uncollected interest shall not be distributed as a part of the profits, nor carried on the books as such.

Taxation.

SEC. 13. Corporations, under the provisions of this act, shall be taxed the same as other general corporations.

Annual  
report.

SEC. 14. Every corporation under the provisions of this act, shall make to and file with, the supervisor of banking a regular report on, or before,

January tenth and July tenth of each year, showing the true condition of the corporation as of the preceding December thirty-first and June thirtieth, according to form prescribed by said supervisor, verified by the president, manager or treasurer and attested by at least two directors. Every such corporation shall make and file special reports when and as called for by said supervisor.

SEC. 15. It shall be the duty of the supervisor of banking, his deputy, or examiner without previous notice to visit each corporation under the provisions of this act, at least once in each year and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director, officer, employee or agent of such corporation. Said supervisor of banking may make such other full or partial examinations as he deems necessary; any willful false swearing in any examination shall be perjury.

Examination  
by supervisor.

SEC. 16. The director of taxation and examination; through and by means of the division of banking, shall collect from each corporation under the provisions of this act, for each complete examination of its condition the cost thereof, but not less than fifty (50) dollars. For each partial examination he shall collect the cost thereof, but not less than twenty-five (25) dollars.

Examination  
fees.

SEC. 17. The board of directors of each corporation, under the provisions of this act, shall require its active officers and employees and such other officers as they designate, each to give a surety bond in such sum as the board shall specify and the supervisor of banking shall approve, conditioned for the faithful and honest discharge of his duties and for the faithful application of all moneys, funds and val-

Officers  
bonded.

ables which shall come into his possession, or under his control.

Debts due. SEC. 18. Any debt due a corporation under the provisions of this act, upon which no payment has been made upon the principal thereof for six months, unless such debt be well secured and in course of collection by legal process or probate proceedings shall be considered a bad debt, and shall be charged off of the books of such corporation. A judgment Judgments. held by such corporation shall not be considered an asset of the corporation after two years from the date of its rendition, unless with the written permission of the bank commissioner specifying an additional period; *provided*, that time consumed by any appeal from such judgment shall be excluded.

Insolvent, receiving money. SEC. 19. Every officer, director, agent, stockholder, or employee of a corporation under the provisions of this act who shall fraudulently receive money or money's worth in exchange for the issuance of any choses in action of such corporation, when he knows or has good reason to believe that such corporation is insolvent shall be deemed guilty of a felony, and punished upon conviction, thereof, by a fine not exceeding one thousand (1000) dollars, or imprisoned in the state penitentiary not exceeding ten years, or both such fine and imprisonment, at the discretion of the court. Penalty.

Bonus, commission by officers, employes. (b) Every officer, director, agent, stockholder, or employee of a corporation under the provisions of this act, who shall directly or indirectly, receive a bonus, commission, compensation, remuneration, gift, speculative interest or gratuity of any kind from any person, firm, or corporation for granting, procuring or endeavoring to procure, for any person, firm or corporation, any loan by or out of the funds of such corporation, or the purchase or sale of any securities or property for or on account of such corporation, shall be guilty of a felony.

(c) Every officer, director or employee of such corporation who shall borrow or shall knowingly permit any of its officers, directors or employees to borrow any of its funds in violation of the provisions of this act, shall be personally liable for any loss or damages which the corporation, its shareholders or any person may sustain in consequence thereof, and shall also be guilty of a felony.

Loans to  
officers,  
employees.

(d) Every corporation under the provisions of this act, which fails to file any report, required to be filed by this act within the time herein specified shall be subject to a penalty of ten (10) dollars per day for each day's delay—a civil action for the recovery of any such penalty may be brought by the Attorney General in the name of the state.

Failure to re-  
port, penalty.

(e) Every person who shall violate, or knowingly aid or abet the violation of any provision of this act; for which no penalty has been prescribed, and every person who fails to perform any act which it is made his duty to perform herein and for which failure no penalty has been prescribed, shall be guilty of a misdemeanor. No person who has been convicted for the violation of the banking laws of this or any other state, or of the United States shall be permitted to engage in, or become an officer or official of any corporation organized under the provisions of this act.

Penalty for  
violation.

SEC. 20. (a) If it shall appear to the supervisor of banking that any corporation hereunder has violated or failed to comply with the provisions of its Articles of Incorporation, or law of this State, or whenever it shall appear from the report of any corporation hereunder, or the supervisor shall have reason to conclude that the capital of any corporation hereunder is impaired or reduced below the amount required by law, he may, by an order under his hand and official seal, addressed to such corporation, direct such corporation to discontinue such

Impairment of  
capital, viola-  
tion of act.

Orders by  
supervisor.

violation and to comply with the law or to make good the deficiency or impairment of capital alleged by him to exist within sixty days after the date of such requisition; or if it shall appear to the supervisor that such corporation is conducting business in an unsafe or injurious manner, he may in like manner, direct the discontinuance of any such unsafe or injurious practices. Such orders shall require such corporation to show why said order should not be observed. If upon such hearing it shall appear to the supervisor that such order should be made final he shall proceed to do so, and such corporation shall immediately comply with the order made by the supervisor of banking.

Restraining  
enforcement  
of order.

(b) Such corporation shall have ten days after such order is made final in which suit may be commenced to restrain enforcement of such order and unless such action be so commenced and enforcement of such order be enjoined within ten days by the court in which suit is brought, then such corporation shall comply with such order.

Examination,  
refusal to  
permit.

(c) Upon failure of any corporation to comply with such order or if any such corporation shall refuse to submit its books, papers and concerns to the inspection or examination of the supervisor of banking, or to any one authorized by him to make such examination, or if any officer of such corporation, shall refuse to be examined upon oath touching the concerns of such corporation, or if such corporation shall neglect or refuse to observe any order made by the supervisor of banking pursuant to his supervision as authorized by this act the supervisor of banking may forthwith take possession of the property and business of such corporation and retain such possession until such corporation shall resume business or its affairs be finally liquidated. On taking possession of the property and business

Possession by  
supervisor.

of any such corporation, the supervisor of banking may proceed to liquidate the same in the manner provided by the bank act.

(d) Nothing in this act contained shall be deemed or construed as a limitation or restriction of or as in anyway affecting the power or discretion of the supervisor of banking to issue a permit authorizing any corporation under the provisions of this act to issue and dispose of choses in action in such amounts and upon such terms and conditions as he may in such permit provide and to impose such conditions as he may deem necessary to the issue of such securities and to establish such rules and regulations as may be reasonable or necessary to insure the disposition of the proceeds of such securities in the manner and for the purpose provided in such permit and from time to time to amend, alter or revoke any permit issued by him or to refuse to issue such permit or otherwise authorize the issue of such securities.

Sale of securities under direction of supervisor.

SEC. 21. Every corporation contemplating doing business in this state, under the provisions of this act shall if organized in any county, state or territory of the United States other than this state, be known as a foreign industrial loan company.

Foreign companies.

SEC. 22. It shall not be lawful for any foreign industrial loan company, directly or indirectly, to transact any business in this state without first complying with the law covering the domestication of foreign corporations and without procuring the certificate of approval and authorization of the supervisor of banking. Before obtaining such certificate, such foreign industrial loan company shall furnish the supervisor with a statement sworn to by the president and treasurer and two directors of the corporation, showing; the name of the corporation, the state in which it is incorporated, an itemized account of its assets and liabilities, and a list of its

Unlawful without certificate of authority.

Application to supervisor, requirements.

officers and directors, the amount of capital stock subscribed, paid for and held by each of them, and all such other information touching its affairs as said supervisor may require. Said corporation shall also file a certified copy of the laws of the state, territory or government under which it is incorporated, and of its Articles of Incorporation, and By-laws, and all amendments thereto and shall appoint an attorney in each county in which it operates an office, who shall be a resident thereof, and shall file with the bank commissioner a written instrument duly signed and sealed, authorizing such attorney to acknowledge the service of process in behalf of such corporation, consenting that service of process mesne or final, upon such attorney, shall be taken and held as if served upon the corporation according to the laws of this or any other state, and waiving all claims or right of error by reason of such acknowledgment of service. If after examination of such statements and certified copies of instruments, and after said corporation shall have complied with all of the requirements of this act and the supervisor may be satisfied that such corporation is solvent and that the capital and investments are secure and that the laws, charters, articles of incorporation and by-laws governing it afford as ample protection to the interests of its investment certificate holders as is afforded by the laws of this state to investment certificate holders in corporations incorporated under the laws of this state, then said supervisor may grant such corporations a certificate of approval authorizing it to transact business until the thirty-first day of December of the ensuing year.

Certificate of  
authority.

Revocation.

SEC. 23. The supervisor may for cause, at any time revoke the certificate of approval and authorization of any foreign corporation authorized to do business in this state under the provisions of this act.



SEC. 24. Any person, agent or corporation doing business, or attempting to do business in this state for any foreign industrial loan corporation which shall not at the time be the holder of a valid certificate of approval as provided for in this act, shall be deemed guilty of a misdemeanor.

Doing business without authority.

SEC. 25. All acts and parts of acts in conflict with this act are hereby repealed.

Repeal.

SEC. 26. There is hereby appropriated from the general fund of the State Treasury the sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary, but not to exceed the amount collected in fees under this act, to be expended by the Supervisor of Banking in carrying out the provisions of this act.

Appropriation \$10,000.00.

Passed the Senate February 27, 1923.

Passed the House March 3, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 173.

[S. B. 35.]

## PUBLIC UTILITIES.

AN ACT authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate certain public utilities; to purchase, acquire, add to, maintain, operate and lease motor vehicles and other agencies of transportation, and to engage in the business of transporting and carrying passengers and freight for hire thereon; and amending Section 9488 of Remington's Compiled Statutes.

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

Amends Rem.  
Comp. Stat.  
§ 9488;  
Pierce's Code  
§ 1214.

SECTION 1. That Section 9488 of Remington's Compiled Statutes, relating to public utilities in cities and towns, be, and the same is hereby, amended to read as follows:

Cities and  
towns.

Waterworks.

Sewerage  
system.

Garbage  
system.

Stone and  
asphalt plants.

Section 9488. Any incorporated city or town within the state be, and hereby is, authorized to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterworks, within or without its limits, for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with an ample supply of water for all uses and purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; to construct and maintain systems of sewerage, and systems and plants for refuse collection and disposal, with full jurisdiction and authority to manage, regulate and control the same within and without the limits of the corporation; to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the preparation and manufacture of all such stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together

with the right to use the same, and also to fix the price of and to sell the same for use in the construction of municipal improvements of such city or town; to construct, acquire and operate public markets and one or more cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with gas, electricity and other means of power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof, together with the right to handle and sell, or lease, any meters, lamps, motors, transformers and equipment or accessories of any and every kind, necessary and convenient for the use, distribution and sale thereof; to authorize the construction of such plant or plants by others for the same purpose, and to purchase such gas, electricity or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within such city or town, and to regulate and control the use and price thereof; to construct, condemn and purchase, purchase, acquire, add to, maintain, operate or lease cable, electric and other railways within the limits of such city or town for the transportation of freight and passengers above, upon or underneath the ground, with full authority to regulate and control the use and operation thereof, and to fix, alter, regulate and control the fares and rates to be charged thereon; and whenever such city or town shall own and operate a street railway with not less than one hundred (100) miles of main track, to purchase, acquire, add to, maintain, operate and

Public  
markets.Cold storage  
plants.Gas,  
electricity.Street  
railways.

Automobiles  
and motor  
busses for  
freight and  
passengers.

lease automobiles, motor cars, motor busses, auto trucks, and any and all other forms or methods of transportation of freight or passengers, and, within the corporate limits of such city and in connection with its street railway system only, without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the Secretary of State, to engage in, carry on, and operate the business of transporting and carrying passengers and freight for hire by any method or combination of methods that the legislative authority of any such city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business, and to fix, alter, regulate and control the fares and rates to be charged therefor; and for the purposes aforesaid, it shall be lawful for any city or town in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake or water-course percolating or subterranean, or any underflowing water within the state, and, by means of aqueducts or pipe-lines, to conduct the same to said city or town; and such city or town is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or water-course in this state for the purpose of storing and retaining water therein up to and above high-water mark; and for all the purposes of erecting such aqueducts, 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 act, such city or town shall have the right to occupy and use the beds and shores up to the high-water mark of any such watercourse or lakes, and to acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named

Appropriation  
of water.

Dams.

Use of beds  
and shores.

in this act, or necessary for any of said purposes, and any such city or town shall have the right to acquire by purchase or by condemnation and purchase any lands, properties or privileges necessary to be had to protect the water supply of such city or town from pollution: *Provided*, That should private property be necessary for any such purposes or for storing water above highwater mark, such city or town may condemn and purchase, or purchase and acquire such private property: *And provided further*, that no such dam or other structure shall impede, obstruct or in any way interfere with public navigation of such lake or water-course.

Water supply.

Private  
property  
acquired.

Navigation.

Passed the Senate February 8, 1923.

Passed the House March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 174.

[S. B. 154.]

### STATE FLAG.

AN ACT relating to and declaring and establishing an official flag for the State of Washington.

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

SECTION 1. That the official flag of the State of Washington shall be of dark green silk or bunting and shall bear in its center a reproduction of the Seal of the State of Washington embroidered, printed, painted or stamped thereon. The edges of the flag may, or may not, be fringed. If a fringe is used

Described.

the same shall be dark green of the same shade as the flag. The dimensions of the flag may vary.

Passed the Senate February 15, 1923.

Passed the House March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 175.

[S. B. 178.]

### CERTIFICATION OF TEACHERS.

AN ACT relating to the certification of teachers in the common schools of the State of Washington, amending Sections 4971, 4979, 4980, 4990, and 4991 and repealing Sections 4974, 4981, 4982, 4983, 4984, 4985, 4986 and 4987 of Remington's Compiled Statutes.

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

SECTION 1. That section 4971 of Remington's Compiled Statutes be amended to read as follows:

Section 4971. Until September 1, 1927, and not thereafter, any person who receives credits of ninety per cent or over in any subject or subjects at any regular teachers' examination in this state shall not be required to take an examination again in such subject or subjects in order to receive any certificate for which the applicant may be eligible to apply, so long as he is actively engaged in educational work. The holder of any common school certificate shall be entitled to write on one or more subjects at any examination for the purpose of securing credits; and when sufficient credits have been earned the proper certificate shall be issued.

SEC. 2. That section 4979 of Remington's Compiled Statutes be amended to read as follows:

Section 4979. The certificates and diplomas granted by authority of the State of Washington

Amends Rem.  
Comp. Stat.  
§ 4971;  
Pierce's Code  
§ 5133.

Examination  
when not  
required.

Amends Rem.  
Comp. Stat.  
§ 4979;  
Pierce's Code  
§ 5146.

Classification.

and authorizing the holders to teach in the public schools of this state shall be classified as follows:

First.—Standard certificates based on graduation from accredited higher institutions of learning.

I. Elementary certificates; a. Two year, b. Five year, c. Life.

II. Advanced certificates; a. Two year, b. Five year, c. Life.

Second.—Limited certificates granted on examination.

I. Second grade elementary certificates.

II. First grade elementary certificates.

Third.—Certificates and diplomas of the higher institutions of learning.

I. Of the normal schools.

II. Of the State College of Washington.

III. Of the University of Washington.

Fourth.—Temporary certificates.

Fifth.—Special certificates.

SEC. 3. That section 4980 of Remington's Com-

Amends Rem.  
Comp. Stat.  
§ 4980;  
Pierce's Code  
§ 5147.

Section 4980. On and after September first (1), 1918, no person shall be eligible to certification as a teacher in this state who has not completed the work of a four year high school, or its equivalent: *Provided*, nothing in this act shall be construed to invalidate the life diplomas granted under the laws of the territory of Washington, or to invalidate any certificate or diploma heretofore granted in accordance with the laws of the State of Washington, but the same shall continue in effect in accordance with the provisions of the laws under which they were granted; *Provided*, that all second grade certificates, first grade certificates, first primary certificates issued prior to September 1, 1918, where renewal rights have been earned, and all city certificates valid at the time of the taking effect of this act, shall, upon application, become permanent certificates of the

Eligibility  
for certificate.

character of the certificate so changed. *Provided, further,* that all first grade elementary or second grade elementary certificates issued since September 1, 1918, shall be renewed according to the provisions of the law under which the certificate was granted. *Provided, further,* that the holder of any valid certificate shall be entitled, until September 1, 1927, to all the rights and privileges relative to securing a certificate of higher grade than he would be entitled to under the provisions relative thereto at the time such certificate was issued.

Amends Rem.  
Comp. Stat.  
§ 4990;  
Pierce's Code  
§ 5156.

SEC. 4. That section 4990 of Remington's Compiled Statutes be amended to read as follows:

Temporary  
certificate.

Section 4990. Temporary certificates, not renewable, shall be issued by the State Board of Education; *Provided* that in a city district employing one hundred or more teachers, the superintendent thereof shall have the right to issue temporary certificates valid in that district until the close of the current school year.

Amends Rem.  
Comp. Stat.  
§ 4991;  
Pierce's Code  
§ 5157.

SEC. 5. That section 4991 of Remington's Compiled Statutes be amended to read as follows:

Special  
certificate.

Section 4991. Special certificates valid until the close of the current school year shall be issued by the State Board of Education; *Provided,* that in a city district employing one hundred or more teachers such special certificates may be issued by the superintendent thereof to emergency substitute teachers and to applicants who show by examination or otherwise satisfactory evidence of fitness to teach special subjects, such as music, art, manual training, penmanship, kindergarten, domestic science, typewriting, stenography, physical education, or any subject or subjects in night school, and such other subjects as may be authorized by the State Board of Education.



SEC. 6. That sections 4974, 4981, 4982, 4983, 4984, 4985, 4986, and 4987 of Remington's Compiled Statutes be repealed; *Provided*, that such repeal shall not operate to prevent the holding of examinations for teachers' certificates in August, 1923, but such examinations shall be held and certificates issued thereon in accordance with the law in force at the time of the taking effect of this act.

Repeals Rem. Comp. Stat. § 4974, 4981 to 4987; Pierce's Code § 5141, 5148 to 5154.

Examination for August, 1923.

SEC. 7. On and after September first, 1923, the common school certificates and diplomas issued by authority of the State of Washington, the period for which each shall be valid and the qualifications required of applicants for the same shall, in addition to the provisions herein set out, be as follows:

After September 1, 1923. Classifications, qualifications of applicants.

First.—Standard elementary certificates:

Standard elementary certificate.

Two-year elementary certificates valid to teach in grades one to nine inclusive, for a term of two years from date of issuance may be granted after September 1, 1923, only to persons who are graduates from a four year accredited high school, or its equivalent, and who in addition have completed a two-year course of approved academic and professional training in an accredited institution of higher learning.

The five-year elementary certificate may be granted as the renewal of the foregoing two-year elementary certificate without examination for a period of five years; *Provided*, the holder shows professional growth, furnishes evidence of fourteen months of successful teaching experience and applies for such renewal not later than ninety days after the expiration of the certificate.

The life elementary certificate may be granted to holders of the foregoing five year elementary certificate who show professional growth, furnish evidence of twenty-seven months of successful teaching experience, fourteen of which shall have been gained

subsequent to the issuance of said certificate and apply therefor not later than ninety days after the expiration of the five-year certificate.

Standard  
advanced  
certificates.

Second.—Standard advanced certificates:

Two-year advanced certificates, valid to teach in all grades of the common schools for two years from the date of issuance, may be granted after September 1, 1923, only to persons who are graduates of four year accredited high schools or the equivalent and who in addition have been graduated from a four-year course of approved academic and professional training in an institution of higher learning accredited by the State Board of Education and who also have included for graduation in said course or in addition thereto not less than twelve semester hours of professional training in an accredited department of education. The five-year advanced certificate may be granted as the renewal of the foregoing two-year advanced certificate without examination for a period of five years; *Provided*, the holder shows professional growth, furnishes evidence of fourteen months of successful teaching experience, applies for such renewal not later than ninety days after the expiration of the certificate, and complies with such other conditions as may be prescribed by the State Board of Education.

The life advanced certificate may be granted to holders of the foregoing five-year advanced certificate who show professional growth, furnish evidence of twenty-seven months of successful teaching experience, fourteen of which shall have been gained under said certificate; *Provided*, that application is made not later than ninety days after the expiration of the five-year certificate and the applicant complies with such other conditions as may be prescribed by the State Board of Education.

Third.—Limited certificates granted on examination. Limited certificates.

Second grade elementary certificates valid to teach in grades one to nine inclusive for a period of two years from date of issuance may be granted on examination only to persons who are graduates of a four year accredited high school or its equivalent and who shall have attended and earned credits in approved professional courses in an accredited higher institution of learning to the extent shown in the following schedule:

After September 1, 1923, attendance of one quarter, twelve quarter hours credit.

After September 1, 1925, attendance of two quarters, twenty-four quarter hour credits.

After September 1, 1927, two years of approved academic and professional training (at least three-fourths in residence.)

In addition to the foregoing requirements, the applicant shall pass an examination in reading, grammar, penmanship and punctuation, history of the United States, geography, arithmetic, physiology and hygiene, orthography, and Washington State Manual, and such other branches as may be prescribed by the state board of education, which board shall also have full power to define and determine equivalents and professional training required above. This certificate may be renewed once, if, during the life of the certificate, the holder has attended an accredited higher institution of learning for at least one quarter. Subject matter of examination.

First grade elementary certificates, valid to teach in grades one to nine inclusive for a period of five years from the date of issuance, may be granted after September 1, 1923, only to persons who have taught at least fourteen months and have, until September 1, 1927, at least one year and thereafter two years of professional training in an accredited First grade elementary certificates.

higher institution of learning. In addition to the foregoing requirements the applicant shall pass an examination in such branches as the state board of education may prescribe. This certificate may be renewed for a like period if application is made not later than ninety days after the certificate expires; *Provided* the holder has, during the life of the certificate, attended an accredited higher institution of learning for eighteen weeks and done satisfactory work in at least three subjects as certified by the principal or president of such institution.

Passed the Senate March 6, 1923.

Passed the House March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 176.

[S. B. 198.]

### MUNICIPAL STREET RAILWAYS.

AN ACT relating to and providing for the creation of local improvement districts and the levying and collection of special assessments upon property specially benefited, to defray the cost and expense of purchasing, acquiring, constructing and equipping surface, subway and elevated street railways and extensions thereof, by cities and towns.

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

SECTION 1. Any city or town in this state owning and operating a municipal street railway over one hundred miles of track shall have power to provide for purchasing, or otherwise acquiring, or constructing and equipping surface, subway and elevated street railways and extensions thereof, and to levy and collect special assessments on property specially benefited thereby, for paying the cost and

Authority to  
build by  
special assess-  
ment against  
property  
benefited.

expense of the same or any portion thereof, as herein provided.

SEC. 2. Any improvement district created hereunder shall be created only by ordinance defining its boundaries as specified and described in the petition therefor and specifying the plan or system therein provided for; and shall be initiated only upon a petition therefor, specifying and describing the boundaries of such district and specifying the plan or system of proposed improvement, signed by the owners of at least sixty (60) per cent of the lineal frontage upon the proposed improvement and of at least fifty (50) per cent of the area within the limits of the proposed improvement district: *Provided*, that the city council may in its discretion reject any such petition.

Ordinance  
creating  
district.

Petition.

SEC. 3. The cost and expense of any such improvement shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon.

Assessment  
of costs.

SEC. 4. Except as herein otherwise provided all matters and proceedings relating to the local improvement district, the levying and collecting of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder shall be governed by the laws relating to local improvements; and all matters and proceedings relating to the purchase, acquisition or construction and equipment of the improvement and the operation of the same hereunder and the issuance and redemption of utility bonds and warrants, if any, and the use of general or utility funds, if any, in connection with the purchase, acquisition, construction, equipping or opera-

Procedure.

tion of the improvement shall be governed by the laws relating to municipal public utilities.

Passed the Senate February 27, 1923.

Passed the House March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 177.

[S. B. 228.]

### CENSUS OF COUNTIES.

AN ACT relating to classification of counties and the enumeration of population for purposes of classification and providing penalties, and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. Whenever the board of county commissioners of any county shall determine that its county has sufficient population to entitle it to advance to a higher class, and shall pass a resolution setting forth its estimate as to the population and the classification to which such county is entitled by reason of such estimated population it may order a census to be taken of all the inhabitants of the county.

Census  
ordered by  
commissioners.

How taken.

SEC. 2. For the purpose of making such enumeration, the board of county commissioners may employ one or more suitable persons. The census shall give the full name, age and occupation, if any, of each person resident in said county as of a date to be fixed by the board. The names shall be plainly written, alphabetically arranged and numbered in complete series. Each person employed as an enumerator shall prepare a complete list of all names taken by him and shall verify his list as true and

correct before an officer authorized to administer oaths. All such lists shall be filed with the county auditor of the county to which they pertain.

SEC. 3. Following the completion of such census, the board of county commissioners shall determine the population of the county based upon such census, and enter an order declaring and fixing the population of the county in accordance with such determination, and from and after the entry of such order the county shall be considered and classified for all purposes according to the population thus determined.

County classification based on census.

SEC. 4. It shall be the duty of all persons residents in such county, having knowledge of the facts, to give the information required herein to any duly authorized census enumerator when requested by such enumerator.

Information for census enumerator.

SEC. 5. No census enumeration under this act shall be made within three years following the taking of any federal census; nor shall any census enumeration be made within three years prior to the time when any federal census will be taken under any existing acts of Congress. The expense of such census enumeration shall be paid from the county current expense fund.

When census taken.

SEC. 6. Any person violating any of the provisions of this act; or any officer or enumerator making, assisting or permitting any duplication of names or making, permitting or assisting in the enumeration of any fictitious names or persons in taking said census, shall be guilty of a gross misdemeanor.

Penalty.

SEC. 7. All acts and parts of acts in conflict herewith are hereby repealed.

Repeal.

Passed the Senate February 27, 1923.

Passed the House March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,

*Secretary of State.*

## CHAPTER 178.

[S. B. 273.]

## APPROPRIATIONS.

AN ACT relating to public highways and making appropriations for certain streets in cities and towns, for State Highway Engineer, engineering, construction, improvement, maintenance and paving of certain state highways, and for the state park committee, repealing certain appropriations and declaring that this act shall take effect immediately.

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

Maintenance,  
construction,  
etc., primary  
and secondary  
state high-  
ways,  
\$10,314,248.00.

SECTION 1. For the maintenance, engineering, construction, improvement and/or paving of primary state highways and streets in certain cities and towns and the construction, engineering and improvement of secondary state highways heretofore or hereafter contracted for, there is hereby appropriated out of the motor vehicle fund the sum of ten million three hundred fourteen thousand two hundred forty eight dollars (\$10,314,248.00) to be expended under the direction of the state highway committee, except monies appropriated for cities and towns. The moneys appropriated by this section are allotted to the respective highways hereinafter named in the amounts specified: *Provided*, that in case any allotment shall exceed the requirements of the maintenance, engineering, construction, improvement and/or paving of any particular highway, then, and in that event, the state highway committee shall have the power and authority to expend the balance remaining of any such allotment for the maintenance, engineering, construction, improvement and/or paving of any other primary highway or part thereof or for the engineering, construction and improvement of any other secondary highway or part thereof set out in the following schedule:



## For maintenance and construction of certain streets

in cities and towns .....	\$74,248.00
Pacific Highway—	
Everett-Blaine .....	\$370,000.00
Everett-Seattle .....	\$200,000.00
Seattle-Tacoma .....	\$175,000.00
National Park Highway .....	460,000.00
Naches Pass Highway—Yakima West.....	150,000.00
State Road No. 5.....	50,000.00
Ocean Beach Highway.....	490,000.00
North Bank Highway—Vancouver to Maryhill.....	280,000.00
Olympic Highway—	
Mill Creek-Hoh River.....	830,000.00
Lake Quinault-Queets .....	150,000.00
Aberdeen-Mud Bay.....	375,000.00
Navy Yard Highway.....	100,000.00
North Central Highway—	
Ellensburg-Vantage Ferry.....	50,000.00
Soap Lake-Davenport.....	100,000.00
Sunset Highway—	
Seattle-Wenatchee .....	450,000.00
Wenatchee-Spokane .....	375,000.00
Inland Empire Highway—	
Ellensburg-Kennewick .....	440,000.00
Walla Walla-Pasco .....	123,000.00
Walla Walla-Clarkston	} .....
Walla Walla-Colfax	
Indian Timothy Memorial Bridge.....	25,000.00
Colfax-Rosalia .....	190,000.00
Spokane-Whitman County line.....	150,000.00
Kettle Falls-Laurier .....	50,000.00
Central Washington Highway.....	170,000.00
Chelan-Okanogan Highway—	
Trinidad-Okanogan Co. Line.....	240,000.00
Okanogan County .....	40,000.00
Methow Valley Highway—	
Okanogan County .....	40,000.00
Tonasket-San Poil Highway (State Road No. 4)—	
Tonasket-Republic .....	30,000.00
Wilbur North .....	40,000.00
State Road No. 22—Detillion Bridge-Harvey.....	150,000.00
Pend Oreille Highway, Newport North.....	\$110,000.00
Eastern Division of Inland Empire Highway—	
Palouse-Pullman .....	135,000.00

Anacortes East—To be matched with county funds on a 50-50 basis, to be expended under the direction of the State Highway Engineer.....	80,000.00
From Asotin to Anatone in Asotin County.....	50,000.00
From Gig Harbor, Pierce County, to Port Orchard in Kitsap County .....	100,000.00
State Highway Engineer—	
Operation .....	117,000.00
Capital outlay .....	10,000.00
(In lieu of appropriation heretofore made by Senate Bill 143 for Division of Highways, which appropriation is hereby repealed.)	

Olympic highway.

SEC. 2. That part of the Olympic Highway between Shelton and Quilcene may be constructed by days' work.

State parks \$125,000.00.

SEC. 3. From the state parks and parkway fund, to be expended by the state park committee in the manner provided by law in the case of donations and bequests the sum of \$125,00.00, [\$125,000.00] said amount in no case to exceed the total amount paid in to said fund.

Emergency.

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 7, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 19, 1923.

## CHAPTER 179.

[S. B. 289.]

## FIRST CLASS CITIES.

AN ACT empowering cities of the first class to lease, purchase, construct, maintain and let public auditoriums and art museums.

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

SECTION 1. That cities of the first class having a population of 300,000 or over shall have the power to lease, purchase or construct, and maintain public auditoriums and art museums, and to use or let the same for such public and private purposes for such compensation and rental and upon such conditions as shall be prescribed by ordinance, and to issue negotiable bonds for the purchase or construction thereof on such conditions and in such manner as shall be prescribed by its charter or by general law for the borrowing of money for corporate purposes.

Public  
auditoriums,  
art museums.

Passed the Senate March 3, 1923.

Passed the House March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 180.

[S. S. B. 31.]

## PHARMACISTS.

AN ACT providing for the registration of pharmacists and assistant pharmacists and repealing Sections 10127, 10128, 10129, 10130 of Remington's Compiled Statutes.

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

Registration  
certificates,  
when granted.

SECTION 1. No person shall be granted a certificate of registered pharmacist or registered assistant pharmacist by the director of licenses except by examination, by graduation, by having been registered by examination in another state as hereinafter provided, or by being a duly licensed physician and surgeon in the State of Washington.

Application.

SEC. 2. A person making application to the State of Washington for a certificate of registered pharmacist shall be over twenty-one (21) years of age, or as registered assistant pharmacist shall be over eighteen (18) years of age, and shall satisfy the director of licenses that he or she is able to read, write and speak the English language, and shall furnish affidavits from not less than two reputable citizens that he or she is of good moral character, not addicted to the use of alcoholic liquors or to the use of any narcotic drug or drugs.

Certificate by  
examination,  
requirements.

SEC. 3. To be granted a certificate of registered pharmacist by the director of licenses by examination, a person shall furnish suitable evidence that he or she is a graduate of a college of pharmacy maintaining not less than a two year course, recognized by the director of licenses, or that he or she is a regularly licensed physician and surgeon in the State of Washington, and shall pass an examination in the subjects of pharmacy, materia medica, chemistry, toxicology and posology, compounding of prescrip-

tions, identification of drugs, and the laws relating to the practice of pharmacy in the State of Washington, with a general average of not less than seventy-five per cent (75%) and a grade of not less than sixty per cent (60%) in any one subject. *Provided*, that physicians and surgeons as herein defined shall be required to pass an examination only in the subjects of pharmacy, compounding of prescriptions, and the laws relating to the practice of pharmacy in the State of Washington with a grade in each subject and a general average as defined in this section. *Provided*, that before a certificate of registered pharmacist is issued, graduates of two year courses of recognized colleges of pharmacy shall be required to present evidence of having had at least twenty-four (24) months of practical experience in a pharmacy and graduates of three years courses of recognized colleges of pharmacy shall be required to furnish evidence of having had at least twelve (12) months of practical experience in a pharmacy. Graduates of four and five year courses of recognized colleges of pharmacy or of colleges of medicine shall not be required to present evidence of practical experience as defined by this act. Practical experience shall be defined as experience in a pharmacy where drugs and medicines are compounded and dispensed, and where prescriptions of regularly licensed physicians are compounded. *Provided* that the practical experience requirement as defined in this section shall not be required of graduates of the three, four or five year courses of the University of Washington College of Pharmacy or the Washington State College School of Pharmacy. Recognized colleges of pharmacy as defined by this act shall be such colleges, schools or departments of pharmacy whose entrance requirements and courses of study are approved by the director of licenses.

Practical  
experience,  
defined.

Certificate  
by gradua-  
tion, require-  
ments.

SEC. 4. To be granted a certificate of registered pharmacist or registered assistant pharmacist by the director of licenses, by graduation, a person shall furnish evidence of having graduated from not less than a three year course of the University of Washington College of Pharmacy or the Washington State College School of Pharmacy.

Registration  
of pharmacists  
of other  
states.

SEC. 5. The director of licenses shall grant a certificate of registered pharmacist to any person who furnishes proof that he or she is a registered pharmacist by examination in good standing in another state, *provided*, that the applicant meets the qualifications set forth in section two (2) of this act, the education and experience requirements of section three (3) of this act, and passes an examination in the laws relating to the practice of pharmacy in the State of Washington with a grade of not less than eighty-five per cent (85%).

Physicians and  
surgeons.

SEC. 6. The director of licenses shall on application issue a certificate of registered pharmacist without examination to a regularly licensed physician and surgeon of the State of Washington, *provided* that a physician and surgeon to be entitled to registration as a pharmacist without examination under the provisions of this act shall make application to the director of licenses within six (6) months of the taking effect of this act.

Assistant  
pharmacist.

SEC. 7. To be granted a certificate of registered assistant pharmacist, a person shall meet all the conditions set forth in section two (2) of this act and all the conditions set forth in section three (3) or section four (4) of this act except that he or she shall not be required to furnish evidence of having had practical experience in a pharmacy as defined by this act. Registered assistant pharmacists shall be granted certificates of registered pharmacists without further payment of fee upon furnishing evi-

dence to the director of licenses that he or she has completed the required term of practical experience in a pharmacy as provided in section three (3) of this act and is over twenty-one (21) years of age.

SEC. 8. A fee of ten dollars (\$10.00) shall be paid by all persons making application for certificate as registered pharmacist or registered assistant pharmacist.

Fee.

SEC. 9. The director of licenses shall have the power to grant permits to practice pharmacy as registered pharmacists or as registered assistant pharmacists to persons making application for examination, such permits to be valid only from date of issuance to the date of the next regular examination, *provided* that if the applicant fails to pass the examination his permit may be extended to the date of the next examination at the discretion of the director of licenses.

Temporary permits.

SEC. 10. Unregistered persons who furnish affidavits from two or more registered pharmacists of the State of Washington that they have five or more years continuous experience in pharmacy prior to the enactment of this act and who are actually engaged in pharmacy in the State of Washington at the time of the enactment of this act, shall have opportunity of passing the examination as provided in section three (3) for registered pharmacists within one year after the date this act takes effect: *Provided*, that time spent by such applicant in the medical department of the army, navy, or marine corps of the United States during the world war shall for the purpose of this act be considered time spent in a pharmacy.

Unregistered with experience, permits to take examination.

SEC. 11. The director of licenses shall have power to make rules and regulations not in conflict with this act for its proper enforcement.

Rules and regulations.

SEC. 12. Should any section or parts of sections of this act be declared unconstitutional it shall in no case affect the validity of other provisions of this act.

Repeals Rem.  
Comp. Stat.  
§ 10127 to  
10130;  
Pierce's Code  
§ 4451 to 4454.

SEC. 13. Sections 10127, 10128, 10129, and 10130 of Remington's Compiled Statutes are hereby repealed.

Passed the Senate February 9, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 181.

[S. B. 266.]

### MOTOR VEHICLES.

AN ACT relating to the use of the public highways and the rights and remedies of persons thereon, and amending Sections 6313, 6328, 6330, 6332, 6335, 6339, 6340, 6355 and 6358 of Remington's Compiled Statutes, adding thereto a new section to be known as Section 6358-1 and declaring that this act shall take effect immediately.

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

Amends Rem.  
Comp. Stat.  
§ 6313;  
Pierce's Code  
§ 197.

SECTION 1. That section 6313 of Remington's Compiled Statutes of Washington be amended to read as follows:

Definitions.

Section 6313. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of the act or section in which used, shall be construed as follows:

Motor vehicle.

(1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce or any commodity, except traction engines temporarily upon the public highway, road rollers or road making



machines, and motor vehicles that run upon fixed rails or tracks.

(2) "Automobiles" shall mean the ordinary four-wheel motor vehicles, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided; Automobiles.

(3) "Motor cycle" shall mean a motor vehicle of two or three wheels intended for the carrying of one, two or three persons, or operated by one person for the carrying of parcels or packages; Motorcycle.

(4) "Auto stage" as distinguished from "automobile" shall mean a motor vehicle used for the purpose of carrying passengers, baggage and freight on a regular schedule of time and rates; *Provided, however,* that no motor vehicle shall be considered an auto stage where the whole route traveled by such vehicle is within the corporate limits of any incorporated city; Auto stage.

(5) "Motor truck" shall mean any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight or animals; Motor truck.

(6) "Trailer" shall mean any vehicle which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle; Trailer.

(7) "Public highway" or "public highways" shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard or other place built, supported, maintained, controlled or used by the public or by the state, county, district or municipal officers for the use of the public as a highway, or for the transportation of persons or freight, or as a place of travel or communication between different localities or communities; Public highway.

(8) "Local authorities" shall include 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; Local authorities.

Peace officer. (9) "Peace officer" or "peace officers" shall be taken to mean any officer or officers authorized by law to execute criminal process or to make arrest for the violation of the statutes generally or of any particular statutes relative to the public highways of the state;

Dealer. (10) "Dealer" shall be taken to mean any person, firm or corporation engaged in the sale of new or second-hand motor vehicles;

Privately owned. (11) "Privately owned" shall include all motor vehicles not operated for hire, and shall include hearses, ambulances, or any other motor propelled vehicle used exclusively in connection with the conduct of funerals;

For hire. (12) "For hire" shall be taken to mean all motor vehicles other than auto stages, used for the transportation of persons, for which transportation remuneration of any kind is received, either directly or indirectly.

Operator. (13) The word "Operator" wherever used in this act shall be held to mean any person who operates or drives a motor vehicle.

Axle. (14) 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. (15) The words "wheel base" when used in this act shall be held to mean the horizontal distance between any two axles.

Amends Rem.  
Comp. Stat.  
§ 6328;  
Pierce's Code  
§ 211.

SEC. 2. That section 6328 of Remington's Compiled Statutes of Washington be amended to read as follows:

See Rem.  
Comp. Stat.  
§ 6326;  
Pierce's Code  
§ 210.

Section 6328. For all motor vehicles registered between the first day of August and the thirtieth day of November of any year only one-half the rate

named in section 6326 of Remington's Compiled Statutes shall be charged.

SEC. 3. That section 6330 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6330;  
§ 213.

Section 6330. 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.

(a) The amount required to be repaid to the counties entirely surrounded by water, as provided by law.

Counties  
surrounded  
by water.

(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) per mile for each mile of primary state highway in such city, to be expended for the maintenance and improvement of streets in such city;

First and  
second class  
cities.

(c) To each city of the third or fourth class 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 three hundred dollars (\$300) per mile for each mile of primary state highway in such city, to be expended for the maintenance and improvement of the streets forming a part of primary state highways in such city; *Provided*, the state highway engineer may give the city authorities permission to expend said maintenance money upon the other streets in such city.

Third and  
fourth class  
cities.

Standard of  
construction  
required.

All streets, in order to come under the foregoing provisions for maintenance purposes, must be of a character equal to the standard of permanent highway construction. The state highway engineer shall determine what streets in cities form a part of the route of any primary 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.

Balance,  
disposal.

(d) 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 shall be applied annually to construction and/or paving and maintenance of the state primary highways, and the construction of secondary state highways, as provided by appropriation.

Primary and  
secondary  
highways.

SEC. 4. That section 6332 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6332:  
Pierce's Code  
§ 214a.

Section 6332. It shall be unlawful for any person, firm or corporation to operate any vehicle of four wheels or less or 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 tires to be measured between the flanges of the rim), or

Load limit.

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:

Any vehicle having a gross weight, including load, of 12,000 pounds or more shall have a wheel base of not less than 10 feet.

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 12 feet. The gross weight, including load, of any vehicle or combination of vehicles having three axles shall not exceed 42,500 pounds.

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 44,000 pounds shall have a wheel base between the first and second axles of not less than ten feet, between the second and third axles of not less than six feet six inches 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 20,000 pounds nor 10,000 pounds on either axle. The gross weight, including load, of any vehicle or combination of vehicles having four axles shall not exceed 44,000 pounds.

Any vehicle or combination of vehicles having five axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 51,000 pounds shall have a wheel base between the first and second axles of not less than ten feet, between the second and third axles of not less than twelve feet, between the third and fourth axles of not less than six feet six inches and between the

fourth and fifth axles of not less than twelve feet. The gross weight, including load, on the third, fourth and fifth axles of any vehicle or combination of vehicles having five axles shall not exceed 27,000 pounds nor 9,000 pounds on any one of the third, fourth or fifth axles. The gross weight, including load, of any vehicle or combination of vehicles having five axles shall not exceed 51,000 pounds.

Any vehicle or combination of vehicles having six axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 56,000 pounds shall have a wheel base between the first and second axles of not less than ten feet, between the second and third axles of not less than six feet six inches, between the third and fourth axles of not less than twelve feet, between the fourth and fifth axles of not less than six feet six inches and between the fifth and sixth axles of not less than twelve feet. The gross weight, including load, on the third, fourth, fifth and sixth axles shall not exceed 32,000 pounds nor 8,000 pounds on any one of the third, fourth, fifth or sixth axles. The gross weight, including load, of any vehicle or combination of vehicles having six axles shall not exceed 56,000 pounds.

**Trailers.**

The wheel base between the rear axle of a truck and the front axle of a trailer having two axles and the wheel base between two trailers having two axles to each trailer shall not be less than six feet six inches. Each trailer having two axles shall have a chain connection, to the motor truck or other trailer drawing it, in addition to the draw bar connection, which chain connection shall have sufficient strength to hold the trailer or trailers 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, may operate under special written permits, which must be first obtained and under such terms and conditions as to time, 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 each of which officer or officers such permit shall be obtained in the respective cases. *Provided*, that no motor truck or trailer shall be driven over or on a public highway with a load exceeding the licensed capacity.

No vehicles 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); and no vehicle having two axles and having a length of more than thirty feet shall be driven over or on a public highway; 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 this section, a fine shall be imposed of not less than twenty-five dollars (\$25); *Provided, further*, upon the conviction of any person, for a second violation of the provisions of this section, 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 license covering the vehicle involved in such violation for a period of

Width.

Penalties.

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 said license covering the vehicle involved in such violation for a period of three months.

Metal tires.

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 of tire.

Solid rubber 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:

(a) When the gross weight, including load, on any one wheel is less than 6,000 pounds, one and one-quarter inches.

(b) When the gross weight, including load, on any one wheel is 6,000 pounds or more, one and one-half inches.

Amends Rem. Comp. Stat. § 6335; Pierce's Code § 217.

SEC. 5. That section 6335 of Remington's Compiled Statutes of Washington be amended to read as follows:

Brakes.

Section 6335. Every motor vehicle or combination of vehicle operated or driven upon the public highways of this state, shall be equipped with brakes as follows:



Motorcycles shall be equipped with one brake capable of controlling the vehicle at all times.

Vehicles or combinations of vehicles having two, three or four axles shall be equipped with two independently operated brakes controlling the wheels of one axle, either of which shall be capable of controlling the vehicle or combination of vehicles at all times.

Vehicles or combinations of vehicles having five or six axles; the wheels on the second axle shall be equipped with two independently operated brakes; the wheels on the fifth axle of a vehicle or combination of vehicles having five axles, and the wheels on the fourth and sixth axles of a vehicle or combination of vehicles having six axles shall be equipped with either air or electric brakes; either brake on the wheels of the second axle when operated in connection with the brake on the wheels of the fifth axle of a vehicle or combination of vehicles having five axles and either brake on the wheels of the second axle when operated in connection with the brakes on the wheels of the fourth and sixth axles of a vehicle or combination of vehicles having six axles shall be capable of controlling the vehicle or combination of vehicles at all times.

SEC. 6. That section 6339 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6339;  
Pierce's Code  
§ 219.

Section 6339. It shall be the duty of every person operating a motor vehicle on the public highways of this state to drive the same in a careful and prudent manner. It shall be unlawful for any person to operate or move any motor vehicle at a rate of speed faster than thirty miles per hour, or, within any corporate limits of any city or town, at a rate of speed faster than twenty miles per hour, or, over or across any street intersection within the corporate limits of any city or town, or within one hundred

Speed limit.

yards of any school house, on school days between eight o'clock in the morning and five o'clock in the evening, at a rate of speed faster than twelve miles per hour, or in any case at a rate of speed that will endanger the property of another or the life or limb of any person. It shall be unlawful to operate any motor truck equipped with pneumatic tires over or along the highways of this state at a greater rate of speed than twenty-five miles per hour; or any motor truck having two axles and a gross weight including load as hereinafter provided, equipped with solid rubber tires at a greater rate of speed than the following:

4,000 pounds and under.....	25 miles per hour
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

It shall be unlawful for any person, firm or corporation to operate any vehicle or combination of vehicles 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:

Vehicles or combinations of vehicles having three or four axles:

24,000 pounds and under.....	20 miles per hour
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 44,000 pounds for vehicles having four axles.....	12 miles per hour

Vehicles or combinations of vehicles having five axles:

- 30,000 pounds and under.....20 miles per hour
- Over 30,000 pounds and up to 35,000 pounds.....18 miles per hour
- Over 35,000 pounds and up to 40,000 pounds.....16 miles per hour
- Over 40,000 pounds and up to 46,000 pounds.....14 miles per hour
- Over 46,000 pounds and up to 51,000 pounds.....12 miles per hour

Vehicles or combinations of vehicles having six axles:

- 36,000 pounds and under.....20 miles per hour
- Over 36,000 pounds and up to 41,000 pounds.....18 miles per hour
- Over 41,000 pounds and up to 46,000 pounds.....16 miles per hour
- Over 46,000 pounds and up to 51,000 pounds.....14 miles per hour
- Over 51,000 pounds and up to 56,000 pounds.....12 miles per hour

*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.

*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 rate of speed than 8 miles per hour.

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 twenty-five miles per hour, on and over any unpaved highway.

Passenger vehicles.

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 7,000 pounds gross weight,  
 including load ..... 6 miles per hour;

Amends Rem.  
 Comp. Stat.  
 § 6340;  
 Pierce's Code  
 § 222.

SEC. 7. That section 6340 of Remington's Com-  
 piled Statutes of Washington be amended to read  
 as follows:

Rules of  
 the road.

Section 6340. It shall be the duty of every per-  
 son using the highways of this state to observe the  
 "rules of the road" as hereinafter prescribed:

1. Vehicles and persons, driving or riding any,  
 animals proceeding in opposite directions shall pass  
 to the right giving one-half of the road to each.

2. Vehicles proceeding in the same direction on  
 overtaking another vehicle or overtaking any person  
 riding or driving any animal shall pass to the left;  
*Provided, however,* a variance in good faith from  
 the rules herein relating to the turning to the left of  
 a vehicle when overtaking another vehicle, or any  
 person riding or driving an animal, going in the  
 same direction where the exigencies of the situation  
 permit, shall not subject the offender to arrest under  
 the criminal provisions of this act; but it shall be  
 unlawful for any person to pass any moving vehicle  
 or animal overtaken unless he has a clear view ahead  
 of not less than two hundred yards.

3. The overtaking vehicle shall maintain its  
 speed until clear of the vehicle or animal overtaken  
 and the vehicle or animal being overtaken shall turn  
 to the right and give one-half of the road, and shall  
 not increase its speed while being passed.

4. The signal of an intention to pass shall be  
 given by one blast or stroke of the horn, bell, whis-  
 tle, gong or other signaling device.

5. Should the overtaking [overtaken] vehicle  
 then not give way, three such blasts or signals shall

be given, and upon the failure to comply therewith, the overtaking vehicle may at the next suitable place safe for both vehicles go by without further signal.

6. Drivers, when approaching highway intersections, shall look out for and give right of way to vehicles on their right, simultaneously approaching a given point; *Provided, however,* that street and interurban cars and emergency vehicles shall have the right of way at all times at such highway intersections.

7. Pedestrians on the public highways between the period from one-half hour after sunset to one-half hour before sunrise shall travel on and along the left side of said highway, and the pedestrians upon meeting an oncoming vehicle shall step off the travelled portion of the highway.

8. It shall be the duty of every person operating or driving any motor or other vehicle, or riding or driving any animal along or over any public highway when approaching any curve of such highway where for any reason a clear view for a distance of three hundred yards cannot be had, to hold such vehicle under control and to give signals with frequent blasts or strokes of a horn, whistle, bell, gong or other signalling device, and to keep to the extreme inside of all curves to the right and upon the extreme outside of all curves to the left.

9. It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels on one side of said vehicle or combination of vehicles off of the pavement or gravel or crushed rock surface except for the purpose of turning off or passing on the highway or for the purpose of stopping off the pavement or gravel or crushed rock surface.

Amends Rem. Comp. Stat. § 6355; Pierce's Code § 227.

SEC. 8. That section 6355 of Remington's Compiled Statutes of Washington be amended to read as follows:

Fines and forfeitures, disposal.

Section 6355. Fifty per cent of all the fines and forfeitures for violations of the provisions of this act outside of incorporated cities and towns shall be paid to the current expense fund of the county wherein collected, and the remaining fifty per cent thereof shall be paid to a special fund to be known as the "State Parks and Parkway Fund", which fund is hereby created in the state treasury. Fifty per cent of all fines and forfeitures collected for violations of this act within the limits of incorporated cities and towns shall be paid by the county treasurer to the treasurer of such incorporated city or town, and by him placed to the credit of the street repair and maintenance fund of such incorporated city or town, and the remaining fifty per cent thereof shall be paid to the state treasurer and placed in the state parks and parkway fund.

State parks and parkway fund.

SEC. 9. That section 6358 of Remington's Compiled Statutes be amended to read as follows:

Vetoed L. F. H.

Section 6358. It shall be the duty of the mayor and council or other governing authorities of every city or town to erect and maintain at the corporate limits of such city or town, on all paved highways crossing such limits, substantial wood or metal signboards placed at right angles to the highway and painted white and having thereon in black letters four inches high the following words and figures:

On the side nearest the city or town: "City limits of..... (name of city or town) speed limit 35 miles per hour";

On the side away from the city or town: "City limits of..... (name of city or town) speed limit 20 miles per hour."

SEC. 10. That Chapter II of Title XLI, of Remington's Compiled Statutes of Washington be further amended by adding thereto a new section 6358-1 to read as follows:

Rem. Comp. Stat. § 6358-1; Pierce's Code § 230-a-1.

Section 6358-1. It shall be unlawful for any person, firm or corporation to build, erect, establish, operate, maintain or conduct along side any of the public highways of this state any platform, box, stand, or any other temporary or permanent device or structure to be used for the purpose of receiving from or delivering to any vehicle mail, milk cans, vegetables, fruit, merchandise, produce or commodities of any character unless such platform, box, stand, or other temporary or permanent device or structure is so located that no portion thereof is less than four feet from the paved or main travelled portion of such highway.

Platform, box, etc.

SEC. 11. This act is necessary for the immediate preservation of the public safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 8, 1923.

Passed the House March 3, 1923.

Approved by the Governor with the exception of Section 9, which is vetoed, March 19, 1923.

## CHAPTER 182.

[S. B. 233.]

## CRIMES AND PUNISMENTS BY FIRST CLASS CITIES.

AN ACT relating to crimes and punishments in cities of the first class, specifying penalties that may be prescribed by, and process that may be issued under ordinance, defining the duties, jurisdiction and powers of police judges, and amending Section 8993 of Remington's Compiled Statutes of Washington.

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

Disorderly  
conduct.

Public  
morality,  
health, peace  
good order.

Fine and im-  
prisonment.

Amends Rem.  
Comp. Stat.  
§ 8993;  
Pierce's Code  
§ 9475.

Police judge,  
jurisdiction.

SECTION 1. That any city of the first class shall have power by ordinance to provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits; to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; to provide for the imposition by police judges of a fine not to exceed three hundred dollars (\$300.00), or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

SEC. 2. That section 8993 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 8993. Jurisdiction of Police Judge—  
Appeals.

The police judge so appointed, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution there-



on and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine of not to exceed three hundred dollars (\$300.00), or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the Superior Court of the proper county by writ of review or appeal.

Fines and imprisonment.

Passed the Senate March 8, 1923.

Passed the House March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,

*Secretary of State.*

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## CHAPTER 183.

[S. B. 92.]

### PUBLIC WORKS.

AN ACT relating to public work, requiring the making and filing of plans and specifications therefor, requiring the making, keeping, certification and publication of estimates, records and accounts of costs of construction, defining certain terms, declaring certain acts to be a misdemeanor and providing a penalty therefor.

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

SECTION 1. The term state shall include the State of Washington and all departments, supervisors, commissioners and agencies thereof.

Definitions:  
State.

**Municipality.** The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

**Public work.** The term public work shall include all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair or improvement of any municipal street railway system.

**Contract.** The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid.

**Cost of superintendence.** Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.

**Plans and specifications.** **Estimate of cost.** SEC. 2. Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, super-

visor, commissioner, trustee, board or agency having by law the authority to require such work to be done.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a newspaper of general circulation in the county in which such work is to be done.

Work not  
done by  
contract.

Estimates  
published.

*Provided*, that when such work is to be done by the state, publication in a newspaper of general circulation throughout the state shall be equivalent to publication in the county where the work is to be done, *and provided, further*, that when any municipality required to make publication shall regularly issue and publish a gazette or other record of the official acts and doings of such municipality, publication in such gazette or record shall be equivalent to publication in a newspaper.

Publication.

*And provided further* that when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Emergency.

SEC. 3. Whenever plans and specifications shall have been filed the work to be done shall be executed in accordance with such plans and specifications unless supplemental plans and specifications of the alterations to be made therein shall be made and filed in the office where the original plans and specifications are filed.

Supplemental  
plans and  
specifications.

In the event that the probable cost of executing such work in accordance with the supplemental plans and specifications shall be increased or decreased from the estimated cost as shown by the original estimate to an amount in excess of ten per cent of such estimate, then a supplemental estimate shall be made of the increased or decreased cost of executing the work in accordance with the supplemental plans and specifications and filed in the office where the original estimate is filed.

Estimate  
of costs,  
contents.

SEC. 4. Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion. Such estimates shall show in detail the estimated total cost of labor, material, provisions, supplies, equipment rentals, equipment purchases, industrial insurance and medical aid, superintendence, engineering, clerical and accounting service, the value of the use of equipment owned by the state or such municipality and other estimated expenses in the execution of such work.

Supplemental  
estimates,  
contents.

SEC. 5. Supplemental estimates shall show the estimated increase or decrease in the total quantities of each class, in the unit cost of each class, in the total cost for each class and in the total cost of the work as shown by the original estimate, together with any change in the time limit and in the estimated dates of commencing and completing the work.

Record and  
accounts.

SEC. 6. Whenever the state or any municipality shall execute any public work by any means or method other than by contract, it shall cause to be kept and preserved a full, true and accurate account and record of the costs of executing such work.

Such account and record shall show in accurately tabulated form and under appropriate headings the

totals of all classes and kinds of work performed, the total cost and unit cost of each class, together with the costs of executing such work, including, under separate headings, the costs of labor; material; equipment purchased; provisions and supplies; rental of equipment, industrial insurance and medical aid; superintendence; engineering; clerical and accounting service; the reasonable value, including depreciation, of the use of equipment owned by the state or municipality; and all other expenses incurred therein.

SEC. 7. A true copy of such account or record, duly certified by the officer or officers having by law authority to direct such work to be done, to be a full, true and accurate account of the costs of executing such work shall be filed in the office where the original plans and specifications are filed within sixty days after the completion of the work.

Copy filed.

The engineer or other officer having charge of the execution of such work shall execute a certificate which shall be attached to and filed with such certified copy, certifying that such work was executed in accordance with the plans and specifications on file and the times of commencement and completion of such work. If the work is not in accordance with such plans and specifications he shall set forth the manner and extent of the variance therefrom.

Engineer's certificate.

SEC. 8. Within thirty days after the filing of the final account or record of the cost of executing such work, the officer or officers of the state or of such municipality having authority to direct such work to be done shall, if the cost of executing such work exceeds twenty-five hundred dollars, cause a true copy of such account or record and of any supplemental estimate on file, together with a general description of such work, to be published at least once in the same newspaper or publication in which the original estimate was published.

Record of costs, published.

If the original estimate was not published a copy thereof shall be published at the time of and with the publication of the account or record of costs, and such publication may be made in any newspaper or other publication in which publication of any original estimate is authorized.

Records open  
to inspection.

SEC. 9. All plans, specifications, estimates, and copies of accounts or records and all certificates attached thereto shall, when filed, become public records and shall at all reasonable times be subject to public inspection.

Certified  
copies.

Certified copies of any estimate, account or record shall be furnished by the officer having the custody thereof to any person on demand and the payment of the legal fees for making and certifying the same.

False entries,  
penalty.

SEC. 10. Any director, supervisor, officer or employe of the state and any commissioner, trustee, supervisor, officer or employe of any municipality who shall knowingly make any false entry in any account or record required by this act or who shall knowingly certify to any false statement in any certificate required by this act, shall be guilty of a misdemeanor.

Passed the Senate March 7, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 20, 1923.

## CHAPTER 184.

[S. B. 63.]

## FORESTS AND FOREST FIRES.

AN ACT relating to forest protection, providing a penalty for violation of any of the orders, rules or regulations made for that purpose, amending Sections 5785, 5787, 5788, 5789, 5794, 5797, 5803, and 5805 of Remington's Compiled Statutes of Washington 1922, and further amending said Compiled Statutes by adding to Chapter 1, Title XXXVI thereof, to be known as Sections 5782-1, 5795-1, 5795-2, 5806-1, 5806-2, 5811-1, and 5813-1.

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

SECTION 1. That chapter 1, Title XXXVI of Remington's Compiled Statutes of Washington 1922, shall be amended by adding thereto a new section to be known as section 5782-1, as follows:

Section 5782-1. When, in the opinion of the director of the department of conservation and development, any forest region is particularly exposed to fire danger, he may, in his discretion, designate such region, defining the boundaries thereof by legal subdivisions or water-courses, watersheds, mountain ranges, or other natural monuments, as a region of extra fire hazard, and he shall have the power and it shall be his duty to make, adopt, amend and promulgate rules and regulations for the protection thereof. All such rules and regulations shall be promulgated by the director by publication in such newspaper, or newspapers, of general circulation in the county, or counties, wherein such region is situated and for such length of time as the director may determine, and by posting copies of the rules and regulations on roads and trails entering such region; such rules and regulations shall be in force from and after the time specified therein. *Provided*, that nothing in this act shall authorize the director

Vetoed  
L. F. H.

Vetoed  
L. F. H.

of the department of conservation and development to exclude permanent residents, or prohibit logging, milling, canning, or other industrial operations, or public works in such regions but shall authorize such director to make such rules and regulations as he may deem necessary for the conduct of such residents and such operations with respect to any act or thing which may create or increase the fire hazard.

Amends Rem.  
Comp. Stat.  
§ 5785;  
Pierce's Code  
§ 2562.

SEC. 2. That section 5785 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Wardens,  
appointment.

Section 5785. The state supervisor of forestry shall, subject to the approval of the director of the department of conservation and development, have power to appoint within any region or district in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the said supervisor deems that forest fire dangers exist.

Examination  
of deforested  
lands.

The said supervisor may, subject to the approval of the said director, and at such times and in such localities as he deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens, shall, under the direction of the said supervisor engage in the discovery of inflammable materials, and cause, or assist in the burning of such material at such times as the burning can be done with a minimum of danger to adjacent timber; or other property. The said wardens, under the direction of the said supervisor, shall report any trespass and illegal cutting upon state timber lands, coming to his notice, and report the same to the state land commissioner.

Reforestation.

Inflammable  
materials  
burned.



The said supervisor shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the said director.

Wardens,  
suspension.

The wardens shall make their headquarters at such place as the said supervisor shall determine, and upon request of said supervisor to the county commissioners of any county such wardens shall be furnished with suitably equipped office quarters in the county court house, said quarters to be designated by said county commissioners.

Wardens'  
office.

The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any part of the state.

Wardens'  
authority.

The salaries and necessary expenses of all wardens, together with all wages and expenses incurred for help and assistance in forest fire protection shall be fixed by the said director the wages and salaries to be based on but not to exceed going wages and salaries for similar work, and shall be borne in the proportion of two-thirds by the state and one-third by the county in which the service was given and the expense incurred for forest fire protection.

Salary and  
expense.

All accounts of the wardens shall be submitted to the said supervisor, as well as all bills for forest fire protection authorized by the wardens, and when such bills are approved and paid as provided for in section 5783, the amount of one-third of all such outlays in each county shall be due and payable on demand from each of said counties into the state treasury, and credited to the fund appropriated for the division of forestry.

Accounts  
and bills.

See Rem.  
Comp. Stat.  
§ 5783;  
Pierce's Code  
§ 2560.

Reports of  
wardens and  
rangers.

All wardens and rangers shall render reports to the said supervisor on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of county visited, expenses incurred, and such other information as may be called for by the said supervisor.

Amends Rem.  
Comp. Stat.  
§ 5787;  
Pierce's Code  
§ 2564.

SEC. 3. That section 5787 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Officers,  
ex-officio,  
rangers.

Section 5787. All state land cruisers, all game wardens, road supervisors and state highway patrolmen, when approved by the state supervisor of forestry, and all rangers and assistant rangers of the United States Forest Service, when recommended by their forest supervisors, and commissioned by the state supervisor of forestry shall be *ex-officio* rangers.

Timber cruisers and citizens of the state advantageously located may, at the discretion of the said supervisor, be appointed rangers and vested with their powers and duties.

Rangers'  
compensation.

Rangers shall receive no compensation for their services except when employed in cooperation with the state and under the provisions of this act, and shall not create any indebtedness, or incur any liability on behalf of the state: *Provided*, that rangers actually engaged in extinguishing, or preventing the spread of fire in brush, slashings, choppings, timber or elsewhere that may endanger timber or other property, shall when their accounts for such service have been approved by the fire wardens in authority, be entitled to receive compensation for such services at a rate to be fixed by the director of the department of conservation and development.

SEC. 4. That section 5788 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Section 5788. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the first day of May west of the summit of the Cascade Mountains, and the first day of June east of the summit of the Cascade Mountains and ending, unless sooner ended by proclamation of the director of the department of conservation and development, on the first day of October in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the state supervisor of forestry, or a state warden or a state ranger, and afterwards complying with the terms of said permit and any one violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the director of the department of conservation and development shall prescribe, which shall be only such as the said director deems necessary for the protection of life or property.

The said supervisor, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

SEC. 5. That section 5789 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Section 5789. No one shall burn any forest material until all dry snags, stubs and dead trees over

Vetoed  
L. F. H.

Amends Rem.  
Comp. Stat.  
§ 5789;  
Pierce's Code  
§ 2566.

Forest ma-  
terial burned,  
conditions.

twenty-five (25) feet in height, within the area to be burned, shall have been cut down and until such other work shall have been done in and around the slashing or chopping, 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.

Slashings  
burned,  
supervision.

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.

Assistance to  
prevent  
destruction  
by fire.

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.

Compensation.

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 the said supervisor, the men shall be entitled to receive payment from the state in the manner provided for in section 5783.

See Rem.  
Comp. Stat.  
§ 5783;  
Pierce's Code  
§ 2560.

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).

Assistance  
refused,  
penalty.

SEC. 6. That section 5794 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 5794;  
Pierce's Code  
§ 2571.

Section 5794. It shall be unlawful for any one to operate any spark-emitting railroad locomotive, logging locomotive, logging, or farming engine, or boiler, at any time during the closed season, or for any one to operate any railroad locomotive, logging locomotive, or logging or farm engine or boiler, within one-quarter of one mile of any forest material during the closed season, without such railroad locomotive, logging locomotive, logging, or other engine or boiler is provided with and uses a safe and suitable device for arresting sparks, a suitable power pump with hose and three shovels, one axe, one mattock, two water pails and one hand force pump, such tools and accessories to be kept in place around each donkey engine and in effective condition for immediate use for fire suppression.

Locomotive  
engine,  
spark  
arrester.

It shall be unlawful for anyone to operate during the closed season any railroad locomotive, logging locomotive, or logging, or other engine or boiler within one-quarter of one mile of any forest material, without such railroad locomotive, logging locomotive, or logging or other engine or boiler is provided with and uses an adequate device to prevent the escape of fire or live coals from all ash-pans, and all fire-boxes, except when said ash-pans and said fire-boxes are being cleaned when not in motion.

Locomotive  
engine,  
ash-pan  
protector.

It shall be unlawful for common carrier railroad companies to operate trains through forested districts unless such trains are followed by a speeder patrol at such times and in such places as the state

supervisor of forestry may designate, each patrol to be equipped with a five-gallon fire extinguisher, two shovels and an ax. In case a railroad company fails to provide patrol as required, the state supervisor of forestry is hereby authorized to employ patrolmen for such purpose and the railway company concerned shall be liable for the expense of the same to be collected in a civil suit brought by the state against said railroad company.

Every person violating the provisions of this section shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than seventy-five dollars (\$75.00) and the judgment of the court, in case of conviction, shall prohibit such person from operating such train, railroad locomotive, logging locomotive or other engine or boiler until the requirements of this section have been complied with.

Penalty.

Amends Rem.  
Comp. Stat.  
§ 5795-1 and  
5795-2;  
Pierce's Code  
§ 2572-1 and  
2572-2.

SEC. 7. That Chapter 1, Title XXXVI of Remington's Compiled Statutes of Washington 1922, shall be amended by adding thereto, two new sections to be known as sections 5795-1 and 5795-2; as follows:

Public carriers  
to report  
fires.

Section 5795-1. Railroad companies and other public carriers, or any person or persons, operating through forested districts, must report forthwith by telephone or telegraph any fires on or adjacent to their right-of-way or route, to the local fire warden or to the office of the state supervisor of forestry.

Lighted  
cigars, etc.,  
prohibited.

Section 5795-2. It shall be unlawful, during the closed season, for any person to throw away any lighted tobacco, cigars, cigarettes, matches, fire crackers or other lighted material in any forest region of this state. Every person, firm or corporation operating a public conveyance shall post a copy of this section in a conspicuous place within the smoking compartments of such conveyance. Any

person violating the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 8. That section 5797 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Amends Rem. Comp. Stat. § 5797; Pierce's Code § 2574.

Section 5797. Everyone operating a stationary engine, for the logging of timber, or the clearing of land of tree stumps, or other wood material, shall during the closed season:

Donkey or stationary engine.

(a) Maintain a watchman at the point where the said donkey engine, or other portable or stationary engine may be located, said watchman to be on duty for at least two hours following every time when the said donkey-engine, or other portable, or stationary engine shall cease operations.

Watchman.

(b) Cut down all snags, stubs and dead trees over fifteen (15) feet in height within a radius of one hundred fifty (150) feet and clear the ground of all inflammable debris for a radius of thirty-five (35) feet from each donkey-engine, or other portable or stationary spark-emitting engine.

Clearing around.

SEC. 9. That section 5803 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

Amends Rem. Comp. Stat. § 5803; Pierce's Code § 9131-37.

Section 5803. Any person or persons who shall wilfully and deliberately set fire to any forest within the state, or in any place from which fire may be communicated to any such forest, or who shall accidentally set fire to any such forest, or to any place from which fire may be communicated to any such forest, and shall not extinguish the same or use every effort to that end, or who shall build any fire for lawful purposes or otherwise in or near any such forest, and through carelessness or neglect shall permit said fire to extend to and burn through such forest, shall be deemed guilty of a misdemeanor, and on conviction before a court of competent jurisdic-

Deliberately setting fire, penalty.

tion shall be punishable by fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding one year, or by both such fine and imprisonment.

Amends Rem.  
Comp. Stat.  
§ 5805;  
Pierce's Code  
§ 2580.

SEC. 10. That section 5805 of Remington's Compiled Statutes of Washington 1922, shall be amended to read as follows:

See Rem.  
Comp. Stat.  
§ 5804;  
Pierce's Code  
§ 2579.

Section 5805. If any owner or owners of forest land shall neglect or fail to provide adequate fire protection therefor as required by section 5804, then the state supervisor of forestry under direction from the director of the department of conservation and development shall provide such protection therefor at a cost not to exceed five (5) cents an acre per annum, and for that purpose may divide the forest lands of the state, or any part of the same, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by the said supervisor for this purpose shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the said supervisor shall be prepared to make statement thereof upon request, to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the said supervisor to the county assessors of the county or counties in which the property is situated who shall extend the amounts upon the tax-rolls covering such property, and the amounts shall be collected at the time and in the same manner by the same procedure and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected

Owners failure  
to provide  
fire  
protection.

Supplied by  
state.

Lien.

Collection  
of cost.



at any time by the said supervisor certifying the same to the county treasurer of the county in which the land involved is situated. Upon the collection of said assessments the county officials shall repay said amounts to the said supervisor to be applied to the expenses incurred in carrying out the provisions of this section: *Provided*, that the said supervisor is hereby authorized and required to include in the assessment herein authorized against the owner or owners of forest lands neglecting to provide adequate fire protection, a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of the provisions of section 5804 *et seq.* and subsequent amendments thereto, and is authorized to expend any sums heretofore collected from owners of forest lands or coming from any other source for any necessary office and clerical expenses in connection with the enforcements of the provisions of section 5807: *Provided further*, that whenever any lands against which such fire patrol assessments are outstanding are acquired for delinquent taxes and sold at public auction, the state shall have a prior lien of the proceeds of such sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of such sale exceed the amount of the delinquent tax judgment aforesaid shall forthwith remit to the said supervisor the amount of such outstanding patrol assessments. *Provided, further*, that the said supervisor is required to furnish a good and sufficient bond of a surety company running to the State of Washington, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this act, conditioned for the faithful performance of his duties as such officer and for a faithful accounting for all sums received and expended there-

See Rem.  
Comp. Stat.  
§ 5804 *et seq.*;  
Pierce's Code  
§ 2579 *et seq.*

See Rem.  
Comp. Stat.  
§ 5807;  
Pierce's Code  
§ 2582.

Bond of  
supervisor.

under, which bond shall be approved by the attorney general.

Amends Rem.  
Comp. Stat.  
§ 5806-1, 5806-2,  
5811-1 and  
5813-1;  
Pierce's Code  
§ 2581-1, 2581-2,  
2585-b and  
2578-3a.

SEC. 11. That chapter 1, Title XXXVI of Remington's Compiled Statutes of Washington 1922, shall be amended by adding thereto, four new sections to be known as sections 5806-1, 5806-2, 5811-1 and 5813-1.

Person negligently starting, liable for cost of fighting.

Section 5806-1. Any person, firm or corporation negligently responsible for the starting or existence of a fire which spreads on forest land shall be liable for any expense incurred by the state, a municipality or forest protective association, in fighting such fire provided that such expense was, at the time incurred, authorized by the state supervisor of forestry or by one of his duly appointed and acting district or state fire wardens. The agency incurring such expense shall have a lien for the same against any property of said person, firm or corporation liable as above provided by filing a claim of lien naming said person, firm or corporation describing the property against which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place and the period during which the expenses were incurred, and signed by the claimant with post office address. No claim of lien shall be valid unless filed with the county auditor of the county in which the property sought to be charged is located within a period of ninety days after the expenses of the claimant were incurred. The claimant may recover said expenses incurred in a civil action against said person, firm or corporation liable therefor, and shall have in addition the lien remedy above provided. Said lien may be foreclosed in the same manner as a mechanics lien is foreclosed under the statutes of the state of Washington.

Action to recover.

Permitting spreading, penalty.

Section 5806-2. Any person who shall negligently suffer fire originating on his own property to

spread to the property of another shall be deemed guilty of a misdemeanor.

Section 5811-1. Any person who shall wilfully violate any of the orders, rules or regulations made by the director of the department of conservation and development of the state of Washington in accordance with the authority granted by the provisions of Title XXXVI of Remington's Compiled Statutes of Washington 1922, for the protection of forests from fires, shall be guilty of a misdemeanor.

Rules and regulations, violation, penalty.

See Rem. Comp. Stat. § 5781 to 5823; Pierce's Code § 2558 to 2585-a.

Section 5813-1. Any person who shall go upon any lands owned by the state, or by any person, firm or corporation, without the consent of the owner thereof, and cut down, cut off, top, or destroy any tree, shall be punished by a fine equivalent to one dollar for every tree so cut down, topped, or destroyed.

Cutting or destroying trees, without consent of owner, penalty.

Passed the Senate March 8, 1923.

Passed the House March 2, 1923.

Approved by the Governor with the exception of Sections 1 and 4, which are vetoed, March 19, 1923.

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## CHAPTER 185.

[S. B. 271.]

### PRIMARY AND SECONDARY STATE HIGHWAYS.

AN ACT relating to, classifying, naming and fixing the routes of certain state highways, amending Section 6796, and repealing Sections 6791, 6792, 6793, 6794, 6795, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6808, 6809, 6811, 6812, 6813 and 6816 of Remington's Compiled Statutes.

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

SECTION 1. A primary state highway, to be known as State Road No. 1 or the Pacific Highway, is established as follows: Beginning at the international boundary line at Blaine in the County of

State road No. 1, or Pacific Highway.

Whatcom; thence by the most feasible route in a southerly direction through the cities of Bellingham, Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Chehalis, Kelso and Vancouver to the interstate bridge over the Columbia River between Vancouver and Portland.

State road  
No. 2, or  
Sunset  
Highway.

SEC. 2. A primary state highway, to be known as State Road No. 2 or the Sunset Highway, is established as follows: Beginning at the City of Seattle; thence by the most feasible route in a easterly direction through the cities of Renton, North Bend, Cle Elum, Wenatchee, Waterville, Davenport and Spokane to the Washington-Idaho state line.

State road  
No. 3, or  
Inland Empire  
Highway.

SEC. 3. A primary state highway, to be known as State Road No. 3, or the Inland Empire Highway, is established as follows: Beginning at the international boundary line at Laurier in Ferry County; thence by the most feasible route in a southerly direction through Colville, Spokane, Colfax, Dayton to Walla Walla; thence in a northwesterly direction through the cities of Wallula, Pasco, Sunnyside, Yakima, Ellensburg, to a junction with the Sunset Highway at or near Virden in Kittitas County; also from a junction at Dodge in Garfield County; thence in an easterly direction through the cities of Pomeroy and Clarkston; thence in a southerly direction to Asotin in Asotin County; also from a junction at Wallula thence in a southwesterly direction to the Oregon state line; also from a junction at Walla Walla in a southerly direction to the Oregon State line.

State road  
No. 5, or  
National Park  
Highway.

SEC. 4. A primary state highway, to be known as State Road No. 5 or the National Park Highway System, is established as follows: Beginning at the City of Tacoma; thence by the most feasible route in a southeasterly direction through Elbe and Ashford to the Rainier National Park gate; also from

a junction in the City of Elbe; thence in a southerly direction through Morton, Kosmos; thence in a westerly direction through Nesika, Riffe and Ethel to a junction with State Road No. 1 or the Pacific Highway at or in the vicinity of Jackson Prairie; also, from a junction at or near Kosmos in Lewis County in a northeasterly direction through Lewis County through Sheepskull Gap; thence in a northwesterly direction through Enumclaw, Auburn, Kent to a connection with State Road No. 2 in the vicinity of Renton; also from a junction at Sheepskull Gap in a southeasterly direction to Yakima.

SEC. 5. A primary state highway, to be known as State Road No. 6 or the Pend O'Reille Highway, is established as follows: Beginning at Spokane; thence by the most feasible route in a northeasterly direction to Newport in Pend O'Reille County; thence in a northerly direction through Metaline Falls to the international boundary line.

State road  
No. 6, or  
Pend O'Reille  
Highway.

SEC. 6. A primary state highway, to be known as State Road No. 7 or the North Central Highway, is established as follows: Beginning at Ellensburg; thence by the most feasible route easterly to Vantage Ferry; thence in a northeasterly direction through Ephrata, Odessa and Harrington to a junction with State Road No. 2 at Davenport in Lincoln County.

State road  
No. 7, or  
North Central  
Highway.

SEC. 7. A primary state highway, to be known as State Road No. 8 or the North Bank Highway, is established as follows: Beginning at Vancouver, in Clarke County, thence by the most feasible route in an easterly direction through Stevenson, Underwood, Lyle, Maryhill; thence in a northerly direction through Goldendale to a connection with State Road No. 3 at or in the vicinity of Buena in Yakima County.

State road  
No. 8, or  
North Bank  
Highway.

State road  
No. 9, or  
Olympic  
Highway.

SEC. 8. A primary state highway, to be known as State Road No. 9 or the Olympic Highway, is established as follows: Beginning at Olympia; thence by the most feasible route in a northerly direction through Shelton, Hoodspont, Duckabush, Sequim, to Port Angeles; thence in a westerly direction to Forks, in Clallam County; thence in a southerly direction to Hoquiam in Grays Harbor County; thence in an easterly direction through Aberdeen, Montesano and Elma to Olympia; also from a junction in the vicinity of Discovery Bay to Port Townsend.

State road  
No. 10, or  
Chelan-  
Okanogan  
Highway.

SEC. 9. A primary state highway, to be known as State Road No. 10 or the Chelan-Okanogan State Highway, is established as follows: Beginning at Quincy in Grant County; thence in a northwesterly direction to a connection with the Sunset Highway at the bridge over the Columbia River at Wenatchee; thence over the route of the Sunset Highway to Orondo; thence northeasterly through Chelan Falls, Okanogan and Oroville to the international boundary line.

State road  
No. 11, or  
Central  
Washington  
Highway.

SEC. 10. A primary state highway, to be known as State Road No. 11 or the Central Washington Highway, is established as follows: Beginning at Pasco in Franklin County; thence by the most feasible 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.

State road  
No. 12, or  
Ocean Beach  
Highway.

SEC. 11. A primary state highway, to be known as State Road No. 12 or the Ocean Beach Highway, is established as follows: Beginning at Chehalis in Lewis County; thence by the most feasible route in a westerly direction to South Bend; thence in a southerly direction to the Astoria ferry landing in Pacific County; also from a junction in the vicinity of the mouth of the Nasel River; thence by the most

feasible route in a southeasterly direction through Nasel, Grays River, Skamakawa, to a junction with State Road No. 1 at Kelso in Cowlitz County; also from a junction north of Cathlamet to Cathlamet in Wahkiakum County.

SEC. 12. A primary state highway, to be known as State Road No. 13, or the Willapa-Grays Harbor Highway, is established as follows: Beginning at Raymond in Pacific County; thence by the most feasible route in a northerly direction to a junction with State Road No. 9 between the cities of Montesano and Aberdeen in Grays Harbor County.

State road  
No. 13, or  
Willapa-  
Grays Harbor  
Highway.

SEC. 13. A primary state highway, to be known as State Road No. 14 or the Navy Yard Highway, is established as follows: Beginning at a junction with State Road No. 9, at the most feasible point between Shelton and Potlatch in Mason County; thence by the most feasible route through Union City and Clifton to Charleston in Kitsap County; also from a junction near Tidewater Creek in Kitsap County through Port Orchard, to Gig Harbor in Pierce County; also from a junction near Port Orchard by the most feasible route to the ferry landing at Harper.

State road  
No. 14, or  
Navy Yard  
Highway.

SEC. 14. A secondary state highway, to be known as State Road No. 4 or the Tonasket-San Poil Highway, is established as follows: Beginning at the city of Wilbur in Lincoln County; thence by the most feasible route in a northerly direction to Republic in Ferry County; thence in a westerly direction to Tonasket in Okanogan County.

State road  
No. 4, or  
Tonasket-  
San Poil  
Highway.

SEC. 15. A secondary state highway, to be known as the Methow Valley Highway, is established as follows: Beginning at Pateros in Okanogan County; thence by way of Methow, Carlton, Twisp, Winthrop and Mazama to Barron in Whatcom County.

Methow Valley  
Highway.

Amends Rem.  
Comp. Stat.  
§ 6796;  
Pierce's Code  
§ 6821.

Inland Empire  
Highway,  
eastern route.

SEC. 16. That section 6796 of Remington's Compiled Statutes be amended to read as follows:

Section 6796. A primary state highway is established as follows: A highway known as the eastern route of the Inland Empire Highway beginning at a point on the Idaho and Washington line where the same crosses the public road known as the Lewiston and Uniontown Road; thence over the most feasible route through Pullman, Palouse and Garfield; thence in a northerly direction through Oakesdale to a junction with the Inland Empire Highway at or in the vicinity of Rosalia.

Repeals Rem.  
Comp. Stat.  
§ 6791 to 6795,  
6797 to 6806,  
6808, 6809,  
6811 to 6813  
and 6816;  
Pierce's Code  
§ 6817 to 6820,  
6822 to 6825e,  
6838, 6839,  
6841, 6847,  
6848, 6852,  
6856.

SEC. 17. That sections 6791, 6792, 6793, 6794, 6795, 6797, 6798, 6799, 6800, 6801, 6802, 6803, 6804, 6805, 6806, 6808, 6809, 6811, 6812, 6813 and 6816 of Remington's Compiled Statutes be, and they are hereby, repealed.

Passed the Senate March 7, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 186.

[S. B. 217.]

### SAFE DEPOSIT COMPANIES.

AN ACT regulating the business of safe deposit companies, defining certain terms, fixing the liability of such companies, providing certain remedies for the enforcement of the liabilities of depositors, renters and lessees of safes, vaults and other receptacles, and for the disposal of the property therein in case of default.

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

SECTION 1. The term safe deposit company as used in this act shall be construed to extend to and include all banks, trust companies and other corporations organized under the laws of the State of

Term defined.



Washington or of the United States of America, and doing business in the State of Washington; which are empowered by law to let vaults, safes or other receptacles upon the premises occupied by such bank, trust company or corporation.

SEC. 2. Whenever any safe deposit company shall take or receive as bailee for hire and for safe keeping or storage any jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities, or valuable paper of any kind, or other valuable personal property, and shall have issued a receipt therefor, it shall be deemed to be a warehouseman as to such property and the provisions of the Uniform Warehouse receipts act, same being Section 3587 to 3646, inclusive, of Remington's Compiled Statutes, shall apply to such deposit, or to the proceeds thereof, to the same extent and with the same effect, and be enforceable in the same manner as is now provided with reference to warehousemen in said act.

Deemed a  
warehouseman.

See Rem.  
Comp. Stat.  
§ 3587 to 3646;  
Pierce's Code  
§ 7141 to 7201.

SEC. 3. Whenever any safe deposit company shall let or lease any vault, safe, box or other receptacle for the keeping or storage of personal property such safe deposit company shall be bound to exercise due care to prevent the opening of such vault, safe, box or receptacle by any person other than the lessee thereof, or his or her duly authorized agent, and said parties may provide in writing the terms, conditions and liabilities in said lease.

Due care to  
be exercised.

SEC. 4. The amount due for the rental of any safe or box in the vaults of any safe deposit company shall not have been paid for one year, it may, at the expiration thereof, send to the person in whose name such safe or box stands on its books a notice in writing in a securely closed, postpaid and registered letter, directed to such person at his postoffice address, as recorded upon the books of the safe deposit company, notifying such person that if the

Rental  
unpaid.

Notice mailed  
renter.

amount due for the rental of such safe or box is not paid within thirty days from date, the safe deposit company will then cause such safe or box to be opened, and the contents thereof to be inventoried, sealed, and placed in one of its general safes or boxes.

Upon the expiration of thirty days from the date of mailing such notice, and the failure of the person in whose name the safe or box stands on the books of the company to pay the amount due for the rental thereof to the date of notice, the corporation may, in the presence of a notary public and of its president or secretary, cashier or treasurer, cause such safe or box to be opened, and the contents thereof, if any, to be removed, inventoried and sealed up by such notary public in a package, upon which the notary public shall distinctly mark the name of the person in whose name the safe or box stood on the books of the company, and the date of removal of the property, and when such package has been so marked for identification by the notary public, it shall, in the presence of the president, secretary, treasurer or cashier of the company, be placed by the notary public in one of the general safes or boxes of the company at a rental not to exceed the original rental of the safe or box which was opened, and shall remain in such general safe or box for a period of not less than two years, unless sooner removed by the owner thereof, and the notary public shall thereupon file with the company a certificate under seal, which shall fully set out the date of the opening of such safe or box, the name of the person in whose name it stood and a list of the contents, if any.

A copy of such certificate shall within ten days thereafter be mailed to the person in whose name the safe or box so opened stood on the books of the company, at his last known post-office address, in a securely closed, postpaid and registered letter, to-

Box opened,  
contents  
inventoried.

Notary  
certificate.

Copy of  
certificate  
mailed renter.

gether with a notice that the contents will be kept, at the expense of such person, in a general safe or box in the vaults of the company, for a period of not less than two years. At any time after the mailing of such certificate and notice, and before the expiration of two years, such person may require the delivery of the contents of the safe as shown by said certificate, upon the payment of all rentals due at the time of opening of the safe or box, the cost of opening the box, the fees of the notary public for issuing his certificate thereon, and the payment of all further charges accrued during the period the contents remained in the general safe or box of the company.

After the expiration of two years from the time of mailing the certificate herein provided for, the company shall mail in a securely closed postpaid registered letter, addressed to such person at his last known post-office address, a notice stating that two years have elapsed since the opening of the safe or box and the mailing of the certificate thereof, and that the company will sell all the property or articles of value set out in said certificate, at a time and place to be stated in such notice, not less than thirty days after the time of mailing such notice, and stating the amount which shall have then become due for rental up to the time of opening such safe, the cost of opening thereof, and the further cost of safekeeping all of its contents for the period since the opening of the safe or box. Unless such person shall pay on or before the day mentioned all said sums, and all the charges accruing to the time of payment, including advertising, the company may sell all the property or articles of value set out in said certificate, at public auction, at the time and place stated in said notice, provided a notice of the time and place of sale has been published once within ten days

Notice of intention to sell contents, mailed renter.

Sale.

prior to the sale in a newspaper published in the County where the sale is held.

Proceeds,  
disposal.

From the proceeds of the sale, the company shall deduct all its charges as stated in said notice, together with any further charges that shall have accrued since the mailing thereof, including reasonable expenses for notices, advertising, and sale. The balance, if any, of such proceeds shall be deposited by the company within thirty days after the receipt of the same, with the county treasurer, of the county where the sale was held. The company shall file with such deposit a certificate stating the name and last known place of residence of the owner of the property sold, the articles sold, the price obtained therefor, and showing that the notices herein required were duly mailed and that the sale was advertised as required herein. The officer with whom such balance is deposited shall credit the same to the owner of the property, and pay the same to such owner, his assignee, or legal representative, on demand and satisfactory evidence of identity. If such balance remains in the possession of such officer for a period of ten years, unclaimed by the person legally entitled thereto, it shall be transferred to the State Treasurer for the benefit of the permanent school fund of the State of Washington.

Transferred  
to state  
treasury.

Documents  
and letters  
preserved.

SEC. 5. Whenever the contents of any such safe or box, so opened, shall consist either wholly or in part, of documents or letters or other papers of a private nature, such documents, letters, or papers shall not be sold, but shall be retained by the company for a period of five years from the time of the opening of the box, and, unless sooner claimed by the owner, may be thereafter destroyed in the presence of an officer of the corporation and a notary public not an officer or employee of the corporation.

Destroyed.

Remedies  
available  
to companies.

The provision of this section shall not preclude any other remedy by action or otherwise now exist-

ing for the enforcement of the claims of a corporation against the person in whose name such safe or box stood, nor bar the right of a safe deposit company to recover so much of the debt due it as shall not be paid by the proceeds of the sale of the property deposited with it.

Passed the Senate March 7, 1923.

Passed the House March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 187.

[S. B. 66.]

### TEACHERS' RETIREMENT FUND.

AN ACT providing for the creation, management and maintenance of a state teachers' retirement fund and defining the powers and duties of officers in relation thereto.

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

SECTION 1. The word "teacher" wherever used in this act shall be held and construed to mean and include any person regularly employed as teacher, instructor, principal, supervisor, state, county or city superintendent, in the public schools of this state, or as an assistant to any such teacher, instructor, principal, supervisor or superintendent. The word "member" wherever used in the act shall be held and construed to mean and include any teacher who shall be a contributor to the retirement fund mentioned in section 2, also any person who shall be an annuitant of such fund, also any teacher while temporarily absent on leave for professional preparation, as hereinafter provided. The word "annuitant" wherever used in this act shall be held and construed to mean and include any member who

Definitions:

Teacher.

Member.

Annuitant.

shall have been retired and shall be entitled to receive an annuity under the provisions of this act. The word "trustees" wherever used in this act shall be held and construed to mean and include a regularly elected, qualified or acting member of the board of trustees provided for in section 3.

Trustees.

SEC. 2. There is hereby created and established a state teachers' retirement fund which shall consist of contributions from teachers and from such other source as may be provided by law, which fund shall be received and disbursed by the state treasurer and shall be administered by the state as in this act provided.

Fund created.

SEC. 3. A board of trustees, which shall be known as the board of trustees of the state teachers' retirement fund, consisting of the state superintendent of public instruction, the state insurance commissioner and three members of the fund, at least one of whom shall be a class room teacher, to be chosen by the state board of education shall administer the retirement fund mentioned in the last preceding section. The three member trustees shall be appointed as follows: On or before the 28th day of June, 1923, one member shall be appointed for the period of one year, one for the period of two years and the third for a period of three years beginning July 1st, 1923. One member trustee shall be appointed in the same manner each year thereafter for a period of three years from the 1st day of July. Any vacancy in the board of trustees shall be filled by the state board of education by the appointment of a member for the unexpired term.

Board of trustees, personnel.

Appointed.

SEC. 4. The board of trustees shall have power to make any rules, regulations and orders not inconsistent with the provisions of this act, which may be necessary or convenient in the carrying into effect and enforcement of this act.

Rules and regulations.

SEC. 5. On the second Monday of July, 1923, the board of trustees shall meet and organize by the election of a president and a secretary to serve for the term of one year, and thereafter shall annually on the second Monday in July, elect said officers for the term of one year. The secretary of the board of trustees may or may not be a member of the board. The trustees shall serve without pay, but the secretary, whether a trustee or not, shall receive such reasonable salary as the board may authorize: *Provided*, Trustees shall be entitled to actual traveling expenses made necessary by reason of attendance upon meetings of the board upon filing with the secretary an itemized claim therefor, such claim to be approved by the president and secretary of the board. The state treasurer, the state auditor and the attorney general shall be ex-officio treasurer, auditor and legal adviser, respectively, of the board of trustees, and shall be liable, respectively, upon their official bonds for the faithful performance of their duties under the provisions of this act, and shall serve without extra compensation: *Provided, further*, In case of emergency or whenever they shall deem it for the best interests of the fund, the trustees may employ attorneys and pay reasonable fees for the services rendered out of the retirement fund.

Organization meeting.

State treasurer  
state auditor,  
attorney  
general,  
ex-officio  
officers.

SEC. 6. The board of trustees shall hold regular meetings on the second Monday in October, January, April and July of each year, and may hold special meetings at the call of the president or three trustees, and may adjourn any regular meeting from day to day, or time to time, until the business before the board is completed.

Regular board meetings.

SEC. 7. A place for the transaction of the business of the board of trustees and an office for the secretary, together with all necessary furniture and supplies, including books, records, blanks and forms

Office provided at state capitol.

as prescribed by the state bureau of inspection and supervision of public offices, shall be furnished by the state, such office to be located at the state capitol. All other expenses, including the salaries of the secretary and all necessary clerical assistants, shall be paid out of the retirement fund.

Membership  
upon  
application.

SEC. 8. Any teacher while employed as such in this state or who is absent on leave from any school district, not being a member of a local teachers' retirement fund in this state, may at any time prior to May 1st, 1924, file with the secretary of the board of trustees, upon a blank to be furnished for that purpose, an application for membership in the state teachers' retirement fund, verified under oath by the applicant, and showing a detailed statement of the applicant's service as a teacher in any district in this state and elsewhere, giving the years and months of service in each, respectively, and shall file with such application, upon blanks to be furnished for the purpose, such proof of service certified by the clerk or other officer having charge of the records of the district where the service was rendered, as may be required by the board of trustees.

Blanks.

Applications  
considered.

SEC. 9. All applications for membership shall be considered by the board of trustees at the next regular meeting after the same are filed, or at a special meeting called for that purpose before the next regular meeting, and, if the application is found to be in proper form and accompanied by the proof required by the trustees, the applicant's name shall be entered upon the membership register of the fund, together with the respective totals of years and months of service allowed in any district in this state, and elsewhere, respectively, and a certificate of membership showing the date of issue and the former teaching service allowed, shall be delivered



to the applicant and a duplicate thereof transmitted to the secretary or clerk of the school district where such teacher is employed, who shall cause the same to be entered upon the records of the district. In making allowance for former service, a year of service shall be a legal school year where the service was rendered and fractions of years of service may be counted in computing the total years of service when the sum of such fraction equals one or more years: *Provided*, That no teacher shall receive more than one year's credit for teaching in any school year, as defined by the school code of this state: *Provided further*, No teacher having the right to make application for membership prior to May 1st, 1924, as provided in section 8, who has failed or refused to do so, shall be received into membership.

SEC. 10. Every teacher except those mentioned in the last proviso of section 9 and those now or hereafter members of a local teachers' retirement fund in this state entering the employment of any school district in this state not having a local teachers' retirement fund, shall become a member of such state fund by virtue of such employment, and it shall be the duty of the secretary or clerk of the district or institution, at the time a new teacher is employed, to file with the secretary of the fund a notice, in writing, stating the name of the teacher and the date when the employment begins, and to notify the teacher in writing of the provisions of this act with reference to membership in the fund and that an application for credit for former service, on a form to be furnished for that purpose, may be filed with the secretary of the fund within six months from the date of the beginning of such employment. In case such application is filed within six months the same shall be considered by the board of trustees and credit allowed and certificate of membership issued as in the case of original applications for mem-

All teachers  
by virtue of  
employment  
are members.

bership. In case such application for credit for former service is not filed within six months, the teacher's name shall be entered upon the membership register of the fund without credit for former service and a certificate of membership without such credit shall be issued as in the case of original application for membership.

SEC. 11. It shall be the duty of the board of directors of each school district, to assess against and deduct from the salary of each member of the fund employed by the district, membership dues at the following rates, to-wit: Twelve dollars (\$12.00) per year up to and including the tenth year of total service; twenty-four dollars (\$24.00) per year from and including the eleventh and up to and including the twentieth year of total service; and thirty-six dollars (\$36.00) from and including the twenty-first year of total service, until the total contribution of the member to the fund shall equal seven hundred and twenty dollars (\$720.00). Said assessments and deductions to be made in two equal semi-annual installments from the salary of such member earned in the months of November and April, respectively, of each school year. A receipt for the amount deducted, signed by the secretary or clerk of the district, shall be delivered to the member with the warrant for the installment of salary from which the deduction is made. Every member of the fund other than annuitants and those from whose salaries deductions are being made and every member of the fund granted leave of absence for professional preparation shall on or before the fifth day of December and May respectively of each year, pay to the state treasurer for the benefit of the fund a like amount as is hereinabove required to be deducted from the salary of a member employed by any district and take the treasurer's receipt therefor. It

Deduction  
from salary  
of teacher.

Amounts.

shall be the duty of the secretary or clerk of any district on or before the 10th day of December and May, respectively, in each year, to draw a warrant upon the county treasurer payable out of the general fund of the district and in favor of the state treasurer covering the total amount of deductions made during the preceding six months, and upon the presentation of such warrant the county treasurer shall transfer the amount thereof from the general fund of the district to the state treasurer. The state treasurer shall place the amounts so received to the credit of the teachers' retirement fund and shall disburse the same upon warrants issued by order of the board of trustees signed by the president and secretary of the fund.

Paid to  
state  
treasurer.

SEC. 12. It shall be the duty of the secretary or clerk of the district, at the time of issuing the warrants above provided for, to certify to the secretary of the fund the names of the teachers assessed and the respective amounts deducted from the salary of each, together with the respective number of months of service since the last certificate. Upon receiving such certificate, it shall be the duty of the secretary of the fund to credit the members with the respective months of service, and respective amounts contributed by each, in the proper columns of the membership register after their respective names. Each member of the fund, other than annuitants, who is not employed by a district, or who has been granted leave of absence for professional preparation by the board of directors, shall on or before the 10th day of December, and on or before the 10th day of May of each year present his receipt from the state treasurer for his payment for the fund, to the secretary of the fund, together with a verified statement of the amount and character of service rendered or preparation pursued during the preceding half year, and it shall be the duty of the secretary to credit

Certificate of  
names of  
teachers and  
amount of  
assessments.

such service and contribution to such member on the membership register and endorse such credit on the receipt and return it to the member: *Provided*, That credit shall not be allowed a member absent on leave for professional preparation in excess of two years of total absence on such leave, or in excess of one year of absence on such leave in any ten-year period of total service.

Fiscal year.

Treasurer's report.

SEC. 13. The fiscal year of the retirement fund established under the provisions of this act shall begin on the first day of July in each year and end on the thirtieth day of June following, and it shall be the duty of the state treasurer, on or before the second Monday of July of each year, to certify to the board of trustees the balance of cash remaining in the fund at the close of the preceding fiscal year, and the face value of and the amount of interest accrued upon any securities belonging to the fund, and it shall be the duty of the treasurer, from time to time, upon written request of the trustees, to certify the amount of cash remaining in, and face value of and the amount of interest accrued upon any securities belonging to the fund at any given date.

Annual budget of receipts and disbursements.

SEC. 14. It shall be the duty of the board of trustees, at its regular meeting in July of each year, to make an estimate of the total receipts of the fund for the current fiscal year, including membership dues, interest earned on securities belonging to the fund, and an estimate of the total disbursements from the fund during the current fiscal year, including retirement annuities, disability annuities, the secretary's salary, other expense, refunds to discharged members and payments to beneficiaries of deceased members.

Surplus, invested.

SEC. 15. If at any time it shall appear to the board of trustees that the balance of cash remaining

in the fund, together with the estimated receipts for the remainder of the fiscal year, will exceed the estimated disbursements for the remainder of the year, in the sum of five thousand dollars (\$5,000.00) or more, it shall be the duty of the board of trustees to authorize the state treasurer to invest such excess in such bonds as are by law authorized for the investment of the permanent school funds of the state, and in such investment to give preference to school district bonds regularly created and issued. Upon such investment being authorized by the board of trustees, the treasurer shall purchase such bonds as directed, and shall collect all interest payments falling due thereon, and the principal at maturity, and credit the amounts so collected to the retirement fund. If at any time it shall appear to the board of trustees, that the cash remaining in the fund together with the estimated receipts for the remainder of the fiscal year will not meet the estimated disbursements as they shall fall due, it shall be the duty of the board to instruct the treasurer to sell so many of the bonds belonging to the fund as will produce cash sufficient for that purpose.

Bonds  
purchased.

Bonds sold.

SEC. 16. Any member leaving the employment of a school district in this state other than as an annuitant or upon leave of absence expressly granted, shall upon being reemployed as a teacher in this state be credited with contributions previously made to the fund and upon satisfactory proof shall be credited with such service in teaching as has been rendered in the interim.

Re-employment,  
credit  
given.

SEC. 17. Any member of the fund who shall have been a teacher for a period of, or periods aggregating thirty years, embracing not less than two hundred and forty months of service, fifteen years of which service shall have been in the public schools of this state, shall be entitled, upon and during re-

Retirement  
annuities  
paid,  
amount.

tirement from service in the public schools to receive a retirement annuity of four hundred and eighty dollars (\$480.00): *Provided*, That no retirement annuity shall be credited or paid to a member until the expiration of one year from the date of the certificate of membership of such member: *Provided further*, In case the credit for the membership dues of any member at the date of retirement shall be less than the sum of seven hundred twenty dollars (\$720.00), there shall be retained from the first retirement annuity payments a sufficient amount to make the total credit of such retiring member equal the sum of seven hundred twenty dollars (\$720.00) and thereafter such retiring member shall be entitled to the annuity payments provided for above.

SEC. 18. Any member of the fund who shall have been a teacher for a period of, or periods aggregating ten years, embracing not less than eighty months of service, eight years of which service shall have been in the public schools of this state, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, while incapacitated for service but for a period not to exceed two years, and any member of the fund who shall have been a teacher for a period of, or periods aggregating, twenty years, embracing not less than one hundred and sixty months of service, twelve years of which service shall have been in the public schools of this state, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in

Disability  
annuities  
paid,  
amount.

the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, so long as such member is incapacitated for service: *Provided*, That no disability annuity shall become due until applicant has been incapacitated during three consecutive school months nor shall accrue until all sick benefits allowed by a district shall have ceased: *And provided further*, That no such disability annuity shall be paid until the expiration of one year from the date of the certificate of membership of any teacher.

SEC. 19. All retirement annuities shall be credited or paid in quarterly installments on the third Monday of October, January, April and July, for the quarters ending on the first day of said months and shall accrue from the first day of the quarter next following the date of retirement. All disability annuities shall be paid on the first day of the month next following the date of allowance for the amount accrued to that date, and thereafter in monthly installments on the first day of the month for the amount accruing for the previous month.

Annuities,  
when paid.

SEC. 20. In case the funds available from the sources enumerated in this act and under the provisions shall at any time be insufficient to pay annuities and disability annuities, then the board of trustees shall estimate the funds available and shall pro-rate all annuity and disability annuity payments and thereafter such payments shall be made pro-rata. Annuities granted under the provisions of this act shall not be subject to attachment, garnishment, or seizure by execution in the hands of the board of trustees or the state treasurer, and such annuities shall not be subject to sale, assignment, pledge, mortgage or other alienation.

Insufficient  
funds,  
payments  
pro-rated.

Employment  
terminated,  
payments  
returned.

SEC. 21. Any member of the fund who shall be discharged from the employment of a district and fails to receive, or is refused further employment as teacher in the state before such member is entitled to a retirement annuity, shall be entitled to be paid back out of such fund, the amount such member has paid into such fund as membership dues, but without interest thereon, less such sum or sums as have been paid to such member as disability annuities.

Death of  
member,  
payments to  
beneficiaries,  
heirs, etc.

SEC. 22. In case of the death of any member before such member has been retired and granted a retirement annuity, the beneficiary or beneficiaries, designated upon a form provided for that purpose, signed by the member, witnessed by two witnesses and filed with the secretary of the board of trustees, or in case no beneficiary is designated, then the legatee or legatees, or heir or heirs, of the member, as the case may be, shall be entitled to be paid out of the fund a sum equal to one-half of the difference between the entire amount such deceased member has paid into the fund as membership dues, and the entire amount which has been paid to such deceased member as disability annuities. And in case of the death of any member after such member has been retired and granted a retirement annuity, such beneficiary or beneficiaries, legatee or legatees, heir or heirs, as the case may be, shall be entitled to be paid out of the fund a sum equal to one-half of the difference between the entire amount such deceased member has paid into the fund as membership dues, and the entire amount which has been paid to such deceased member as and for disability and retirement annuities.

Claims against  
fund, in  
writing.

SEC. 23. All original claims for retirement annuities, disability annuities, refunds to discharged members, and payments to beneficiaries, legatees or heirs of deceased members, shall be made in writing



on forms to be furnished for that purpose, verified under oath by the claimant, and filed with the secretary of the fund, and shall be supported by such proof, by affidavit or otherwise, of the facts upon which the claim is based, as may be required by the rules and regulations adopted by the board of trustees. Upon the filing of any claim the secretary shall set the same down for hearing before the board of trustees at the next ensuing regular meeting of the board, or at a special meeting called for that purpose in case the board shall determine that an emergency exists, and notify the claimant of the date of the hearing, and shall, at such hearing, certify to the board the facts with reference to the years and months of service, of membership dues paid by, and previous payments made to, the member upon whose record the claim is based, as shown by the records in the office of the secretary.

SEC. 24. If at the hearing it shall appear to the board that the claim is based upon sufficient facts, but is not in proper form or the requisite proof is not offered, the hearing may be adjourned for such reasonable time as the board may determine. The final action of the board in allowing or rejecting any claim shall be by resolution of a majority of the members of the board and entered on the minutes, and in case the claim is allowed, the secretary at the expiration of ten days from the date of allowance, if no appeal is taken, shall draw the necessary warrant on the state treasurer payable out of the retirement fund, deliver the same to the claimant and take a receipt therefor, and enter the payment on the membership register. All subsequent payments of annuities shall be authorized by resolution of the board entered on the minutes after the proper vouchers signed and verified by the annuitant as may be required by the rules have been submitted to

Form.

Hearing on  
claims.

the board, and the secretary shall draw the necessary warrant therefor at the expiration of five days from the date of authorization, if no appeal is taken, and deliver the same to the annuitant and shall on or before the fifth day of each month transmit certified copies of such warrant register from the preceding month to the state treasurer and the state auditor, respectively.

SEC. 25. Any claimant feeling aggrieved by the action of the board in rejecting any claim, or any annuitant aggrieved by the action of the board in discontinuing the payment of any annuity, or any five members aggrieved by the action of the board in allowing any claim or continuing the payment of any annuity allowance, may, within ten days from the date of such action appeal therefrom to the superior court of Thurston County by filing with the secretary a notice of appeal in writing, signed by the appellants and giving a bond to the fund, with sufficient security to be approved by the secretary, in the sum of fifty dollars (\$50.00), conditioned to pay all costs which may be adjudged against the appellants in the superior court, and in case the appeal is taken by members, a copy of the notice of appeal shall be served upon the claimant or annuitant as the case may be. Upon the taking of an appeal, the secretary shall certify to the clerk of the superior court all papers and documents filed in the matter of the claim, together with a transcript of the record of the action of the board thereon, the notice of appeal and the appeal bond, and the matter shall be set down for hearing *de novo* before the court without a jury and heard in the manner provided by law for setting and hearing appeals from justices of the peace, except as hereinabove provided. Appeals from the decisions of the superior court may be taken to the supreme court of this state in the

Appeal to  
courts from  
decisions  
of board.

Court  
hearing.

manner provided by law for taking appeals in equity cases.

SEC. 26. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional.

If any part  
unconstitu-  
tional.

SEC. 27. The members of any local teachers' retirement fund organized under chapter 163, Session Laws of 1917 and amendments thereto, existing at the time of taking effect of this act, may by a majority vote transfer their membership to the state teachers' retirement fund created by this act. Upon satisfactory proof of such action being made to the trustees and upon the turning over to the secretary of a certified copy of the membership record showing the names and addresses of all members in good standing, their teaching credits, amount contributed to the fund and amount received from the fund, the trustees shall cause a new certificate of membership to be issued to each of such members of the local fund. Such certificate shall contain a statement of the date of the member's original certificate, also whether such member is an annuitant of the local fund at the time of the transfer of membership, also the total of teaching credits as shown by the membership record. All amounts paid by such member to the local fund or received from the same fund shall be credited, or debited, to such member in the state fund and all annuitants of the local fund at the time of the transfer shall continue as annuitants of the state fund under the terms of this act and annuities may be granted to transferred members within a year after transfer if the total period of membership in the local and state funds shall be greater

See Rem.  
Comp. Stat.  
§ 4995 to 5019;  
Pierce's Code  
§ 4425 to 4449.

Transfer of  
membership  
from local  
retirement  
fund.

than one year: *Provided*, Before membership in the state fund shall become effective, all moneys and investments belonging to such local fund shall be transferred to the state treasurer to be deposited with, and become a part of the state teachers' retirement fund.

Transfer from state fund to local retirement fund.

See Rem. Comp. Stat. § 4995 to 5019; Pierce's Code § 4425 to 4449.

SEC. 28. Any member of the state fund who shall leave the employment of a district under the provisions of this act and enter the employment of a district in which a local retirement fund shall have been established under the provisions of chapter 163, Session Laws of 1917, and amendments thereto, shall be entitled to have the amount such member has contributed to the state fund, but without interest thereon, transferred to, and shall be given credit therefor in the local fund of the district where employed, and shall be entitled to have not more than three years of service in the state fund credited as service in the local fund in case the member shall apply for an annuity from the fund of the local district under the provisions of chapter 163, Session Laws of 1917, and amendments thereto: *Provided*, That such transferred service shall not reduce the total amount of service required, or the amount of service required in this state.

See Rem. Comp. Stat. § 4995 to 5019; Pierce's Code § 4425 to 4449.

Does not repeal existing law applicable to first class districts.

SEC. 29. This act shall not repeal chapter 163, Session Laws of 1917, nor amendments thereto, in so far as the same may be applicable to school districts of the first class, but said act and amendments thereto shall have full application to all such school districts and to the teachers employed therein unless transfer of membership shall have been made to the state teachers' retirement fund as provided in section 27.

Passed the Senate March 7, 1923.

Passed the House March 6, 1923.

Permitted to become a law without the signature of the Governor:

J. GRANT HINKLE,

Secretary of State.

## AUTHENTICATION

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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 Eighteenth Legislature of the State of Washington, in session from January 8, 1923, to March 8, 1923, inclusive, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies of said originals with the exception of such corrections in spelling and use of words 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 this 3rd day of May, 1923.

J. GRANT HINKLE,  
*Secretary of State.*

[SEAL]

## JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE.

(Minor Resolutions and Memorials, of no public importance,  
are not printed herein.)

### SENATE CONCURRENT RESOLUTION NO. 4.

*Resolved* by the Senate, the House concurring, that the following be adopted as a joint rule to be known as Joint Rule No. 26-A:

#### JOINT SENATE AND HOUSE COMMITTEE BILLS.

Committees of the respective Houses sitting in Joint Session may originate Senate and House joint committee bills, provided, a majority of the committee of each House shall favor the introduction of such bills.

#### JOINT COMMITTEE BILLS.

Committees of either House sitting in Joint Session may originate a joint committee bill providing a majority of each of such committees favor the introduction of such bill and shall endorse their names thereon.

#### COMMITTEE BILLS.

A committee bill may be originated in either House provided the entire committee unanimously favor the introduction of such bill at a regularly called meeting of the committee. Each member of the committee shall endorse his name thereon.

#### MAJORITY COMMITTEE BILLS.

A majority committee bill may be originated, at a regularly called meeting of the committee, by a majority of the committee, who shall endorse their names thereon. A minority of the committee may attach thereto a statement to the effect that they do not favor introduction of such bill.

Adopted by the Senate January 26, 1923.

Adopted by the House January 29, 1923.

## SENATE CONCURRENT RESOLUTION NO. 9.

WHEREAS, a reconnaissance report of a proposed interstate bridge over the Columbia River between Oregon and Washington has been made and filed with the Highway Commission of the State of Oregon by the Honorable Herbert Nunn, State Highway Engineer, and

WHEREAS, the Legislature of the State of Oregon has passed House Concurrent Resolution No. 5, creating a committee to confer with a like committee from the Legislature of the State of Washington:

*Therefore, Be it resolved by the Senate of the State of Washington, the House concurring:*

That a committee consisting of two members of the House of Representatives of the State of Washington, be appointed by the Speaker, and one member from the Senate of the State of Washington, be appointed by the President of the Senate, to confer with the committee from the Legislature of the State of Oregon, and said committees so appointed shall, upon investigation, file a report and recommendations with reference to said bridge with the Legislatures of the respective states in 1925.

*Be it further resolved,* That the Secretary of State be, and he is hereby, instructed to transmit a copy of this resolution to the Legislature of the State of Oregon.

Adopted by the Senate February 26, 1923.

Adopted by the House March 8, 1923.

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SENATE CONCURRENT RESOLUTION NO. 11.

*Resolved,* By the Senate of the State of Washington, the House concurring, that Senators Cornwell, Sutton and Christensen be allowed to introduce a bill, entitled:

“An act relating to the school system of the state, providing for the reorganization of school districts to

coincide with natural communities, providing for a county district of school taxation and a county board of school directors, providing for the appointment of the county superintendent of schools, amending Sections 4694, 4739, 4746, 4750, 4873, 4882, 4884, 4905, 4946, 4948 and 5021 of Remington's Compiled Statutes and repealing Sections 4703, 4736, 4737, 4818 and 4834 of Remington's Compiled Statutes and all acts or parts of acts in conflict herewith, and declaring that this act shall take effect immediately."

Passed by the Senate March 5, 1923.

Passed by the House March 5, 1923.

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#### SENATE JOINT RESOLUTION NO. 2.

WHEREAS, committees from the Legislatures of Washington and Oregon have heretofore followed the custom of meeting biennially for the purpose of conferring jointly upon matters pertaining to fisheries on the Columbia River; and

WHEREAS, a similar conference should be held during the present sessions of the Legislatures of the said states; and

WHEREAS, the Oregon Legislature has passed a resolution providing for the appointment of a committee to meet with a similar committee from the Legislature of Washington; therefore, be it

*Resolved*, by the Senate and House of Representatives of the State of Washington, that a joint committee be appointed consisting of six members from the Senate to be appointed by the President, and seven members from the House to be appointed by the Speaker, for the purpose of conferring on such legislation affecting the fishing industry on the Columbia River as may be of joint interest to the two states, and to secure such data as it may deem necessary to present to said conference;



That said committee be allowed the services of such regularly appointed Senate employees as it may deem necessary;

That the Secretary of the Senate be instructed to notify the Legislature of the State of Oregon of such action;

That said committee and employees be allowed actual expenses in going to, returning from and while in attendance at such conference, together with the necessary expense incident to securing preliminary data as above provided;

That immediately upon the appointment of said Joint Committee, said committee shall hold a session and appoint representatives to confer with the Fisheries Department for the purpose of collecting and assembling all data and information which may be of value and use at the joint conference of said committees of the Washington and Oregon Legislatures; and

That the joint conference of said committees be held in the city of Seattle, Washington, upon Saturday the 3rd day of February, 1923.

Passed by the Senate January 29, 1923.

Passed by the House January 30, 1923.

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## HOUSE JOINT MEMORIAL NO. 1.

### MEMORIAL ON CHILD LABOR.

*To the Honorable House of Representatives and Senate of the United States of America:*

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 protection and welfare of the children of the United States is of supreme importance and vital to the present and future well-being of the nation; and

WHEREAS, Federal child-labor laws have been twice declared unconstitutional by the Supreme Court of the United States; and

WHEREAS, there is no Federal protection against exploitation of, or regulation of child labor;

*Therefore, Be It Resolved* by the eighteenth Legislature of the State of Washington, duly assembled, that the Congress of the United States be, and it is hereby memorialized, to pass a measure providing for an amendment to the Constitution of the United States of America, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the United States Constitution, and which shall provide that

Congress shall have power to limit, or prohibit, the labor of persons under eighteen years of age, and power is also reserved to the several states to limit or prohibit such labor in any way, which does not lessen any limitation of such labor or the extent of any prohibition thereof by Congress.

The power vested in the Congress by this Article shall be additional to and not a limitation on the powers elsewhere vested in the Congress by the United States Constitution with respect to such labor.

*Wherefore*, your memorialists respectfully petition the House of Representatives and the Senate of the United States of America to pass the aforesaid bill.

Passed the House January 11, 1923.

Passed the Senate January 12, 1923.

## HOUSE JOINT MEMORIAL NO. 4.

*To the Senate and House of Representatives of the United States in Congress Assembled:*

We, your petitioners, would respectfully represent that by Senate Joint Memorial No. 6, passed by the Senate of the State of Washington February 28, 1911, and by the House of Representatives of said state March 4, 1911, and as contained in the 1911 session laws of said state at page 663, your honorable bodies were petitioned to grant relief for general public welfare by the construction of a canal connecting Port Townsend Bay and Oak Bay; that in furtherance thereof, enactment was subsequently made by your honorable bodies, creating the improvement requested and directing appropriation; that the construction of the said canal was commenced on or about March 1, 1915, and completed on or about August 1, 1915, by dredging to a depth of fifteen feet at mean lower low tide, and for a width of seventy-five feet on the bottom of said canal, with a two to one slope of bank; that in the dredging of said canal the main traveled road and public thoroughfare connecting the Marrowstone Peninsula with the main line was intersected and destroyed, thereby leaving the residents of said peninsula thereafter upon an island and without access for land travel for their products and transaction of general business; that at the time of said canal improvement the area of land in the said Marrowstone Peninsula was partially settled with but few residents therein; that since such time the development of said Marrowstone Peninsula has been great and the number of residents has so materially increased that the said area has become a principal factor in the annual production of Jefferson County, Washington; that at the time of said canal improvement and at all times since and now, one of the three principal fortifications for the Puget Sound coast defense maintained

by the United States was and is situated at Fort Flagler upon said Peninsula at or near Marrowstone Point, and by said canal improvement all land connection for said fortification was completely destroyed; that the safety and welfare of the entire district of Puget Sound depends principally upon the invulnerability of the three forts, of which Fort Flagler is one; and that by depriving said fortification of land connection the triangular defense, consisting of Fort Worden, Fort Casey and Fort Flagler, is materially weakened; that there is a highway from Fort Flagler to the border of said canal suitable for all traffic purposes and similarly from the opposite side of said canal direct to and connecting the towns of Hadlock, Chimacum, Port Townsend and more particularly Fort Worden, which is the main coast defense headquarters of the Puget Sound district; and by the installation by the government of the United States of a suitable bridge across the aforesaid canal traffic for all of said district, including said fort, and for all purposes will be available; that the establishment of such a bridge or other suitable means of connection between the termini of the two aforesaid existing roads is of great public benefit in the development of this state, is in our opinion entirely feasible and is an improvement peculiarly federal in its nature because of the existence of the said navigable canal; that the bridge connection between said termini of such existing highways can be constructed at a minimum of expense and for a sum, in the opinion of your petitioners, not exceeding sixty thousand dollars; and that, in the opinion of your petitioners, adequate appropriation should be made by your honorable bodies for the improvement aforesaid, for all of which we most respectfully pray and petition.

Passed the House February 10, 1923.

Passed the Senate February 21, 1923.

## HOUSE JOINT MEMORIAL NO. 8.

*To the Honorable Senate and House of Representatives of the United States in Congress Assembled:*

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled (eighteenth regular session) most respectfully represent and pray as follows:

WHEREAS, there are in the State of Washington more than thirty military reservations not now being put to any military use, the total area of these reservations being in excess of thirteen thousand acres; and

WHEREAS, many of these reservations possess unusual scenic attractions, and are capable of development to meet the growing need of the people of Washington, and of the whole nation, for opportunities for outdoor recreation; and certain of them, notably Fort Walla Walla and the old Fort Spokane, possess some historical value; and

WHEREAS, the State of Washington is developing a system of state parks, designed to be the means of preserving some of the best of the state's scenic exhibits and of furnishing places for that outdoor recreation which is one of the genuine needs of modern life; this state park development being directed by the State Parks Committee, composed of the State Treasurer, the Commissioner of Public Lands and the Secretary of State, as constituted by state law, and vested with ample powers for the performance of its work; and

WHEREAS, it appears likely that the unused military reservations of the state will, unless the War Department shall be otherwise directed, be disposed of to private parties, and their scenic and recreational attractions thenceforth be enjoyed by only a few; now

*Therefore*, we, your memorialists, in the name of and for the people of the State of Washington, do earnestly and respectfully petition and urge that the Congress of the United States pass a law directing the Secretary of

War to transfer to the State of Washington all such military reservations as are not now in use for military purposes, and as possess such scenic beauty, or such possibilities for recreational development or such historical importance and interest as would give them value as state parks; such reservations thenceforth to be and have the status of state parks, and to be administered by the State Parks Committee, or such other official agency as may succeed to the powers and duties of that committee; these parks to be subject, at all times, to free and unrestricted use by the United States Government for military purposes.

Passed the House February 24, 1923.

Passed the Senate March 7, 1923.

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#### SENATE JOINT MEMORIAL NO. 2.

*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, respectfully memorialize the Congress of the United States as follows:

WHEREAS, the Merchant Marines of Japan and Great Britain are being developed by government subsidies to such an extent that they are rapidly gaining control of the trade of the seas and driving the American marine from the ocean highways; and

WHEREAS, this condition of affairs is particularly evident to the State of Washington on account of the shipping carried on between the ports of this state and Japan and other Oriental points; and

WHEREAS, the World War demonstrated to the entire country the necessity of an American owned and manned Merchant Marine for the successful prosecution of a war; and

WHEREAS, there is now pending in Congress a ship subsidy measure which we believe to be absolutely necessary in order to enable the United States to meet foreign competition.

*Therefore*, your memorialists respectfully petition the Congress to enact into law at the earliest possible moment the ship subsidy bill urged by President Harding in order that the American Merchant Marine may be preserved and developed to the greatest possible degree.

And your memorialists will ever pray.

Passed by the Senate January 23, 1923.

Passed by the House February 9, 1923.

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#### SENATE JOINT MEMOIRAL NO. 5.

*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, by Section 19a of the Interstate Commerce Act, providing for the valuation by the Interstate Commerce Commission of the properties of common carriers, it is provided that such investigation "shall show the value of its property in each of the several states and territories and the District of Columbia, classified and in detail as herein required"; and

WHEREAS, the said Commission in its valuation reports thus far made, has shown the values of the properties covered by such reports in each case as a whole only, and has failed to show the values thereof "in each of the several states and territories and the District of Columbia"; and

WHEREAS, the Bureau of Valuation of the said Commission has recommended to the Commission that it request

Congress to relieve it from showing the values of said properties by states; and

WHEREAS, it is desirable for various uses and purposes that such valuation shall be shown separately by states as aforesaid,

*Be It Resolved*, that the Senate and House of Representatives of the State of Washington now in session, express its view that the Interstate Commerce Commission should show as to each interstate carrier the value of its property in each of the several states in which such property exists, and that no change in the law, relieving the Interstate Commerce Commission from such duty, should be sought or made; and

*Be It Further Resolved*, that a copy of this resolution be mailed to each United States Senator and each member of Congress from the State of Washington.

And your memorialists will ever pray.

Passed by the Senate February 6, 1923.

Passed by the House February 21, 1923.

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#### SENATE JOINT MEMORIAL NO. 6.

*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, it is impracticable for the Interstate Commerce Commission to attempt to supervise the distribution of cars as between individual shippers throughout the United States; and

WHEREAS, there should be some governmental authority within reasonable reach to which appeal can be made to require equitable distribution of cars without regard



to whether the same are to be used for shipments interstate or intrastate;

*Therefore, Be It Resolved*, that we respectfully urge upon Congress the amendment of the Interstate Commerce Act in such way that the regulatory authorities of the States may make reasonable orders and regulations not in conflict with federal law, or with lawful orders of the Interstate Commerce Commission, requiring cars within the respective borders of such states to be equitably distributed to the shippers desiring the same, without regard to whether they are desired for use in shipments that are interstate or intrastate; and

*Be It Further Resolved*, that we urge upon Congress such amendment of Section 15a of the Interstate Commerce Act as amended by the Esch-Cummins Act as shall clearly limit and define the power as exists between the Interstate Commerce Commission and State Commission that there may be no misunderstanding that the State Commissions definitely have the same authority over rates as existed before the enactment of the Transportation Act; and

*Be It Further Resolved*, That a copy of this resolution be mailed to each United States Senator and each member of Congress from the State of Washington.

And your memorialists will ever pray.

Passed by the Senate February 8, 1923.

Passed by the House February 21, 1923.

**All Initiative and Referendum Measures, Filed  
in the Office of the Secretary of State,  
and the Disposition Thereof.**

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- 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)—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.

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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.

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- 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.



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Section 5734	.....	amended	90	7	268
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Section 6603	amended	147	1	475
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